

# CONFLICT TRENDS

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Cover Photo: UNMEER/Martine Perret. Tieni, Grand Cape Mount, Liberia (28 January 2015).



# EDITORIAL

BY **VASU GOUNDEN**

September 2015 will be remembered as a period when the conscience and morality of our collective humanity was tested, and generations to come will judge us on the decisions we made in this month.

On 2 September 2015, the lifeless body of innocent three-year-old Aylan Kurdi washed up on the shores of a Turkish resort in Bodrum. This image, which went viral on news and social media, highlighted the juxtaposition and the stark contrast of our civilisation; an innocent child and his family escaping starvation, poverty, inequality and conflict washing up dead on the shores of a luxury resort, where people with jobs and wealth come to eat aplenty, play and relax.

On 11 September 2015, the world will mark the 14<sup>th</sup> anniversary of the deadly attacks on the twin towers of the World Trade Centre in New York City, just a short distance from the United Nations (UN) headquarters. The pictures of people jumping to their death from the twin towers to avoid the fire that engulfed the buildings are etched in our memories. That day represents the day the world was profoundly changed and the day the war on terror started.

On 15 September 2015, world leaders will gather in New York City for the 70<sup>th</sup> regular session of the UN General Assembly (UNGA70), and between 25 and 27 September 2015, world leaders will adopt the Post 2015 Development Agenda, following a review of the Millennium Development Goals (MDGs). The MDGs are eight international development goals that were established following the Millennium Summit of the UN in 2000, and the adoption of the UN Millennium Declaration. All 189 UN member states and some 23 international organisations committed to help achieve the MDGs by 2015.

The Millennium Summit in 2000 was preceded by a two-year consultation process that involved over 1000 non-governmental organisation representatives from over 100 countries. The Millennium Summit was launched with the report of the Secretary-General, entitled

'We the People: The Role of the United Nations in the Twenty-first Century'. These events and consultations were followed by a series of UN-led conferences in the 1990s, focused on issues such as children, nutrition, human rights and women. The early 1990s – the period immediately after the end of the cold war – was also the beginning of a proliferation of internal conflicts with poverty, inequality and unemployment as their root causes.

The establishment of the MDGs was therefore a response to these underlying causes of conflict, and they were ambitious goals and targets for countries to achieve by 2015. The Declaration asserted that every individual has dignity – and hence, the right to freedom, equality and a basic standard of living that includes freedom from hunger and violence and encourages tolerance and solidarity. The MDGs set concrete targets and indicators for poverty reduction to achieve the rights set forth in the Declaration.

The death of Aylan Kurdi, the attack on the twin towers of the World Trade Centre and the MDGs are all linked. There cannot be any security for Aylan Kurdi and the victims of the September 11 attacks without us achieving the MDGs; in turn, the MDGs cannot be achieved without security. However, the MDGs cannot merely represent a set of goals and targets – simply numbers that need to be achieved. They must represent a living legacy of our collective decisions that will ensure that more Aylan Kurdis do not wash up on shores or more desperate people do not resort to acts of terror to make their point. The MDGs represent our collective decisions that the 8.5 billion people living in 2030 will judge us on. We must not fail them. **A**

**Vasu Gounden is the Founder and Executive Director of ACCORD.**

# APPRAISING THE EFFICACY OF SADC IN RESOLVING THE 2014 LESOTHO CONFLICT: PROGRESS AND PROSPECTS

BY CLAYTON HAZVINEI VHUMBUNU



GALLO IMAGES/REUTERS/SIPHWE SIBEKO

## Introduction

Since the events of 30 August 2014 in Lesotho, when a *coup d'état* was reported to have been attempted against the then-prime minister of the Kingdom of Lesotho, Thomas Motsoahae Thabane – which subsequently forced him to flee and seek refuge in South Africa – the Southern African Development Community (SADC), of which Lesotho is a founding member, has been occupied with efforts to manage and resolve the ensuing conflict in the mountain kingdom. Lesotho is a prominent conflict agenda item at SADC summits and extraordinary summits, having experienced political disturbances and internal conflicts before in 1974, 1986, 1991, 1994, 1998 and 2007. Throughout the country's history of conflict, SADC has facilitated interventions in collaboration with neighbouring states – specifically South Africa and Botswana – in search of peace and political

stability. However, it is disturbing that even after the February 2015 snap elections, there has not been a full restoration of peace and normalcy in Lesotho. The reported assassination of the former Lesotho Defence Forces (LDF) army chief, Brigadier Maaparankoe Mahao, on 25 June 2015 just outside Maseru, is a cause of concern and frustrates the efforts invested thus far in the peace process. This article presents an assessment of the efficacy of SADC's intervention to resolve the Lesotho crisis, progress made so far and prospects for restoring peace and political stability.

**Above: The alleged attempted *coup d'état* against the then-prime minister of Lesotho, Thomas Thabane, in August 2014, forced him to flee to South Africa.**



**Joint Appeal by the Commonwealth, SADC, AU and EISA on the eve of the 2012 Lesotho Parliamentary Elections 25 May 2012.**

#### **SADC Conflict Resolution Instruments and Machinery**

At its formation in 1980 in Lusaka, Zambia, the Southern African Development Coordination Conference (SADCC) aimed to advance the cause of liberating southern Africa and reducing its dependence on the then-apartheid South Africa. The transformation of SADCC into SADC in 1992, upon the signing of the SADC Treaty and Declaration at the Windhoek Summit in Namibia, was later followed by the landmark amendment of the SADC Treaty in March 2001. This amendment established institutional mechanisms that were key in the delivery of the organisation's mandate. Among these mechanisms were the SADC Organ on Politics, Defence and Security Cooperation (OPDSC) and the related Troika.<sup>1</sup>

The OPDSC, as provided for under Article 2 of the SADC Protocol on Politics, Defence and Security Cooperation and signed by the SADC member states in Blantyre, Malawi in August 2001, seeks to "promote peace and security in the Region", and one of its specific objectives is to "prevent, contain and resolve inter and intra-state conflict by peaceful means".<sup>2</sup> The OPDSC presents a framework upon which member states<sup>3</sup> coordinate peace, defence and security issues, and comprises two committees that make key decisions – the Inter-State Defence and Security Committee (ISDSC) and the Inter-State Politics and Diplomacy Committee (IPDC).

SADC therefore always strives to resolve emerging conflicts peacefully within and between member states

through preventive diplomacy, negotiation, conciliation, good offices, adjudication, mediation or arbitration. Other than the latest efforts in Lesotho, SADC has historically been involved in interventions to resolve conflicts in the Democratic Republic of the Congo (DRC), Madagascar and Zimbabwe, with military interventions backed by member state armies in the DRC (1997) and Lesotho (1998). The success of SADC interventions in resolving conflicts has been varied, given the challenges presented by the conflicts, as they were different in terms of nature, causes, dynamics and level of complexity.

#### **The Lesotho Conflict**

The Lesotho conflict can only be fully understood with a sufficient exposition of the country's historical context. The country has a long history of political instability and has experienced "high levels of factionalism, political tension, and violent conflict especially during and after elections" since its independence in October 1966.<sup>4</sup>

The outcome of the first Lesotho elections in 1966, which were won by the Basotho National Party (BNP), was largely disputed and was followed by post-election violence. The next elections, in 1970, were declared null and void by the ruling BNP, "fearing political defeat" by the opposition Basutoland Congress Party (BCP).<sup>5</sup> This led to massive protests and instability.

In 1986, a coup ousted the BNP-led government and established a seven-year military rule.<sup>6</sup> After the disputed

elections in 1993, which were won by the BCP, an army-backed 'palace' coup took place in August 1994. This was preceded by the assassination of the deputy prime minister, Selometsi Baholo, and a mutiny within the national army and police.<sup>7</sup> King Letsie III subsequently dissolved the democratically elected BCP government and Parliament, and replaced it with the Provisional Council of State. This provoked widespread protests in Lesotho.

Botswana, South Africa and Zimbabwe jointly facilitated a peace process in 1994, which saw a return of the BCP-led government to office. The 1998 elections were won by the Lesotho Congress for Democracy (LCD) – but again there were allegations of electoral fraud, which led to violent protests and political tension.<sup>8</sup> Upon invitation from the government and opposition parties in Lesotho, South Africa set up a commission of enquiry – comprising South Africa, Botswana and Zimbabwe – to audit the elections. The findings of the commission were questioned on the basis of credibility and reliability, leading to a string of events that ended in army mutinies and an attempted *coup d'état*. In September 1998, SADC intervened militarily through Operation Boleas, led by South African National Defence Force (SANDF) and Botswana Defence Force (BDF) troops, to “prevent anarchy and restore order”.<sup>9</sup>

There were also post-electoral contestations, violence, assassinations and attempted assassinations in the aftermath of the 2007 elections, which were won by the LCD. The opposition alleged electoral manipulation. SADC Troika facilitators mediated dialogue between the key stakeholders in the Lesotho conflict – the government, the Independent Electoral Commission (IEC) of Lesotho, the ruling party and the opposition parties. The outcome was an agreement to amend electoral laws, and constitutional amendments paving the way for the 2012 elections.

## BOTSWANA, SOUTH AFRICA AND ZIMBABWE JOINTLY FACILITATED A PEACE PROCESS IN 1994, WHICH SAW A RETURN OF THE BCP-LED GOVERNMENT TO OFFICE

The current conflict being experienced in Lesotho is traceable to the 2012 National Assembly elections, when then-Prime Minister Pakalitha Mosisili's Democratic Congress (DC) failed to attain the required outright majority. This resulted in a three-party coalition government of Thomas



GALLO IMAGES/REUTERS/SIPHWE SIBEKO

**Supporters of the Democratic Congress (DC) party chant slogans in the capital city, Maseru, ahead of the national election (26 February 2015).**



GALLO IMAGES/REUTERS/SIPHWE SIBEKO

**People vote in a national election in Lesotho on 28 February 2015.**

Thabane’s All Basotho Convention (ABC), Deputy Prime Minister Mothetjoa Metsing’s LCD and the BNP. This has frequently been referred to as an ‘uneasy’ coalition.

The deputy prime minister alleged that Thabane was making crucial government decisions without consulting the two coalition partners, and that such conduct affected the coherence of the coalition government.<sup>10</sup> After efforts to call for mediation by the Christian Council of Lesotho (CCL) were not fruitful, Metsing withdrew from the coalition and entered into an alliance with Mosisili’s DC.

Thabane then prorogued Parliament, allegedly as a ruse to avoid a vote of no confidence by the newly formed coalition. This was approved by King Letsie III. Factions emerged, with Thabane backed by the police and Metsing having the support of the army. The conflict and tension was escalated by the prime minister’s decision to fire the LDF army commander, Lieutenant-General Kennedy Tlali Kamoli, and replaced him with Brigadier Maaparankoe Mahao. This was argued to be unprocedural and politically motivated.

It was reported that the police headquarters was attacked by the army, which claimed it was to prevent the police from arming mass protestors, in line with received intelligence. On 30 August 2015, Thabane reported an attempted *coup d’état* and fled to South Africa, alleging fear for his life. Metsing then assumed the premiership on an interim basis.

Thabane accused his deputy of orchestrating a coup with army support, and immediately called for the deployment of peacekeepers into Lesotho to restore the status quo.

**THERE WAS MOUNTING PRESSURE ON LESOTHO AND THE RELEVANT ACTORS TO ADDRESS THE CONFLICT, AS NUMEROUS INTERNATIONAL ORGANISATIONS AND THE INTERNATIONAL COMMUNITY EXPRESSED CONCERN AND DISTASTE OVER THE ALLEGED *COUP D’ÉTAT* IN LESOTHO**

**Pressure from the Regional and International Community**

There was mounting pressure on Lesotho and the relevant actors to address the conflict, as numerous international organisations and the international community expressed concern and distaste over the alleged *coup d’état* in Lesotho. In a press release on 30 August 2014, the United States (US) State Department, through its spokeswoman, Jen Psaki, stated

that “the US is deeply concerned by clashes between security forces today in Lesotho, and calls upon government officials and all parties to remain committed to a peaceful political dialogue and to follow democratic processes in line with the Lesotho Constitution and principles of rule of law” to resolve the conflict.<sup>11</sup> Ban Ki Moon, Secretary-General of the United Nations (UN), together with Kamallesh Sharma, Secretary-General of the Commonwealth of Nations, condemned the reported coup and urged the parties to respect the rule of law and uphold democracy.

South Africa, through its Department of International Relations and Cooperation, also condemned the coup and called for the restoration of democracy, with South Africa’s African National Congress (ANC) calling for the urgent intervention of the African Union (AU) and SADC. Of course, South Africa’s geopolitical and strategic economic interests cannot be overlooked – hence the country’s sense of urgency to resolve the Lesotho conflict. Lesotho is completely surrounded by South Africa, and is one of South Africa’s key strategic trading partners within the five-member Southern African Customs Union (SACU), in which South Africa is the dominant player. Lesotho currently imports close to 80% of its consumer goods from South Africa.<sup>12</sup> In addition, South Africa has wider commercial interests in Lesotho, with several companies in “various sectors such as housing, food and beverages, construction, retail, hotels and leisure, banking, and medical services”.<sup>13</sup> The two countries are also jointly engaged in Phase II of the Lesotho Highlands Water



Project (LHWP), and also have standing water agreements – “a key pillar of South Africa’s water security strategy”, as they sustain the supply of over 700 million cubic metres of water to Gauteng province, South Africa’s economic hub.<sup>14</sup>



CHRISTIAN WORTZ

**The Katse Dam, on the Malibamat’so River in Lesotho, is Africa’s second largest dam. The dam is part of the Lesotho Highlands Water Project, which will eventually include five large dams in remote rural areas.**





**Jacob Zuma (center), South Africa's President and chair of the SADC organ, and South Africa's Deputy President Cyril Ramaphosa (left) arrive at the SADC Double Troika meeting concerning Lesotho on 20 February 2014 in Pretoria, South Africa.**

### **SADC Mediation and Facilitation to Resolve the Conflict**

In early September 2014, shortly after the attempted coup, the SADC Troika on Defence, Politics and Security – made up of Namibia, South Africa and Zimbabwe – met to map the way forward. This was followed by a meeting between LDF Commander Tlali Kamoli and regional military officers from the SANDF, Zimbabwe Defence Forces (ZDF) and Namibia Defence Forces (NDF), to allow the return of the prime minister and guarantee national security.

The swiftness of SADC's response to Lesotho's conflict should be commended. Perhaps it is a sign that such regional organisations are now convinced that without political stability in the region, the prospects of attaining regional economic development will be crippled.

Chairperson of the OPDSC, South African president Jacob Zuma, led the talks between Thabane, Metsing and the Lesotho Minister of Gender and Sports, Morena Maseribane. This diplomatic offensive – which SADC prudently opted for rather than a military offensive – procured results. Thabane returned safely to Maseru on 3 September 2014 after SADC agreed on a low-key security mission to accompany him, with an assessment mission from South Africa having been dispatched to Lesotho ahead of him for reconnaissance.

SADC appointed a mediator, South African Deputy President Cyril Ramaphosa, to facilitate dialogue between the

disputing political parties and the protagonists at the center of the power struggle. An agreement was reached to dissolve Parliament and hold a snap National Assembly election on 28 February 2015, instead of waiting for 2017 as had initially been set by law.

The February elections did not result in an outright winner, due to Lesotho's electoral system of mixed-member proportional representation (MMPR). Out of the 80 constituencies, Thabane's ABC won 40 seats, Mosisili's DC won 37 seats and Metsing's LCD won two seats, whilst Thesele Maseribane's BNP won a single seat.<sup>15</sup> However, the MMPR electoral model meant that 80 seats are allocated based on constituency votes, whilst the remaining 40 seats are allocated to reflect the share of the national vote along a 80:40 ratio.<sup>16</sup> As a result, Mosisili, who had been prime minister from 1998 to 2012, once again became prime minister, whilst the incumbent deputy prime minister, Metsing, retained his position after the DC and ABC entered into a coalition.

The SADC Electoral Observation Mission (SEOM) and the AU concurred with the Lesotho IEC that the elections were free and fair. The Commonwealth of Nations Election Observer Group, headed by former Botswana president Festus Mogae, endorsed the elections as conducted in a "peaceful and orderly manner", whilst the SADC Parliamentary Forum Election Observation Mission reported that the Lesotho elections were "free, fair, transparent, credible and democratic".<sup>17</sup>

The reported fleeing of the main opposition leaders, including former prime minister Thabane, from Lesotho, allegedly for personal security reasons, and later the reported assassination of former LDF army chief, Brigadier Mahao, just outside Maseru on 25 June 2015, raised the concern of SADC leaders. SADC's promptness in organising and hosting an Extraordinary Summit of the Double Troika on 3 July 2015 in Pretoria, South Africa was commendable. This summit was convened to consider reports from the SADC facilitator to Lesotho, Ramaphosa, and the report of the SADC Ministerial Organ Troika Fact Finding Mission, sent to assess the political and security developments in Lesotho. The Double Troika Summit, attended by Zimbabwe, South Africa, Botswana, Lesotho, Namibia and Malawi, endorsed the report and recommendations of the SADC facilitator. It also approved the establishment of an oversight committee as an early warning mechanism in the event of signs of instability in Lesotho and to intervene as appropriate, in consultation with the SADC facilitator.<sup>18</sup>

Another outcome of the summit was the establishment and immediate deployment of an independent commission of inquiry to investigate the circumstances surrounding the death of Brigadier Mahao. The summit also agreed to send an independent pathologist to conduct an examination within a period of 72 hours, as requested by the prime minister of Lesotho. In addition, the summit urged the Government of Lesotho to create a conducive environment for the return of opposition leaders to the country.

### **How Effective has the SADC Intervention been?**

In assessing the efficacy of SADC's intervention, the key focus should be on the extent to which the regional organisation's mediation and facilitation has achieved desired results. As spelt out in the joint statement issued by the SADC Troika on OPDSC and Leaders of the Coalition of the Kingdom of Lesotho on 1 September 2014 in Pretoria, the political and security situation in Lesotho had deteriorated and all the parties committed to working together to restore political normalcy, stability, law and order, peace and security. Thus, SADC's role was established to mediate and facilitate such a process.

From the organisation and conduct of the Troika meeting to the appointment of Ramaphosa as SADC facilitator, the speed and coordination was smooth on the part of the regional organisation. The Troika meeting was also inclusive, as it involved the members of the Lesotho coalition government.

It must be understood that SADC's philosophy in conflict resolution has traditionally and consistently anchored on dialogue and soft diplomacy, hence its reluctance to deploy the SADC Standby Force (SSF), which is a tool of the OPDSC, unless the security situation has deteriorated beyond negotiation.

The SADC mediation process should be credited for four clear achievements: facilitating the safe return of exiled ex-prime minister Thabane; the reopening of the Lesotho Parliament; agreement on the conduct of an early election;



GALLO IMAGES/AFP/QUIANJULI GUERCIJA

**South African President Jacob Zuma (left), Zimbabwean President Robert Mugabe (center) and Botswana President Ian Khama (right) at an emergency meeting on the situation in Lesotho on 15 September 2014, in Pretoria, South Africa.**

and the urgent deployment of an Observer Team on Politics, Defence and Security.

It should, however, be pointed out that SADC's intervention fell short of sustainably addressing the key questions that are influential in the Lesotho conflict resolution equation. The mediators may have thought that a snap election was the panacea and prescription to the Lesotho conflict. Perhaps, with hindsight and insights into the political dynamics that gave rise to the conflict, there might have been foresight on imminent post-election mutinies and political disturbances. The key questions that triggered the conflict were the polarised loyalty within – and destructive political interference into – the operations of the LDF and Lesotho Mounted Police Service (LMPS). This issue was later identified and flagged by the SEOM, SADC Parliamentary Forum Election Observation Mission, AU and Commonwealth of Nations Election Observer missions during the 28 February 2015 elections.

The Goodwill and Pre-deployment Assessment Mission undertaken by the SADC Electoral Advisory Council (SEAC) between 1 and 6 February 2015, before the deployment of the SEOM, rightly observed that the “politicised aspects of the [Lesotho] security agencies” needed “careful monitoring”, although the conduct of elections was consistent with the SADC Principles and Guidelines Governing Democratic Elections.<sup>19</sup> Similarly, the AU Election Observation Mission, headed by former Kenyan prime minister Raila Odinga, noted that “the two security agencies [the Lesotho army and the police] are reported to be politicised and were caught up in tensions between coalition government partners”.<sup>20</sup>

Judging by the nature of interventions and prioritised issues negotiated, this article maintains that SADC's intervention in Lesotho managed and mitigated the conflict more than it resolved it. By definition, conflict resolution is different from conflict management, in that the former entails “the elimination of the causes of the underlying conflict, generally with the agreement of the parties” whilst the latter refers to the elimination, neutralisation or control of the means of pursuing either the conflict or the crisis”.<sup>21</sup>

### **Recommendations**

Ideally, the SADC mediation should have facilitated an inclusive process that addressed the underlying causes of the Lesotho conflict. This should, however, have been undertaken in a manner that strictly respects the sovereignty of Lesotho, as contained in the SADC Treaty.

There is no denial that since 1966 – when the country gained independence – coups, attempted coups, assassinations, election disputes and political instability have become part of Lesotho's political culture. The SADC mediator should facilitate a comprehensive root cause analysis. This will allow the stakeholders in Lesotho to collectively identify the real source of intractable post-election disturbances, persistent military and police mutinies, coups and political instability. Given the zero-sum attitude, political accusations and counter-accusations that seem to characterise political

leaders in Maseru, it would need diplomatic tactfulness and tenacity on the part of the SADC mediator.

With this in mind, SADC should also still facilitate a shift from conflict management to conflict resolution with a transformational agenda. This conflict transformation agenda should involve all key players in the Lesotho conflict – that is, the government, civil society and other key stakeholders – to develop a comprehensive and sustainable framework of legal, political and institutional reforms that would drive socio-economic development in the country whilst assuring successive governments of the separation of powers between the executive, legislature and judiciary. This practical separation of powers will allow for checks and balances, especially with regard to abuse of office by the executive in making army or police force appointments, the prosecution of political opponents, the dissolution of Parliament and electoral manipulation. The LDF and LMPS should be professionalised and transformed to protect national interests so as to prevent the recurrence of mutinies, shifting loyalties, partisanship, coups and attempted coups that are now entrenched in the Lesotho political tradition.

## **THERE IS NO DENIAL THAT SINCE 1966 – WHEN THE COUNTRY GAINED INDEPENDENCE – COUPS, ATTEMPTED COUPS, ASSASSINATIONS, ELECTION DISPUTES AND POLITICAL INSTABILITY HAVE BECOME PART OF LESOTHO'S POLITICAL CULTURE**

Negotiations should also consider reviewing Lesotho's MMPR electoral model. The MMPR ideally promotes representative democracy; history has proven that it has always produced hung parliaments and unstable governments founded on coalitions of political parties with divergent ideologies. However, electoral reforms should be augmented by the strengthening of electoral governance institutions, such as the IEC and judiciary, to prevent the recurring phenomenon of post-election political instability and attempted coups in the country.

Thus, unless the structural causes of conflict in Lesotho are addressed, lasting peace and political stability in the country may be elusive. The SADC mediator should therefore facilitate the inclusion of the abovementioned key issues within a comprehensive negotiation framework.

### **Conclusion**

Conflict in Lesotho is largely entrenched in the country's political history. It is from this historical perspective that the conflict should be fully addressed, taking into consideration the legal, political and institutional perspectives. SADC has

managed to facilitate and mediate significant aspects of the conflict with a view to restoring peace, political stability and security. SADC interventions have been well-coordinated and coherent, whilst exhibiting a great sense of urgency. However, the regional organisation has the capacity to broaden the scope of its negotiations to encompass and incorporate the key issues flagged by election observer missions, with respect to the restoration of professionalism and depoliticisation of the LDF and LMPS, as a sustainable conflict resolution and preventive strategy. It is critical that the mediator facilitates a process that identifies the root causes of political instability in Lesotho, so as to develop sustainable interventions. In this respect, it will need sustained political energy and political will from the political leaders in Maseru to focus on the real issues of national importance that need reform, without being tempted by the selfish desire to secure political power only. ▲

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# UNITED NATIONS SECURITY COUNCIL REFORM: AN AFRICAN PERSPECTIVE

BY MARINA MAGALHÃES BARRETO LEITE DA SILVA



UN PHOTO/DEVRA BERKOWITZ

The decades that followed the end of the cold war were marked by a significant increase in instability on the African continent. Especially after 2010, there has been an increase in social violence, violence around elections and terrorist activities. Recent examples of such instability include the crisis around the elections in Burundi, activities of the Boko Haram extremist group in Nigeria, violence in South Sudan, and attacks in the northern Sinai region in Egypt.

Statistics presented by the United Nations Development Programme (UNDP) show that the majority of African countries are holders of the lowest human development indexes.<sup>1</sup> Data provided by the Uppsala Conflict Data

Program (UCDP) indicates that Africa is the continent with the highest concentration of conflicts or wars.<sup>2</sup>

The African Union (AU) has been a fundamental actor in the enforcement of peace and security in the region. However, the challenges posed by the lack of regional capacity limits the AU's ability to deliver effective and concrete conflict resolution. One of the recent examples

**Above: Although most of the United Nations (UN) Security Council's resolutions in the last 10 years were on African issues, the group of 54 African UN members is still not fully represented in the Security Council.**



**When we think about conflict resolution in Africa, it is impossible to disassociate it from peace operations, largely concentrated on the continent and implemented by the UNSC.**

of this was the crisis in Mali, in 2012, when the regional organisations – the Economic Community of Western African States (ECOWAS) and the AU – were unable to deal with the complexity of the conflict and appealed for help from the United Nations (UN) and the North Atlantic Treaty Organization (NATO).

Given the pressing need for conflict resolution on the African continent, there is a demand for more effective engagement between Africa and international organisations such as the UN, especially the UN Security Council (UNSC). But how effective can engagement be between a continent that is subject to so many conflicts and resolutions and a council where these countries have so little power?

### **Africa and the Reform Debates**

When we think about conflict resolution in Africa, it is impossible to disassociate it from peace operations, largely concentrated on the continent<sup>3</sup> and implemented by the UNSC. During recent decades, Africa has been the main topic dealt with by the UNSC. Interaction between Africa and the UN's main decision-making forum is currently vital for addressing and resolving conflicts on the continent.

Although most of the UNSC's resolutions in the last 10 years (2004–2014) were on African issues and 53%

of 678 resolutions related to African topics,<sup>4</sup> the group of 54 African UN members is still not fully represented in the UNSC. Since the first years of the UN, the African and Asian continents have not received endorsement from the permanent five members<sup>5</sup> for non-permanent seat elections, and have had minimal opportunities to play a prominent role in the UN. After the one and only expansion of the UNSC with Resolution 1991A, in 1963, the British Commonwealth became non-existent and the Middle East was added to the new group of five seats designated to African and Asian countries. Western Europe also received a new seat, while Latin America and Eastern Europe kept the same number of positions. But even an expanded UNSC did not establish a proper representation of the UN membership after its incredible growth, especially after the 1970s.

### **DURING RECENT DECADES, AFRICA HAS BEEN THE MAIN TOPIC DEALT WITH BY THE UNSC**

Africa and Asia, after the increase in total membership, represented more than half the complete number of countries recognised by the UN. This discrepancy was so great that it was commonly agreed that there ought to



**The African Union (AU) is a key actor in peace and security in Africa, however, the challenges posed by the lack of regional capacity limits the AU's ability to deliver effective conflict resolution.**

be a more balanced regional distribution of members. As Simon Chesterman affirmed: “[I]n addition to the perennial problems of dysfunctional institutions, inadequate resources, and ephemeral political will, the [UN] has always faced crises of expectations.”<sup>6</sup>

In 1992, the agenda topic, entitled ‘Question of equitable representation on and increase in the membership of the Security Council and related matters’, started an official process of debates on the issue of reforming the UNSC. Debates on this matter were opened to all members of the UN and, as soon as the discussions started in 1993, an Open-ended Working Group was created with the objective of formulating solutions to the crisis of representation in the UNSC.

Multilateralism is one of the strongest characteristics of the UN, and the variety of positions took the organisation to an ‘infinite debate’ on establishing the fairest representation in the UNSC. Therefore, despite the agreement reached on the need for reform and expansion of the UNSC, many important questions remained unsolved following these 20 years of discussions.

During recent years, the debate assumed another political level with the establishment of the Intergovernmental Negotiations for UNSC Reform, despite the fact that there

was no agreement regarding the way the Council should be expanded. There are many points of disagreement but few points of agreement on this matter. Categories of membership, number of new seats, voting power and distribution of seats are the main issues that have been discussed tirelessly by members over the years. However, the General Assembly is not close to establishing a satisfactory solution to this crisis of representation.

The decision-making processes in the UN are predominantly influenced by the formation of groups. Most of the time, these groups are formed by regions or like-minded countries, united by similar objectives and interests. Particularly in cases such as the reform of the UNSC, the strength represented by these groups is very significant. The formation of groups is especially decisive in situations in which more than one-third of the vote by member states is required.

Members of the African group – except for the founders Egypt, Ethiopia and the former Union of South Africa – gained UN membership from 1955, and the continent has been represented in the UN as a region since 1963, with the creation of the Organization of Africa Unity (OAU). However, its replacement in 2001 by the AU was a turning point in terms of UNSC reform. Like its predecessor, the AU assumed

the responsibility of pursuing Africa's interests in all matters, and has continued to seek reform of the Council and better representation of African states. During the first decade of the 21<sup>st</sup> century, the AU was an important and active participant in the reform and representation debates.

## HOWEVER, THE MOST SIGNIFICANT TOPICS – SUCH AS CATEGORIES OF MEMBERSHIP, ELIGIBILITY, NUMBER OF SEATS, SYSTEM OF ROTATION AND THE SO-CALLED VETO POWER – RESULTED IN THE DEBATE'S DEADLOCK

The AU presented a reform proposal in 2005, which was based on a document signed by its entire membership, as an African common position. The Ezulwini Consensus, named after the valley in Swaziland where the agreement was made, brought to the table several specific transformations considered by Africa as key issues in the UN system.

However, the proposals on a new structure of the UNSC were highlighted by the countries, as they sought a stronger voice for Africa and its fair representation in UN decision-making processes.

### Support for African Claims

Three main agreements were reached during the discussions on reform of the UNSC: the question of equal representation, in numerical and geographical aspects; the question of effectiveness of UNSC actions, generated by a combination between equality and transparency; and, finally, the question related to improving working methods through the implementation of new procedures involving all the membership and UNSC activity. However, the most significant topics – such as categories of membership, eligibility, number of seats, system of rotation and the so-called veto power – resulted in the debate's deadlock.

The proposal by the AU for the expansion of the UNSC was presented on 18 July 2005, during the 59<sup>th</sup> session of the General Assembly. The 43 signatories stated that they were "[m]indful of the need to ensure Africa, like all the



UN PHOTO/DEVRA BERKOWITZ

United Nations Secretary-General Ban Ki-moon (left) greets Aminu Wali, Minister for Foreign Affairs of Nigeria, at the Council's open debate on "Security Sector Reform: Challenges and Opportunities" (28 April 2014).





**Zainab Hawa Bangura (right), Special Representative of the United Nations (UN) Secretary-General on Sexual Violence in Conflict, speaks with Joy Uche Ogwu, Permanent Representative of Nigeria to the UN and President of the Security Council for August, at the Council's meeting on consolidating its engagement on security sector reform (20 August 2015).**

other regions of the world, effective representation at the Security Council".<sup>7</sup>

The main topics of the African proposal on the expansion of the UNSC involved quantitative and qualitative issues, considering categories, characteristics and number of seats. The group called for a complete reform that would improve representation in the UNSC and its working methods, and positively amend the UN Charter. According to the AU draft, the UNSC must be enlarged in both existing categories of seats, and all the rights attributed to the current permanent members must also be granted to new permanent seats, including the right of veto. The proposal consists of an expansion of 11 additional seats, creating two permanent and two non-permanent seats for Africa; one non-permanent seat for Eastern Europe; one permanent and one non-permanent seat for Latin America and the Caribbean; and one permanent seat for Western Europe and other states.

The advantage of being a large regional group gave the African position a significant lead, with wide support. While the African position was supported by an entire region from the beginning of the debates, the same could not be said of the other two main groups that presented draft

resolutions in 2005: the Group of Four (G4) and the Uniting for Consensus (UfC).<sup>8</sup>

It is important to highlight that voting results are the clearest indication of support by different members of the UN, but in the case of the UNSC reform, a vote was not taken. In the absence of indicators of actual support that would have been seen in voting patterns, the best alternative is the expressions of support seen in the statements in the General Assembly. Although the Open-ended Working Group and the current Intergovernmental Negotiations on the question of equitable representation in the UNSC conducted and conducts work on the proposals and possible solutions for the matter at hand, the open debates on the UN General Assembly serve as a forum for broader expressions of intention by member states. The records of these statements are available in the form of the so-called verbatim records of its meetings. These records are, in fact, in the case of the reform debates, the only official sources for a somewhat reliable measurement of how the expansion ideas are addressed by the UN membership, at least in public.

The representation of African countries – already a regional group before the presentation of its reform proposal – was the only coalition that was mentioned during the

early years of the debates. The so-called 'African position' was known since the beginning of the discussions in 1993. The AU presented its official proposal in 2005, but the informal levels of support for its ideas existed before that. In 1998, with the 'Razali Plan'<sup>9</sup> and the notions of a possible momentum for a reform at the time, the African position received the highest percentage of mentions, with support from about 24% of participants. With rare exceptions, levels of support for the African group were never lower than 10% of the participating countries – not omitting the number of members in the group that have always given strong support to the claims. Yet, even at the highest points of support, the levels were never enough to suggest approval would be possible in a vote at the General Assembly.<sup>10</sup>

Comparing the levels of support among different groups related to the reform between 1993 and 2012, initially the AU and the G4 received strong support during the debates. In a different manner, the UfC started with low levels of positive feedback from other missions, but was able to acquire more

support by 2012. But, in any case, the percentage of support received by each of the groups was never enough to reach the needed majority of the General Assembly. Thus, if we can consider the percentage of expressions of support received from the countries that participated in the discussions on an equitable representation inside the UNSC as a proxy for real support, it can be said that none of the reform packages presented was ever even close to being adopted.

The last years (2013–2014), however, showed very positive support numbers to the African position. This was because, strategically, most of the groups and countries started to see the African group as a strong ally and one of the biggest causes of the reform process's standstill.

## THE MAJORITY OF UN MEMBER STATES INVOLVED IN THE REFORM DEBATES REALISED THAT WITHOUT THE SUPPORT OF THE 54 AFRICAN COUNTRIES, AN EXPANSION OF THE UNSC WOULD BE EVEN MORE DIFFICULT THAN IT IS NOW

The AU members have always been very strict on the parameters established by the African common position. From the very beginning of the African representation to the current AU activity in the debates, the countries have been emphatic in stating that no solution other than the one presented by the Ezulwini Consensus will be accepted. This could be perceived as an attempt to spoil the reform process, if it was not for the real interest of Africa to assume a more decisive position in the UNSC.

The majority of UN member states involved in the reform debates realised that without the support of the 54 African countries, an expansion of the UNSC would be even more difficult than it is now. In 2013, alleged support for the African position had a growth of almost 10% when compared to the 17% of support on the former year's statements – reaching total support of little less than 26%. In 2014, this support growth was even more significant, reaching a little more than 35% of the year's statements.<sup>11</sup>

However, highlighting the words of the representative of South Africa, Maite Nkoana-Mashabane, in 2013:

Most Member States support the legitimate claim of Africans for representation in the permanent category. However, we are concerned that such claims of support have not been translated into concrete actions of support for early reform. It is far-fetched to think that reform is only for the benefit of Africa. Therefore, expressions of support should be located within the broad context of comprehensive reform; otherwise, such support is meaningless.<sup>12</sup>

Other challenges must be overcome to give Africa an opportunity to achieve the desired position in the UNSC. The common position established by African countries hides

UN PHOTO/C MCHWANE



**Maite Nkoana-Mashabane, Minister of International Relations and Cooperation of South Africa, chairing a meeting of the Security Council at which members unanimously adopted a resolution on cooperation between the United Nations and regional organisations, in particular the partnership between the United Nations and African Union (12 January 2012).**



**Japanese Prime Minister Shinzo Abe delivers a speech at the beginning of a Japan-Africa summit meeting on United Nations Security Council reform during the Tokyo International Conference on African Development (TICAD) in Yokohama (3 June 2013).**

some fissures in the continent's unity, as not all the members are able to agree on important details of UNSC reform.

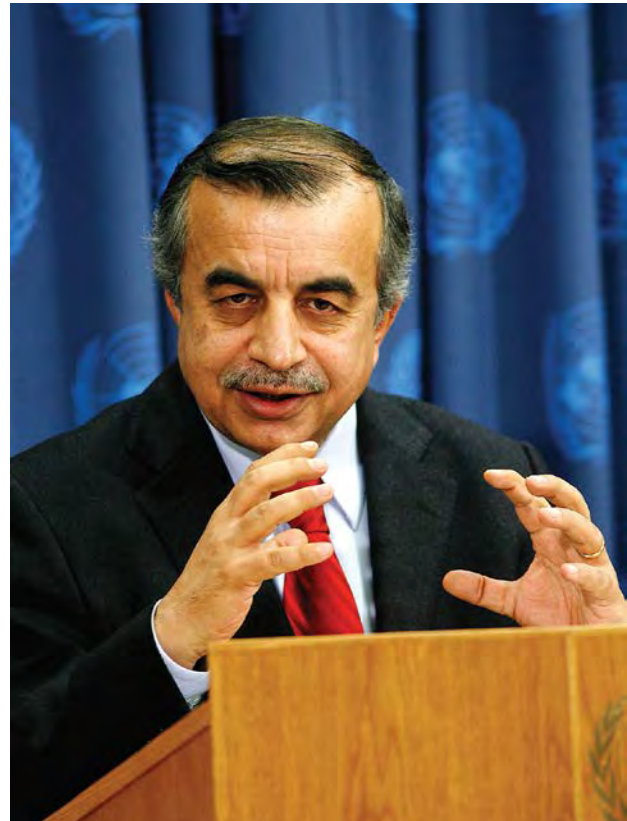
### **What are the Chances Now?**

During the first half of 2015, the discussions about UNSC reform assumed a different approach. The debates were conducted by Jamaican representative Courtenay Rattray, Chair of the Intergovernmental Negotiations, and followed closely by the President of the General Assembly, Sam Kutesa. Ambassador Rattray asked the members to present their official positions and to start a new text for the negotiations.

In mid-May 2015, a new document was developed, stating the positions of some member states towards the reform. The so-called Framework Document had similarities to the document presented in 2011 by the former Chair of the Intergovernmental Negotiations – Afghani representative Zahir Tanin – and presented a summary of the stated positions. Officially, the document distributed to the members had 22 pages, but with the annexes of specific 'inputs' provided by countries, the entire document was 118 pages long.<sup>13</sup>

Despite the clear hard work in producing a concrete document about the reform negotiations, the final product did not show any significant change in positions by the members. In the case of Africa, the common position has not changed and the internal dissent remains extremely complex.

The inability to agree on countries with capacity to represent the region has been the main problem of the African group in terms of challenges related to reform.



**Zahir Tanin, the former Chair of the Intergovernmental Negotiations Working Group, addresses a press conference on Security Council Reform and responds to the question of equitable representation and increase in the membership of the Security Council (13 February 2009).**

Some countries try to defuse the issue, saying that since resolution for a possible reform is not happening in the near future, there is no need to appoint the representative countries yet, but at the same time, the five African powers – Egypt, Nigeria, South Africa, Ethiopia and Kenya – present themselves as the most suitable candidates. While the discussion about which country should represent the group at the UNSC continues, other members have suggested different forms of representation, such as the establishment of a rotational form for permanent regional seats in the UNSC.

The complexity related to the reform of the UNSC has very unique characteristics. But, if we were able to isolate the African case from all the other complications related to the matter – including the Permanent 5 (P5), the group's internal divisions, the strict character of the common position and the general lack of agreement among the UN membership at the General Assembly – it would be possible to say that Africa is the only group with the highest chances of achieving its objectives of reform. The high number of African UN members and the growing African group support among a significant majority of UN members (beyond just African countries), possibly gives Africa the key to the reform process.

Considering the current situation, it is vital to establish a concrete and productive engagement between Africa and the UNSC. The delay in solving and preventing conflicts has been a key factor in ongoing instability on the continent. It is important to highlight that the UNSC has already been very active on African matters, but it is also very important to consider that more prominent participation of the countries involved in these matters, at the decision-making level, could represent better cooperation between the parties and be more effective at conflict resolution.

The AU is aware of the importance of interaction between the region and the UNSC. However, a wide representation of Africa and its benefits for the region will not be possible without more diplomatic flexibility by the group and its members on the debates about UNSC reform. ■

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- 8 Both groups were created as negotiation groups on the matter of the reform of the UNSC. The G4 is a coalition formed in 2004 by Brazil, Japan, India and Germany. They developed a reform proposal of enlarging the UNSC in both categories of seats, creating 10 new seats in the Council: two permanent and one non-permanent seat for Africa; two other permanent and one non-permanent seat for Asian countries; one non-permanent seat for Eastern Europe; one permanent and one non-permanent seat for Latin America and the Caribbean; and one permanent seat for Western Europe and other states. The UfC, formerly called the Coffee Club, is a group formed by like-minded countries that was created in the 1990s. According to the UfC proposal, the UNSC should be expanded to 10 elected seats, with six new seats for Africa; five for Asia; four for Latin America and the Caribbean; two for Eastern Europe; and three for Western Europe and other states.
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# THE KENYAN STATE'S FEAR OF SOMALI IDENTITY

BY **DOMINIC BURBIDGE**

## Introduction

Just as Somalia has begun “to lift itself from the ashes and debris of war”,<sup>1</sup> perceptions of Somali identity in Kenya have reached a new low. Even from before Kenya’s independence, suspicion of the background, political opinions and citizenship of Kenyan-Somalis plagued Kenya’s development, and this suspicion has now merged with a narrative of foreign terrorism that pits Kenyan-Somalis against their own nation-state. How has this come about, and what does it mean for Kenya’s fight against terrorism? In this article, I argue that the inability of the Kenyan state to distinguish between Somali Islamists and Kenyan-Somalis represents a missed opportunity at national integration. Specifically, the move towards a federal Somalia

of autonomous regions should assuage old Kenyan fears of Somali irredentism and desires for secession. Kenyan-Somalis are too readily being associated with coastal Muslim appeals for secession, even though citizens close to the Kenya-Somalia border no longer show interest in political victories at the expense of socio-economic well-being. The time is ripe for a Kenyan state that includes Kenyan-Somalis in its vision of the nation, and yet this is the very moment in

**Above: Muslims participate in morning prayers during Eid-al-Fitr, in Eastleigh, a suburb in Nairobi predominantly inhabited by Somali immigrants (July 2015). Eastleigh is known locally as ‘Little Mogadishu’ because of the significant number of Somalis living there.**



which the state is doing most to frame Kenyan-Somalis as foreign aliens.

In April 2014, following numerous terrorist grenade attacks and an explosion in Eastleigh that killed six,<sup>2</sup> Kenyan authorities swept areas of Nairobi dominated by those of Somali ethnicity in an effort to identify those without appropriate citizenship or immigration documents. Approximately 900 people suspected of residing in Kenya illegally were brought to Kasarani stadium, where they waited for days to be screened for identity documentation and were then either returned home or were deported to Somalia or the Dadaab refugee camp.<sup>3</sup> This strategy by Kenyan authorities forms part of Operation Usalama Watch, “an effort to disrupt Al-Shabaab support within Kenya.”<sup>4</sup> It has been criticised by Human Rights Watch in no uncertain terms:

The round-up operation, which began on April 1, 2014, has been riddled with abuses [...]. Government security forces have raided homes, buildings, and shops; looted cell phones, money, and other goods; harassed and extorted residents; and detained thousands – including journalists, Kenyan citizens, and international aid workers – without charge and in appalling conditions for periods well beyond the 24-hour limit set by Kenyan law.<sup>5</sup>



GALLO IMAGES/AFP/TONY KARUMBA

**Somali nationals are arrested by Kenyan national security officers as part of a crackdown on terrorism in Nairobi. These arrests followed a process of vetting the validity of stay of Somali nationals in Kenya (April 2014).**

Operation Usalama Watch fits with President Uhuru Kenyatta’s self-depiction as “a hard leader able to make hard, sovereignest choices in the face of international adversity”.<sup>6</sup> Although Kenyatta entered office only after Kenya’s October 2011 intervention into Somalia, his administration has borne the brunt of Al-Shabaab’s retaliatory terrorist attacks – the worst cases of terrorism in Kenya since the 1998 bombing of the United States embassy. Seven months after Kenyatta assumed office, Al-Shabaab lay siege to the Westgate shopping centre in Nairobi, leaving 67 people dead. This was followed by the killing of approximately 68 people in Mpeketoni, Majembeni and Poromoko in June 2014; the killing of 28 people in a bus in Mandera in November 2014; the killing of 36 people in a Mandera quarry in December 2014; and the killing of 147 people on the campus of Garissa University College in April 2015.

It is important to note these grievous attacks to put into context the Kenyan security services’ harsh response. Broadly speaking, terrorist acts are being sponsored by Al-Shabaab operators in Kenya, who have also engaged in Kenya-based recruitment, especially on the Kenyan coast under the auspices of Al-Hijra.<sup>7</sup> Authorities are therefore drawing on the coercive capacities of the state to attempt to deal with an escalating problem that questions their ability to provide basic law and order. To give some indication of the fear at play among Kenyan citizens, a December 2014 poll found that 67% of citizens felt “crime/insecurity/terrorism” to be among the top three problems facing Kenya.<sup>8</sup> Domestic insecurity is a complex challenge, and one that will not be solved by simply pointing fingers at the Kenyan state for not developing the country fast enough. Rather, it is important to distinguish between different security strategies and identify which are based on old problems and are currently failing to live up to the demands of current challenges.

## HUMAN RIGHTS GROUPS ARE, RIGHTLY, CONCERNED WITH THE LEVEL OF RESENTMENT AND SUSPICION TOWARDS SOMALIS IN KENYA

As David Anderson and Jacob McKnight write: “[T]his is the nebulous, but potentially pervasive enemy that Kenya must confront: an enemy that is no longer confined to Somalia, or even to the Somali, but one that appeals directly to the *Ummah* [community] throughout East Africa, and especially in Kenya.”<sup>9</sup>

### Approaches to the Kenyan-Somali Question through History

Human rights groups are, rightly, concerned with the level of resentment and suspicion towards Somalis in Kenya. Resentment for Somalis is, however, by no means a new phenomenon, and has existed in different forms since before Kenya’s independence in 1963. Somalia became independent

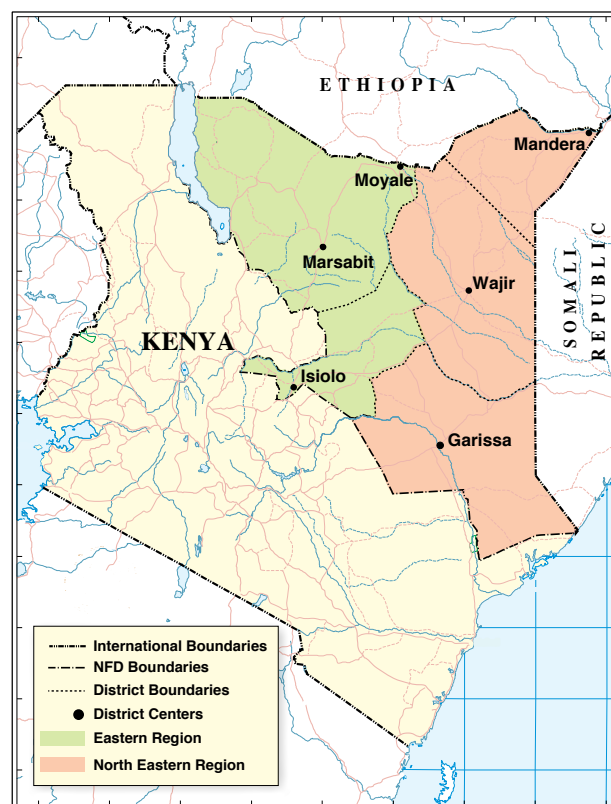
before Kenya in 1960, unifying the two territories of British and Italian Somaliland. The five points of the Somali flag’s star signify the five territories that Somali politicians used to consider as hosting the Somali people and that, together, form Greater Somalia. Three territories lay outside the newly independent Somalia: the Ethiopian Ogaden, Djibouti and north-eastern Kenya.

As an example of the permanence of those of Somali ethnicity living in Kenya, Table 1 tracks the Somali population of Wajir, in north-eastern Kenya, from 1911 to 2009.

**Table 1: Population of those of Somali Ethnicity in Wajir, 1911–2009<sup>10</sup>**

Year	Number
1911	23 000
1926	(approx.) 46 000
1936	24 647
1939	9 633
1949	40 000
1989	119 672
2009	661 941

Because Somalia achieved independence before Kenya, Somali politicians appealed to the British colonial authorities either to assign Kenya’s Northern Frontier District to Somalia



**Northern Frontier District of Kenya<sup>12</sup>**



**Somali women wait for their identification documents to be verified by government officers at a temporary vetting centre in Nairobi (April 2014).**

before Kenyan independence, or else to allow a referendum to see if the population desired to secede from Kenya. Instead, the British government sent two commissions of inquiry that it hoped would help decide: the Northern Frontier District Commission and the Regional Boundaries Commission. Vincent Bakpetu Thompson explains that “the British underestimated the intensity of Somali feeling” and were surprised at the strength of representations made by Kenyan-Somalis to demand secession.<sup>11</sup> This put the British in a difficult position. First, they were afraid of the implications of acquiescing to principles of self-determination, given the ubiquity of such claims throughout the empire. Second, because of the negotiations underway with burgeoning Kenyan politicians on how to make the independent country of Kenya work, British authorities were aware that placing power in the hands of locally dominant ethnic groups would not guarantee that minorities would be respected and included, even in their areas of origin. Blinded by these two fears, the British government avoided the question and instead hoped that implementation of a more federal constitutional structure, as proposed by the Kenya African Democratic Union, would give the right

amount of regional autonomy to satisfy both sides of the debate.

The British authorities could not have been more wrong. From 1964 to 1967, Kenyan-Somalis and Somali insurgents employed violence to try and force the question of secession – a period of civil conflict known as the Shifita War. Under Jomo Kenyatta, the Kenyan state renounced the regionalist leanings of its independence constitution and instead reworked colonialism’s preference for divide-and-rule, whereby competing groups were played off against each other with a centralised state retaining all capacities for legitimate violence. Kenyatta feared competing demands for self-determination, both in the north-east and along the coast, perhaps because the Mau Mau uprising of Kikuyu against the colonial state – which gave Kenyatta legitimacy in the eyes of many Kenyans – was itself built on similar claims to self-determination. Kenyatta’s response to Somalis in the north-east was unremitting, and was followed even more aggressively under the second president, Daniel arap Moi. Although details are hard to retrieve, in November 1980, state authorities are alleged to have massacred approximately 3000 ethnic Somalis of Bulla Kartasi in





GALLO IMAGES/AFP/ABDULFTAH HASHI NOR

**Somali refugees, deported from Kenya, arrive at Mogadishu airport, following a round up by Kenyan security forces of thousands of Somalis or Kenyans of Somali origin amid a major crackdown on suspected Islamists blamed for a string of attacks in the country (April 2014).**

retaliation to a previous ambush of government officials by local bandit Abdi Madobe. Further, in February 1984, around 5 000 of the Degodia Somali sub-clan were killed at Wagalla airstrip.<sup>13</sup>

Apart from these acts of violence against the Somali population, the Kenyan government screened residents of the north-east to differentiate between those considered genuinely Kenyan, and those who should be 'returned' to Somalia. Emma Lochery consolidates an analysis of a 1989 screening and describes that "[t]hose who were deemed to belong to a lineage 'indigenous' to Kenya were issued pink screening cards; those declared non-citizens were deported".<sup>14</sup> At a base level, this forms part of a false 'settler' versus 'native' distinction that ignores sub-Saharan Africa's grand history of migration,<sup>15</sup> and specifically discriminates against nomadic and pastoral people as less-genuine citizens than those who are agrarian or urban. The bias plays out in less-than-objective attempts to identify who is not Kenyan:

...from the first day of screening, people queued for hours before presenting themselves to the panels of elders. They had to bring identification documents and answer questions posed by the panel. Individuals had to recite their genealogy and identify their main

tribe, sub-tribe, clan, sub-clan, and *jilib*, the smallest unit of clan organization responsible for *mag*, blood compensation. Other demands were arbitrary. Individuals had to know the name of their chief and assistant chief and were sometimes judged on their ability to speak KiSwahili or answer questions about Kenyan history and politics. Some people were asked for detailed geographical descriptions of their birthplaces...<sup>16</sup>

Indeed, pastoral people are so little understood by the Kenyan state that the census has consistently been biased against them by asking: 'How many people reside in this household?' as a way of calculating population – even though such communities tend not to reside in fixed households for long durations.<sup>17</sup> The statistical irregularities that resulted led Planning Minister Wycliffe Oparnya to announce the cancellation of results from eight districts in the north-east.<sup>18</sup> These contestations over population figures have direct bearing on the financial support received by the region, because the amount of national revenue allocated to devolved governments is calculated by an algorithm (organised by the Commission on Revenue Allocation) that uses population figures as one of its key variables.

## Navigating Kenyan-Somali Identity in a Post-9/11 World

When the Northern Frontier District Commission carried out its visits to the north-east of Kenya in 1962, it found that – for the question of whether the north-east should secede from Kenya and join Somalia – “division of opinion almost coincided with the division between Muslim and non-Muslim.”<sup>19</sup> At that time, this religious element was anecdotal and of no political relevance either to Kenya or Somalia. Instead, pan-African, pan-Arab and pan-Somali beliefs held prime importance for shaping political ideals. The post-9/11 world, however, has seen the emergence of a worldwide narrative of Islamic radicalism, for which the territorial gains of Al-Shabaab in Somalia represented one of the most focused outlets – in many ways a precursor to the Islamic State of Iraq and Syria.

In Kenya, this means a dangerous blending of long-lasting Kenyan-Somali grievances with radical calls for Islamic *jihad*. At the local level, however, Kenya’s Muslims – who make up over 11% of the total population, according to the 2009 census – hold extremely diverse political demands. For pastoralists of the north and north-east, concerns include land access for cattle grazing, the availability of water points and access to markets. Insecurities are most evident in cattle rustling (in the north) and a poorly regulated border with

Somalia (in the north-east). For coastal Muslims, on the other hand, political distress lies primarily in the manipulation of title deeds for political ends, the state’s lack of recognition of customary courts and youth unemployment. Insecurity at the coast was sparked by movements for secession by the Mombasa Republican Council, which has no appeal to those outside coastal areas. In response to the threat of home-grown terrorism on the coast, Kenyan security forces are suspected to have eliminated radical preachers and planted evidence when they felt their killing of suspects would not be justified in the courts.<sup>20</sup>

## IN KENYA, THIS MEANS A DANGEROUS BLENDING OF LONG-LASTING KENYAN-SOMALI GRIEVANCES WITH RADICAL CALLS FOR ISLAMIC *JIHAD*

### Conclusion

The concerns of the Muslim population of Kenya differ by location, and yet in dealing with the terrorist threat, the Kenyan government is relying on the same centrist methods developed during the Shifta War – methods that ultimately are based on a fear of the unknown. Instead of getting to



GALLO IMAGES/REUTERS/TOMAS MUKOYA

**Five men charged with the attack on Garissa University in northeast Kenya, appear in court on 4 June 2015. The assault on Garissa University on 2 April 2015 in which gunmen from Somalia’s Al-Shabaab group killed 148 students, has placed great pressure on President Kenyatta to do more to secure the Kenyan border and other regions.**

know local situations and responding to local needs, time and again the government applies the logic of patronage and political manipulation. Community leaders who understand local situations find themselves at the periphery of political decision-making, and instead the state turns to its friends in the region, hoping that divide-and-rule policies will compromise opposition. In a 1963 analysis of the political tensions in Kenya's north-east, I.M. Lewis complained that there was "still not a single Somali District Officer or police officer beyond the rank of Chief Inspector".<sup>21</sup> Although there have, since then, been higher-level appointments of Somalis, these have not been in a spirit of trying to learn more about the region's complexities. Kenyan-Somalis were, for example, promoted under Moi when the 1982 attempted coup led the president to form alliances with smaller ethnic communities traditionally on the periphery of politics. Hussein Maalim Mohamed became Minister of State in 1983 and his brother, Mahmoud Mohammed, became Chief of General Staff in 1985.<sup>22</sup> However, co-optation into Nairobi-based politics is very different from getting in touch with local concerns – something clear in the appointment of Mohammed Hussein Ali, also a Kenyan-Somali, to the position of Commissioner of the Kenya Police in 2004 by President Mwai Kibaki. In 2010, Ali was indicted by the International Criminal Court for crimes against humanity after allegations were made that his office ordered the 'shoot to kill' policy following the disputed 2007 elections.<sup>23</sup> Regardless of the merits or shortcomings of these national figures, their appointments have not rewritten the script of the state's basic approach to Kenyan-Somalis. At no point in Kenya's history has the government been prepared to devolve security functions in the north-east in a way that can give Kenyan-Somalis reason to believe their nation accepts them as equals. Until this fundamental need is addressed, the methods employed by the Kenyan government towards the Kenyan-Somali population will continue to frame them as enemies of the state. **A**

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# INTEGRATING PEACEBUILDING WITHIN POLICY FRAMEWORKS IN POST-CONFLICT SETTINGS: A REFLECTION ON LIBERIA'S PEACEBUILDING PROCESS

BY WILFRED N. GRAY-JOHNSON

## Introduction

Since 2006, there has been much effort exerted towards integrating peacebuilding as a component of key policies and strategies as well as development programmes in post-conflict countries. This idea became acceptable to the Liberian government as a means to institutionalise peacebuilding following efforts by the United Nations (UN) to work with post-conflict countries, either within the specific mandates of UN military missions or through the UN's Peacebuilding Architecture. Beginning in 2006, the mandates of most military missions shifted to incorporate peacebuilding as a key element. Likewise, Statement of Mutual Commitments (SMCs) and/or Peacebuilding Priority Plans (PPP) have been developed and adopted, both by governments and the UN, to provide peacebuilding support to post-conflict countries. The SMCs and PPPs, in most cases, have been developed based on conflict analysis involving multiple actors, and intended to

help address the root causes of conflict and potential conflict triggers.

This article intends to contribute to ongoing discussions on institutionalising peacebuilding, with a focus on Liberia. The article sets the premise that in order to foster the link between security and emergency programming, including longer-term development and sustained peace, especially in post-conflict countries, peacebuilding elements need to be infused into policies and programmes. In this regard,

**Above: President Ellen Johnson-Sirleaf of Liberia, kicks a soccer ball to mark the start of a "Sport for Peace" soccer tournament, jointly launched with the Special Adviser of the United Nations Secretary-General on Sport for Development and Peace, aimed at encouraging Liberians, especially the youth, to embrace and use sport in promoting peace, reconciliation and development, in Monrovia, Liberia (2 March 2007).**



Map No. 3775 Rev. 7 UNITED NATIONS  
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Department of Peacekeeping Operations  
Cartographic Section

the article discusses efforts by the government of Liberia to integrate peacebuilding as a component of policies and frameworks as well as development programmes.

First, the article examines efforts to integrate peacebuilding in the policy frameworks of the government – particularly the Poverty Reduction Strategy (PRS), the Liberia Medium Term Economic Growth and Development Strategy, the Agenda for Transformation and the Liberia Peacebuilding Programme (LPP), with its dual focus on justice and security and national reconciliation. The article highlights that the efforts of the government to infuse peacebuilding approaches within its policies and frameworks have been supported – if not guided – by earlier attempts of the UN Mission in Liberia (UNMIL) to integrate peacebuilding as a key element of the mission’s mandate. Second, the article emphasises that effective peacebuilding must be a strategic process entailing the synergetic and standardised application of a series of multidimensional actions targeted at identifying and removing the sources of conflict and identifying and supporting structures and capacities for peace. Finally, the article identifies some challenges to integrating peacebuilding within policy frameworks, and concludes with suggestions for identifying a strategic direction that institutions in Liberia and elsewhere can take to ensure an integrated and sustainable

approach to peacebuilding, especially in the context of peace consolidation.

### **Liberian Efforts to Integrate Peacebuilding in Policy Frameworks**

Since 2006, the government has recognised the importance of institutionalising peacebuilding within the strategic policy frameworks of post-conflict settings, and has taken practical steps in this regard. For example, the government’s PRS (2008–2011) identified the sources of conflict and polarisation in Liberia and highlighted a number of conflict factors, with appropriate interventions to address them over the PRS implementation period. In addition, the government has developed programmes and frameworks – including the LPP; the Justice and Security Joint Programme; the Strategic Roadmap for National Healing, Peacebuilding and Reconciliation; and the National Security Strategy – which not only identify the root causes of conflict and conflict drivers but also propose interventions to mitigate or address the pervasive conflict issues that cut across Liberia. Also notable in this effort is the establishment of the Liberia Peacebuilding Office (PBO), attached to the Ministry of Internal Affairs, as the main government office for coordinating various peacebuilding initiatives.

The process of integrating peacebuilding within government policies and programmes took its cue from previous efforts by UNMIL to integrate peacebuilding within key policy frameworks of the mission. In 2005, following the establishment of the UN Peacebuilding Commission,<sup>1</sup> both the role of peacekeeping missions and UN specialised agencies in post-conflict peacebuilding evolved to consider peacebuilding as an integral component of peacekeeping. Policy discussions in UNMIL were guided by the premise that the development of integrated peacebuilding strategies to inform the work of the UN in field operations would constitute good practice for durable peace and stability.

In Liberia, UNMIL's mandate progressively included key aspects of peacebuilding, especially following the inauguration of a democratically elected government in January 2006. Priority tasks set out in the 10<sup>th</sup> Progress Report of the Secretary-General to the UN Security Council (UNSC) broadly included security, recovery and development imperatives. Resolution 1712 (2006) further called upon the Secretary-General to keep the UNSC informed with respect to progress on the facilitation of ethnic and political reconciliation, among other duties. The series of actions undertaken by UNMIL to integrate peacebuilding into strategic policy frameworks were underpinned by sound conflict analysis that specified the root causes of conflict,

including a full appreciation of the interaction of factors and forces that drove the conflict. This analysis helped to identify pivotal structures and institutions, with a view to strengthening their capacities for peace.<sup>2</sup>

The inclusion of peacebuilding as a component of peacekeeping interventions was based on research findings at the time, which showed that a high percentage of post-conflict states erupted into violence after a peace agreement was reached.<sup>3</sup> This trend was – and, to some extent, is still today – prevalent, particularly in the African context. This is in part because of the complexity of the conflicts involved, most of which feature transborder militarisation, shifting alliances and unorganised, heterogeneous militias that create complex post-conflict power-sharing dynamics, as well as large youth populations in an environment with minimal educational and livelihood opportunities, but flush with weapons. The recent crises in Guinea-Bissau and South Sudan are examples.

## THE PROCESS OF INTEGRATING PEACEBUILDING WITHIN GOVERNMENT POLICIES AND PROGRAMMES TOOK ITS CUE FROM PREVIOUS EFFORTS BY UNMIL TO INTEGRATE PEACEBUILDING WITHIN KEY POLICY FRAMEWORKS OF THE MISSION

In November 2005, UNMIL established the Joint Peacebuilding Framework. This was a 'seven-pillar' framework for action that identified priority areas of support to the incoming government under four pillars: Peace and National Security, Good Governance Rule of Law, Economic Revitalisation, and Infrastructure and Basic Services. In June 2006, UNMIL and other UN agencies in Liberia published the Common Country Assessment, which represented a holistic analysis by the UN of the situation in Liberia with regard to peace, security, development and human rights. The Common Country Assessment identified seven conflict factors and presented nine interdependent challenges to peacebuilding and development, and cross-cutting imperatives, and suggested priority areas for action.<sup>4</sup>

By October 2006, UNMIL had developed the Integrated Mission Priorities and Implementation Plan – a framework that represented the UN's mandate and strategic direction, and synthesised the objectives of key UN planning documents.<sup>5</sup> In May 2007, the UN Development Assistance Framework (UNDAF) was produced for an integrated programmatic response of the UN – mainly the specialised agencies, funds and programmes of the UN Country Team and the Interim Poverty Reduction Strategy (I-PRS) of 2007. The UNDAF also became a tool for achieving a 'One UN' approach.<sup>6</sup>

It is also worth noting the significant contributions of the World Bank and the International Monetary Fund in helping to ensure that the government's peace and development policies considered the conflict dimension of poverty as well



**United Nations Mission in Liberia (UNMIL) peacekeepers and Liberian villagers repair a flooded road on the outskirts of Voinjama, Liberia (April 2006).**



**ACCORD facilitated a five day training on peacebuilding skills in relation to the implementation of reconciliation projects in Liberia (23–27 June 2014).**

as conflict sensitivity in the implementation of these policies and strategies. In 2007, these institutions provided training for the I-PRS technical team, and provided suggestions to help strengthen both the I-PRS and PRS through what was referred to as the Joint Staff Advisory Note. The Joint Staff Advisory Note of July 2010 noted, for instance, on the peacebuilding and conflict sensitivity theme, the importance of a well-managed decentralisation process to reduce the urban–rural divide and expand the opportunities for democratic participation, among others.

While Liberia is currently in its 12<sup>th</sup> year of peace since the Comprehensive Peace Agreement (CPA) was signed in 2003, peacebuilding activities remain a critical complement to development goals and policies. Consequently, a number of key policy documents – including the National Vision (Liberia Rising 2030), the National Reconciliation Roadmap and the Agenda for Transformation – highlight the conflict factors capable of mobilising groups into renewed violence, to identify priority areas for peacebuilding activities.<sup>7</sup>

### **Key Policy Instruments**

The key policy instruments in Liberia include the PRS, the Liberia Peacebuilding Programme, the Agenda for Transformation and the Reconciliation Roadmap.

### **Poverty Reduction Strategy**

One of the key policy instruments of the Government of Liberia is the PRS, developed in 2008. It not only described the “origin of conflict and polarization in Liberia” but also highlighted six root causes of conflict, all of which remain

areas of conflict.<sup>8</sup> The government has emphasised the importance of building the capacities of leaders, both at national and subnational levels, in conflict-sensitive approaches to policymaking and the implementation of development programmes. With this, the government maintained, it would be laying the foundations for sustainable peace and development.<sup>9</sup> The government also included within the PRS a number of interventions intended to address these conflict factors over time.

Table 1 shows a few conflict factors mentioned in the PRS, with interventions to address them.

### ***The Liberia Peacebuilding Programme***

In September 2010, Liberia became formally engaged with the Peacebuilding Commission. An SMC was subsequently adopted in November 2010 by the Peacebuilding Commission and the government, highlighting three key peacebuilding priorities: supporting security sector reform, strengthening the rule of law and promoting national reconciliation. In May 2011, the LPP was approved, after being developed as a programmatic framework for achieving the commitments and targets in the SMC.<sup>10</sup> The LPP highlights the three peacekeeping priorities in two components: (1) justice and security, and (2) national reconciliation. Also in 2011, a Justice and Security Joint Programme was developed to implement the first component of the LPP. The Justice and Security Joint Programme is intended to address three of the key conflict factors identified, including the weak security sector, the dysfunctional justice system, and the exclusion of the rural population from adequate justice and security services. The key focus of the Justice and Security Joint Programme

**Table 1: Conflict Factors and Interventions**

Conflict Factors	Government's Interventions
<b>Poor leadership and misuse of power</b>	<ul style="list-style-type: none"> <li>• Establish an autonomous Governance Commission.</li> <li>• Restore and reform the institutions of government.</li> <li>• Establish a national anti-corruption strategy, and draft legislation to ratify international and regional anti-corruption conventions.</li> <li>• Establish a code of conduct for public servants.</li> <li>• General Auditing Commission to establish an external audit of government expenditure.</li> <li>• Restructure Liberia's security architecture.</li> <li>• Review the national Constitution.</li> <li>• Improve tax revenue collection systems.</li> <li>• Actions and reconstitution of task force to recover public assets from former National Transitional Government of Liberia officials.</li> </ul>
<b>Weak justice system</b>	<ul style="list-style-type: none"> <li>• Reform and restructure the Liberian National Police.</li> <li>• Establish the Independent National Commission on Human Rights.</li> <li>• Review the dual justice system (abolishing tribal law elements such as 'trial by ordeal').</li> </ul>
<b>Identity based divisions and lack of shared national vision</b>	<ul style="list-style-type: none"> <li>• Truth and Reconciliation Commission to establish accounts of violations in the war, with the aim of building a new shared history upon which to establish national unity and break the cycle of impunity.</li> <li>• Governance Reform Commission elaboration of a national visioning strategy.</li> <li>• Public information campaigns on national issues.</li> <li>• Hold municipal and chieftaincy elections.</li> </ul>
<b>Mismanagement of natural resources</b>	<ul style="list-style-type: none"> <li>• New forestry reform law for Liberia.</li> <li>• Establish the Forestry Reform Monitoring Committee.</li> <li>• Establish joint taskforce (with UN) on rubber plantations.</li> <li>• Host West Africa subregional conference to harmonise trading, law enforcement and tax on diamond mining.</li> <li>• Establish a national diamond task force to implement the Kimberley Process Certification Scheme.</li> <li>• Develop a new national pit-sawing policy.</li> </ul>

is the construction of five justice and security regional hubs across Liberia, intended to provide a decentralised and holistic approach to security and justice service delivery. The hub concept is also a means by which national agencies can provide effective security for Liberia on a sustained basis, after UNMIL withdraws from Liberia in 2016.

**The Agenda for Transformation**

Following a three-year period (2008–2011) of intensive consultations in the diaspora, the government held a national stakeholders conference in December 2012, intended to endorse the National Vision – the Liberia Rising 2013 document. Among other elements, the National Vision strategises a two-pronged approach to achieving the vision:

1. a focus on the 'hardware': infrastructure (power/energy and roads); people (youth skills development and employment, reconciliation, health improvement, education/manpower development and social safety net provision); and institutions (security, private sector development, and public sector institutions); and

2. a focus on the 'software': including conflict issues, social cohesion and reconciliation.

However, despite the Agenda for Transformation being focused primarily on economic growth, its first chapter focuses on peace, security and the rule of law.

**The Reconciliation Roadmap**

The Reconciliation Roadmap was developed and launched in 2012, and complements other peacebuilding-related programmes – but with a slight focus on addressing conflict drivers through 12 thematic areas, separated into three broad categories.<sup>11</sup> The Roadmap aims to achieve three inter-related goals:

1. transforming individual, community and societal mindsets;
2. rebuilding and strengthening intergroup relations; and
3. dismantling and replacing polarising institutions with more inclusive institutions as a safeguard to not return to civil war.





**The Poverty Reduction Strategy advocates strengthening the justice system, including through the reform and restructuring of the Liberian National Police.**

These goals strive to consolidate the various forces that continue to foster a degree of discontent and divisiveness in Liberian society.<sup>12</sup>

Another key policy instrument is the National Security Strategy for the Republic of Liberia (NSSRL). The primary purpose of this instrument is to identify key security challenges, develop a national security coordination mechanism, and establish a holistic approach to security with sustainable architecture. While the NSSRL is unsurprisingly focused on the security sector, it also offers a comprehensive analysis of conflict factors affecting Liberia's national security environment, separated into three categories and listed in order of priority and urgency: internal, regional and global.<sup>13</sup>

Although this article focuses on the efforts of the government with support from the UN, it is worth mentioning that civil society organisations (CSOs) have played a critical role in these efforts. These CSOs include the Interfaith Mediation Council, the Mano River Women in Peace Network, the Liberia Women Initiative, the New Africa Research and Development Agency, and the West Africa Network for Peacebuilding. In addition, several CSOs have contributed immensely to the development of various peacebuilding-related policies and strategies, and have mobilised grassroots support and participation for the implementation of peacebuilding efforts through the Liberia non-governmental organisation network and the National Civil Society Council of Liberia.

### **Challenges to Integrating Peacebuilding**

First, as the Liberian experience has shown, sometimes post-conflict governments are apprehensive as to what the peacebuilding process entails. Some governments

are weary of prioritising and sequencing what is often orchestrated by the international community for post-conflict countries: peacebuilding, early recovery, reconstruction and development. In the case of the Government of Liberia, the formulation of a 150-Day Action Plan soon after assuming power was the earliest signal of the government's eagerness to move beyond relief into full-scale recovery and development. Therefore, infusing conflict issues into government policies and development programmes, or developing a full-scale strategy for peacebuilding, could not find political space.

Second, since peacebuilding is a quintessentially political question, it was difficult terrain for the Liberian authorities, as it required a re-examination of past legacies; the character, and nature of, the interaction between formal, informal and traditional systems; who the players are, and what they stand to gain or lose from change; and so on. Consequently, much of the analytical work from 2003 – such as the Results-focused Transitional Framework – did not delve into the root causes of the Liberian conflict and its key drivers (unemployment, social exclusion, and so on). These root causes were instead relegated to a secondary position, in favour of mainstream sectors such as health and education.

Third, besides political will, there was also the question of capacity to develop, adopt or mainstream peacebuilding into programming itself. Inculcating peacebuilding elements in policies and development programmes requires continuous engagement with policymakers, as well as providing moral, technical and financial support where necessary.

In practice, while many aspects of peacebuilding have been undertaken as part of the UN's post-conflict interventions – and on the part of the government –



**Prince Zeid Bin Ra Zeid Al Hassan (left), Chair of the United Nations Peacebuilding Commission, and its delegation, visit the site of the security and justice hub being built in Gbarnga, Liberia. The establishment of such hubs is an essential component of the security sector reform priority for peace in Liberia (13 June 2011).**

to integrate peacebuilding in policies and frameworks, these approaches have often been characterised by a lack of strategy, coordination and complementarity between actors and institutions. Many key actors seem not to be on par with this emerging trend and, in some cases, it is difficult to get their commitment. In some instances, this has served to impede operational progress and, ultimately, prevent sustained results.

## Conclusion

This article has discussed the integration of peacebuilding in policy and strategies. It has also highlighted efforts on the part of the Liberian government, with support from the UN, and notes the importance of identifying the root causes of conflict and factoring their role into decision-making on programming and policymaking towards preventing future conflict.

However, there are some limitations, as the Liberian case demonstrates: the linkages and synergies anticipated from the interactions of measures across peacebuilding dimensions are sometimes overlooked, and this ultimately lies at the heart of the challenge in producing integrated strategies. In addition, some of the key policy documents discussed did not propose an operational framework or methodology for how policy choices could be made in ways to ensure conflict sensitivity. This is also true for the Reconciliation Roadmap, which mentions conflict sensitivity as a guiding principle for implementation – but it is not clear how to infuse conflict-sensitive approaches within the programmes developed to implement the 12 thematic areas in the Roadmap. In their rationale and proposed methodologies, both the Agenda for Transformation and Roadmap do, however, highlight some practical steps to address various conflict factors in the listed interventions. This, however, can only adequately serve peacebuilding, if undertaken effectively.

Notwithstanding, these earlier efforts at integrating and institutionalising peacebuilding have made some tangible gains, and are useful for the implementation of the National Vision – Liberia Rising 2030, and in future endeavours. In addition, efforts must be exerted to galvanise and mobilise the support and participation from the vast majority of the citizenry in the implementation of peacebuilding and reconciliation programmes. **A**

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## Endnotes

1 The UN Peacebuilding Commission was established in 2005 under the UN Peacebuilding Architecture. The Commission provides political accompaniment, and mobilises technical support and resources for countries on the Commission’s Agenda.

- 2 Developed by Johan Galtung in 1975, the concept of peacebuilding found its way into UN discourse with former Secretary-General Boutros Boutros-Ghali’s 1992 *Agenda for Peace*. Referred to as “actions to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict”, peacebuilding was viewed as measures undertaken immediately after peacekeeping to establish frameworks and structures for a transition to a more stable and secure society. See Call, Charles (2005) ‘Institutionalizing Peace: A Review of Post-conflict Concepts and Issues for DPA’, Consultant Report, 31 January.
- 3 Gray-Johnson, Wilfred N. (2009) Approach to Post-conflict Peacebuilding in Africa: The Mission in Liberia. *Conflict Trends*, 3 (2009), p. 12.
- 4 United Nations (2006) *United Nations Common Country Assessment in Liberia*. June, p. 8.
- 5 This framework suggested focusing on a number of government institutions (for example, the Liberia National Police) or critical sectoral areas (for example, the justice sector), and thematic issues (for example, corrections and human rights) and specific activities to achieve expected outcomes.
- 6 The One UN Approach advances coordination mechanisms among various UN Agencies and UNMIL in support of government peace, security and development priorities.
- 7 In 2010 (revised in 2014), the Liberia Peacebuilding Office undertook a comprehensive desk review of 15 policy-related documents, including conflict-mapping reports. Overall, a total of 17 conflict factors are identified across the 15 documents examined. A few of these conflict factors are identified in Table 1.
- 8 Government of Liberia (n.d.) *Poverty Reduction Strategy, 2008–2011*, pp. 14–15.
- 9 *Ibid.*, p. 21.
- 10 The SMC is more a policy framework that highlights a number of commitments, as well as targets to be met over a five-year period both by the government and the Peacebuilding Commission, while the LPP is a programmatic framework for actualising the SMC.
- 11 A) Accounting for the Past: 1. Palava Hut Process of Addressing Past Wrongs, 2. Memorialisation, 3. Reparation 4. Diaspora and Reconciliation; B) Managing the Present: 5. Political Dialogue, 6. Conflict Prevention and Mediation, 7. Women’s Recovery and Empowerment 8. Children and Youth Recovery and Empowerment, 9. Psychosocial Recovery and Empowerment for Persons with Disabilities; and C) Planning for the Future: 10. Inclusive People’s History and Collective Identity, 11. Transformative Education System and 12. Constitutional and Law Reforms.
- 12 The roadmap argues further that genuine peacebuilding and reconciliation in Liberia must usher in a new and reconciled beginning, which should be facilitated by public acknowledgement and accounting for individual and collective responsibilities, offering public apology, committing to the short- and long-term reparation of victims and their communities, and addressing ongoing ethnic and land-based conflicts. It must ensure policies and actions are conflict-sensitive and deliberately seek to foster social cohesion and nation-building.
- 13 The principal conflict factors identified by the NSSRL include: land and property disputes; youth vulnerability and exclusion; nascent democracy and issues with ensuring civilian control of security forces; lack of respect for the rule of law; poverty and food insecurity (particularly emphasising the lack of livelihood opportunities for ex-combatants and servicemen); the regional dimension, including porous national borders, regional instability and high youth unemployment; overcentralisation of power; global issues such as international crime and terrorism; a dependent economy; and a weak security sector.



AMANDA LUCIDON



# BURKINA FASO: AN UNFORESEEN CRISIS?

BY NAILA SALIHU

### Introduction

On 30 October 2014, the people of Burkina Faso unanimously took to the streets to protest attempts by their longest-serving president, Blaise Compaoré, to extend his 27-year rule through a constitutional amendment. This development could be likened to the Arab Spring of 2011–2012, where ordinary citizens vehemently rose up in protest against authoritarianism. The recent events have been dubbed Burkina Faso’s “Black African Spring”.<sup>1</sup>

Following the violent protest, the military announced the dissolution of Parliament and the Cabinet, and the president subsequently resigned. This gave rise to a much-predicted political crisis and an unfortunate military coup. The chief of defence, General Honoré Traoré, had earlier announced his assumption of power, only to be followed by another announcement by Lieutenant Colonel Yacouba Isaac Zida, of the elite presidential guard, as head of state. This indicated splits in the military. Nonetheless, the military managed to pull through the power struggle and confirmed Zida as head of state. This move by the military clearly contradicted Article 43 of the Constitution, which requires the president of the National Assembly to assume power in an acting capacity

upon resignation of the national president, and an election should take place within 60 to 90 days. It also violates the African Charter on Democracy, Elections and Governance of the African Union (AU), as well as the Economic Community for West African States (ECOWAS) Protocol on Democracy and Good Governance. This also raises questions of continuing coups in Africa. Certainly, unconstitutional regime change is not a thing of the past. It remains a clear, persistent and present danger.<sup>2</sup>

Characteristically, *Burkinabés*, as well as the international community – especially the United Nations (UN), AU and ECOWAS troika – all condemned the military takeover and called for a swift return to civilian transitional administration. The AU, in particular, threatened sanctions against the military regime if it did not hand over power to a civilian-led transitional government by 18 November 2014. ECOWAS, on the other hand, called on the international community

**Above: An attempt by the former Burkina Faso president, Blaise Compaoré, to extend his 27-year rule through constitutional amendment gave rise to violent mass protests in October 2014.**



**Yacouba Isaac Zida (center) poses for a picture at the military headquarters in Ouagadougou following a news conference in which he was named president of Burkina Faso (1 November 2014).**

not to impose sanctions on Burkina Faso, in view of regional efforts at resolution led by Senegalese president, Macky Sall. However, the key question is whether the current political crisis was unforeseen? Specifically, did the regional and continental early warning systems pick up signals to alert stakeholders to respond proactively and contain the situation? This article, therefore, analyses the current political crises in Burkina Faso by highlighting the precursors and the lack of effective early response to forestall these crises.

### **Context**

For the past three years, there were suspicions that President Compaoré was likely to seek another five-year tenure of office in 2015, despite the constitutional two-term limit. Notwithstanding his alleged history of backing rebels and fuelling civil wars in the region, Compaoré has been instrumental in brokering peace in Côte d'Ivoire, Mali, Togo, Niger, Guinea, Liberia and Sierra Leone. These mediation roles brought enormous political gains to him, his government officials and Burkina Faso in general. He also used his networks to help Western powers in battling Islamist militancy in the Sahel.<sup>3</sup>

Compaoré came to power through a military coup on 15 October 1987, in which the charismatic and revolutionary military ruler, Captain Thomas Sankara, and 13 other officers were killed under very contentious circumstances. He eventually returned the country to constitutional rule in 1991. Since then, Compaoré has contentiously won all presidential elections – held in 1998, 2005 and 2010. It is argued that since coming to power, Compaoré has put in place a semi-authoritarian regime that combined democratisation with repression, to ensure political stability. Despite the semblance of a free and open political system, the regime was based on three key institutions: the military; a political party, the Congrès pour la démocratie et le progrès (CDP); and traditional chiefdoms. With this architecture, Compaoré maintained tight control over politics and society. He governed in the absence of a formidable opposition and gave civil society enough space through a subtle game of alliances, compromises and illusions.<sup>4</sup>

The 1991 Constitution has seen five amendments – in 1997, 2000, 2002, 2009 and 2012. The 1997 revision removed the presidential term limit. The two-year limit was, however, reintroduced in 2000 and term duration was reduced from seven to five years. Specifically, Article 37 of the Constitution



GALLO IMAGES/REUTERS/JOE PENNEY

**Anti-government protesters set fire to the parliament building in Ouagadougou, the capital city of Burkina Faso. Thousands of protesters marched on Burkina Faso's presidential palace after burning the parliament building forcing President Blaise Compaoré to scrap a plan to extend his 27-year rule (30 October 2014).**

stipulates that “the president of Burkina Faso is elected for five years by direct universal suffrage in a secret ballot. He can only be re-elected once.”<sup>5</sup> Therefore, in August 2005, Compaoré’s announcement of his intention to contest the next presidential election was challenged by opposition parties as unconstitutional. The opposition’s claim was disputed by Compaoré’s supporters, on the grounds that the amendment could not take a retrospective effect. Interestingly, in October 2005, the constitutional council ruled that because Compaoré was a sitting president in 2000, the amendment would not apply until the end of his second term in office.<sup>6</sup> This development allowed him to contest the 2005 presidential election and he was re-elected in 2010.

In June 2014, the ruling party called on the president to organise a referendum that would allow him to change the Constitution to seek re-election in 2015.<sup>7</sup> The proposed constitutional amendment led to a major rift in the ruling party, culminating in the resignation of about 70 prominent members of the National Political Bureau in early 2014. Among the reasons given for the resignation was their marginalisation and the excessive militarisation of party structures. These individuals moved on to create a new party, the Mouvement du peuple pour le progrès (MPP). This

development significantly changed the balance of political power in the country, with a likely significant impact on the 2015 presidential election.<sup>8</sup>

It can be argued that there were few alternatives for true democratic succession.<sup>9</sup> The CDP has been virtually a single party in what is supposed to be a multiparty system. The president has been the axis around which the whole political and governance structure revolved. The opposition is much divided, with at least 74 political parties. These parties are faced with weak organisational and financial capacities. None of the key figures in the ruling party have emerged as a credible successor. The lack of strong opposition arguably made it less difficult for Compaoré to win four presidential elections, each time with more than 80% of votes.

As was widely anticipated, a proposal for term extension was introduced to the National Assembly, and a debate was scheduled on 30 October 2014 to amend the Constitution to allow Compaoré to seek re-election in November 2015. However, protesters stormed the National Assembly in Ouagadougou, setting it ablaze and looting offices. At least one death was reported.<sup>10</sup> Compaoré immediately declared a state of emergency and offered to work with the opposition to resolve the crisis and head a transitional government until

elections. However, later in the day, Traoré announced the president's resignation and that the military would install a transitional government "in consultation with all parties", and that the National Assembly was dissolved.<sup>11</sup>

Some have rightly argued that the military hijacked the peoples' revolution and thus the persistent calls for a civilian-led transitional administration. For instance, following clashes between protesters and security forces, the military said it would install a transitional government within a year. This came after soldiers fired shots at the state television station and barricaded the capital's main square as thousands of people demonstrated against the military takeover.

### **Simmering Tensions**

Before the events of October 2014, the country was a ticking time bomb, as frustrations and anger had been growing over the years. There had been signals that society was on the edge of political and social crises, although it was kept under tight control. In spite of the country's turbulent political history – as evidenced in four coups: 1980, 1982, 1983 and 1987 – a period of relative political stability was witnessed under Compaoré's rule. As he departed from the pro-Marxist revolutionary paradigm of Sankara and embraced a neo-liberal orthodoxy, Burkina Faso enjoyed a relatively high economic growth. Between 2000 and 2006, its gross domestic product (GDP) increased by 6%, and reached 10% in 2012.<sup>12</sup> The country also attracted a generous US\$13 billion in international development assistance.<sup>13</sup> However, Burkina Faso ranked only 181 out of 187 countries on the

UN's 2014 Human Development Index, making it one of the world's poorest countries.<sup>14</sup> About 46% of the population live below the poverty line.<sup>15</sup> The landlocked nation is heavily dependent on international aid. In particular, the death of one of its major financial partners, Muammar Gaddafi, during the Libyan uprising in 2011 was a blow to Compaoré's regime. Repeated promises of change were not fulfilled and public distrust grew.<sup>16</sup>

## **BEFORE THE EVENTS OF OCTOBER 2014, THE COUNTRY WAS A TICKING TIME BOMB, AS FRUSTRATIONS AND ANGER HAD BEEN GROWING OVER THE YEARS**

The frustrations and disquiet were largely manifested in mass protests and labour unrests. For example, earlier in December 1998, the murder of the investigative journalist Norbet Zongo sparked major demonstrations. Zongo was investigating the killing of the driver of Francois Compaoré, the younger brother and special adviser of the former president.<sup>17</sup> This was followed by violent protests and strikes throughout the country in 2011. Students protested following the death of one of their colleagues, Justin Zongo, in police custody. There were also protests by trade unions, professionals and rank-and-file soldiers over the high cost of living, and low and unpaid wages. But these did not constitute a mass movement, as opposition parties were not able to build a political platform to offer an alternative to



**Soldiers take over the state television headquarters in Ouagadougou (2 November 2014).**

GALLO IMAGES/REUTERS/JOE PENNEY

the people's discontent. Yet, these upheavals lasted several months in the first half of 2011. In particular, on 14 April 2011, there was a mutiny by presidential bodyguards over unpaid allowances, during which the president fled to his hometown of Ziniare.<sup>18</sup> The authority of Compaoré was arguably shaken by the mutiny, as it rested on the army and especially the presidential guards. In response to this 2011 mutiny, the president embarked on a reform of the military, and subsequently assumed responsibility for the reform by becoming defence minister on 20 April 2011. He also reshuffled the government and appointed Luc Adolphe Tiao as prime minister. Successful municipal and legislative elections were held in December 2012. This arguably brought about stronger representation for the political opposition, though the CDP still won a sweeping majority.

The opposition gathered thousands of people against the proposed constitutional amendment between January and May 2014. This signalled that a new dynamic was at work in Burkina Faso. Demonstrations were organised on 18 January 2014 in the capital and other regions of the country. This was followed by the first MPP congress in April 2014, and a large rally held on 31 May 2014 at a stadium, the Stade du 4 Août in Ouagadougou. Civil society groups also participated in these demonstrations.<sup>19</sup>

#### **Could the Political Crisis have been Prevented?**

While Compaoré remained silent on his political future, many predicted that any attempt to amend the Constitution for a fifth-term bid could provoke a popular uprising. Some also believed that even if Compaoré abided by the

Constitution and left power in 2015, his succession might still prove challenging as he had dominated the political scene for decades, placed severe restrictions on political space and concentrated power in a few party cliques and family associates.

#### **OTHERS ALSO FEARED THE SENATE COULD BE USED AS A WAY TO ENSURE THAT FRANÇOIS COMPAORÉ SUCCEEDED BLAISE COMPAORÉ**

Since July 2013, the country had been experiencing sociopolitical tensions over plans to establish a Senate as part of the June 2012 constitutional amendments. This institution was envisioned in the 1991 Constitution, but was never created.<sup>20</sup> While the 2012 constitutional revision did not specify the number of senators, the details were passed in an organic law in May 2013. The body was to be composed of 89 members, from a mix of elected representatives at municipal and regional levels, traditional and religious authorities, and others directly appointed by the president.<sup>21</sup> The opposition suspected that this might be used to revise Article 37 of the Constitution and organise a constitutional referendum for the same purpose. With 70 of the 127 seats in the National Assembly, the CDP did not have the two-thirds majority required to amend the Constitution. This probably explained the creation of the Senate, which would create the possibility of a parliamentary majority to amend the Constitution without holding a referendum. Others also feared the Senate could be used as a way to ensure that François Compaoré



**Burkina Faso President Michel Kafondo (right) and Prime Minister Isaac Zida (left) arrive at a memorial service for six people who died during the popular uprisings in Ouagadougou (2 December 2014).**

succeeded Blaise Compaoré. François had already been taking an increasingly public role in politics as a member of parliament for the ruling CDP, and some predicted that if he were made president of the Senate, he would be well-placed to take over the presidency.<sup>22</sup> One of the opposition leaders, Zéphirin Diabré, organised a demonstration on 28 July 2013 to oppose the establishment of the Senate and the revision of Article 37. The Compaoré regime should have taken a cue from these agitations. Nonetheless, without heeding to these agitations, Senate elections were held in July–August 2013, amid boycott by the opposition. The ruling party won 36 out of 39 of the elected seats, but after mass protests, its installation was postponed.

## SINCE THE INSTALLATION OF THE TRANSITION GOVERNMENT, A MODICUM OF CALM HAS RETURNED TO THE COUNTRY, DESPITE THE EXISTENCE OF WEAK INSTITUTIONS

Questions around the constitutional amendment undeniably presented a threat to political stability and social cohesion. Moreover, the presence of a political army, with a chequered record in the country's turbulent political past and the growing desire for change among the population, were all factors that pointed to a period of uncertainty ahead for the country. Indeed, there were some developments that were aimed at dealing with the looming political crisis. For example, on 30 January 2014, a domestic mediation effort led by former president, Jean-Baptiste Ouédraogo, was launched. Ouédraogo was supported by Paul Y. Ouédraogo, Archbishop of Bobo-Dioulasso; Samuel B. Yaméogo, president of the Federation of Churches and Evangelical Missions; and Mama Sanou, president of the Muslim community in Bobo-Dioulasso. The objective of this initiative was to establish a political dialogue between the CDP and the opposition to ease sociopolitical tensions. On 21 March 2014, Ivorian president Alassane Ouattara met with the three main former CDP figures: Roch Marc Christian Kaboré, Salif Diallo and Simon Compaoré. He also met with the opposition leader Zéphirin Diabré on 25 March 2014.<sup>23</sup>

These mediation efforts were not very successful, for various reasons. For example, the Ivorian president was perceived as being close to the Burkina Faso leadership, and was thus met with suspicion by the opposition. Also, the initiative by former president Ouédraogo encountered many difficulties, largely attributed to the irreconcilable positions of the various stakeholders and the lack of trust among them.

Moreover, in line with their various governance frameworks and early warning mechanisms, there were also calls on the international community – particularly ECOWAS, the AU, UN and Francophone countries – to intervene proactively to prevent the deterioration of the political impasse, which many believed could have repercussions

on regional security. There were, indeed, some preventive diplomacy missions in Burkina Faso by the UN for West Africa (UNOWA) and ECOWAS in early 2014, as they became cognisant of the intentions of Compaoré to tweak the Constitution amid growing political tensions in the country.<sup>24</sup> As an example, there was a joint mission by UNOWA and ECOWAS in Ouagadougou from 20 to 25 April 2014, to meet with the ruling and main opposition parties, as well as civil society.<sup>25</sup> These minimal interventions had their limitations, and these institutions could only count on Compaoré's assurance of political dialogue.<sup>26</sup>

### Events after Compaoré

The military coup marred the people's resolve against authoritarian rule. Both local and international calls for a swift return to civilian rule seem to have paid off, following the signing of the transitional charter on 17 November 2014 to provide the legal framework for a civilian-led transition. After weeks of negotiations between the army and the relevant stakeholders, a quasi-civilian transitional government was established with Michel Kafando, a former diplomat, as interim president and foreign minister, and Zida as prime minister and defence minister. A 90-member transitional council was established to serve as the country's Parliament. The military also holds key posts, including the interior ministry, in the Cabinet. While this may be seen as a compromise among Burkina Faso's political class and the military to advance the transition process, it raises the critical issue that the military remains entrenched in politics, contrary



GALLO IMAGES/REUTERS/ANNE MINAULT

**People gather at a rally in support of a law that prohibits the candidature of anyone who supported ousted president Blaise Compaoré in the upcoming presidential elections (25 April 2015).**



to the principles of civil-military relations. Nonetheless, since the installation of the transition government, a modicum of calm has returned to the country, despite the existence of weak institutions. Following months of lengthy negotiations among stakeholders, presidential and legislative elections have been scheduled for 11 October 2015. Further, on 7 April 2015, some electoral reforms were announced to enhance the credibility of the upcoming elections. However, it can be argued that some of the reforms were targeted more at uprooting the remnants of the old regime – for example, a new policy barring all members of the former government and former allies of Compaoré from contesting the upcoming elections.<sup>27</sup> As the country continues to grapple with a political army and growing tensions between Zida and the top military leaders, the interim president announced some ministerial reshuffling in July 2015. Zida was relieved of his defence minister functions as part of the measures taken to ensure stability.<sup>28</sup>

## Conclusion

The political crisis was not unforeseen, as the warning signals were glaring. However, there were a lack of effective proactive interventions at both the national and regional level. Various stakeholders have had their share of the blame for the political crises in 2014. It is important to emphasise the need for effective proactive responses to forestall crises when the early warning signs are clear, rather than reactionary responses by the international community. Certain critical issues may threaten future stability – for example, poverty and underdevelopment, the challenge of organising credible elections, and implementing reforms in the face of limited financial resources. Besides that, poor management of the disbandment of the former presidential guard could also pose a serious threat to the transition.<sup>29</sup> As an example, the elite presidential guard, where Zida was formerly a senior commander, threatened to arrest him last month following attempts at curtailing their influence. There were also reports of gunfire from their barracks last month in an apparent warning to transitional leaders.<sup>30</sup> There is need for collaborative efforts by both local and regional stakeholders to address these many challenges. 🇸🇪

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# DEMYSTIFYING EXTREMISM IN NIGERIA: UNDERSTANDING THE DYNAMICS OF BOKO HARAM

BY ALASIA IBIFURO JOY



GALLO IMAGES/REUTERS/AFOJABI SOTUNDE

## Introduction

The Preamble to the United Nations Organization for Education, Science and Culture (UNESCO) Constitution states, "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed."<sup>1</sup> Undoubtedly, the Boko Haram insurgency is a war that begins in the minds; therefore, to address this quandary, conflict transformation approaches and peace initiatives must target the thinking of people and communities in northern Nigeria. This article uses Boko Haram as a case study to uncover the remote and immediate causes of extremism in Nigeria. Furthermore, this article proffers that, to overcome the wave of extremism and to achieve sustainable peace in the region, there is an urgent

need for peace education, and for building cultures that foster peace and non-violence.

## The Underlying Factors of Extremism in Nigeria

To comprehend the most repugnant violence unleashed by a non-state actor in Nigeria's post-independence era, it is pertinent first to understand the motive of this group; second, to scrutinise the layers of the insurgency; and third, to investigate the dynamics that fuel the violence. These are requisites for finding ways to positively transform the

**Above: 'Bring Back Our Girls' campaigners participate in a protest marking the 500<sup>th</sup> day since the abduction of about 270 girls in Chibok by Boko Haram (27 August 2015).**



**Boko Haram stands for 'Western education is forbidden', where 'western' refers to any worldview that is inconsistent with the Boko Haram ideology.**

fundamentalist mindsets and radical behaviours that ignite extremism in Nigeria. The following excerpt provides insight into why violent conflict exists, and explains how armed conflicts erupt in Nigerian communities:

Conflict is as a result of frustration when 'legitimate desires' of a person or group is denied them either directly or indirectly as a result of the way the society is structured. The feeling of disappointment may lead such a man or group to express anger through violence that will be directed at those held responsible. This anger and violence can also be directed to people who are directly or indirectly related to those people that are said to be responsible.<sup>2</sup>

A critical point of observation emanating from this statement that is worth reflecting upon is: what are 'legitimate desires', and how can they be justified in societies with divergent moral, ethical, social, cultural, religious and political orientations? In addition, if personal and group legitimate desires are justified, what happens when they contradict the legitimate desires of other persons or groups? These challenging questions encircle the quandary of Boko Haram.

Etymologically, Boko Haram is derived from the Hausa and Arabic languages. In Hausa, '*Boko*' literally means book, but figuratively is translated as learning or education.

In Arabic, '*Haram*' is translated as forbidden, sin or unlawful.<sup>3</sup> In the context of this extremist group, Boko Haram stands for 'Western education is forbidden'. Emic studies reveal that this group prefers to be called '*Jama 'atu Ahlis Sunna awati wal-jihad*'. This means 'People Committed to the Propagation of the Prophet's Teachings and Jihad' or 'Association of Sunnas for the Propagation of Islam and for the Holy War'.<sup>4</sup>

It is important to note that etymologically, '*Boko*' stands for learning or education – not Western education. Ancient Hausa civilization did not forbid Western education, since Hausa people had little or no encounters with so-called Western education. Hausa culture was infiltrated as a result of imperialism, colonialism and globalisation. Equally important, the advent of Islam in present-day northern Nigeria, northern Cameroon, Chad and Niger (the areas affected by Boko Haram) occurred with the arrival of the Arabs, and the expansion of Islam in sub-Saharan Africa from the 10<sup>th</sup> century onwards.<sup>5</sup>

## ANCIENT HAUSA CIVILIZATION DID NOT FORBID WESTERN EDUCATION, SINCE HAUSA PEOPLE HAD LITTLE OR NO ENCOUNTERS WITH SO-CALLED WESTERN EDUCATION

Western education, according to Boko Haram, is a value system that differs from its own interpretation of Islam, which is coined from selected verses in the Koran. In view of this, Boko Haram is equally against traditional African practices, and also forbids Oriental, Shamanist and Hindu-based approaches. Therefore, in this discourse, 'Western' stands for any world view that is inconsistent with the Boko Haram ideology. On the one hand, the leaders, members and supporters of Boko Haram reject a secular state. They aspire to impose their own interpretation of sharia<sup>6</sup> principles and Islamic practices in Nigeria; for them, this is a legitimate desire. On the other hand, their ideology violates the intrinsic rights and legitimate desires of the larger population of Nigerians who have juxtaposed ideological, religious and political orientations.

The Boko Haram ideology may be built on aspects of the Koran, but numerous Islamic leaders and scholars have publicly chastised this group on the basis of other Koranic teachings. That is to say, Boko Haram is a sectarian organisation, because its ideology does not represent the views of many Muslims in Nigeria and in the world at large. Ironically, the leaders and doctrine propagators of Boko Haram claim to forbid all forms of Westernisation, but they contradict this declaration by using Western-made weapons, by wearing foreign-made fabric and clothing, and by utilising Western technologies such as automobiles, computers, Internet and mobile phones, as well as Western social media innovations such as Facebook and Twitter. Hence, the paradoxical nature of this group brings into question if Westernisation is actually the problem.

### Pre-existing Culture of Violence

Before the emergence of Boko Haram in 2002 and the escalation of inhumane violence in 2009, the northern part of Nigeria had experienced a couple of fundamentalist movements, such as the Maitatsine uprisings. However, historians and scholars observe that Boko Haram is the most extreme of all these crusades, and the pattern of insurgency associated with this group hitherto was unimaginable in Nigeria.<sup>7</sup> Arguably, this may be a reason why, from inception, local, national and regional stakeholders underestimated the threats posed by Boko Haram.

According to Magari Hill, the arrival of Islam in West Africa occurred in the eighth century. Initially, traditional kings contained Islamic teachings, and Muslim converts were segregated. At a later stage, the kings allowed Muslim integration and Islam was blended with local traditions. In the 19<sup>th</sup> century, Islamic intellectuals – led by Uthman Dan Fodio, the founder of the Sokoto Caliphate – revolted against the adulteration of their religion. They motivated peasants to overthrow the traditional kings, and Muslims then became rulers and landowners. Following this, Islamic values and sharia law as interpreted by Dan Fodio became a norm in northern Nigeria.<sup>8</sup>

Historically, the Dan Fodio-led revolution was the first successful jihad in sub-Saharan Africa. During the colonial

era, British administrators allowed sharia practices in the north. However, these were officially suspended by military regimes in the 1990s. In spite of this, sharia was practised unofficially in many northern communities. Even though sharia laws are inconsistent with the Constitution of the Federal Republic of Nigeria, in 2002, Olusegun Obasanjo, a democratically elected president, reinstated sharia law in the north.

**HISTORIANS AND SCHOLARS OBSERVE THAT BOKO HARAM IS THE MOST EXTREME OF ALL THESE CRUSADES, AND THE PATTERN OF INSURGENCY ASSOCIATED WITH THIS GROUP HITHERTO WAS UNIMAGINABLE IN NIGERIA**

As previously mentioned, Boko Haram began its so-called jihadi war in 2002. This group capitalised on the legalisation of sharia law by the federal government to propagate its ideology and to commit atrocious extrajudicial activities. For example, without judicial proceedings or consultations with sharia institutions, Boko Haram publicly flogged and stoned people whom they themselves accused of violating



**Displaced people fleeing from Boko Haram insurgents and violence wait in line to receive relief materials at a camp for displaced people in Borno State, Nigeria (19 January 2015).**

GALLO IMAGES/REUTERS/STRINGER

moral, religious and legal norms. Many inhabitants in northern Nigeria cheered and praised them for instilling societal justice and social order. The relevance of this historical exposition is to shed light on how Boko Haram, as an ideology and group, gained popularity, power and control in the north-east region of Nigeria.

For many Nigerians, the extreme violence perpetrated by Boko Haram may be unpredicted or surprising; however, research reveals that extremism exists because of cultures that both intentionally and unintentionally promote violence. Nigerian history presents Dan Fodio – a violent jihadist and a promoter of holy war – as a legend. He is eulogised in popular folklores and proverbs; many children in northern Nigeria grow up chanting his praises, and youth are taught how Dan Fodio established an ‘ideal-type’ society.

In academia, influential institutions are named after Dan Fodio, and schools of thought are modelled after his writings and teachings. In addition, prominent religious and political leaders in the north publicly preach and advocate his radical views. Suffice to say, for centuries, history, philosophy, literature, religion and folklore rationalised such violence and constructed the mindsets responsible for extremism. It is important to note that the Dan Fodio revolution, the Maitatsine uprisings and the Boko Haram conflict are built on similar ideologies.

### **The Contemporary Blame Game**

Since 2009, Boko Haram has become the most researched conflict in West Africa. Intellectuals in peace, security and conflict studies have engaged in this discourse, and several debates and theories have emerged from this interest. While some scholars link Boko Haram with the new wave of transnational terrorism, others connect the insurgency with the internal political power struggle in Nigeria. The most controversial theory connects the conflict with socio-economic concerns such as poverty, unemployment and inadequate education.

## **HE IS EULOGISED IN POPULAR FOLKLORES AND PROVERBS; MANY CHILDREN IN NORTHERN NIGERIA GROW UP CHANTING HIS PRAISES, AND YOUTH ARE TAUGHT HOW DAN FODIO ESTABLISHED AN ‘IDEAL-TYPE’ SOCIETY**

The authors that correlate Boko Haram with the dynamics of power struggle remind that, in the early 19<sup>th</sup> century, the Islamic conquest dethroned traditional leadership structures in northern Nigeria. Afterwards, in the early 20<sup>th</sup> century, the British colonial empire suppressed the Islamic order. After Nigeria gained independence in 1960, the northern elites, who were Muslims, had full control over the region. Since then, northern Nigeria has always resisted ‘Western’ ways



**Boko Haram violence and attacks escalated in 2011 following the election of Goodluck Jonathan, a Christian from the south, as president.**

of doing things.<sup>9</sup> This reveals how the drive for power and control created a generational culture of “political anxiety” – the “fear of the consequences of not being in control of the government, associated with a distrust of political opponents”.<sup>10</sup>

Contemporary theorists iterate the problem of power struggles in Nigeria. They argue that Boko Haram is a politically incited conflict, because the contentious entry of this group into the geopolitical scenery was after the death of President Umar Musa Yar’ Adua – a Muslim who hailed from the north. In accordance with the Constitution, the vice president, Goodluck Jonathan – a Christian from the south – then assumed the presidency. Therefore, tensions arising from this abrupt political power shift from Muslim-north to Christian-south actually triggered the Boko Haram conflict.<sup>11</sup>

The power shift proponents explain that Boko Haram operated on a low scale within local Islamic communities. The violence escalated after the 2011 election results were announced, when Jonathan was re-elected as president. At this point, the group started targeting non-Muslims and residents from the southern parts of Nigeria living in the north.<sup>12</sup> Boko Haram escalated, deploying lethal weapon and bombs in attacks – the kind of violence currently known as terrorism. It began large-scale hostility in public spaces such

as market places, mass transit stations and educational institutions, because a non-Muslim and non-northerner became president. In line with this notion, the leader of Boko Haram publicly declared that they refused to be governed by infidels.<sup>13</sup> This validates the argument that Boko Haram is a politically motivated conflict under the guise of a religious war.

On several occasions (through social media posts and online videos), Abubakar Shekau, the leader of Boko Haram, has publicly acknowledged the aforementioned ethnopolitical allegations. It is important to note that the argument that Boko Haram intensified its hostility because a non-Muslim became president of Nigeria is based on circumstantial occurrences. Nevertheless, since Nigeria gained independence, the challenges of a Christian-Muslim dichotomy and the north-south regional divide remain the foundation of conflicts and political power struggles. But what remains unknown is, would the extremism in northern Nigeria have escalated into an armed conflict had a northerner and Muslim continued to be president? It is for this same reason that many have questioned why Boko Haram continues to unleash violence, in spite of the fact that a Muslim from the north is currently the president of Nigeria. This may point to a need to view the Boko Haram situation beyond internal religious dichotomy and regional political divides.

## MANY HAVE QUESTIONED WHY BOKO HARAM CONTINUES TO UNLEASH VIOLENCE, IN SPITE OF THE FACT THAT A MUSLIM FROM THE NORTH IS CURRENTLY THE PRESIDENT OF NIGERIA

Not only do several scholars echo the power struggle theory, but among Nigerians it happens to be the popular belief regarding the conflict. Despite this, a large number of researchers present other perspectives on the Boko Haram threat. The most amplified and controversial notion connects the conflict with socio-economic hardship. A host of scholars raise the argument that factors such as abject poverty, formal education deficiency, a poorly funded healthcare system and gross unemployment precipitated the Boko Haram conflict. They also suggest that uneven wealth distribution, corruption among the elite and the failure of government to provide basic necessities created feelings of alienation, frustration and abandonment that drove people into violent extremism.<sup>14</sup>

Simeon Alozieuwa explains the rationale behind this argument, which he refers to as “the socio-economic perspective of the Boko Haram challenge in Nigeria”:

The perspective which blames social conditions for the violence is anchored on the human needs theory of social conflicts. Its central thesis is that all humans have

basic needs, which they seek to fulfill, and failure caused by other individuals or groups to meet these needs could lead to conflict.<sup>15</sup>

The socio-economic theorists suggest that the Boko Haram conflict is borne out of the failures of the government to improve the quality of and access to education. But the critical question here is: how can education deficiency be the problem when, in the actual sense, education and human development are what Boko Haram claims to be fighting against? To substantiate, the infamous kidnapping of more than 300 secondary schoolgirls in the Chibok community, and the incessant devastating attacks on numerous educational institutions in northern Nigeria, contradict the socio-economic perspective on the conflict.

Other intellectuals oppose this socio-economic rationale of conflict, raising the notion that poverty, education deficiency and unemployment are nationwide problems. If socio-economic deprivations are responsible for violent extremism, why have terror-minded groups like Boko Haram not emerged in other geopolitical zones in Nigeria?<sup>16</sup> It is also for this reason that Fineface Ogoloma argues that scholars and stakeholders need to understand that:

Appeasing such a group is difficult in theory and impossible in practice. If a group has openly declared



GALLO IMAGES/REUTERS/FOLABI SOTUNDE

**Nigeria's new President, Muhammadu Buhari, arrives for the Summit of Heads of State and Governments of the Lake Chad Basin Commission. Buhari met his regional counterparts in Abuja to set up a joint military force against Boko Haram (11 June 2015).**



**Non-violence and peaceful behaviour can be learned through education and socialisation. Cultures of peace, instilled in families and communities, will combat mindsets and attitudes that promote extremist groups such as Boko Haram.**

that it has no other agenda than working to establish an Islamic kingdom. Why do people continue to cite poverty, unemployment and illiteracy as its main motivation? ... The problem is really how to free the innocent from the terror.<sup>17</sup>

To build on this point, the leaders and advocates of Boko Haram have never expressed concerns about the level of unemployment, literacy and poverty in the north-eastern part of Nigeria. Instead, their violent actions are channelled against the upgrade of human development and socio-economic conditions. This is why the priority in this conflict is really about how to protect the vulnerable from the ideological rivalry between democratisation and 'Boko-Haramism'.

A critical area of analysis concerning this discourse that is yet to gain scholarly and political attention is what can be called the ideological rivalry between democracy and Boko-Haramism. To elucidate, the Boko Haram aggression against the Nigerian state is largely out of frustration with the changing dynamic in the generational social order, perpetrating structural and cultural violence. From time immemorial, patriarchal norms in northern Nigeria have facilitated a cycle of violence against women and children (especially girl children) through practices such as coerced girl-child marriages, obstructing girls' access to immunisation and formal education, imposed female genital mutilation and other inequitable gender practices. Contemporary history also shows an intense violence against religious and ethnic minorities in several parts of the north.

Even though sharia laws are official in northern Nigeria, the federal government has been making reforms, in line with democratic principles, to repeal these violent and repugnant practices against minority and vulnerable groups in the northern part of the country. The interrelation between these democratic transformative processes and the Boko Haram conflict is that the beneficiaries of structural and cultural violence in north-eastern Nigeria do not want their patriarchal privileges taken away. Likewise, others who consider themselves custodians of tradition feel the need – or the obligation – for cultural preservation. That is to say, the Boko Haram conflict is also a rebellion against new systems aimed at repealing normative cultural and structural violence.

## CONTEMPORARY HISTORY ALSO SHOWS AN INTENSE VIOLENCE AGAINST RELIGIOUS AND ETHNIC MINORITIES IN SEVERAL PARTS OF THE NORTH.

### Conclusion

Inasmuch as several theories and arguments have emerged from the Boko Haram discourse, the perspective and modus operandi of this group demonstrates that this conflict revolves around the fear of losing political power and control if democratic principles become the new norm. Simply put, the so-called jihadi war is an ideological power struggle. This is a reason why the agenda of Boko Haram is not only to establish an Islamic kingdom, but also to

dominate and forbid opposing world views. As a result of democratic advancement, and with ongoing robust military action against Boko Haram, the agenda of installing a sharia kingdom in Nigeria seems far-fetched.

The immediate goal of the Nigerian government and the intergovernmental alliance – the military of Chad, Cameroon and Niger – is to win the war against Boko Haram through militarisation, but the major challenge lies ahead. Military intervention may suppress the direct violence to the barest minimum, but not the extremist mindset. Given the volatile nature and history of conflicts in Nigeria, and considering the transnational resonance between Boko Haram and extremist-minded groups such as Islamic State of Iraq and the Levant, Al-Shabaab and Al-Qaeda, the major challenge is really how to transform the reoccurring patterns of extremism in Nigeria. Considering these influences, there is a need to transform the cultures that breed fundamentalist mindsets and structures that rationalise extremism and violence. This can be achieved through building ‘cultures of peace’:

A ‘culture of peace’ is defined as “a set of values, attitudes, traditions and modes of behaviour and ways of life based on respect for life, ending of violence and promotion and practice of nonviolence through education, dialogue and cooperation”.<sup>18</sup> Peace and conflict practitioners argue that violence and war are learned behaviours; therefore, non-violence and peaceful behaviour can be learned through education and socialisation. Cultures of peace can gradually be instilled if families, social groups, faith-based organisations and educational institutions engage in peace-oriented awareness, education and enlightenment. In so doing, the mindsets and attitudes that promote extremist groups such as Boko Haram can gradually be overcome.

Building cultures of peace is a necessity for children, youth and adults. However, priority should be given to (re) framing the mindsets of adults to embrace peace cultures. This is because families and socio-communal units are the first point of learning for children. To have sustainable peace in Nigeria, parents, guardians and teachers need to understand the relevance of respect for life, the need to jettison violence and the obligation to promote a lifestyle of peace and non-violence through education, dialogue and cooperation. Furthermore, there is a need to review the curriculum and content in both the formal and informal educational systems in northern Nigeria, because the channels through which learning takes place are very important in building cultures of peace and non-violence. This means that peace should be seen as more than the end of armed conflict – peace should be understood as a way of life.<sup>19</sup> ▲

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# MOVING TOWARD CONSTITUTIONAL REFORM IN LIBERIA: HOW LEGITIMATE IS THE PROCESS?

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## Introduction

Constitutional reform could potentially set Liberia on a sustained path of peace and development, provided it produces a legitimate outcome and addresses the underlining problems of governance and power relations. The country's history has been chequered by autocratic rule, economic decline, military dictatorship and long years of civil war (1989–2003). The election of a civilian government in 2006 to replace the transitional (factional) government – formed as part of the peace process in 2003 – paved the way for sustainable peace, and brought opportunities to carry out sweeping reforms in government. Inheriting a bloated civil service and the onerous task of reconstruction and peacebuilding, the government initiated a range of reforms touching nearly all sectors of national life – the public sector, civil society and the private sector have all been affected by the reform programmes initiated since 2006.

Many activists have made a case for constitutional reform as an imperative for post-war state-building and peacebuilding in Liberia. This has also been the practice in many other countries emerging from civil war or political crisis.<sup>1</sup> Interestingly, constitutional reform did not form part of the initial priorities of Liberia after the war in 2003 – much of the country's post-war priorities have focused on tangible issues, such as infrastructural development and economic growth.

In August 2012, President Ellen Johnson Sirleaf appointed a Constitution Review Committee (CRC) “to

**Above: In August 2012, President Ellen Johnson Sirleaf of Liberia appointed a Constitution Review Committee to examine constructively the Constitution of the Republic and to lead a process that will produce appropriate constitutional amendments.**

examine constructively the Constitution of the Republic and lead a process that will produce appropriate constitutional amendment(s)".<sup>2</sup> Accordingly, it was mandated to, among others, "arrange public discourses and debates on provisions of the Constitution with a view to ensuring the Constitution is in conformity with Liberia's post-war democratic realities and aspirations, and craft proposals for amending the Constitution."<sup>3</sup> This mandate of the CRC sends a significant message that it must seek to produce a legitimate output through public consultations nationwide. A legitimate constitutional reform process is one done with full participation of all national actors and whose output is endorsed through consensus. This article examines the legitimacy of the Liberian constitutional reform process from 2012 to 2015, using the following normative elements (requirements) of legitimacy as a framework for analysis: inclusion, participation, transparency and consensus-building. The article presents a background to constitutional reform in Liberia; and analyses the extent to which the constitutional reform process from 2012 to 2015 met the key requirements of legitimacy. The conclusion is a summary of findings, implications and some recommendations.

## THIS MANDATE OF THE CRC SENDS A SIGNIFICANT MESSAGE THAT IT MUST SEEK TO PRODUCE A LEGITIMATE OUTPUT THROUGH PUBLIC CONSULTATIONS NATIONWIDE

### Background to Constitutional Reform

Liberia's first Constitution, promulgated in 1847, was among the oldest surviving constitutions in the world until it was abrogated in 1980 by the People's Redemption Council (PRC) military government, after the overthrow of the True Whig Party government in a bloody coup. In 1986, a new Constitution was promulgated by the military cum civilian government, replacing the Constitution of 1847. Despite promises of reforms and a breakaway from past practices of malgovernance, the military rejected proposals for a more democratic and inclusive governance arrangement such as those that called for decentralisation and reduction in the powers of the president.<sup>4</sup> The constitutional reform process of the early 1980s lost the opportunity to produce a legitimate and popularly accepted constitution when the military leadership appointed a Constitutional Advisory Assembly comprising loyalists, who ended up producing a constitution favourable to the military juntas. This left the nation wanting a democratic constitution. State centralisation, which promoted an imperial presidency and a system of control over local resources through agents of the central government, was strengthened through the Constitution. Further, this new Constitution granted amnesty to the PRC for all crimes committed during the period 1980–1986. The 1986 Constitution lasted only four years when war broke out, and

its provisions were frequently suspended to accommodate terms of peace agreements during 14 years of conflict (1989–2003). By the time the war ended, the 1986 Constitution had become nearly obsolete, and was irrelevant to the political and socio-economic realities of the country.

Since the end of the civil war, there were proposals from politicians and civil society activists alike for constitutional reform. Many have traced the sources of the civil war to practices of bad governance, which include nepotism, corruption and weak institutions of accountability for public officials. Furthermore, there seemed to be consensus among politicians, civil society activists and Liberia's development partners that long-term peace and stability depended on the reorganisation of state institutions for effective and efficient service delivery, the reform of obsolete laws that do not address contemporary issues, and the adoption of a system of participatory governance through decentralisation and the empowerment of local self-governance institutions. It therefore became imperative to initiate a national process for constitutional reform in Liberia.

The initial process of constitutional reform commenced in 2009, but was abandoned due to constraints in resources, and possibly because it was not then a priority of the political leadership. A committee, comprising of civil society organisations (CSOs), faith-based and interest groups, academics and government agencies was appointed as a Constitution Reform Taskforce. The work of this taskforce was to review the Constitution and make recommendations for reform or amendment. The taskforce, with a membership of 21 persons, could not move beyond regular planning



UN PHOTO/STATION WINTER

**Liberians vote in their country's constitutional referendum, in Monrovia. An amendment regarding the Liberian electoral system was among the items voted on (23 August 2011).**



**Liberians sit in front of a billboard that encourages citizens to participate in the referendum.**

meetings and quietly died, due to a lack of funding from the government. Later, in 2011, a referendum, proposed by the National Election Commission, was held on election-related provisions. Thus far, this referendum has been the only concrete attempt to reform the Constitution since the end of the war. Only one out of four proposals at the referendum was passed. This was partly because it was the political leadership – without consultations with the public – that decided the issues for the referendum. Even after the referendum, it became apparent that constitutional reform needed to be broadened to address issues such as property ownership, citizenship and power relations – salient issues emerging out of the civil war, and even recommended as priority items in the 2009 report of the Truth and Reconciliation Commission. Furthermore, the government had initiated a range of reforms since 2006 affecting power relations, institutional restructuring and security sector, civil society and private sector empowerment, and some of the reform initiatives could not take effect or be sustained without constitutional reform. While legislation and policy statements effectuated successful reforms in some areas, they have had limitations and have proven insubstantial in some cases. For example, a reform on decentralisation, which would largely reduce the powers of the central government and establish local governments with local deliberative councils, could not succeed without a reform of the Constitution.

The limitations of electoral laws and the unsuccessful outcome of the referendum, in addition to many other

proposed reforms, meant that the government needed to move a step further in dealing with the ultimate reform – that is, constitutional reform. This necessitated the appointment of the CRC in 2012, with a mandate to review the 1986 Constitution and make recommendations for reforms.

### **Engaging Constitutional Review: How Legitimate is the Process?**

Constitutional reform provides opportunities for countries in transition to deliberate and find solutions to the divisive issues that led to crises.<sup>5</sup> Equally noteworthy is the fact that processes of constitutional reform – due to their polarising nature – could return a country to crisis if they fail to gain legitimacy through popular participation and consensus-building by the people. Legitimacy, in this case, refers to popular endorsement of the processes and outputs/outcomes of the constitutional reform exercise. This is very important, because a constitution proclaimed – in a post-war context – without the mandate of the people stands the risk of being rejected, deliberately violated or disrespected by groups who feel marginalised and excluded. For a constitutional reform exercise to be considered legitimate, the processes leading to a new or revised constitution must be inclusive, participatory and transparent, and the outputs must be based on popular consensus.<sup>6</sup>

This section examines the work of the CRC from its establishment in 2012 to the time of the National

Constitutional Conference – held in Gbarnga City, Bong County, from 29 March to 2 April 2015 – for elements of inclusivity, participation, transparency, consensus-building and national ownership.

### **Inclusivity**

A body reviewing the constitution must be inclusive of the diverse groups in the country in such a way that it represents the collective views and aspirations of the nation. A constitution-making body in a divided society such as Liberia must include, among others, ethnic groups, religious minorities, political parties, CSOs and the various regions of the country. A closer look would suggest that the CRC was constituted on regional (geographic) considerations. However, this was not much of an issue to Liberians, who are more attached to counties, tribes and religions. These key issues were overlooked, and except for one member, all the members of the CRC subscribed to a single religion. Prior to the establishment of the CRC, a Political Consultative Forum (PCF), comprising parties that participated in the 2011 elections, was formed to harmonise views and to integrate CSOs in moving forward with the establishment of the CRC. Despite this impressive beginning to include CSOs and political parties, in the end, there was no balanced representation of political parties on the CRC – known supporters of the ruling party were appointed to the

committee, and its chairperson, a former chief justice, was an executive official of the ruling party. An opposition political leader served on the committee and later resigned to prepare for the next presidential election.<sup>7</sup>

### **Participation**

The participation of citizens in a free, fair and informed way is critical to a legitimate outcome of a constitutional reform process. For such a process to be participatory, citizens must be educated about its intent, nature and processes. This can be done through civic education, town hall meetings and mass media. One method of ensuring citizens' participation in constitutional reform exercises is through consultations. Public consultations in such a process give citizens opportunities to freely voice their concerns and aspirations to those tasked with the process of reform. They also present opportunities to those working on constitutional reform to better understand the problems of the society through the inputs of the citizens.<sup>8</sup> As stated previously, the CRC was instructed to lead nationwide debates and dialogues on issues of constitutional relevance. These debates and dialogues were held at various consultative forums with citizens in electoral districts, with special interest groups, political parties, faith-based organisations and women and youth representatives. As part of ensuring that citizens in all districts participated, trained civic educators were deployed



GALLO IMAGES/GETTY IMAGES/JOHN MOORE

**The Constitution Review Committee was instructed to lead nationwide debates and dialogues at various consultative forums with citizens in electoral districts.**



**The outbreak of the Ebola virus in Liberia during 2013–2014 slowed down progress on the constitutional reform process and information reported.**

across the country, sensitising people in local languages, and suggestion boxes were placed on street corners and in popular places for citizens to write down and submit their recommendations to the committee. Public hearings on thematic issues such as citizenship, land rights and monetary policy (dual currency or single currency) were also held with subject matter experts and activists. Despite its efforts at reaching out, however, the CRC was criticised for not stimulating nationwide debates and that awareness and civic education programmes were largely insufficient to generate the kind of participation required for such a process. Other salient elements of participation include representation and decision-making. The CRC's methodology of ensuring representation involved selecting district representatives through formal processes arranged with local state bureaucracy – this was restricted to a small number of people, based on the availability of donor funding. Delegates at the forums proffered recommendations that were noted, compiled and later voted upon at the national conference, which was also very restricted and held over only three days.

### **Transparency**

An open constitutional reform process is critical to ensuring that citizens are fully aware of the progress, challenges and issues in the review process. Transparency increases the accountability of the process and enhances its credibility to citizens. Thus, a constitutional review process

must ensure that citizens and all stakeholders – for example, political parties and CSOs – are aware of what is happening at each stage of the process. This should involve periodic reporting to the legislature, engagements with other non-state actors, publications in news media and announcements on radio. The review process in Liberia from 2012 to 2015 did little to keep the public aware of its processes nationwide. In fact, the fate of the constitution review process was assumed to be doomed when the committee went into prolonged silence between 2013 and 2014, and this silence was further exacerbated by the outbreak of the Ebola virus.<sup>9</sup> Besides reporting to the presidency and the legislature, not much was done to debrief participants in previous consultations. As a result, participants at the national conference had little or no knowledge of what the key issues were. This led to a breakdown of order. Ultimately, the original agenda of the national conference was revised to accommodate the demands of the participants.

## **THE REVIEW PROCESS IN LIBERIA FROM 2012 TO 2015 DID LITTLE TO KEEP THE PUBLIC AWARE OF ITS PROCESSES NATIONWIDE**

### **Consensus-building**

Countries in constitutional transition, mainly those with a history of political violence, must seek to reform their constitutions through popular consensus, particularly in the stages of identifying issues and drafting propositions for referendum. At this stage, it is important that all actors engage, discuss and negotiate common positions on issues, rather than going through majoritarian politics, which could be highly divisive and disruptive.<sup>10</sup> A constitution drafted through consensus-building can be popularly legitimate and respected by all parties, as it gives all groups the confidence that their views and concerns were respected. Issues for consideration by the CRC were initially identified during town hall meetings and thematic hearings, and delegates in most cases decided on issues without much debate – for example, reductions in the tenure of elected officials and the election of local officials were general concerns that were unanimously endorsed. Unfortunately, this opportunity for consensus-building at the National Constitutional Conference was lost when the CRC introduced a majority voting process without opportunities for delegates to understand, discuss and negotiate on salient issues. The conference further sharpened previously overlooked religious cleavages, pitting Christians against Muslims. A proposal to declare Liberia a 'Christian state' in the Constitution was overwhelmingly voted for by delegates at the constitutional conference, even though Muslim delegates (and some moderate Christians) had condemned the inclusion of such a proposal on the agenda. Even before the conference, the CRC itself was internally divided on this issue. Finally, the conference, which was held

under tight security, ended up with 'winners' (Christians) and 'losers' (Muslims), instead of with an output popularly owned and respected by the Liberian people. This issue has sparked contentious debates and has since overshadowed all other issues in the constitutional review process.

## Conclusion

Liberia's constitutional review process is currently at an advanced stage, awaiting legislative deliberations in line with Article 91 and 92 of the Constitution.<sup>11</sup> The attempt at constitutional reform has been welcomed in Liberia and holds enormous potential for reconciliation, governance reform and development. The challenge for constitutional reform in every context is to gain popular legitimacy through inclusive and participatory processes. The above analysis suggests that the CRC of Liberia is not fully inclusive of the diversity of the nation, and cannot claim to represent the mosaic of the various conspicuous divides in Liberian society: ethnic, county, religious and political. The methodology adopted by the CRC for constitutional reform had the potential for ensuring massive citizen participation, and the deployment of civic educators to sensitise the public – including through numerous radio programmes – went far in pursuing this objective. However, the committee was constrained by donor rules and limited funding from the government. Therefore, it could not fully exhaust its plans for mass public participation. However, one can still conclude that the recent process had higher public participation when compared with the processes leading to the 2011 referendum. It fell short, however, of being transparent and engaging the public on its activities beyond the public consultations. With the sense of more accountability to the political leadership than the public, debriefings were held with only the presidency and the legislature. The lack of regular information-sharing on the status of the CRC activities caused an asymmetry between the agenda of the public and that of the CRC. This affected the national conference and further led to a chaotic and divisive outcome. If the outcome of the national conference is anything to go by, it can be concluded that the process and its outcome are not based on popular consensus – and the tense debates following the national conference suggest that the constitutional reform process, instead of uniting the country, has further sharpened its divisions. Liberia stands the risk of facing another political crisis and going through repeated constitutional crises if it fails to settle its political, social and economic problems through comprehensive constitutional review in the immediate term.

As this analysis of the process from 2012 to 2015 indicates, the constitutional review process is still wanting of legitimacy and stands the risk of failing, as key requirements to ensure that the outcome is popularly endorsed and respected have not been satisfied. However, there are still opportunities to salvage the process and seek greater legitimacy for its outcome through legislative deliberations and the referendum. With salient issues about national

reconciliation, governance reform and decentralisation still being proposed, it is important that the legislature organises public hearings on these issues, to ensure that citizens' groups with legitimate concerns present their cases for deliberation. Special legislative public hearings could lead to an expansion of the debate on constitutional reform and enhance its legitimacy through the processes of deliberation, negotiation and consensus-building on contentious issues. **A**

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### Endnotes

- 1 Kenya, Zimbabwe, Tunisia, Morocco and Egypt are examples of post-crises countries that have gone through constitutional reform in recent times, as a means of addressing political and socio-economic problems.
- 2 Republic of Liberia (2012) *Terms of Reference*. Constitution Review Committee.
- 3 Ibid.
- 4 Sawyer, Amos (2005) *Beyond Plunder: Towards Democratic Governance in Liberia*. USA: Lynne Reinner Publishers.
- 5 Samuels, Kirsti (2006) Post-conflict Peace-building and Constitution-making. *Chicago Journal of International Law*, 6 (2), Article 10, Available at: <<http://chicagounbound.uchicago.edu/cjil/vol6/iss2/10>> [Assessed 30 June 2015].
- 6 Brandt, Michele et al (2011) *Constitution-making and Reform: Options for the Processes*. Switzerland: Interpeace; Gluck, Jason (2011) Constitutional Reform in Transitional States: Challenges and Opportunities Facing Egypt and Tunisia. *Peace Brief*, 92, Available at: <<http://www.usip.org/sites/default/files/PB92.pdf>> [Assessed 3 July 2015]; and Gherghina, Sergiu and Miscoiu, Sergiu (2014) 'A Constitution by the People? The Legitimacy of Deliberation in the Romanian 2013 Reform'. Paper prepared for delivery at the ECPR General Conference Glasgow, 3–6 September 2014, Available at: <<http://ecpr.eu/filestore/paperproposal/d9449d1e-52d9-4dc0-aaec-8ec7eff86ef3.pdf>> [Assessed 6 July 2015].
- 7 Rev. Kennedy Sandy, leader of the opposition Liberia Transformation Party, resigned his post as CRC member in December 2014, citing the Code of Conduct (enacted 2014), which provides that officials of government planning to contest any election must resign three years ahead of said election. She hasn't been replaced since. See <<http://www.publicagenda.com/?p=731>>.
- 8 See Bisarya, Sumit (2014) 'We the (Poor) People – Constitutions and the Economically Marginalized', Available at: <<http://www.developmentprogress.org/blog/2014/04/10/we-poor-people-constitutions-and-economically-marginalised>> [Assessed 3 July 2015].
- 9 For a deeper understanding of how the constitutional process was stalling, see Nyei, Ibrahim Al-bakri (2015) 'Lack of Money or Lack of Political Will: What is Stalling Constitutional Reform in Liberia?', Available at: <<http://www.constitutionnet.org/news/lack-money-or-lack-political-will-what-stalling-constitutional-reform-liberia>> [Assessed 10 July 2015].
- 10 Samuels, Kirsti (2006) op. cit.
- 11 Article 91 and 92 of the Constitution of Liberia provide the procedures through which the Constitution can be amended.

**Stronger than Justice**

Armed Group Impunity for Sexual Violence

Angela Muvumba Sellström

# STRONGER THAN JUSTICE: ARMED GROUP IMPUNITY FOR SEXUAL VIOLENCE

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REVIEW

BY IRENE LIMO

Conflict-related sexual violence has been a feature of war for generations. The focus of this publication falls within the greater discussions on the implementation of United Nations Security Council Resolutions 1325 and 1820, which seek to prevent and respond to conflict-related sexual violence. There are scholarly works documenting the experiences of the victims and survivors of sexual violence experienced during conflict, with some progress evident in the fight against impunity in sexual violence. The publication under review provides a detailed events-based dataset of post-settlement sexual violence in six African conflicts: Burundi, the Democratic Republic of the Congo, Liberia, Mozambique, Sierra Leone and South Africa. The data that supports the arguments was gathered through focus group discussions with ex-combatants of armed organisations in the six countries, with Burundi as the main case study. The author undertook the study as part of her doctoral research. Many interpretations for the motives of armed groups engaging in sexual violence during conflict exist. The publication seeks to deviate from those interpretations and provide a more detailed evidence-based perspective and insight on the reasons and rationale provided by the armed groups. It also explains the diversity of impunity among armed groups. The publication is divided into 10 chapters that span from conceptualisation to evidence-based approaches to responding to impunity challenges in sexual violence during armed conflict.

The first chapter explains the main research problem and focuses on the introductory arguments on the concept of impunity in conflict-related sexual violence. The author

defines impunity as confidence in the absence of negative consequences. She argues that the way combatants of civil war consider the consequences of sexual violence is a compelling, yet under-researched topic, noting that members of armed groups view the impact of sexual violence differently. Impunity is also under-researched, thus there is a need to develop a more concrete and differentiated way of observing it in the real world. This chapter draws from the experiences of South Africa, Burundi and Sierra Leone on how impunity impacted on the prevention of and response to sexual violence. From these experiences, there appear to be some variations across armed groups, as well as within armed groups, on the causes of impunity; variations which the author considers a rich research gap.

Chapter two discusses the nexus between liberal peacebuilding and impunity in relation to sexual violence. The author interrogates the 'liberal peacebuilding' policy and practice paradigm, and research on sexual violence, to succinctly illustrate the need for making impunity particularly important for policy development and implementation in conflict resolution, post-war peacebuilding and transitional justice. This chapter explains the contemporary model for promoting the rule of law and using justice to build peace by further exploring the concept of amnesty – an instrument that presents problems for the realisation of justice. The author draws upon the literature on liberal peacebuilding and impunity to address those conditions that give rise to confidence in the absence of negative consequences on acts of sexual violence.

The publication further shows how repetitive and clear prohibitions on acts of sexual violence interact to prevent impunity. The author therefore argues that the explanations for armed group impunity reside in the quality of prohibitions and, importantly, their formulation and dissemination within the armed groups. This chapter also discusses the effect of amnesty on impunity and how these two factors hinder progress in addressing sexual violence in conflict situations.

Chapter three focuses on theorising impunity. It presents the theoretical framework for the study of the conditions that lead to armed group impunity for sexual violence. The author interrogates the various insights from liberal peacebuilding and research on sexual violence discussed in chapter two. She notes that the concept of impunity is elusive, and that there have been few studies on the topic and casual explanations using empirical material. The chapter therefore discusses the main propositions for armed group impunity for sexual violence, and presents a preliminary theoretical framework with three different explanatory factors of armed group impunity for sexual violence: flawed prohibitions, negligent authorities and amnesties. This framework is based on the assumption that armed group impunity for sexual violence is socially learned, through exposure to weak enforcement and pardons. This chapter thus builds on previous scholarly research that theorises impunity on sexual violence, with previous scholars arguing that institutional factors are critical in understanding impunity.

Chapter four discusses the research design and methodology of the study. It begins with an introduction of the research strategy and the methods of data collection used, and explains the rationale for the selection of the cases. This chapter highlights the specification of the variables for each part of the study. It expounds on the type of research strategy used in the collection of relevant empirical materials and analysis. The first two explanatory factors (highlighted in the previous chapter) – flawed prohibitions and negligent authorities – are rooted in the notion that weak enforcement leads to impunity. The last factor – amnesties – is based on the idea that pardons lead to impunity. To support these arguments, the research strategy revolved around two research questions: ‘What is the relationship between pardons and impunity for sexual violence?’ and ‘Which conditions lead to armed group impunity for sexual violence?’ The final part of the chapter also introduces the ethical issues of the study.

Chapter five is the first step in presenting the empirical material. It focuses on the association between amnesties and post-settlement sexual violence and the relationship between pardons and impunity for sexual violence. This chapter details the small-scale, aggregate exploration of post-settlement sexual violence, which highlights the history and background information about each conflict. It introduces the post-settlement sexual violence

events dataset gathered from the six focus countries, and highlights the complexity of sexual violence events and the tenuous nature of analysis of reports on the violence identified. The chapter thus notes that theoretical assumptions about amnesty are not easy to prove, and the linkages with impunity in sexual violence increases this complexity. Previous research has shown that some armed actors continue to commit sexual violence in the first five post-conflict years. The chapter also presents a narrative of the patterns of post-settlement sexual violence, using descriptive statistics.

Chapter six focuses on Burundi, looking at the conflict and its postponed peace, and analyses the actions of the two rebel groups in the country. The chapter elaborates on the country’s political history, the civil war fought between 1994 and 2008 and the Arusha Peace Process – which resulted in the final peace agreement in the lengthy civil war. The Arusha Accord granted conditional amnesty and temporary immunity for combatants. This chapter explains that acts of genocide, crimes against humanity or war crimes were not eligible for amnesty or immunity. It concludes with a summary of the patterns of sexual violent events that are attributable to the National Council for the Defence of Democracy-Forces for the Defence of Democracy (CNDD-FDD) and Palipehutu-Forces for National Liberation (FNL). The author notes, however, that it is nearly impossible to obtain absolute proof about levels of sexual violence committed by CNDD-FDD and FNL during the civil war.

Chapter seven focuses on CNDD-FDD and impunity for sexual violence. The chapter provides an overview of this rebel group and a brief introduction to the participants in the focus groups who had served in the CNDD-FDD. The chapter thus provides an analysis of CNDD-FDD, giving a detailed account of the results of the focus group discussions with ex-combatants in Burundi. It reveals that CNDD-FDD was made up of between 8 000 and 12 000 armed soldiers. The organisation had a women’s league, although there were no women represented in the group’s high command. Less than 5% of the CNDD-FDD was made up of women. In this study, 32 participants had been fighters in CNDD-FDD between 1993 and 2006. Of these, 31% (10 out of 32) were women and 69% (22 out of 32) were men. Beyond the numbers, this chapter forms a foundation for the cross-case comparison of CNDD-FDD and Palipehutu-FNL, which has equally interesting statistics.

Chapter eight provides a comprehensive overview of the results for Palipehutu-FNL, based on the focus groups of ex-combatants in Burundi. This chapter provides a short discussion of the armed group, and a brief introduction to the participants who took part in the focus groups. It also provides an analysis of the main findings for the dependent variable – armed group impunity for sexual violence – and the three explanatory factors, or independent variables – flawed prohibitions, negligent authorities and amnesty.





Chapter nine analyses the formation of armed group impunity within CNDD-FDD and Palipehutu-FNL, and compares the evidence garnered from the focus groups discussions with the ex-combatants from both groups. It contrasts the different experiences of CNDD-FDD and Palipehutu-FNL by focusing on the independent variables. The chapter provides a cross-case comparison of the experiences of CNDD-FDD and Palipehutu-FNL on sexual violence and impunity.

The final and concluding part of this study is chapter 10. The author summarises the main findings, followed by reflections for future research. She highlights that armed group members need clear, repetitive and highly disseminated prohibitions to assess the predictability of negative consequences for sexual violence. The chapter explains that among the causes of armed group impunity for sexual violence is whether or not authorities reinforce flawed prohibitions. The author also notes that different ideologies may play a role in shaping social preferences for restraint and conditioning choices by leaders on sexual violence. The chapter concludes with a commentary on the implications of the study for policy efforts to address sexual violence within armed groups in contemporary civil wars.

To end impunity for sexual violence, it is important to understand when it is most likely to occur and why. The evidence-based approach adopted by the publication is unique and provides a basis for further discussions, supported by experiences from the perpetrators of sexual violence in conflict situations. This final chapter documents important untapped arguments of the persisting problem of impunity on sexual violence and rape in most African conflicts, adding to the growing literature on how to prevent and respond to conflict-related sexual violence.

The focus period in the publication is 1989–2011. With the changing nature of conflict and changing configurations of the actors in armed conflicts in recent years characterised by asymmetrical threats, the publication will benefit from further similar research and revision to reflect the current experiences and dynamics. Further, the study is limited to state armed actors or formally organised non-state armed groups that are engaged in violent armed conflict. The publication can also benefit from discussions that touch on the groups that are not formally organised or factions that do not have civilian and military structures, yet which pose similar threats and enjoy the impunity of sexual violence during conflict situations. ▲

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