

CONTEMPORARY
AFRICA AND THE
FORESEEABLE
WORLD ORDER



Edited by FRANCIS ONDITI,
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Foreword by Abu Bah

Contemporary Africa and the Foreseeable World Order

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LEXINGTON BOOKS
Lanham • Boulder • New York • London

Published by Lexington Books
An imprint of The Rowman & Littlefield Publishing Group, Inc.
4501 Forbes Boulevard, Suite 200, Lanham, Maryland 20706
www.rowman.com

6 Tinworth Street, London SE11 5AL, United Kingdom

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British Library Cataloguing in Publication Information Available

Library of Congress Cataloging-in-Publication Data

Names: Onditi, Francis, 1981- editor. | Ben-Nun, Gilad, editor. | D'Alessandro, Cristina, editor. | Levey, Zach, editor. | Bah, Abu Bakarr, 1969- writer of foreword.

Title: Contemporary Africa and the foreseeable world order / edited by Francis Onditi, Gilad Ben-Nun, Cristina D'Alessandro, and Zach Levey ; foreword by Abu Bah.


Description: Lanham, Maryland : Lexington Books, 2019. | Includes bibliographical references and index.

Identifiers: LCCN 2019002547 (print) | LCCN 2019005152 (ebook) | ISBN 9781498598118 (electronic) | ISBN 9781498598101 (cloth : alk. paper)

Subjects: LCSH: Africa—Foreign relations—21st century. | Africa—Politics and government—21st century. | Africa—Economic conditions—21st century. | Africa—Economic integration. | Globalization—Africa.

Classification: LCC JZ1773 (ebook) | LCC JZ1773 .C68 2019 (print) | DDC 327.6—dc23

LC record available at <https://lccn.loc.gov/2019002547>

 The paper used in this publication meets the minimum requirements of American National Standard for Information Sciences—Permanence of Paper for Printed Library Materials, ANSI/NISO Z39.48-1992.

Printed in the United States of America

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Foreword

This edited book by Francis Onditi, Gilad Ben-Nun, Zach Levey, and Cristina D'Alessandro raises a gigantic question about the world order revolving around critiques of the political, economic, and social realities of Africa, the global political and economic environments that shape African realities (i.e., the world order), and how Africa reacts to the emerging world order. The world order as we see it is a set of dynamic relations among states that condition not only the nature of states but also the liberties and well-being of everyday people. As Immanuel Wallerstein noted, the world system is hierarchically ordered. This ordering has been such that Africa has at best been at the periphery. But for African scholars, that periphery is not just a spatial location on the chain of capitalist world trade but a history of exploitations and injustices that have produced pathological states, environmental damages, economic dependency, and material poverty in the lives of too many people. As Onditi and his colleagues candidly point out, poverty is a plague in Africa, largely as a result of an exploitative world order. Moreover, that history is one that has been characterized by varying forms of overt and subtle resistances to the world order and pragmatic moral maneuvering within the world order. While it is known that African experiences within the world order has been bitter, the more burning question is really what lies ahead for Africa and the possibilities for African agency over its affairs within the world order. Of course, African agency is not set to dominate the world order, but it is merely for Africans to be the drivers of security and economic policies in Africa.

The world order is at a crossroads where the conventional norms and approaches to the world order are being unraveled by major global actors. The end of the Cold War was to not only lay to rest the threats of catastrophic superpower wars, but to also shed the light on the values and material benefits of liberal political and economic systems. Under this narrative, the end of

history would have been a triumph for people living under oppressive political systems that stifle material well-being and human dignity. Ironically, the current world order is being challenged by the very pathologies of oppression that supposedly ended with the Cold War. Established democracies in the United States and Western Europe are contending with ugly forms of nationalism that exploit class, race, and religious differences, and undermine liberal democracy, nationally and globally. At the same time, major world powers and aspiring powers are maneuvering for survival and dominance in ways that titter on war and disruptions of international security and trade arrangements. For Africa, this actually means confronting a world order in which all that we have been told about democracy, economic liberalization, the rule of law, and human security seem to be undermined by those very powers who have been holding us accountable to those principles. In sum, what lies ahead for Africa may well depend on how Africa adjusts to the contradictions of the contemporary world order. While this may seem to be a bleak future, it can also be an opportunity for Africa to carve out a better space and assert more agency in a way that improves the conditions of African countries and the people of the continent.

To gauge that future, this book rightly engages the normative agenda of the world order fronted by African states. More importantly, it asks: “What innovations are the African states putting in place to sustain such normative agenda? Are the African state’s foreign policies adequately responding to the dynamics in the current and future world order?” The contributors to this book rightly understand that “Africa’s position in the new or foreseeable world order is largely dependent on the influence of world powers in the continent’s development processes.” That position is rooted in deep historical analysis of Africa’s relations with the rest of the world, which constantly metastasize into renewed forms of injustices.

In the African experience, the world order—old and new—has been a treacherous terrain. That terrain is not just a lived experience, but also the site of resistances to myriad aspects of the world order. All of these are summed up in pivotal moments in African history—from the western infiltration into African empires to the nascent Chinese rise into the African development agenda. Africa’s pushback against the world order dates back to the varying resistances to colonialism from Ethiopia to South Africa. The fruition of that resistance was the end of the racialized colonial state that instilled *subjecthood* and the attainment of independent states where Africans can be citizens in their own countries. Various chapters in this book capture this struggle and more importantly point to Africa’s stamp on the morality of the *just cause* principle in the world order. African moral marks on the world order include the fights against colonialism, apartheid, and more recently the insistence on

non-indifference in human security issues and its contribution to the doctrine of Responsibility to Protect (R2P).

An important extension of colonialism in Africa is the exploitation of resources. Indeed, even when African countries achieve periphery status in the world capitalist system, it is simply because of the raw materials they supply. At each historical juncture, African countries have navigated the world order with survival pragmatism. They have triangulated among various powers by forging economic and political relations with Western countries, the Soviet Union, China, Gulf States, and so forth. Contemporary African discourses underscore both the way Africa is connected to the world order through the exploitation of resources and the problematic impacts of resource exploitation for Africa, notably the resources curse. One notable outcome of Africa's incorporation into the world order through resource exploitation and statism is the entrenchment of prebendal rule. Like colonialism, prebendal rule has also been resisted through varying forms of rebellions and agitation for democracy and good governance. Ultimately, all of these challenges have been taken up through various forms of intercontinental mechanisms aimed at promoting peace and economic developments anchored in the doctrine of non-indifference. Key among these are the African Peace and Security Architecture (APSA) and New Partnership for Africa's Development (NEPAD), which are intended to assert African agency.

In the end, Africa's place in the world order is not just a story of exploitation, but also a lesson in morality for the world order. The world order has to contend with the pathologies of exploitation and social injustices within countries and across countries. All of these lead to resistances: the proletariat rejecting the politics of the power elites, minorities resisting exclusion, smaller countries resisting the unfair rules and policies of super powers, and non-state actors resisting states and rejecting the legitimacy of established domestic and international rules. In the past century, Africa has experienced all of these kinds of resistances to the world order. As the world order unravels, African agency has to draw from the moral lessons of political, economic, and social justices which have defined its relation with the rest of the world and made Africa the moral witness to the world order.

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Indiana University Press

Preface

Accolade to Professor P. G. Okoth

An Icon in International Relations and Diplomatic History

Edmond Were and Francis Onditi

This work was envisaged out of a scholarly conversation among the editors on the growing significance of the notion of “African agency” in the new world order as a contribution to the studies of contemporary international relations (IR). Professors Korwa Adar and Pontian Okoth encouraged the first editor of this volume to embark on research and writing. Later on, Professor Cristina D’Alessandro, Dr. Gilad Ben-Nun, and Dr. Kizito Sabala joined the conversation. In 2017, we drew up the book plan. Professor Edmond Were was instrumental in conducting research and putting together a reflective piece on Professor Okoth’s scholarship and educational leadership. Initially we thought of developing a memoir for Professor Pontian Godfrey Okoth for his chronicle contribution to the field of international relations and diplomacy. The more we engaged further in the conversation, the deeper the idea grew. We eventually agreed to write a book that would traverse time, geographies, and histories for generations to come. In a meeting held at the Spring Hotel in Nairobi in February 2017 between myself, Professor Adar, and Dr. Sabala Kizito (the latter had then joined the conversation), the idea of an “edited volume” emerged. It was out of the planning meeting we held at Riara University on December 13, 2017, with Dr. Gilad Ben-Nun of Leipzig University’s Centre for Area Studies and Professor Cristina D’Alessandro (Cristina joined us via video conferencing from Paris), that we were able to finally develop the themes and table of contents for the edited volume.

Following this resolute, research work and coordination of contributors commenced mid-December 2017. In the subsequent conversations on the idea of the book with scholars from diverse fields of specialization, including

international relations, history, political science, and diplomacy, the splendid contribution of Professor Pontian Godfrey Okoth's to scholarship was noted with utmost respect. Apart from being the first scholar to position Africa in the global studies in general and East African states in the international relations debates in particular, his contribution to higher educational management spurred us to writing this book in his honor. To me (first editor) this work is a deep reflection of what a true scholar ought to be. Professor Okoth was my doctoral supervisor. Throughout his supervision he adopted a "constructive" approach, and he went beyond the conventional remote supervision to ensure that my line of thought and presentation remained within the domain of international relations. Initially, I was a developmental geographer. It is through his hands that I learnt the art and science of "weaving" different disciplines into an interdisciplinary maze of knowledge. In an era in which there seem to be no quality control on who enters the University lecture halls to teach, Professor Okoth's attributes shows just how much of an art the process of teaching and scholarship really is. However, the laissez-faire type of students will find Professor Okoth's academic standards and stickler to rules, too demanding to cope. The book, therefore, draws inspirations from Professor Okoth that, in the spirit of Pan-Africanism, the dream of a United African States (UAS) is alive!

Pontian Godfrey Okoth is a professor of history and international relations at Masinde Muliro University of Science and Technology in western Kenya. He began his teaching career at Makerere University in Uganda after a stint in Canada at the University of Waterloo and in the United States at the University of California, Los Angeles (UCLA). He also taught at Maseno University in Kenya where he rose to the greater heights of his academic career and Uganda Martyrs University where he established the School of Diplomacy and International Relations. In all these universities, he focused on teaching and researching history and international relations and over time became a guru in diplomatic history. His study area remained generally the Continent of Africa but specifically East Africa. Behind his epistemological growth were gurus of history on the Continent. Political developments in his motherland, Uganda, and the larger East Africa further nudged him on the intellectual journey that he set for himself in the twentieth century.

To evolve from a typical historian to a diplomatic historian, especially that of an Afrocentric diplomatic historian in Africa, is a derivation of diverse experiences, conviction and interest that attest to the mien of Professor Okoth. He crafted his academic journey during the early tumultuous episodes in the history of his home country, Uganda. Since 1978, the year of the overthrow of the dictatorial regime of Idi Amin, he began his teaching career at the only and prestigious Makerere University in Uganda. Two years later, during Godfrey Binaisa's regime, and after a stint at the University of Waterloo in Canada, before becoming Professor Were's lecturer of History of Africa in 1884. It is in this class that the first-year history students were challenged to write an

essay on Kwame Nkrumah's "Bequest to Africa." We looked at each other in the class, wide eyed, wondering what *bequest* meant. We did well but in the next class we were reminded to buy and read books on the history of Africa. We rushed to the University Bookshop and bought Kwame Nkrumah's *Africa Must Unite*; *Handbook of Revolutionary Warfare*; *Class Struggles in Africa*; and *Neo-Colonialism: The Last Stage of Imperialism*; as well as Bethwell Ogot and J. A. Kieran's *Zamani: A Survey of East African History*, Walter Rodney's *How Europe Underdeveloped Africa*, Franz Fanon's *Wretched of the Earth*, and Paul Freire's *Pedagogy of the Oppressed*. As fresh undergraduates, the books and the prodding and mentorship that we got from the young scholar then opened our political horizons and we dared to "scratch the sky." I still keep the books to date. The Afrocentrism that he depicted then has not dissipated. His interest in African scholarship has pervaded most of his writings in scholarly journals and books.

Professor Okoth saw the contradictions embedded in the immediate post-colonial regime of Milton Obote as it tried to steady the Ugandan political ship by navigating the feudalist waters of Kabaka Mutesa's regime and sculpting an endogenous development ideology akin to Nyerere's *Ujamaa* and Kenneth Kaunda's *humanism*. The spirited attempt by Obote to convince Ugandans on the viability of the socialist development path via the *Common Man's Charter* saw its displacement by a tyrannical regime that terrorised Uganda for eight years. An intervention by the Tanzanian forces forced the dictatorial regime of Idi Amin out and ushered in another eight years of political turbulence that culminated in the installment of the National Resistance Movement that has ruled Uganda since 1986, initially under a populist Marxist banner and later African capitalism. Professor Okoth's writings have been influenced by this cataclysmic history of his country that is paradoxically known as the Pearl of Africa. His country's dalliance with chaos, authoritarianism, feudalism, socialism, and the current Big Man syndrome probably shaped his conviction that multilateralism and bilateralism are a viable pathway in the political development of African nation-states. Probably they could have prevented Uganda's descent into the dark alleys of history. For example, without Tanzanian intervention, Uganda could probably have taken a longer route to recording another African genocide in the twentieth century. The consequent bilateral relations that the two countries forged thereafter led to further joint ventures that the two countries have forged in the spirit of postmodern Pan-Africanism and East African regional integration—two pet subjects of the Professor. In essence, peace, stability, and development are a *sine qua non* of cooperation through multilateral or bilateral ties.

Professor Okoth's belief in multilateralism conspicuously manifests itself in his writings on political and economic engagements in the Great Lakes of Africa and the Nile Basin. His idealism emerges in the analysis and prescriptions on transnational insurgencies, terrorism, and hegemonic tendencies

in the two regions. Whereas he believes in the efficacy of the multilateral approach, he is alive to the self-centredness incumbent in the state-centric approaches that drive state behaviour in the region. In an article on *Security Cooperation Dynamics in East Africa Community Integration: Historiographical Underpinnings*, he decries the lack of security cooperation in the East African Community and argues that political federation will only come to fruition when buttressed by security cooperation. Thematically, cooperation and national interest are drivers to state behaviour in the region. These themes are distinct in the following books that he has authored, co-authored, or co-edited: *United States of America's Foreign Policy Toward Kenya 1952–1969, USA, India, Africa During and After the Cold War; Kenya and the Contemporary World Order; Uganda, Thirty Years of Independence, 1962–1992: Assessments by Makerere University Scholars; Africa at the Beginning of the 21st Century; Power Play and Policy in Kenya: An Interdisciplinary Discourse; and Peace and Conflict Studies in a Global Context.*

The foregoing train of thought has also been dominant in his research interest and mentorship at the university level. First, he has authored over 130 journal articles on political, economic, and historical themes, including several book chapters, book reviews, and conference papers and public lectures that depict a living scholarship bent on the search for solutions to myriad African problems. His inaugural lecture in 2003 on attainment of Full Professorship of History and International Relations at Maseno University was a first for the university. His lecture was entitled “The Dishonest Broker in Africa: A Diplomatic Historian’s Tour of U.S.—African Relations since 1945.”

Secondly, he has mentored and successfully supervised over seventy doctoral and master’s degree students. The great majority of their dissertations are on African political, diplomatic, and interstate themes ranging from transnational terrorism, civil-military relations, intrastate dynamics, military and peace-building diplomacy, regional integration, resource-based conflicts, and hydro-hegemony. These and related themes have lit the flame of scholarship in East African universities, especially in the departments of Political Science and History; Diplomacy and International Relations; and Peace and Conflict Studies. Most of his students have excelled in the academia and state bureaucracy on the African Continent. Notwithstanding his academic achievements, the Professor remains mortal. He is largely averse to mediocrity especially of the academic type. He believes that being African does not allow for patchiness but seriousness in thought and deed. To this end his graduate students have had no choice but stretch themselves to the fullest elastic limit. Indeed they have come to appreciate his *modus operandi*. Tasks have to be accomplished on agreed terms and timelines and be done meticulously. One task that his students have had to accomplish is the acknowledgment of African scholars in the disciplines that they are pursuing. He believes that unwarranted references to scholars in the western world have diluted African scholarship.

Professor Okoth is a firm believer in the production and sharing of knowledge among peers. He has edited journals in various universities including when he was still a budding scholar in 1983 at UCLA and the renowned *Kenya Historical Review*. He was for a long time the Editor of the *International Journal of Science, Technology and Management* at Masinde Muliro University of Science and Technology. Being a seasoned scholar, he frequently consults peers on the current state of knowledge on political developments on the African Continent, from which new journal articles and edited volumes emerge. Through his edited volumes he has brought together seasoned scholars from African universities who have analysed and recommended resolutions to the teething political and economic problems on the continent. His most recent edited publications are *Peace Security and Development in 21st Century Africa* (2018) and *Governance and Development in East Africa* (2017). The four themes—peace, security, governance, and development including human security—“remain crucial domains that epitomize the ebb and flow of international and national discourse.” His station in knowledge generation and the academia earned him a Vice Chancellorship in a Ugandan University and membership to key academic associations in Kenya and Uganda, the African continent, and the United States.

In 2010, I decided to enroll for my doctoral studies in Peace and Conflict Studies at Masinde Muliro University of Science and Technology. We met again after thirty years. I reminded him of “Nkrumah’s Bequest.” We laughed heartily and agreed that he become the lead supervisor. My research interest being “The Quest for Hydro-hegemony in Trans-boundary Natural Resource Management on Kenya-Uganda Portions of Lake Victoria” elicited immediate response on the use of the theories of political realism and neo-functionalism. I reminded him that I had also attended the University of Waterloo in Canada in the Faculty of Environment and that, unlike him, UCLA was too far for me. We immediately became academic buddies. Working with Professor Frank Matanga, the astute political scientist, we navigated the Copenhagen School of thought, critiqued Barry Buzan and Ole Waever and Karl Deustch on the theory of securitisation and human security. Again, multilateralism and national interest emerged as a solution and problem, respectively.

The Professor also espouses neoliberal thoughts in his writings on diplomatic relations especially in economic relations between states. Such thoughts are a rebuttal of the conventional relations that have existed between developing and developed economies. In the article “Looking East: Uganda’s Emerging Economic Diplomacy with the Asia-Pacific Region,” he argues that “bilateral economic relations should be characterised by a symbiosis whereby both Uganda and the nations of Asia Pacific region gain from their economic interaction on equal basis.” The idyllic sentiments are symptomatic of the need to create a better world out of the economic and political inequities that dominate interstate relations today. Such thoughts also emerge in

his analysis of Kenya–Uganda relations as encapsulated in “International Relations between Western Kenya and Eastern Uganda.” In his estimation, interstate relations between the two countries are more meaningful from a bottom-up perspective and especially if approached from Track Three people to people diplomacy. This he calls the “*ad hoc* context of international relations” that does fit into the realist and neorealist perspectives of international relations. The adoption of the people to people diplomacy is a route to debunking the divide and rule mentality that has pervaded neocolonial interstate relations on the African continent.

The Professor is more emphatic in his analysis of the African foreign policy in the mutating World Order. In his numerous articles on diplomacy and interstate relations he stands out as an educationist by espousing the underlying principles and counsellor by analysing the dynamics of interstate relations and recommending ways forward. He positions Africa’s post-9/11 foreign policy relations with the US in what he calls *terrophobia*. This transformed the basis of US foreign relations with African countries with specific focus on the War on Terror. As a consequence, economic relations were predicated on which side of the war the African states stood. The implementation of the strategy of containment also defined US–Africa relations more so in the drive to create and sustain a “sphere of influence” that was crucial in the curtailment of the Communist threats in the aftermath of the Second World War. Decolonization was also imperative as a way of freeing the peoples in the “European periphery.” In his estimation, the United States was a crucial partner in the evolution of African states especially in the spread of freedom, democracy, and economic prosperity. This is captured in the article “USA Foreign Policy and Africa Relations in the Aftermath of World War II.” Individual state relations on the continent have thus been driven by the need to share these virtues.

Acknowledgments

Accomplishing a task such as this one requires foresight and support from both individuals and institutions. We are grateful to the Human Sciences Research Council (HSRC) and the African Institute of South Africa (AISA) in Pretoria for igniting the debate on the role of “African agency” in international relations through their annual African Unity for Renaissance Conferences (AURCs). AURCs offer platforms for scholars, researchers, policy makers, and communities to engage in “real” issues across disciplines that require attention on the continent and beyond. These engagements inspired the idea and writing of this book a great deal. Although contributors to this volume conducted their research independently, a work of this magnitude would have not been accomplished without support from their respective universities and institutions. We would like to thank, in particular, Cheryl Hendricks, professor of political science and executive director of the African Institute of South Africa, for her belief in the importance of an “African Agency” and the need to prioritize a research agenda in the subject. We would also like to thank Takahashi Motoki, professor at the Graduate School of Asian and African Area Studies, Kyoto University. Professor Takahashi is the 2018 Laureate of the 14th JICA Presidential Award and Recognition Award. His auspicious visit and public lecture delivered at Riaru University in the same year was a great inspiration to the writing of this book. Professor Takahashi studies both the “African Agency” and “Asian Agency,” and we believe his research can offer firm connection between African affairs and Asia in every aspect of scholarship and policy. We are also indebted to Abu Bah, professor at Northern Illinois University and the editor-in-chief of the *African Conflict and Peacebuilding Review* (ACPR) of Indiana University Press for his counsel and support throughout the development of this book.

Professor Bah's indefatigable contribution to the quality of research and publication among African scholars inspired the writing of this book.

It is rare to come across senior scholars with mentorship acumen in this era and age. In the initial stages of conceiving this book, we consulted several people across disciplines. Professor Jonathan Matondo formerly of the University Swaziland was very instrumental in encouraging the first editor of this volume on the importance of the "African agency." We also benefited from the invitation the first editor received from the University of Nairobi, October 2018, to deliver the keynote address during the First Annual Multidisciplinary Conference organized by the College of Humanities and Social Sciences, University of Nairobi, 24–26 October 2018. The theme of the conference was similar to the title of this book, "Africa in the Emerging World Order." We also benefited from the editorial prowess of Dr. Ken Walibora who took time to read through each and every sentence of this book to ensure that it meets the minimum quality language standards. Finally, we thank our spouses, sons, and daughters for their patience and forbearance over the past two years for our frequent preoccupation with turning our initial thoughts into a material reality.

Part I

**AFRICAN STATES AND ACTIONS
TOWARD A NORMATIVE AGENDA**

Introduction

Contemporary Africa and the Foreseeable World Order

Francis Onditi, Gilad Ben-Nun,
Cristina D'Alessandro, and Zach Levey

SETTING THE STAGE

Africa has often been branded as the “dark continent.” In fact, dominant perspectives in international relations scholarship have sometimes dismissed Africa as a weak and marginal continent, a battleground for great power rivalries, littered with failed states and vestiges of pre-modern societies. This is for the very reason that Hans Morgenthau observed, the “political empty space of Africa” has attracted expansion of powers and influence from the West (Morgenthau 1994). As a result, developed countries have infiltrated African regimes, institutions, values, norms, and laws. It would seem, that in fact, Africa today is simply surviving on the colonial legacies and patterns of imperialism, albeit manifested in more contemporary fashion (Mamdani 2018; Fukuyama 2006). In short, for centuries the West and most recently the East, with China leading, continue to despicably shape African trade, politics, defense, security, culture, and “normative power” and more recently with “soft power.” Nevertheless, all is not lost for Africa. Abu Bah (2017) provides a compelling case of how the notion of “Africa Agency” could revitalize Africa’s influential latitude on important aspects of international security and political economy in the foreseeable world order. But, very little seems to be changing in favour of the continent. Today the global order is largely defined by multipolar engagements, which means that there are options for Africa to redefine her position in the new global system, largely shaped by China. However, for Africa, continuity is *prima facie*.

China has eventually joined the league, and now the African continent might have to brace itself for double woes and continued marginalization. This marginalization has perpetuated underrepresentation of Africa, both

in mainstream international relations scholarship, as well as in policy influence. One may be forgiven for posturing that Africa is a “spectator in the world order.” In order for the continent to extricate herself from this trap of intellectual dependence and policy hegemony, there must be deliberate efforts by respective African states to apply appropriate strategies for self-reliance and pace-setting.

However, the act of pace-setting in the global system requires some level of intellectual and policy sophistication: (1) the values that a particular country projects ought to inform the behavior of states and other actors; (2) the rules that it formulates ought to govern the interactions between states and their citizens, non-state actors, international institutions, and other states; and (3) the political, social, economic, and cultural institutions that it creates ought to build, sustain, and promote within their borders and beyond them, in order to uphold core values and ensure that preferred rules/sets of institutions are followed (Hyde-Price 2006; Manners 2011). But, we mustn't forget that, for the notion of “normative power” to function effectively, states should respond to global dynamics by setting “normative agendas.” In other words, the normative agenda ought to lay down ways and means through which a state or group of states would like the international order to look like.

Africa's aspiration to set the global agenda is in line with both agenda 2063 as well as the United Nations 2030 Agenda. The UN 2030 Agenda for sustainable development in particular has been implemented for some years now, showing challenges to reaching the sustainable development goals (SDGs) within the timeframe indicated, largely because the world is moving fast. Policies, frameworks, and procedures struggle to adapt and react to rapid economic and political changes. Multi-scale visions and tools are needed for leaders to cope with multilevel governance, dealing with multiple interests, stakeholders, and ever-changing conditions. Although conditions change, the African vision in shaping the world order was predicted 25 years ago when Ann Seidman (1992) wrote an article in the *African Studies Review*, entitled, “Towards a New Vision of Sustainable Development in Africa.”

The development arena is undergoing major changes, which started a couple of decades ago and are still not completed. They will bring other changes and probably crises as well. The Organization for Economic Cooperation and Development (OECD) bilateral and multilateral development assistance mechanisms are no longer the only development cooperation frameworks existing and being used. “New” donors like China, India, Brazil, but also Gulf countries, Turkey, and others are shaping different rules and practices. Gulf Cooperation Councils (GCC) countries are perhaps increasingly turning to sub-Saharan Africa and not only for extractive, mineral, and land resources, but also to set in place development partnerships. Furthermore, the 2030 Agenda has brought a focus on additional and new forms of financing for

development, highlighting that internal resources mobilization is critical, and not only for developing countries. Within this growth agenda analysts have argued the AU's financial reform aspires to aim higher beyond the 11 percent intra-trade growth experienced between 2007 and 2011 (Pato 2018).

National economies are indeed confronted with internal and global challenges. Growth has become problematic; it is difficult for Western and rich countries to grow significantly and constantly. It is challenging to have developing countries to move forward with economic transformation in the global system that continues to thin out on multilateralism. In other words, the "trickle-down economics" doesn't work any more. In a different way for developing countries, inequality and employment are the major economic concerns everywhere, although they become tragic where widespread poverty is a plague.

The last few decades have nevertheless taught us that economic weaknesses may be used to make progress and solve precise, critical, and practical problems. This principle inspired South South and triangular cooperation. Forty years after the Buenos Aires Plan of Action, South South cooperation is the demonstration of solidarity among people and countries in the South that contributes to their national well-being, to national and collective self-reliance, and to sharing knowledge, capacities, and lessons learned from success stories.

More than just being a static world order, the contemporary situation looks more like an intermediate step. Thus, the contributors to this collection are preoccupied by questions that seek to understand the relationship between African states/African regional formations with the rest of the world, in respect to the normative agenda, politics, security, economics, and foreign policy. What are the normative agendas fronted by African states in their efforts to influence global values, rules, and institutions? What innovations are the African states putting in place to sustain such normative agenda? Can these strategies be considered as contributions to normative powers in their own right? Are the foreign policies of African states adequately responding to the dynamics of the current and foreseeable world order? What are the shortcomings and opportunities in the normative agendas and foreign policies of African states that might redefine the foreseeable world order?

This book aims at proposing innovative solutions, knowledge, insights, case studies, and analyses to scholars, policymakers, and other relevant stakeholders operating in Africa, to support decision-making and further analyses and studies. We have attempted to anchor the theory of this volume on the premise that Africa's position in the new or foreseeable world order is largely dependent on the influence of world powers in the continent's development processes. As such, international relations scholars and political scientists who contributed to this volume have been joined in a dialogue with historians

and institutional theorists concerned with the growing anti-global attitude on the continent, whether it depicts a “real” change or it is simply another form of diplomatic *politricks* of the ruling elites. Before we delve deeper into the various phases of the global order, the following section examines some of the global and regional development frameworks that define Africa today and for the future.

AFRICAN CONTEMPORARY REALITIES AND THE GLOBAL WORLD

In this global context, the African Union’s Agenda 2063 is the manifestation of a common will to set objectives and strategies that are more adapted to African realities and to interpret global goals in light of the specific African needs and difficulties. The United Nations Economic Commission for Africa’s (UNECA) African Mining Vision (AMV), the continental roadmap for natural resource governance, is at the same time the proof that this will is present and strong, but that capacities and instruments to implement continental frameworks are still deficient.

It is paradoxical that African countries and spaces still suffer from the very fact of being resource-rich. Although it is not anymore only a resource curse, African countries and stakeholders generally struggle to exploit their resources in a way that benefits local communities and countries in a fair way. Conflicts and injustices are still common, although improvements are recorded in different parts of the continent and countries are learning from each other, for instance, as new oil and gas producers demonstrate. Furthermore, regional projects, such as multimodal corridors and major infrastructural projects, are changing the face of the continent. Investments and finance are key, but ownership of projects and priorities remains critical. Regional integration has in fact improved in the last decades and some regional economic communities are making strong progress, despite challenges and disparities between and within regional bodies.

Above all, governance remains difficult and sound governance systems are still lacking. Multilevel integrated and flexible systems of governance, capable of handling changes, are especially lacking. It is nowadays clear that African countries do not need better policies as they are often equipped with well-designed and appropriate policies, but implementation is most often the problematic part of the process. Capacity gaps slow it down or even stop it. This indicates that institutional and organizational capacities have still to be built and consolidated, as the only way to improve governance and to reach the status where multilevel governance between different scales will be integrated, coordinated, and harmonized, facilitating regional and global integration.

We proceed as follows: First, the features of African political and economic space during the old world order (OWO) (before 1945); second, Africa during the Cold War Order (CWO) (1945–1989); third, Africa in the new world order (NWO) (1990–present); fourth, the world order in the future prism; and finally, the world order under the noose of China.

Africa in the Old World Order, before 1945

The spatial inequalities we see today are not a new phenomenon. As early as the fifteenth century African states' interaction with the rest of the world was characterized by different forms of discrimination. The trading transect was limited to the Arab world in the north and northeast Africa and to the coast of the Indian Ocean. These outside relations changed when in the fifteenth century, on the search for a way to India, the Portuguese started to settle on the western African coast. The relationship with Africans was at first friendly, then their contracts were dishonored and the Portuguese began to dominate. Many more trading posts were erected, however, not only for the Portuguese but also by the Dutch, English, Danish, Swedish, and German (De Sousa and Lochard 2012, 420). Some scholars have observed that this was the beginning of the “discovery” and subjugation of Africa by Europeans (Hansen and Jonsson 2014). Seen from a human rights perspective and not from the point of view of the conquerors, European merchants and “explorers” have to be considered as intruders, as mere guests, as Africans had treated them at the beginning (Danner 2012). The old world order was anchored on Eurocentrism serving as a justification for the occupation and “development” of Africa.

The gold mines in most parts of the Black Africa attracted a number of European nations. On realization of the lucrative nature of the slave trade, some of the European adventurers, such as the Portuguese, abandoned their moral objection to the slave trade and found justification for engaging in it (Klein 1972). First, they argued that it enabled blacks to reach salvation whereas had they remained in their own countries, they would, as non-Christians, have been damned to eternal perdition. Secondly, that blacks were descended from Ham, who had been cursed and for that reason were condemned to permanent slavery. The period from 1500 to 1800 therefore witnessed the putting up of a new Atlantic oriented geo-economic system, with its triangular trading pattern linking Europe, Africa, and the Americas. With the opening up of Atlantic trade, Europe—particularly Western Europe—gained ascendancy over the Americas' and African societies. Henceforth, Europe was to play a leading role in the accumulation of capital generated by trade and plunder on a worldwide scale (George 2010).

During this period, Africa was reserved as a reservoir of labor for the rest of the world, and more so in the huge plantation farms in the Americas.

Curtis (1992) estimates that between 1451 and about 1600, 274,900 blacks were taken to America. Over the next few years these numbers increased to 1,341,100 to reach 6million in the eighteenth century (Curtis 1992). In as much as, during this period, the interaction between Africa and Europe proved to be unfair to Africa, for she lost her most critical resource, the human capital, and the slave trade dehumanized her people, it may be interesting to note that Africa did not take a leading role in ending slavery and slave trade. There were indeed slave rebellions in South and North America, the most successful one was on Haiti resulting in the establishment of an independent state of Blacks in 1804 (Curtis 1992).

However, slavery was not fought in Africa, but in European countries and North America. North American Quakers, the English evangelical movements, and Dutch abolitionists were in the forefront of fighting slavery, which was viewed as sin and crime against Divine Providence. Political steps followed: The Paris national convent declared the abolition of slavery in 1794; the British parliament forbade slave trade in English harbors and the import of slaves to British colonies in 1807 and about 40 years later, the possession of slaves in 1861; President Abraham Lincoln provoked the American civil war by announcing the liberation of all slaves in the 1880s; and the Berlin Conference of 1884–1885 declared the fight against slavery (Berlin Conference 1885).

With the establishment of imperialism in Africa in the late nineteenth century, the unfair relationship between Africa and the West continued, albeit in a different fashion. The Scramble for Africa and eventual colonization of Africa inaugurated a great revolution in the relationship between the Europeans and Africans (Shepperson 1985). Colonialism in Africa unfolded in a successive chain of elements of dislocations which delegitimized the traditional values and dislocated the African economy. It became apparent that colonialism advanced the “rape” of Africa in a disguised but plundering form, thereby expediting the disorganization of the colonized people to suit the interests of the colonial powers, at the peril of Africa. This resulted in crises in Africa such as the creation of artificial boundaries that lacked cohesion, hence a cause of frequent ethnic clashes and wars, partly because the economic production was based on biased structures geared toward production for the export market and the inappropriate transfer of technologies, among others (Settles 1996). It is not surprising, therefore, that colonialism imposed on Africa a historic, cultural, political, and economic subordinate status, which to this day defines, in all spheres of life, the African condition (Settles 1996).

The African state, re-created at independence, was not founded on an African platform to enable the achievement of the independence ideas. The state and its system were not founded on African culture and context.

African dependence on the colonial powers was in all ramifications—political, economic, social, religious, cultural, moral, and so forth. And to further strengthen the bonds of this dependence, in the transition from colonial to post-colonial Africa, the colonizers cloned political scientists (in this case, the nationalists), economists, sociologists, religious leaders, and so forth, in their own fashion among Africans. All these have bearing on the psyche and mentality of how the continent is governed and whether such regimes could possibly challenge status quo established by the very colonial legacy.

Here lies the frustration of the Africans who were urged to seek first political kingdom and economic development would be added almost immediately. Today, in the so called new world order (NWO), although many other centres of power have been created, hence the “multipolar global system,” US still dominates. The creation of “Third Worldism” by the advocates of the neoliberalism, is a solid confirmation of the global disequilibrium (Bissel 1990). Some have argued that the notion of *Third Worldism* is a mere “token” from the middle powers in the global south to make African states a “standby” partner. However, the notion of *Third-Worldism* is well articulated in the Africa-Asia relations, proclaiming solidarity to fight against imperialism, promote ethos of non-alignment, and resist hegemonism from the west.

Africa in the Cold War Order, 1945–1989

During the period 1945–1989, the world lived under the noose of the US and USSR. The world was defined through the bipolar lens; alliances were built, capitalism competed with socialism, and discussions on how to resolve interstate wars dominated discussions at the United Nations Security Council. African states were merely “tools” for the two-powers’ strategic alignment. This is also exacerbated by the hierachial nature of the global system (Wallerstein 1979). Within this global political-economic regime, the fate of Africa was decided unilaterally. The superpowers and their allies majored in supplying military assistance to conflict troubled countries, such as Liberia, Democratic Republic of Congo (formerly Zaire), Somalia, Ethiopia, Angola, and Nigeria (Ewoh 1997). The African history in the Cold War Order (CWO) is steeped with both skepticism and optimism. In what Walter Rodney considers as a form of “immoral relationship” in his book, *How Europe Underdeveloped Africa*, the underdevelopment and poverty that faced Africa at the time has been attributed to various (under) developments; exploitation through colonial imperialism (Rodney 1973, 117); the poverty and pauperism occasioned by slavery; racial discrimination; condominium policy; and distortion of the basic philosophies of historiography.

A large proportion of African states got their independence at the peak of the Cold War. As the US strived to prevent the influence of the Soviet

Union in Africa, the Soviet Union pursued the same policy with regard to the US. Africa became one of the battlegrounds for the contending forces of the superpowers. The Cold War led to the emergence of East-West spheres of influence in Africa. A system of client states emerged, in which the leaders were maintained in power in return for their allegiance to one of the superpowers. In countries such as Somalia, Zaire, and Sierra Leone, a corrupt leadership was sustained, while the institutional basis of the state continued to atrophy. The Horn of Africa and Southern Africa were of particular strategic interest to the great powers. The Apartheid regime in South Africa was particularly important in marshalling other African states to condemn racial discrimination (Baines 2018). Arms flows and military expenditure increased dramatically in these two regions during the Cold War. The major powers and their allies were actively engaged in military training and a number of foreign forces including the Cubans and the Chinese had a substantial presence on the continent.

The Horn of Africa was another important pivot for the Europeans. Until 1974, for instance, the United States stoutly supported Emperor Haile Selassie of Ethiopia while her rival, the USSR, backed Siad Barre of Somalia. But no sooner had Mengistu Haile Mariam successfully shot his way into power during the 1974 Ethiopian revolution than there was a complete reversal of role by the superpowers. This time around, Moscow supported Mengistu while Washington quickly arranged a rapprochement with US erstwhile enemy, Siad Barre (Ingiriis 2016). Nowhere is this policy better demonstrated than in Central and Eastern Africa. Faced by the Congo (Zaire) crisis, the United States was determined to ensure that Patrice Lumumba did not hand over that strategically placed country into the hands of the Soviet Union (Reno 1997). Through a series of manoeuvres, she was able to ensure that Moscow was kept out of the Congo. Moreover, Lumumba was murdered in the process and a low-ranking soldier, Joseph Mobutu, was eventually trapped into the presidency having been spotted by the Central Intelligence Agency (CIA) operatives. As such, the Cold War, though mostly an affair of two foreign blocks, had indirect and direct implications in Africa in almost all of spheres of life; namely, ideological, military, political, and economic.

As seen in this section, the OWO was mainly dominated by the Cold War events and pressure. As a result of the pressures brought about by the Cold War, there came about a general empathy for national liberation movements and a dislike for being drawn into one of the alliances that characterised the Cold War stand-off. This culminated in the formation of a movement known as the Non-Alignment Movement (NAM). NAM referred to the rejection of control by the superpowers of the time and the adoption of a foreign policy stance that implied resistance against East–West pressures and solidarity with Third World interests relating to strategic world political and

economic issues. NAM, in this sense, should not be taken too literally though: Some members at the time had difficulties hiding their ideological preferences and development aid—with the normal strings attached. NAM has the unavoidable tendency to effect changes in allegiances, and especially with the growing tendency of the world order to oscillate between the multipolarity and unipolarity, it is inevitable for African countries to align their foreign policies with more than one power, hence, the new world order.

Africa in the New World Order, 1990–Present

The debate on the “position” of Africa in the NWO elicits various schools of thought. Some view this period as “transformative” for most African states (Ewoh 1997), while others are skeptical that the world’s political and economic systems were “unfair” to Africa, hence, the system further marginalized the continent (Saliu and Lipede 2000). Yet, some scholars believe that, Africa today, largely depicts the old order that was established during the Cold War era (1945–1989) (Ikenberry 1996).

The notion of NWO can be studied from various perspectives: political, economic, cultural, social, and technological. The political and economic dimensions take wider circumference in the debate on the “Africa in the international relations.” The political dimension denotes the death of old bipolar global political system, punctuated by the CWO, in which the US and USSR co-dominated the global system. It was a bipolar system with the US and USSR competing for power. Contrarily to the CWO, NWO saw the US form a unipolar atmosphere. During the NWO, the world became conscious of regionalism. As such, regional and mega-regional economic communities emerged as more powerful tools for enhancing foreign policies of states. The role of regional organizations such as the European Union (EU) and the North American Free Trade Area (NAFTA) [currently known as the United States-Mexico-Canada Agreement [USMCA)] was intensely illuminated. The rise of regionalism in the global north largely influenced the African political and economic landscape, leading to the formation of the regional economic communities (RECs) initially to deal with market deficiencies. With increasing role of security on development, RECs have evolved deeper and broader to cover issues of peace and security, hence, the African Peace and Security Architecture (APSA).

The NWO has been amplified further by the role of Japan and other newly industrialized countries (NICs). Middle income countries (MICs) have been very instrumental in shaping global processes by drawing parameters that define the economic world order. On this issue, Mansbach (1994) has observed that the economic world order is unfair to the global south because only countries with economic and technological muscles can be considered

fit to join the MIC's league. Yet, the few decide on matters of economic and political importance for the rest of the world, including African states. Africa's significance in the international system has been majorly determined by geostrategic factors: (1) strategic location; (2) minerals and maritime resources; and (3) ideological orientation. Within this global system, fear of domination by the changing political landscape in Europe elicited competition, leading to actions that would check any excessive influence from any of the states in the global north and possibly their allies.

Another important factor that shaped the NWO was the reunification of Europe. The entry of Germany in the European league was a major boost for Europe in fixing her economic woes at the time. The economic problems bedeviling Europe were emanating from the Common European Market that the union inherited from the 1987 single European Act. But also, the unification was strategic in consolidating the European Community in balancing the growing influence of the US and Japan, especially in the global trade front. In this rather turbulent NWO, dominated by the US, what is the "place" for Africa?

There exist various schools of thought explaining why African states find no alternative option except to stick to the US; the economic power of the dominant world institutions, including the World Bank, International Monetary Fund (IMF), World Trade Organization (WTO), the dwindling of economic aid from the former soviet bloc; the fact that African states are in perpetual poverty, the debt burden and underdevelopment, pushes them to the periphery. Failure to cooperate with the US would lead to withdrawal of American support. This form of international political economy (IPE) has been experienced by countries such as Kenya, Nigeria, Ghana, Zimbabwe, and DRC (the former Zaire). This economic hostility would eventually lead to diminishing exports viability of African countries to the western world. In what seems to have been the act of balancing "immediate" needs and "perpetual" support, the resource transfer by the world powers shifted from Africa to the rather fragile eastern European countries, especially the former Yugoslavia. The urgency was necessitated by the need to support the reconstruction efforts for countries emerging from civil war. With the shift in areas of focus, the NWO would be less concerned with African states.

The political dimension of the NWO was characterized by a collective approach to addressing global issues. The US president then, George W. Bush, reiterated that the two important aspects in the global system were: (1) cooperation, and (2) dealing with aggression that threatens stability of the world. It is during this time that Saddam Hussein was framed as an existential threat to not only American economic interest in the Gulf, but to the international peace and security. Indeed, the US administration under the leadership of President Barrack Obama went ahead and crushed Saddam Hussein.

Today, the US continues to invest huge funds, technology, and military personnel in fighting other insurgency groups across the world, including the Al Shabaab and Boko Haram in Somalia and Nigeria, respectively. In other words, the US influence in the global politics is real and materialistic. However, analysts have faulted America's efforts in fighting terrorism in Middle East. Ihonvbere (1992) pointed out that the US's hegemonic behavior in the NWO is to a large extent a military issue. Thus, eroding economic power of Middle East states through protracted battles in Iraq and Iran is indirectly rewarding her allies in the neighborhood, Kenya, Turkey, Israel, and Egypt.

As earlier alluded to in this chapter, the unification of Europe does not necessarily lead to negative economic and political implications for African states. The case of Britain's exit from a regional body reminds us of the complications arising from regional disintegration. It does not automatically lead to decreased exports from African states nor reduced earnings because of the long duration before the country eventually detaches itself from the EU. In other words, the enslavement of unfavorable balance of trade experienced by African states does not ease with disintegration in Europe. In the same vein, although arrangements such as AGOA (Africa Growth and Opportunity Act) might have created opportunities for increased exports, the unresolved question remains whether African exports are about to have value addition any time soon. Addressing the question of trade disparities in the NWO requires more attention to the economic balance of power that unification or disintegration of any part of the world presents, and how African states position themselves to tap from the organization or confusion in the system.

The other factor that defines NWO in relation to African states is the economic reorganization of the southeast Asian and far east countries—Japan, Singapore, Thailand, South Korea, and Taiwan. It is curious to know how these countries would possibly tilt the global balance of power in disfavor of African states? First, an increase in the allocation and distribution of Africa nation's gross national product to the cheap goods from MICs would drain the former's internal capacity to industrialize. Secondly, given the fact that most of Africa's exports are raw material based, with entry of the MICs in the market, it's inevitable they would experience decline in export earnings. Yet, African states need to dispose of economic dependence in order to influence global processes such as trade, manufacturing, and industrial development.

The NWO is characterised by unconventional forms of intra-state aggressions-ethnic antagonism, national rivalries, religious tensions, personal ambition, and lingering authoritarianism (Volman, 1993, 1). During this period, the various US administrations—Clinton, Bush, and Obama—all applied both diplomacy and military intervention in responding to these unique forms of violent conflicts. The Bush administration, however, was reluctant to deploy diplomatic and military assets in the African internal crises, chiefly due to two

factors: First, there existed no coherent strategy in the White House to deal with the political, ethnic and sectarian conflicts simultaneously. Secondly, the Bush administration was strategically unprepared to handle African states that were experiencing legitimacy integrity due to flawed elections and power-hungry political leaders. Finally, the intra-state conflicts required other means other than counter-insurgency (COIN), yet the US continued to respond militarily, leading to counter-productive outcomes.

During Clinton's administration, the asymmetric nature of conflicts emerging from different parts of the continent was taken seriously. In Clinton's speech in December 1991, at Georgetown University in Washington, DC, he made it clear that, in the shifting US foreign and defense policy, two factors should be considered: (1) more emphasis was to be placed on the threat of the growing intensity of ethnic rivalry and separatist violence within national borders; and (2) the US resources to the Third World was to be invested in developing small, lightly armed, highly mobile forces to be used for rapid deployment. This thinking was largely influential to the AU's peace and security strategy development, particularly in the formation of the African Standby Force (ASF), and later in the formation of the African Capacity for Immediate Response to Crises (ACIRC) during the second extraordinary summit in Addis Ababa, Ethiopia, November 9, 2016. Throughout the 1990s and millennium, the United States endeavored to balance both the military intervention and development of a powerful global movement toward democratic stability.

The foreign and defense policies of African states are key frameworks that define the NWO. African state's policies have evolved to align themselves with the US's preferences. As such, both policies identify four main threats: (1) terrorism; the focus was on Libya for refusing to hand over the two terrorists who destroyed the Pan-American jetliners over Lockerbie, Scotland, in December 1988; (2) the radical Islamic Salvation Front in Algeria; the National Islamic Front in Sudan; and the Al Shabaab and Boko Haram in Somalia and Nigeria, respectively, pose a major threat to American economic and political interest on the continent; (3) civil war; the transnational ethnic conflicts and civil war in Somalia, Ethiopia, Kenya, Burundi remains important foci for the American foreign policy toward Africa; and (4) political hostility; both the "stark" and "flawed" democracies in countries such as Kenya, DRC, Uganda, Nigeria, South Africa, and South Sudan breed bloody struggles for power between rivalry ethnic groups, and competing religious communities have become target for American intervention.

The NWO can also be defined on the basis of four precepts (Khadiagala 1992): (1) in the NWO, international security is defined on the basis of nuclear deterrence; (2) quest for multilateral cooperation and effective international organization; (3) worldwide movement of democracy to protect

the sovereignty of nations and the rule of international law; and (4) global capitalism that marginalizes the role of the *Third World*. Similarly, the disintegration of some countries on the continent has worked against African norm-building. The secession of Eritrea from Ethiopia and the independence of South Sudan from the larger Sudan threaten the framework of democratizing and institutionalizing Africa.

Despite the dilemma of disintegration, regionalization in Africa is still valid and seems to be the only way to expand economic and political opportunities, especially as most African countries share the same norms across borders. And, as Khadiagala rightly puts it, is not in absolute terms that absence of integration will lead to the death of an African agenda in the global system:

The context of external disengagement and pressure for domestic change provide more opportunities for restructuring inter-african security on more sounder basis than before. Thus, building cooperative political schemes that might restore confidence cross borders reduce local arms race, and coordinate issues such as refugee policies and immigration will be require continental efforts. (Khadiagala, 1992, 446)

The importance of Africa on key international platforms is key in defining the NWO as well as the future of global system. The NWO is characterized by absence of African permanent representation on the United Nations Security Council (UNSC). It is against such disequilibrium of the global system that some scholars and political leaders, alike, have called for restructuring and reforming the UN (Gambari 1992; Rawlings 1993; Amuwo 1993). The height of African absence in the NWO was evident in the 1994 Rwanda genocide that happened under the watch of the UN. Likewise, Somalia and South Sudan find themselves in protracted conflicts and absence of a meaningful central government, yet they are both members of the UN. Ironically, the persistency of crises in these and many other African countries does not seem to bother the west; they continue to put forward their preferred “norms”—through the western brand of democracy.

Events that define NWO include disbandment of the Warsaw Pact, the disintegration of the USSR, and the influence of US. The imposition of the American values on other states through the Pax-Americana Project is the most contentious debate. The contention is mainly fueled by its spatial inequalities and continuities. This has attracted much criticism. Charles Kupchan (1996) prefers replacing the NWO with the notion of Post-Cold War Order. The anti-NWO theses argue that the old order that was established during the Second World War still influences the global system (Ikenberry 1996; Akinterinwa 1993). In other words, the NWO is simply an indication of the disequilibrium in the global system. In this conundrum of things, the

“powerful” states decide where to invest their materials resources, where to their soldiers, and who to trade with.

Finally, the transition from the old to the new order does raise more questions than solutions for the African states; who should be blamed for the blatant spatial inequalities in the NWO? Is the dominance of a single power in the NWO responsible for the marginalization of African states? Who should be blamed for the continued existence of autocratic leaders in Africa? Is there a difference between the old and the new order? What are the factors that would enable African states to insert their influence in the global economic and political systems?

In order to address these questions, the final section of this chapter reflects on the geopolitical orientation of African continent and the “China factor,” and whether the two factors define the future of Africa in the foreseeable world order.

The World Order in the Future Prism, Twenty-First Century, and Beyond

The African geopolitics presents both challenges and opportunities for the continent to shape the future economic and political agenda of the world. Therefore, the future of Africa in relation to the global system is dependent on two interrelated factors: land mass and the natural resources, and maritime consideration. The historical factors, capitalism verses socialism, that governed the Cold War era seem to have not disappeared from the global system. In our view, what we see governing the global economic and political systems is a hybrid form of production, allocation, and distribution. In some societies goods are produced through “capitalism” and “distributed” by socialist consideration. Yet others combine both models. Consumers are, however, constantly at a cross-roads when it comes to deciding on the most convenient and affordable means of production.

Land remains the main medium of inter-state relations. We continue to witness French troops in Chad purposely to protect the Aouzou Strip, an area rich in phosphate deposits from the Libyan expansionist policy. But with advancement in technology that is rapidly substituting the element of geography, the notion of strategic location continuous to face intellectual and policy challenge. The importance of artificial intelligence (AI) complemented with digital infrastructure in production and consumption cannot be wished away, both in the new and future order. Furthermore, the strategic importance of maritime still holds its place among African states, especially those located along the coast or at the edges of the world seas. With the evolving nature of peace and security which do not necessarily require sophisticated hardware, the importance of maritime in sustaining a country’s foreign policy continues to diminish.

Finally, insofar as the Middle East countries are concerned, African maritime might be relevant. In comparative terms, Middle East states are more attractive to the world powers as maritime partners than African states. However, the importance of maritime assets to the global system is when such states are endowed with mineral resources. On the continent, South Africa, Angola, Nigeria, Gabon, Egypt, DRC, and others with strategic mineral resources will continue to hold a special place in the (mis) calculations of the global powers. More so because 30 percent of the world's mineral resources is supplied by African states. In the international political economy (IPE), the continent has remained the "source" of important mineral resources.

The contribution of this volume to the international relations debate is the understanding that the IPE will keep on shifting in different directions. The "pendulum" will be pivoted on two critical processes: trade and territorial ambition of nations. There is the third factor, though, transnational conflict and war economy. And so, the future of African states can be shaped through four initiatives: (1) the formation or strengthening of African regional financial institutions to support the continent's attainment of economic independence; (2) the notion of "lead nation" should be explored; such a model will create a centrifugal force under which other "weak" nations will gain "kinetic energy" to take off; the emergence of Kenya, South Africa, Egypt, Nigeria, Botswana, and Senegal points to the operationalization of this model; (3) establishment of an African credit relations; the success of this initiative can be driven by the proximity of African to the Arab world; the enormous assets of Arab financial institutions and business set up in African states; and the Arab's experience in oil exploration and trade can be a remedy to the African countries new discovery of oil and other strategic mineral resources; and (4) revisiting the "shared resource development regime." The pivot for this model can be located within the development authorities that were established mainly by the British colonial administration toward regional development balance in the postcolonial African states. This development model is aligned with the agro-ecological zoning (shared lakes, rivers, and other physiographic features). The Suez Canal in Egypt, the Akosombo Dam in Ghana, River Zambezi, the River Chad Basin, and River Limpopo as well as River Nile are examples of the foci areas for this development regime. All these point to the domestic pressures and development; however, the other crucial factor that might shape the future world order is China.

The World Order Under the Noose of China

The *China Dream* has tremendously influenced perception on the country's role in the new world order. In order to accord our readers a glimpse of the future and how China will possibly influence this foreseeable world order

(FWO), we have adopted the geo-economic lens to enable a constructive reading of the interest and principles underpinning Chinese influence in the global system. We have identified two frameworks that underpin China's legitimacy and relevance as the leader in the global system; (1) the Forum on China–Africa Cooperation (FOCAC) and (2) the BRICS alliance (Brazil, Russia, India, China, and South Africa).

Let's begin with FOCAC. The idea of establishing China-Africa cooperation was mooted by the former Chinese President Jiang Zemin through *track 1 official diplomacy*. Beijing sent a letter in October 1999 to the African Heads of States and the General Secretary of the Organization of African Unity (OAU) inviting them for the Ministerial Conference. The Ministerial Conference in Beijing on October 10–12, 2000, gave birth to the *Forum on China Africa Cooperation*. In the twelve years of existence, FOCAC has attracted more than fifty African states. Some critiques have faulted this alliance by insisting that the African states should demand for the “culture of dialogue.” This line of argument would like to see FOCAC likened to the *West-Plus* driven initiatives such as AGOA between the US and Africa or the Tokyo International Conference on African Development (TCAD). However, China's pragmatic approach to development cooperation is closely knit within the philosophy of “shared future.”

The epitome of China-Africa cooperation was well enunciated by the former President of Tanzania, Benjamin William Mkapa, in 2007, “in more and more African countries, both the leaders and the people, have well realized that there is enormous potential in the China-Africa mutually beneficial and win-win economic partnership.” The former president's remarks resonate well with three outcomes that we think affirm FOCAC as a potential game-changer in today's global power balance.

First, the Chinese investment in Africa through the FOCAC framework has seen rapid increase in trade with Africa since 2000. As a result, China has become Africa's second largest trading partner in the world, after the US. On the same indicator, France and United Kingdom lag behind China. It is for this reason that Professor Chun Zhang observes that Africa has become China's major overseas origin for strategic resources and investment opportunities. Indeed, in 2012 alone, China's total investment in Africa exceeded \$15 billion. China–Africa trade volume grew from as little as \$2 billion in 1999 to \$107 billion in 2008. This instantaneous growth is due to “push” factors, including the “Special Funds of Joint-Venture” and the “Special Loans of SME Development in Africa.”

Secondly, from 2000 to 2009, the completed volume of China's contracting projects in Africa grew nearly twenty-five times, making Africa the second largest overseas project contracting market for Chinese enterprises. FOCAC

also invests in complementary activities aimed at boosting Africa's capacity. Notably, through scientific and technological cooperation and cultural exchanges. On cultural exchange, the *Confucius Institutes* at the University of Nairobi and University of Johannesburg are among the forty-five institutes established under the FOCAC framework across the globe.

Furthermore, FOCAC endeavors to strengthen social systems through value based cooperation. To this end, President Xi Jinping's visit to Africa in July 2018 emphasized the importance of building China-Africa cooperation on foundations of "sincerity," "real results," "affinity," and "good faith." Indeed, the idea that China and Africa are a "community of common destiny" was pacified in 2014 by the Chinese Premier Li Keqiang putting forward the "461 cooperation frameworks." Since then, the African Union has endorsed FOCAC's initiatives on the continent.

BRICS is another important channel through which China seeks to influence the future world order. The alliance has been described as an association with tangible, diverse, and complex initiatives. However, changing the world order also implies battling out the status quo and creating spheres of influence far and wide beyond the Big Five. It would be intriguing to gain a deeper understanding as to whether BRICS under the leadership of China is likely to transform the world beyond the five member states.

Despite the remarkable impacts that BRICS have made during the last sixteen years of existence, skeptics continue to challenge the alliance, saying that it could just be another form of neoliberal domination or colonial imperialism from the East. Yet the BRICS countries have demonstrated in recent years that they represent a model of economic power that goes beyond the five member states. Compared to the Asian Tigers or the growth model of small size economies, the BRICS countries continue to project power based on the enormous resources, territory, and population at large scale. Whilst BRICS has had a much better economic performance than developed countries, there are both economic and geopolitical factors that are likely to sustain or militate against BRICS.

The main factors that led to the economic expansion of the group were an increased input of factors, and enormous scales of population and resources. For example, Brazil and Russia are mainly based on huge reserves of mineral resources and speculations made in international markets. China has an advantage of cheap labor and obtaining resources at low prices. India is also based on low-cost workforce. And last but not least, all the BRICS countries, except Brazil, show very high rates of investment. The current concern is to analyze whether the BRICS countries will have the same upward trend given the weaknesses identified within them: the high level of corruption, politically different ideologies, and overexposure to commodities. The BRICS grouping

has, like India-Brazil-South Africa (IBSA), sought to address several of the issues originally raised by the NIEO (New International Economic Order), such as the reform of the International Financial Institutions (IFIs) to give the rising powers more influence in their operations. A key demand of BRICS has, for example, been the reform of IMF governance to increase the quota allotted to developing countries and to end the arrangement whereby the leadership positions of the IMF and World Bank are limited to Europeans and Americans, respectively.

More often than not, discussions on China, attracts priority issues of global importance. “Ownership” of development cooperation is particularly central to this debate. Mainly because of the importance of building local capacities in order to prevent future problems of another form of dependency in the foreseeable world order. Like any other cooperation prototype, FOCAC is not *immune* to possibilities of “asymmetric perverse effects.” We are then left to grapple with the question of how to sustain a constructive relationship between China and African states, now and in the foreseeable future.

In the light of the above analysis, it is clear that both FOCAC and BRICS are key frameworks in framing the futuristic world order. However, there are problems of “*mutual trust*” that African states will have to deal with in their interaction with “*new*” powerful actors in the new order. This is precisely the reason why the possibility of China taking over as the most powerful nation in the world causes tremendous trepidation in some circles. In the positivist order of the universe, it is expected that any nation taking the mantle of “leading” the rest will endeavour to uphold principles of interdependence in order to allow “followers” to chart their own destinies. In other words, developing countries in the global south, especially African nations, will thrive only if: (1) the relationship in the global system should promote ownership of the development process; (2) they fortify self-help mechanisms and self-reliance; (3) they promote the culture of dialogue; (4) responsabilization (African states must take full responsibility of their actions in the global order); and (5) the focus in any cooperation frameworks should be a “home-grown” solution. This is the only way to ensure that the foreseeable world order is responsive to needs of current and future generations.

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Chapter 1

Rethinking the New World Order and Its Implications for Africa

Tom G. Ondicho

INTRODUCTION

Africa has experienced major changes since the fall of the Berlin Wall in 1989, which symbolized the end of the Cold War between the United States (US) and the United Socialist Soviet Republic of Russia (USSR). This ushered in a “New World Order” with the US as the only world superpower (Spark 2001; Khadiagala 1992; Gambari 1992; Ewoh 1997). One of the most interesting aspects and distinguishing feature of this process of change has been the gradual shift from the traditional bipolar division of the world with its two parts, a center and periphery, to a new division and the addition of a third, the middle category comprising of the Newly Industrializing Countries (NICs) (Carlsson 1982) which are gradually taking over the traditional role of the developed countries as suppliers of industrial products and technology. This tripartite division of the world has stimulated a number of important changes that can be expected to continue in the future and in a fundamental way alter the basic organization of the world’s political economy and the power relations between the global south and the global north (Wallerstein 1974).

The growing influence of NICs, especially China in Africa, has been blamed for perpetuating poverty and underdevelopment. The scramble for Africa’s untapped natural and human resources by the NICs is said to be akin to the traditional imperialist pursuit of self-interest (Mark 2006). Within the context of trade, Africa imports manufactured goods from NICs at exorbitant prices and exports locally produced goods at extremely low prices, which are also subject to restrictions that characterize most forms of international trade such as tariff and quotas thus creating a trade imbalance in favor of NICs and the West. This leads to uneven development and heightens the inequalities

between the poor African countries and the industrialized nations. Within this context, the new world order (NWO) is nothing more than a model of globalization that is geared toward acquiring raw materials, cheap labor, and markets for products from the industrialized countries. NICs, especially China, have also been widely criticized for meddling in the internal political affairs of natural resource rich African countries and for supporting authoritarian regimes, thus undermining efforts to promote democracy, good governance, and sustainable development.

Africa's strategic framework and response to the NWO is contained in the African Union's Agenda 2063. The overall objective of Agenda 2063 is to transform the continent into "an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena" over the next fifty years (African Union 2015). The NWO with its focus on free trade, investment, good governance, transparency, and accountability in public affairs and commitment to tackle global problems such as climate change and poverty resonates well with the African Union's Vision. Arguably, the NWO and its concomitant globalization not only present Africa with a rare golden opportunity to foster economic growth (Moyo 2009) but also an alternative pathway to sustainable development. As opposed to the neoliberal approach supported by the International Monetary Fund (IMF) and the World Bank (WB) and Western governments, Agenda 2063 is driven by the voices, potential, and aspirations of the African people, thus enhancing ownership of both the processes and outcomes of the socio-economic and political transformations in the emerging world order.

Since May 2001 when the African Union replaced the Organization of African Unity (OAU), there are indications that Africa is gradually beginning to play a bigger role in the world's political and economic affairs. The emerging realignments of the international system in the evolving world order present the African Union with a rare historic opportunity not only to identify, understand, and address developmental problems that go beyond the capacity of any individual nation state, but also to collaborate and trade among themselves as well as with the industrialized nations. Such alliances and trade contacts will not only make Africa's presence in the global arena felt but also enable the continent to play important roles in world politics and international affairs. As Harbeson and Rothchild (2009, 4) observe, "the end of the Cold War marked the beginning [. . .] gradually emerging prospects for an African political and economic renaissance and for the continent's participation within the world community of world nations from a more prominent and secure position." There are also indications that Africa has begun to make some gradual progress at the domestic political and economic fronts. Many African countries, for example, have, with the support of the international

community, undertaken far-reaching political and economic reforms, which are beginning to bear fruit.

These encouraging manifestations of a significant African political and economic reawakening must be examined within the context of the new world order. One feature of Africa in the new world order is its struggle to overcome the legacy of imported Western-based models of intervention, which are too often not appropriate for the continent's unique and complex cultural contexts. This struggle has become popular as the change toward indigenization of African development becomes entrenched. The second feature is the endeavor for effectiveness of African epistemologies and indigenous knowledge to provide meaningful and contextualized home-grown African responses to the emerging world order. This search can be characterized as the quest for relevance within the international system, which has, among other things, shown renewed interest and commitment to aid the African continent to achieve sustainable development through extensive debt relief, poverty reduction through the United Nation's Millennium Development Goals (MDGs), and now Sustainable Development Goals (SDGs). However, the impacts of these developments and their implications for the African continent within the context of the emerging new world order still remain unclear. This chapter therefore seeks to examine the notion of "new world order" and its implications for Africa's politics, economy, culture, and international relations.

WHAT IS MEANT BY THE NEW WORLD ORDER?

The term "new world order" is not by any chance a new concept in our lexicon. However, trying to define it can be a Herculean task as there is no universally accepted definition. Though the phrase is widely used, it is often surrounded by confusion and misunderstanding because it is rarely explained and seldom understood. While the concept has been widely discussed, debated, analyzed, defended, and even contested, it cannot be defined in any generally acceptable manner. Few people actually agree on what the phrase "new world order" really means. This is partly because the term not only means many things to different people, but also many writers define and apply the concept differently in different contexts pretty much as they please. Thus, there is a multiplicity of definitions in use today, and the existing literature is replete with different interpretations and understandings of the term "new world order."

The term new world order has been used since the beginning of the last century to refer to any new period of human history characterized by major paradigm shifts in global political thought and the balance of power. In the twentieth century, the term "new world order" has been used sparingly and

retroactively by politicians to refer to the order created after the end of the first and second World Wars. The end of the two wars marked the beginning of a new era in human history characterized by dramatic change in world political thought and in the balance of power. In fact, it is speculated that the term “new world order” was first used in a 1918 speech, known as the Fourteen Points, by Woodrow Wilson to Congress, in which, among other things, he called for the formation of a League of Nations. This overarching goal was the basis for the formation of the United Nations (UN); the Non-Aligned Trade Organizations (NATO); the IMF; the General Agreement on Tariffs and Trade (GATT) to tackle problems that were beyond the ability of individual nation states. These organizations have popularized the phrase “new world order” in much of their work and to describe plans and collective efforts to identify, understand, and take steps to make the world a good place for everyone to live.

According to Levi-faur (2005), the concept “new World Order” refers to a worldwide conspiracy to do away with world governments and, in their place, install a single worldwide political system/government run by a small elitist group of people. In recent times, the concept new world order has been widely used by politicians, researchers, and commentators as a generic term to refer to a new period in history that started at the end of the Cold War in the early 1990s (Adachi 2018). The phrase appears to have been defined three times since the fall of communism: First, by President Mikhail Gorbachev of Russia in December 1988 in a speech to the United Nations General Assembly, when he stated “whether in the East or the South, the West or the North, hundreds of millions of people, new nations and states, new public movements and ideologies have moved to the forefront of history.” Secondly, it was used by President George Bush of the US in a January 16, 1991, speech in trying to define the nature of the post–Cold War era and the opportunities it presented for international cooperation and where the rule of law governs the conduct of nations, and in which a credible United Nations could use its peacekeeping role to fulfil the promise and vision of the UN’s founders. Thirdly, the concept new world order was the subject of discussion in the Malta Conference of 1989. Though the conference did not develop any substantive definition, the phrase was used to describe a wide range of contemporary issues such as globalization, global balance of power, economic interdependence, fragmentation, the rise of nationalism, and technological advancement and integration, or basically any issue that appears new and different.

The new world order originally dealt almost exclusively with nuclear disarmament and security arrangements, a great cooperation on a range of North-South economic and security problems including terrorism, implications of the Warsaw Pact, NATO, and European integration. These issues have been fleshed out in more detail within the United Nations and other multilateral

organizations and expanded to include such issues as German reunification, human rights, and the polarity of the international system among other things. The ultimate goal of the NWO is to eliminate all lines and borders demarcating the nations of the world, use of a single worldwide currency and language, to promote a sense of unity and oneness, which will lead worldwide peace, and to promote tolerance and acceptance of other cultures and their values and ideologies. The appeal of the new world order lies in its promises to turn many economic, food, energy, environmental, information, and population problems, which were previously treated as national or regional ones, into global problems as well as to eradicate poverty, disease, and hunger, and democratize the world thus freeing it from wars and political conflicts.

One of the most interesting distinguishing features of the NWO is the gradual substitution of the traditional bipolar division of the world into two major opposing superpowers with a single unipolar global superpower. In simple terms, the fall of Communism and its ardent supporter, former USSR saw the US emerge as the undisputed world superpower. The second feature of the NWO is the unification of Europe and Germany, which led to the formation of the European Union (EU). The establishment of a common market as well as free movement of goods and people within the member states has also been a major distinguishing feature of the EU. The third and most noteworthy feature underlying the NWO has been emergence of Japan and the newly industrializing countries as economic superpowers. The NICs are beginning to or have taken over some of the traditional roles of the industrialized nations as the suppliers of industrial products and industrial technology. Brazil, India, and China, most commonly referred to as BRICS, are best examples of countries that have started to redirect their trade and capital flows to the global south, notably Africa.

The most noteworthy feature of the NWO is the emergence of a new international system that can best be described as "tripolar." One of the key characteristics of this tripartite division of world has been an increase in the political and commercial contacts between the economies in the south and those in the south and the north. Within the tripolar system, the traditional hegemonic north-south contact and pattern are increasingly threatened with the emergency of NICs and BRICS through increased economic and political connections with developing countries especially in Africa. Wallerstein (1980, 69) has argued that from a political perspective "a system which is basically unequal in nature, needs a safety valve through which pressures from below can be eased off." Thus, the NICs and BRICS, as a middle category and like the semi-periphery they are serving, are providing a safety valve for African countries by opening up possibilities for economic advancement.

AFRICA: ECONOMIC AND SOCIOPOLITICAL CONTEXT

Africa, covering an area of about 30.3 million km², is the second largest and most populous continent in the world. The continent has an estimated population of 1.2 billion people living in fifty-five independent states. The continent is characterized by a great diversity in terms of culture, ethnicity, religion, language, traditions, beliefs, orientations to different aspects of life, and means of livelihood as well as in terms of geographical, ecological, and climatic conditions with significant national and regional disparities. Some communities are predominantly farmers, while others are pastoralists, fishermen, traders, hunters, and gatherers. These characteristics, to a great extent, influence economic livelihoods, even though social change sweeping across the globe continues to affect indigenous lifestyles in different ways. The continent is also characterized by great variations in social structures, political systems, economic conditions, and cultural practices. The complexity, heterogeneity, and uniqueness of the different African contexts make it extremely difficult to make any meaningful generalizations about the continent. However, in this chapter every effort will be made to focus on the commonalities.

Following the Berlin Conference of 1884–1885, Africa was partitioned into spheres of influence, which were later established as colonies for various European powers. This marked the beginning of one of the most painful and unsettling periods in African history. Africans were not only made economically and politically subordinate to European needs and economic interests but also were used a source of cheap labor to produce raw materials for factories in Europe and as captive markets for manufactured goods from industries in the colonial power's mother countries. The spread of colonialism was accompanied by the arrival of Christian missionaries who are credited for introducing Western education, health, and social services in the African colonies. Most African states embraced Western education, which promoted a strong belief among Africans that Western sciences, epistemologies, ideas, and concepts were superior and worthy of emulation. Africans were not only rendered subordinate to the colonialists and missionaries but also their indigenous skills and knowledge were seen as inferior and, consequently, neglected.

In the decade of the 1960s nearly fifty African countries attained political independence, after a long protracted and bloody struggle, from colonial rule and exploitation. Walter Rodney (1973) in his book *How Europe Underdeveloped Africa* clearly describes how underdevelopment in Africa is deeply rooted in colonialism and imperialism by the Europeans. The attainment of independence was seen by many as an opportunity for the continent not only to eliminate the social and economic inequalities that were inherent in the colonial system but also “created the expectation of a vastly expanded,

cultural diversified civilization accented by African commitment to non-alignment and self-reliance” (Harbeson and Rothchild 2009, 3). Africa’s founding fathers and intelligentsia in many newly independent states, including Kenya, set the elimination of poverty, ignorance, and disease from the continent as their overarching goal. While a few African countries registered impressive economic growth rates in the 1960s, for a large majority of Africa countries eliminating poverty, ignorance, and disease has over the years proved to be quite elusive due to poor governance, economic mismanagement, persistent and endemic patterns of official corruption, political coups and countercoups, corruption, ethnicity, and nepotism and protracted ethnic civil wars.

THE COLONIAL LEGACY AND CHALLENGE OF OVERCOMING EUROCENTRIC THINKING

The biggest challenge facing the African continent in modern times is to liberate itself from the colonial past and Western forms of knowledge and science. Colonialism and its concomitant modernization, and now globalization, continue to influence the way Africans and non-Africans perceive the continent today. The colonial administration fostered a belief that is deeply entrenched that Western ideas, epistemologies, forms of knowledge and science including theories and models were superior and therefore worth of emulation (Midgley 1981). Indeed, African scholars, policy makers and professionals continue to rely on Western theoretical and scientific models, education systems, and epistemology to inform their work. Some of these Eurocentric modes of thinking and models are grossly incompatible with the unique and complex African cultures and therefore are linked to underdevelopment in Africa. It can be argued that the current development discourse and practice in Africa is merely a perpetuation of the dominance of Western knowledge, epistemologies, and development agenda over indigenous ones. For Africa to assume its rightful position in the emerging world order, it is imperative to overcome these Eurocentric modes of thinking.

This shift in Africa’s unique historical, sociopolitical, economic, and cultural contexts needs to be taken into consideration. Despite the structural development African states have undertaken since their independence, the continent continues to suffer from arrested development. As Frantz Fanon (1986) observes in his book *Black Skin, White Masks*, feelings of dependency and inadequacy produce an inferiority complex and cultural identity crisis in the minds of Black people who have lost their cultural identity to Western education and imitate Westerners. The uncritical adoption of Western ideas and epistemologies raises two serious concerns: First, how could Western

theories and practices fit into the African cultural contexts in the emerging new world order? Secondly, do they really provide meaningful responses to the prevailing social, economic, and political problems in Africa today, given the fact they were developed under very different circumstances.

There have been attempts to indigenize knowledge in many African countries. For example, in Kenya the government's indigenization policies were spelt out in Sessional Paper Number 10 of 1965 under the code name "African Socialism and Its Applications to Development in Kenya." In the postindependence period, there have been repeated calls for African scholars, the majority who are trained in Western education, to think differently and espouse context-specific indigenous models to tackling Africa's unique problems. The current paradigm toward creating indigenous knowledge and models rooted on traditional African epistemologies is linked with African responses to globalization.

The new world order attainment has generated renewed optimism that the African continent is going to chart its own pathways to economic prosperity and sustainable development. There is high expectation that Pan Africanist scholars, policy makers, and planners are going to liberate the continent from the yokes of neocolonialism and Eurocentric modes of thinking and models, which are grossly incompatible with the unique and complex African cultures. It is expected that these Africanists are going to employ African epistemologies and indigenous knowledge in order to provide meaningful responses to the unique needs of the African people and solutions to the continent's problems. However, this is not the first time that the continent has been marked with such optimism. The first such optimism occurred immediately after independence. However, the much-awaited African revival and self-reliance in postindependence period has proved to be illusory, and economic progress has been bogged down by economic mismanagement, political coups and countercoups, corruption, nepotism, and protracted ethnic civil wars. In addition to these social upheavals, most Western trained development planners, administrators, policy makers, scholars, and researchers continue to apply Eurocentric models and theories in dealing with African problems.

One of the bitter legacies of the end of the post-Cold War era has been a concerted effort by the World Bank and International Monetary Fund to shrink the role of African governments in directing and managing their economies in favor of much greater reliance upon market forces. The net effect of the implementation of reduced regime direction of economies and implementation of the structural adjustment programs (SAPs) has gravely weakened African governments wherein effective governance ceased, nearly vanished, or dissolved in civil war. Ethnic conflicts have become the order of the day in relatively stable countries rendering them chronically weak to enforce political control over national boundaries. Set against this manifestation of

state weakness and collapse, it is surprising then that with recent political and economic reforms, the continent has started to show positive signs of renewal and transformation. However, as already stated, this is not the first time that Africa has shown great potential for political and economic revival. During the era of the new world order, Africa has shown great promise that it is gradually emerging from its colonial past and lingering relegation from international politics. The wave of social, political, and economic reforms that swept across the continent in the 1990s were widely cheered and heralded renewed optimism that Africa had finally come of age.

Indications were that real internal political and economic progress combined with increased participation in the global arena had put Africa in a vantage position to play a pivotal role in global politics and reap the potential benefits. This optimism was tempered with commitments by the African Union to achieve faster economic growth and to reduce the continent's economic marginalization. First and foremost, some countries in sub-Saharan Africa have instituted constitutional, economic, and political reforms in the sense of conducting competitive multiparty elections periodically. One of the most important products of political and constitutional reforms has been the move toward enhancing African unity.

Increasing trade and commercial collaborations between African countries are mirrored in key Pan-African organizations such as the African Union (AU) and regional organizations such as RECs (EAC, ECOWAS, ECCAS, Marghreb, SADC), as well as IGAD, COMESA, NEPAD. These organizations are not only increasing economic connections between African countries but also have set the establishment of new relations with other countries that will eventually result in the creation of more economic and political linkages, which may eventually lead to political integration as one of their key goals. However, the implications of this changing contact pattern, particularly its development effects, have not yet been subject to extensive research.

A united Africa could be a productive commercial and financial hub of the world. This could not only put Africa in a more powerful bargaining position but also increase its sphere of influence in the world. It would also open the possibility for African countries to take advantage of the opportunities brought about by political and economic realignments in the NWO. However, endemic patterns of official corruption, as well as new and emerging forms of state autocracy, have complicated the gains made thus far. There has been concerted efforts in some countries to remove the term limits set for elected presidents, which continues to frustrate democracy in the continent. Electoral malpractices and vote stealing continue to render democratic election useless and meaningless. Countries like Ghana where democracy has become entrenched are increasing their bargaining power in global politics. However, those that have reneged on democracy are entering the global stage from a

weakened position and, therefore, willing to play ball with China, which is known to have no clearly stated interest in issues of democracy and human rights.

Implications of the New World Order on Africa

These developments pose a direct challenge to Africa's vision within this foreseeable world order, as discussed in the following sub-section.

Political Implications

From a political angle, the NWO envisages a world where all issues whether legitimate or illegitimate are determined by the United Nations including solving global problems. The NWO entails nurturing the emerging democracies in Africa and fostering coalitions to solve the problems that confront the continent. This calls for African countries to form regional, continental, and international coalitions to address problems of poverty, illiteracy, diseases especially AIDS, trade inequities, environment degradation, civil wars and violent extremism, the development of the continent, and a host of other issues of global concern such as global warming and terrorism. In this respect, the emerging NWO in subtle ways exerts pressure on political regimes in the continent, as elsewhere, to establish acceptable standards, condemn and punish states, nations, groups, organizations, and so forth, which do not observe and respect the established norms.

It is worth noting here that "human dignity and human rights" are inalienable and universal. Unlike in the past when human rights policies were unilaterally imposed by the US, in the new world order this role has increasingly been taken over by the United Nations. The diminishing role of the US as the world policeman and the shift of that role to multinational organizations such as the UN, the International Criminal Court (ICC), the World Trade Organization, the World Bank, among others, have huge political ramifications for the African continent. For example, the prosecution of Kenya's president and his deputy as well as a host of other rogue African leaders at ICC sends strong signals that the era of dictatorship, imperial presidency, and civil strife for political leadership is coming to an end. Although some African nations through the African Union are threatening to pull out of ICC, there is still a strong support base for ICC among many citizens and some political leaders in the continent because of its perceived benefits as the new global policeman. In this regard, Africans are set to reap the benefits of democracy, good governance, and reforms that are taking root in the emerging world order in Africa. The emerging political reforms in

many African countries are more promising than those that were experienced during the Cold War.

Regional political alliances under the auspices of the African Union and mechanisms such as the African Peer Review Mechanism, which came into effect in 2003 as a self-monitoring mechanism to promote good governance in Africa, are important steps toward the right direction for political leadership in a continent that is reputed for authoritarian regimes. Such home-grown initiatives attest that the continent has come of age and Africa can now solve its own internal and regional disputes but also manage its business and affairs without external or “outsider” interference. Unfortunately, Pan-African organizations and regional alliances have not achieved much in the post-Cold War era. Examples, such as the ongoing internal conflict in South Sudan, the removal of presidential term limits in some countries, election manipulation, and state-sponsored terrorism in many African countries, demonstrate the ineffectiveness of these organizations in handling the continent’s domestic problems.

To overcome some of the challenges facing these regional alliances, there is an urgent need to incorporate organizations like AU and NEPAD into the United Nations formal structure. The UN has vast experience in peacekeeping, disaster management, and handling various types of crises; regional alliances can therefore tap that knowledge and experience in order to increase their capacities and capabilities in handling local political and economic crises. Such regional alliances and organizations will still require some financial, institutional, and leadership support at this formative stage. The entrenchment of democracy in Africa, though noble in principle and a worthy goal, is progressing at a painfully slow pace and appears to shun its unique cultural traditions and historical contexts—not all African countries are ready for democracy. Rather than a narrow focus on democracy, it may be more prudent to establish stable governments and open them to the international market system. The integration and pressures of a free global market system, in the new world order, might be a major incentive for African countries to fully embrace political democracy, which is a prerequisite for attracting investments and capital and creating an enabling environment for sustainable development.

Economic Implications

The ethos of the new world order imply a world characterized by a more equitable standard of living for everyone and equal access to economic and trade markets for all nations and to humanitarian support for all people in distress. This envisages a world where all nations join hands in providing assistance

to the millions of people in sub-Saharan Africa living in abject poverty, facing starvation, devastated by the HIV/AIDs scourge, and displaced either by civil conflicts and religious extremism. It means a continent where all countries make meaningful contributions to these noble goals according to their economic abilities and to the international effort in tandem with the changing economic circumstances.

Among the many economic aspects of the vision of a new world order for African countries, the first and foremost is to put their national economies in order. Simply put, the main challenge to African development in the twenty-first century is economic mismanagement, corruption, and stagnating economies. Although there are several other angles to economics and development (such as trade policies, foreign aid, sanctions, etc.), the overriding concern is the economic performance at the domestic levels, which is currently dismal. Without collaboration among African nations and innovative strategies for remedying this situation, the continent will continue to lag behind and its economic development will be in jeopardy.

One of the most frustrating thing about Africans and their political leaders is the failure to learn from history and thus avoid past mistakes. A fairly basic study of history shows the rise of the newly industrialized countries of Asia especially the so-called four tigers of East Asia: Hong Kong, Singapore, Taiwan, and South Korea. This suggests that with good governance, prudent economic management and planning, hard work, and appropriate strategy, Africa can also follow a similar pattern. That is, first, develop a strong national economy, thus increase political clout and power. As the economy and political power grow, more opportunities for employment, investment, and generating foreign exchange will be created, thus increasing not only their profile but also political power globally. However, the continued plundering of national economies by political elites and state bureaucrats as well as exploitation of the continent's natural resources by the industrialized countries are major challenges that must be overcome for Africa to make any economic impact globally. Unfortunately, this pattern describes the current situation in Africa. This is not to say that Africa is not making any economic progress but rather that economic growth in many countries is slow and dismal to make any noticeable developmental impact.

The new world order presents a rare opportunity for African countries to make economic growth their number one priority in any national development strategy. Without developing strong economies to enable them to compete in the international markets, Africa could find itself more marginalized and rendered powerless in the world's political economy. There is therefore an urgent need to strengthen domestic economies in order to stop relying on strings attached to foreign aid, loans, and development capital. Economic reforms that have taken place in many African countries over the last few decades

focused attention on reducing deficits, reducing dependence on foreign imports, increasing competitiveness, decreasing the national debt, increasing savings and investments, improving the educational system and infrastructure, and other fundamental growth related endeavors. In some African countries economic reforms have resulted in more government spending, resulting in tax increases, and thus pushing many people in poverty and misery. Many other countries like Kenya, have borrowed heavily from domestic and international markets, and are today grappling with mounting debt.

In a world context, African countries must work to reduce the national debts, stimulate economic growth, and make their commodities competitive. As the adage goes “charity begins at home,” there is a need for African countries to open up their markets to other countries within the continent as this presents enormous opportunities not only to diversify their markets but also to promote economic growth. In order to achieve economic prosperity, African countries must also provide an enabling environment for investment and fertile ground for stable democratic institutions, which, in turn, will foster good governance and prudent economic policies. Opening the door to trade with other African countries will strengthen the intra-trade among the continent’s five regional economic communities (RECs); East African Community (EAC), South African Development Community (SADC), Economic Community of Central African States (ECCAS), and the Arab Maghreb Union (AMU).

The final area of economic implications to be discussed herein deals with foreign assistance to Africa. First, African countries must reduce their debt burden and overreliance on foreign capital and foreign aid. Secondly, African countries with stronger economies must extend help to the poor countries. It is in Africa’s best interest to nurture democracy, good governance, and improve economic management if their economies are to thrive in the new world order. Extension of presidential terms in countries such as Uganda, Rwanda, and Zimbabwe spells doom for Africa unless something is done urgently to ensure that some of the countries that embraced democracy do not disintegrate into totalitarian regimes.

For the “new” Cold War to succeed in Africa, democracy and free market economies in Africa must be entrenched. Countries should first build their national economies and create opportunities for the large youthful population, otherwise they do not have any chance of surviving in the “new world order.” It is far cheaper to invest in these fledgling democracies than in the military. In this same light, it makes good sense for the world to assist countries that have embraced reforms. Many of these countries have expressed a willingness to modernize their economies but they lack the financial resources to accomplish the task. Again, it would be a prudent investment to finance education, capacity building, and peace building.

OPPORTUNITIES: AFRICA AS THE LAST FRONTIER

Politically, the primary reason for having a government structure is the protection of its national interests and provision for the security of its citizens. Despite the revolutionary times in which we live, the broad categories of the national interest under which these strategic patterns fall are unlikely to change a great deal. The new world order presents Africa with opportunities, first, to deal with internal conflicts and religious extremism which threaten the physical security of citizens. Second, Africans will expect their governments to focus on creating economic prosperity and opportunities such as employment, which will in turn promote the welfare of a large majority of poor people. Third, African countries have enormous opportunities to incorporate indigenous knowledge, epistemologies, and African perspectives into the development discourse as well as formulate foreign policies that foreground national interests. It should be obvious from the above discussion that Africa lacks a coherent strategy on how to tap the benefits brought by the “new world order” and to define our place in it. It is therefore imperative for the continent to have a broad vision of what it seeks to achieve from the NWO and to integrate political, economic, and cultural aspects in that agenda for the continent to prosper.

The new world order positions the African continent into a more central role in the world’s political economy. Africa is increasingly being viewed as the last frontier in the global economy. The continent has attracted great attention as one of the few remaining resource-rich regions in the world, but one where national governments and local firms have limited capacity to exploit the available resources, leaving room for external actors. With the emerging economic prosperity of Brazil, Russia, India, China, and South Africa (BRICS), analysts and observers have come to view Africa as the next potentially “prosperous part of the world.” Optimism for Africa lies in the fact that BRICS are now rich enough and could soon start to outsource production and manufacturing to less developed economies especially in the African continent. In response to increasing costs of labor and raw materials in South East Asia, Western investors have started pivoting to Africa. Indeed, there is optimism that economic growth and prosperity will extend to more African nations, and the fruits of globalization and the NWO will start to be felt in many parts of the continent.

It is noteworthy to mention here that the commercial contacts established by trade and capital flows between African countries are still relatively small compared to those with the industrialized nations. It can therefore be argued that the international economy is persistently based on north-south contact and largely excludes extensive relations within the south. However, it is yet too premature to state that these types of south-south relations have assumed greater proportions. As yet they are generally not, but there is clearly a visible

trend toward increased contacts between particular countries in Africa. The socioeconomic and political changes wrought by the NWO have far-reaching ramifications for the African continent. On a positive note, increased commercial and political contacts between African countries are now becoming visible with the creation of Pan-Africa and regional organizations.

Previously, such commercial and political contact was modest. The then-persisting global political economy was based on North-South contacts, which fundamentally excluded extensive dealings within the global South. However, it is too early to conclusively state whether the ongoing South-South relations are beneficial in any meaningful way. Suffice it to say, the visible trend toward increased contacts between some African countries is a step in the right direction. Despite this rosy picture, the reality is that what happens in Africa is generally dictated by events and political shifts in Western and non-Western newly industrialized countries. This not only perpetuates the hegemonic relationships between the Global North and the Global South but also mirrors the new and emerging forms of neocolonialism.

CONCLUSION

This chapter has shown that “new world order” was ushered in by the end of the Cold War in November 1990 and was popularized by President Bush in a speech he made on September 11, 1990. The “new world order” is not just oratory, and its development is progressive (Bush 1991, 38). The NWO has brought fundamental changes to the world, some good and some bad, and both of these have ramifications for the African continent. The process has generated opportunities for the African continent to chat about its own history and development pathways. However, a critical analysis of the NWO and its implications for Africa shows that a lot needs to be done before the benefits of this development process can be realized. So far, Africa appears to be making the right step in the right direction, but it is too early to make any definitive conclusions. The “new world order” is still evolving, and looking at the economic and political reforms that have taken place in some African countries and the emerging regional alliances, where all nations in the continent have come together in partnership and cooperation under the framework of the African Union to solve common problems, promises to bring sustainable peace, prosperity, and justice for all.

The operations of the African Union and unity are of course not without challenges. These challenges call a proper vision and strategy to deal with the changes engendered by the “new world order.” Politically, the continent must continue to actively support the African Union and the formation of regional alliances in addition to embracing democracy and good governance as the

foundation for prosperity. Economically, countries must build their domestic economies or continue to face marginalization and poverty. Further, African countries must speak with the same voice and build bigger trading blocks in order to remain competitive and use the proceeds to make prudent investments that could challenge the previous hegemonic relationships. Taking appropriate political and economic measures could guarantee Africa a seat in the high table of world's politics.

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Chapter 2

Africa and the Remaking of Global Order

Tim Murithi

INTRODUCTION

This chapter makes the case for Africa to play a role in remaking the global order, based on the need to address geopolitical insecurity, as well as the continent's need to redress its historical exclusion from the design of the international system. The chapter will develop ideas drawn from an intersection of fields of study including African studies, peace studies, international relations, and transitional justice. The new thinking on how best Africa can contribute to the ongoing reforms within the international institutions is based on the author's longtime experience on both policy and scholarly works in the fields of peacebuilding, governance, international justice, and security in Africa. Moreover, the models and frameworks suggested in this chapter benefited from the author's exceptional experience as an advisor to inter-governmental organizations including the African Union (AU), United Nations (UN), and other international relations engagements.

The chapter begins by proposing an understanding of global order predicated on the notions of the maintenance of peace and security, with an emphasis on the institution that has asserted its mandate to lead on this issue, namely, the United Nations Security Council (UNSC). The chapter will then utilize this understanding to interrogate the need for geopolitical paradigm shift in terms of the existing order, and will argue for the dismantling of the UNSC and the wider UN system due to its inability to address contemporary crises. Furthermore, the chapter will argue that the nefarious activities of the permanent members of the UNSC, such as carpet bombing Syria, has transformed this body into a net producer of instability and it is more appropriate to rebrand the institution as the "UN Insecurity Council."

The chapter argues that the world has reached a crisis point due to the historical and continuing geopolitics of exclusion. Consequently, the historical exclusion of a majority of the world in designing and upholding the global order needs to be redressed. Concretely, this means that it is necessary to re-think and remake the global order. The geopolitical crisis precipitated by the invasion of Iraq, Libya, Crimea, and Yemen suggests that the world is at a tipping point toward even more profound catastrophe and chaos.

The chapter then argues that Africa as a continent has to put forward its own proposals as to how to remake the global order. In achieving this objective, Africa can draw upon its historical experiences as a freedom-seeking continent, based on the insights drawn from the anti-colonial and anti-apartheid struggles that were led by actors across its territory. The continent can also draw upon its own insistence on self-determination, which animated the emergence of the continent's nation states. This is also evident in the work that is being done to advance economic empowerment, which is the ultimate indicator of a continent of people who can determine their self-development and enhance their livelihoods. The continent also reveals that Pan-African solidarity was prevalent and is re-emerging based on the support that countries under the yoke of colonialism and apartheid received from their fellow African states and societies.

However, there is still much more to be done to translate Pan-African solidarity into interventions that will consolidate and entrench democratic governance across the continent. Africa also continues to struggle for a more just world and more equitable global order. As targets of historical injustice, Africans continue to lead in the promotion of justice understood in these instances as fairness, equality, accountability, and redress for harm done in the past. Consequently, it has the authority to pronounce on what a more just world order can be reconfigured. And finally, African societies have provided examples of how to promote reconciliation between the various groups, societies, and communities around the world, epitomized by the work of Nelson Mandela in South Africa, but evident in other regional, national, and communal initiatives of citizens across the continent. Consequently, Africans are also "reconciliators," evident in the posture that was adopted by African governments and societies when the external colonizers left the continent. There was no rush to seek revenge and vengeance against colonizers for the brutal and dehumanizing system that they imposed on the people of the continent.

By drawing upon these Pan-African experiences, this chapter will put forward proposals for radical global transformation predicated on the pursuit of human freedom and self-determination, global solidarity, justice, and reconciliation. The chapter will discuss the dismantling of the UN system, particularly the Security Council, and its replacement with new institutions

that seek to deepen global democracy, based on a renewal of principles of human freedom, solidarity, justice, and reconciliation, which we can draw from Africa's own historical experiences. The chapter will conclude by discussing the practical steps toward the remaking of global order and examine the limitations that might confront such an initiative.

POWER POLITICS AND THE FAILURE TO MAINTAIN GLOBAL ORDER

A historical contextualization of international relations reveals that during the Cold War power politics and self-interest infiltrated the institutions that were designed to maintain global order. This followed a period between the First World War and the Second World War in which the idealism that animated the League of Nations was viewed as inimical to the practice of international politics. What the sceptics of idealism failed to grasp was that it was normative ideology toward which humanity was perpetually travelling. Its absence in geopolitical practice did not necessarily confirm its invalidity. The emergence of fascist and totalitarian regimes in Germany, Italy, and Japan confirmed, in the eyes of some observers, that indeed international relations were indeed nasty, brutish, and short. However, the collective of countries all around the world to contain the excesses of the fascist and totalitarian regimes provided a demonstration of how humanity could activate its agency and be inspired by certain ideals to remake the world in an image that will uphold their freedom and well-being, as will be discussed further below.

Political realism, which stepped in to fill in the ideological gap exposed in the perceived limitations of idealism, conceptualizes international relations as a realm in which power politics is fundamental, if not all encompassing. A central tenet of realism is that the primary actors in the international system, nation-states, are first and foremost self-interested rational actors who operate through systems of alliances (Cristol 2009). The persistence of realpolitik has led many analysts and practitioners of international relations to view it as a permanent feature of reality, rather than an ideology, like its predecessor idealism, which has its ideologues and its advocates. Scant or no attention is paid, from the realpolitik perspective, to the moral interests of the disputants or the creation of the appropriate conditions to generate an outcome that will be owned and internalized by the parties. Consequently, in the grand battle of selfish interests, in which life is nasty, brutish, and short, humanity has veered dangerously toward its own self-destruction. In effect, political realism, as an ideology that appeals to the baser instincts of human beings, has within it the seeds of humanity's demise and destruction. Realpolitik, and its array of practices evident in brinkmanship and sabotage, is unlikely to promote

global order and is in fact undermining any efforts to stabilize international relations in the twenty-first century.

The Cold War led to the geopolitical stand-off between the western bloc led by the US and west European countries in the North Atlantic Treaty Organization (NATO) and the former USSR and eastern bloc countries who were part of the Warsaw Pact. These blocks, in effect, were viewed as a bipolar system for the maintenance of a balance of power. The collapse of the Soviet Union in the early 1990s heralded the prospects for a new kind of thinking. However, the US and its NATO allies instead opted for a triumphalist posture informed by the *realpolitik* prism, and continued their policy of co-optation, coercion, or confrontation with its post-Soviet foes, notably Russia.

The opportunity to view the world through a different lens, one which would advance international cooperation and reduced adversarial geopolitics, was lost by the heavy-handed approach that the US and its allies adopted toward the rest of the world (Touval and Zartman 1992). The Middle East, which had fueled economic growth in the west through the extraction of oil and other minerals, remained predominantly under the yoke of authoritarian regimes so long as they pledge fealty and allegiance to the west. The willingness of the west to support and finance authoritarian regimes in the Middle East spawned the extremist ideologies that erupted to contest the legitimacy of the dictators who suppressed their own people with reckless abandon, while transferring the mineral wealth of their people to their geopolitical masters in Washington, London, and Paris. This narrative repeated itself in Africa where dictators were more beholden to their western pay-masters than to their own people. In 2016, the Panama chapter revealed the collusion of elites in Eastern Europe, the Middle East, and Africa with off-shore interests. The net effect of this has been unstable countries and regions, which are fertile ground for extremist ideology to flourish.

In this volatile context, the ideology of political realism continues to be received as the gospel, rather than as an aberration and an anachronistic world view which does not contribute toward advancing the cause of global order. The legacy of this type of ideology persists and continues to corrode the prospects for a more humane approach to contemporary international relations.

This type of thinking continues to orient the world toward the brink of geopolitical abyss and re-emergence of global conflict, as has been witnessed recently through the renewal of tensions between the west and Russia, partly but not exclusively due to NATO's eastward expansionism. The type of thinking that precipitated the global crisis is still being proposed as the basis for remaking and remolding the world in the twenty-first century.

One of the leading proponents of the ideology of political realism, Henry Kissinger, applied this frame of thinking in executing his role as Secretary of State of the United States and National Security Adviser. An archetypal

realist statesman Kissinger did not hesitate to place the self-interest of the United States ahead those of the societies in which they were intervening in, with disastrous consequences for the innocent civilians in these countries. For example, between March 1969 and May 1970, Kissinger was a leading proponent and advocate of “Operation Menu” and his advice to former President Richard Nixon was instrumental in unleashing a bombing campaign against Cambodia and Laos to target their adversaries the Viet Cong, who were waging a war of resistance against the US incursion on their territory. It is estimated that between 50,000 and 150,000 people, including innocent civilians, were killed during this US bombing of Cambodia and Laos. Grandin argues that following Kissinger’s advice “Nixon introduced us to permanent, extrajudicial war in Southeast Asia, and *it continues today in the Middle East*” (Grandin 2015). Ultimately, the US lost the Vietnam War to the Viet Cong, and utilized a face-saving peace agreement in Paris to extract themselves from this violent conflagration. The legacy of this approach to relations between states has had disastrous effects on the practice of international relations today, as will be discussed below in the cases of the Iraq, Syrian, and Libyan invasions (Zartman 1989, 220).

Kissinger’s most recent book entitled *World Order* is a short-sighted meditation that repeats the laborious and self-destructive tenets of political realism and focuses on how the US will continue to leverage its power in the chaotic world it has bequeathed to humanity (Kissinger 2014). It is framed exclusively through the realpolitik prism and considers the emerging threats to the western axis that are posed by Asia, specifically China, Russia, and the perennial crisis in the Middle East, which has paradoxically been exacerbated by western interventionism. In an act of marginalization, Africa as a continent does not feature in Kissinger’s calculus for a new and emerging international system, as he does not dedicate any amount of analysis in considering the continent’s position or role in forging a new international system. Consequently, there is a call for African thinkers to advance their own ideas on this issue.

In referring to China’s contestation of American power, Kissinger argues that “a rising power may reject the role allotted to it by a system it did not design, and the established powers may prove unable to adapt the system’s equilibrium to incorporate its rise” (Kissinger 2014, 366–67). Kissinger further suggests that “the emergence of China poses a comparable structural challenge in the twenty-first century (Kissinger 2014, 367). The idea that “a rising power” should subscribe to a “role allotted to it” reveals what is wrong with the realist prism in framing how the US should position itself against presumably would-be contenders to its throne. This self-delusional notion of the US as the imperial force that assigns roles and functions to its cohorts in return for papal fealty is deeply flawed and erroneous thinking that will only

further precipitate global crisis. The flawed nature of this thinking is evident in the endless and permanent wars that Washington is failing to contain, suggesting that either there are extremely high levels of incompetence in the practice of international relations or the ideology that is informing action is intentionally misguided, or both.

Kissinger (2014, 371) argues correctly that “a reconstruction of the international system is the ultimate challenge to statesmanship in our time,” and his book is focused on this issue. Kissinger’s proposal to remake the world through a political realism lens is however counter-intuitive and self-destructive, because this is the type of thinking that has brought the world to the brink of catastrophe in the second decade of the twenty-first century. The type of thinking that orients you to a crisis is unlikely to extract you from such crisis. The incongruity of this thinking is self-evident in its problematic reluctance to acknowledge that human beings can alter their behavior to create alternative outcomes. Consequently, it is necessary to question the continuing prevalence of this type of thinking as it applies to the realm of international order and the pursuit of global order.

THE INVENTION OF THE UNITED NATIONS AND THE PROMISE OF GLOBAL ORDER

Following the subjugation of the fascist and totalitarian powers at the end of the Second World War, the wartime allies decided to construct a new framework for the post-war world order. The United Nations organization was the progeny of this endeavor and its primary purpose was to ensure that there was an institutional mechanism that would encourage its members to “settle their international disputes by peaceful means in such a manner that international peace and security, and justice are not endangered” (United Nations 1945). Through the mechanisms of the Security Council and the General Assembly, the UN was provided with the ability to oversee the peaceful settlement of disputes. Specifically, Article 33 of Chapter VI of the UN Charter (1945) states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement.” The Charter of the UN designated the world body as being the primary vehicle with the responsibility to promote international peace and security. In order to operationalize these interventions, the broad range of institutions within the UN system could be utilized. On this basis, it is important not to lose sight of the fact that the UN is the composite formation of its Secretariat, the member states, and its numerous agencies.

As the institution empowered by the Charter to promote peace and security, the UN Security Council is the most powerful of these institutions and it has a primary responsibility to create and establish the framework conditions for other branches and institutions of the UN system, as well as regional organizations, to contribute toward the peaceful resolution of disputes and the maintenance of global order. Consequently, it is the central focus of this chapter's analysis.

Regional organizations such as the European Union (EU), AU, the Organization of American States (OAS), the Association of South East Asian Nations (ASEAN), the Organization for the Islamic Conference (OIC), the Organization for Security and Cooperation in Europe (OSCE) also have an important role to play in pursuing global order. Specifically, Article 52 of Chapter VIII of the UN Charter states that "the Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council" (United Nations 1945). However, when the conditions on the ground are not conducive to the operationalization of peace and security, for example in situations where armed militia are still projecting violence, then regional organizations generally have to defer to the UN Security Council, which has the power to authorize the robust engagement with armed groups if necessary.

AFRICA AND THE LEGACY OF GLOBAL EXCLUSION

The era of global disorder will persist, due to the fact that a radical shift in thinking does not, and cannot happen, overnight. This is particularly apt when we are referring to international relations in which the parochial prejudices and biases of stateswomen and statesmen persist as the basis upon which to inform decision-making. This situation will not change until the attitudes are transformed through a program of "unlearning" the self-defeating and self-destructive world views premised on aggression, dominion, and control. The contestation and jostling for global supremacy will continue in this intervening period.

If anything the powerful countries have acquired a voracious appetite for preventing any contestation to their global hegemonic power, from any usurpers and pretenders to the global throne. It has gotten to a point to which they are already directly engaging each other, for example, China's ongoing confrontation with the US over the issue of sovereignty of the South China seas, as well as NATO's campaign to encircle Russia, evident in the most recent invitation to Montenegro to join the military alliance.

In this noble quest to redesign the international system, the historical exclusion of a majority of the world in designing and upholding global order also needs to be redressed. Historically, Africa, as some other parts of the world, has been excluded from the design and construction of global order. Given the historical exclusion, exploitation, and oppression of Africa, it is vital in terms of global justice for Africa to assert its right to shape and mold the future global order.

Currently, the reality of negotiation processes in the UN Security Council perpetuates and reproduces this paternalistic exclusion of the African continent. More than 60 percent of the issues discussed by the UN Security Council are focused on Africa, yet the continent does not have any representation among the Permanent Five members of the Council. Given the fact that the P5 can veto all manner of decisions before the Council, it is a travesty of justice at its most basic level that African countries can only participate in key deliberations and decision-making processes as individual non-permanent members of the Council. Furthermore, there is no guarantee that African non-permanent members of the Council will in fact articulate and advance positions that are in the interests of African citizens and vulnerable communities in countries that they represent.

The UN Security Council negotiation and decision-making processes are in effect the highest manifestation of unfairness in the international system. If achieving fairness in negotiations among states is the preferred route to achieving global legitimation, then a fundamental transformation of the UN Security Council and the elimination of the veto provision is a necessary prerequisite. The P5 are among the beneficiaries of the *status quo* within the international system, reproducing in effect a form of diplomatic apartheid. Given the fact that the asymmetrical distribution of global, political, economic, and military power has remained relatively unchanged since the end of the Cold War means that the potential beneficiaries of global democratic transformation would in effect be the societies in the so-called developing regions of the world—Africa, Asia, the Middle East, and Latin America.

PAN-AFRICAN EFFORTS TO REFORM THE UN SECURITY COUNCIL

Africa has tried to voice its concern about the need for a change within the existing UN system. Specifically, in March 2005, the AU issued a declaration known as The Common African Position on the Proposed Reform of the United Nations: The Ezulwini Consensus (African Union 2005), which was a statement in response to the Report of the High-Level Panel on Threats, Challenges and Change which was issued in December 2004. The AU issued

a position on UN reform and, in particular, on the reform of the Security Council by noting that “in 1945, when the UN was formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position” (African Union 2005, 9). The AU goes on to state that “Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose”; furthermore, it notes that “Africa’s goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council” (African Union 2005, 9). The Common African Position enumerates what “full representation” of Africa in the Security Council means by demanding “not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right to veto” and “five non-permanent seats” (African Union 2005, 9).

On May 27, 2010, the first-ever negotiating text on Security Council reform was issued by the Chair of the Inter-Governmental Negotiations on Security Council Reform, Ambassador Zahir Tanin of Afghanistan. In this document the AU position which was articulated by Sierra Leone, which is a current non-permanent member of the UN Security Council, retained the original position by stating that “Africa seeks the abolition of the veto, but alternatively, so long as it continues to exist, its extension to all new permanent members in the Council as a matter of common justice” (African Union 2005, 9). As noted above, the virtual impossibility of eliminating the veto provision from P5 members (due to their combined coercive power to subvert any such initiative), in the short to medium-term, weakens the argument that achieving fairness in negotiations among states is a potential route to global legitimation.

AFRICAN PERSPECTIVES ON THE REMAKING OF GLOBAL ORDER

This attempt by the African continent to propose reform of the UNSC through the Ezulwini Consensus has largely been rebuffed by the self-involved and self-interested powerful members of the UNSC, notably the P5. Consequently, it is time for Africa to directly participate in the dismantling of the current global system and replacing it with a more inclusive system of global democracy. It is incumbent for our citizens, and the leaders that they have chosen, not to wait for ideas to come from elsewhere, because they will not come in a manner that will be favorable to the collective, but only to the self-interested minority elite.

Humanity is increasingly bombarded by a certain way of thinking, through media manipulation, which prevents us from questioning the existing order.

The first step is to pierce through the veil of this deception and see the world as it is. Africa as a continent has to put forward its own proposals as to how to remake the global order.

Sentiments emerging from the African Union Annual Assembly of Heads of State and Government, in January 2016, was that African countries should “pull out” of the UN system. This in fact might be a necessary stepping-stone toward dismantling the current system and replacing it with a system that deepens global democracy. While the prospects for exiting the dysfunctional UN system are appealing, there are a number of challenges that have to be taken into account. For example, it is impractical to withdraw from engaging with the international system, particularly if you have to continue engaging and interacting with other actors around the world. Consequently, Africa needs to re-group and re-think its strategy for remaking the world system.

ENHANCING AFRICA’S GLOBAL AGENCY

In order for Africa to achieve this objective, it will need to cleanse and extract itself from any internalized sense of inferiority. This can only be achieved by decolonizing the African mind from the mental slavery which is a persistent feature of the post-colonial societies across the continent. African countries working in tandem can become a powerful force in international relations. The African project of continental unity is still a work-in-progress, but it will contribute toward enhancing the agency of the continent. The fact that the continent is still a work-in-progress does not mean that Africa has nothing to offer the world. Africa can offer insights from, and draw upon, its own historical experiences and continental struggles. African civic actors and the wider society can also lead the debate on a broad range of ideas, proposals, and recommendations.

Africa must assert its right to contribute to remaking the world from the set of principles that have animated its existence in the last century. Consequently, these principles of freedom, solidarity, justice, and reconciliation, which Africa is a proponent of, should inform the remaking of the world in a way that strives to balance international authority with citizen participation (Murithi 2007).

Activating Africa’s Agency

Africans are freedom seekers, evident in their historical quest to liberate their continent. Pan-African freedom seeking is also embodied in the anti-colonial and anti-apartheid struggles that were led by actors across the continent. The quest for ultimate freedom has continued into the twenty-first century, due to

the persistence of economic control driven by compromised global institutions, such as the IMF and World Bank. We have not succeeded in spreading freedom to every corner of the African continent, so the work continues. In addition, there is much work to be done to advance economic empowerment, which is the ultimate indicator of a continent of people who can determine their self-development and enhance their livelihoods. This notion of human freedom should inform the agenda to reform the global order.

Pan-African solidarity is evident in the support that countries under the yoke of colonialism and apartheid received from their fellow African states and societies. Today, Pan-Africanism is evident in the support that countries across the continent provide to those wracked by conflict and crisis. Consequently, there is a strong argument for Pan-African solidarity and Pan-Africanism. However, there is still much more to be done to translate Pan-African solidarity into interventions that will consolidate and entrench democratic governance across the continent. However, this spirit of solidarity should and can be translated into ideas to frame participatory global governance.

Africans have struggled for a more just world and more equitable global order. As targets of historical injustice, Africans continue to lead on the promotion of justice understood in this instance as fairness, equality, accountability, and redress for harm done in the past. In order to redress this historical injustice, the idea of a just system should therefore animate the redesign of a new global order.

Africans have sought to promote reconciliation between the various groups, societies, and communities around the world, epitomized by the work of Nelson Mandela in South Africa. This principled position is evident in the posture that was adopted by African governments and societies when the external colonizers left the continent. There was no rush to seek revenge and vengeance against colonizers for the brutal and dehumanizing system. In fact, in some countries with settler communities, the political narrative of reconciliation was deployed to frame the future relationship between the settlers and the natives. This approach is now being contested because there is a sense that reconciliation was not accompanied by justice and a genuine attempt by the colonial powers to redress the human rights violations which they perpetuated against the countries that they dominated. Nevertheless, this illustrates that Africans are also agents of change premised on healing the deep divisions between groups and societies. The idea of global reconciliation has to also inform the attempts to redesign the international system.

The Pathway to the Remaking of Global Order

The founders of the UN recognized that the moment would arrive when it became imperative to transform the organization and included a practical

mechanism to review the body's Charter. Specifically, Article 109 of the UN Charter provides for a "General Conference of the Members for the purpose of reviewing the present Charter." Article 109 of the UN Charter cannot be vetoed by the Permanent Five members of the UN Security Council, which has in the past hampered, deliberately sabotaged, and deployed subterfuge among their client states to prevent any attempts to "reform" the UN Security Council.

This Charter Review Conference could be convened at a specific date and place if it is approved by "a two-thirds vote of the members of the General Assembly and by a vote of any nine members of the Security Council" (United Nations Charter, Article 109, 1). Therefore in practice there are no major obstacles to convening a Charter Review Conference apart from securing the necessary percentages described above. In addition, the decision-making process at such a Charter Review Conference would be relatively democratic in the sense that "each member of the United Nations shall have one vote in the conference."

This Charter Review Conference could be initiated through a process of mobilizing the will of two-thirds of the General Assembly and nine members of the Security Council. The latter provision means that the P5 cannot veto any proposed UN Charter Review Conference. Such a Charter Review Conference could adopt a recommendation to substantially alter the UN Charter and introduce completely new provisions including a change in the name of the institution to, for example, the World Federation of Nations (WFN). The adoption of these new recommendations could be on the basis of a two-thirds vote of the conference and each member of the UN would have one vote.

The major challenge will arise when it comes to ratifying any revised or new charter. Article 109 further stipulates that any alteration of the UN Charter can only take effect "when ratified in accordance with their respective constitutional processes by two thirds of the members of the United Nations including all the permanent members of the Security Council."

In essence, if a UN Charter Review Conference makes recommendations, then these have to be further ratified by the governments of member states, including all P5 members. Therefore, the final ratification of a new Charter could potentially be held hostage by a veto from any of the P5, in what is in effect an undemocratic provision inserted by the founders of the UN undoubtedly to serve their own interests of ensuring that any provisions meet with their approval. There are precedents for Charter Review processes leading to the establishment of new international organizations, notably the Organization of African Unity's transformation into the African Union, initiated by a meeting of Heads of State and Government in 1999.

Therefore, a UN Charter Review Conference could lead to the formation of the WFN through broad-based and inclusive consultations that include governments, civil society, business, trade unions, and academics. Despite the potential veto of P5 members at the ratification stage, the General Assembly can nevertheless take the initiative and convene a UN Charter Review Conference. The recommendations adopted at a UN Charter Review Conference would be imbued by a degree of moral legitimacy and therefore any efforts to sabotage the full adoption of such recommendations by the P5 would further expose the injustice entrenched in the international system.

In the absence of the political will within the UN to convene a Charter Review Conference, an alternate strategy would be to establish the WFN through the convening of a new and separate treaty which could be approved and adopted by “which ever internationally progressive countries were willing to be pioneers” (Strauss 2005, 9). With reference to a global parliamentary assembly, or as this proposal suggests the WFN Parliament, “even twenty to thirty economically and geographically diverse countries would be enough to found the parliament” and “the treaty agreed to by these countries would establish the legal structure for elections to be held within their territories including a voting system and electoral districts” (Strauss 2005, 9). There is no reason why these pioneering countries would have to give up their membership of the UN whilst forming the World Federation of Nations, since almost all countries belong to more than one international organization simultaneously. In fact, there could be an advantage of the pioneer members of the WFN to retain their membership of the UN and actively use their positions to advocate for the new Global Democratic Architecture and convince an ever-increasing number of countries to join them in the new formation.

The constitution of the WFN could be framed in such a way that any country could join the formation so long as it is willing to meet its obligations under the WFN treaty. If the WFN treaty begins to gain momentum then “other less proactive countries would have an incentive to take part rather than be sidelined in the creation of an important new international organization” (Strauss 2005, 10). When membership of the WFN reaches an optimal number of countries then one could begin to see the gradual withering away of the relevance of the UN until it undergoes the same demise as the League of Nations. In fact, the UN itself was established by a pioneering group of countries so it has already provided an example of how to successfully achieve the establishment of the WFN.

In terms of the way forward, what is required is for a group of progressive states to begin drafting a General Assembly resolution to put the UN Charter

Review Conference on the agenda and to also in parallel begin to finance the drafting the treaty and constitutional framework of the WFN.

Interrogating the (Im)Possibility of Change

It would be naïve to think that the beneficiaries of the current system will allow change to happen, simply because the African continent demands it. Consequently, this radical transformation will not happen any time soon. Instead, Africa will have to utilize a strategy of disruption to undermine global systems and institutions that continue to perpetuate its subordinate status and historical injustice. Africa will also need to continue leading in the design and creation of new global institutions, and withdraw from international institutions which are dominated by the global geopolitical power-brokers.

Africa already attempted this with the Ezulwini Consensus, but it was comprehensively re-buffed and cast aside. A decade after the initial Ezulwini Consensus initiative, the global system of governance and the UN Security Council remains intact and unaffected, as well as dysfunctional in terms of addressing contemporary security threats. The point is not that the UN is not doing good work in some places, the point is that the next version of the UN should be able to achieve even more for the war-affected, refugees, and downtrodden. In addition, in a new system of global democracy, it should have its own predictable source of funding sourced, for example, from taxing financial capital flows or issuing a levy on imports, which the African Union has recently adopted as a proposed policy for funding its own operations. Ultimately, the redesign of the global order is in effect about advancing the notion of our common humanity.

CONCLUSION

The current global order is at a breaking point. The type of thinking that got us into this planetary crisis point is not the type of thinking that will get us out of this conundrum. By extension, the erroneous thinking, informed by political realism, is not the kind of thinking that will get us out of this situation of global insecurity we find ourselves in.

The UN system and its Security Council have abdicated from undertaking this fundamental task, which is key to human survival. The excesses of the Permanent Five members of the UN Security Council have pushed the world over the precipice and the world is in an extended descent into the abyss of cyclical and never-ending violence. While there are those who might relish and benefit from this state of affairs, the prognosis suggests that humanity

will not survive if the endemic crises it faces around the world cannot be addressed by a paralytic and decrepit UN system.

The powerful members of the UN have demonstrated their ability to manipulate geopolitical pressure to achieve their desired self-interests. They have also demonstrated their willingness to utilize the UN as a prophylactic to achieve their nefarious ends. This is one situation in which the UN Charter came under direct threat from the dogmatic interests of power permanent members (P5) of the Security Council.

The illegal Iraq invasion, by the US and UK, was the clearest demonstration of this predilection to perverting the international rule of law. The US and UK amassed a coalition of the coerced and mounted their invasion, in direct contravention of the UN Charter, specifically Article 39 and its injunction against inter-state aggression. This event was nevertheless a notable nail in the coffin of the UN Charter and a clear illustration of the undemocratic character of the international system.

Similarly, the ongoing bombing raids in Syria by the P4 members of the P5 of the UN Security Council, which were launched without a Security Council resolution, is further evidence of the corrupted nature of international system which purports to be the purveyor of the maintenance of peace and security.

The UN, which was created to address the problems of the world in 1945, is no longer fit for that purpose in the twenty-first century. The institution tasked with global security and maintaining the international rule of law is dysfunctional. As stipulated in the UN Charter, far from establishing “the conditions under which justice and the respect for the obligations arising from treaties and other sources of international law can be maintained,” the P5 are in fact undermining this historical mission. The point is that the kind of thinking that got us into this conundrum is not the same type of thinking that will get us out of the current global predicament. The world has come to this state of affairs, due to erroneous decision-making and missed opportunities by the global power elite who have up until now dictated the structure of the international system. This erroneous decision-making is based on ill-thought-out strategies predicated on a misplaced aggressive drive for dominion and control to achieve hegemonic self-interest. Paradoxically, instead of achieving the desired objectives of dominion, the global power elite are rapidly losing control of the international system, and are fomenting attitudes around the world that are exacerbating global insecurity.

The challenge is how to extract the world from this paradoxical situation, which could trigger events that could fuel and inflame an escalation of global confrontation and ultimately lead to chaos and catastrophe. The issue is whether the world can avert this precipitous decline and find creative ways to restore global order.

There is, therefore, a need for global rules and standards to restrain the economic and political excesses that are currently undermining the fabric of societies world-wide. If one speaks of providing more opportunities for the global citizenry to participate in global affairs then it is logical that people should be represented at the global level by some kind of world people's assembly. The peace marches that took place in April and May 2003 around the world brought an estimated ten million people out into the streets to air their voices, but this did not really have a major impact on transforming the policies that were ultimately adopted. There was a revolution in global consciousness but not a parallel echoing of this transformation at the level of the institutions of global governance. It is, therefore, necessary to ensure that the next time an issue of global concern is voiced by the peoples of the world there will be an institution which can articulate these concerns and translate them into policy decisions, which can contribute toward improving the democratic transparency and accountability of the global decision-making and implementation process.

It is unlikely that tinkering with the edges, in the form of so-called UN reform, will generate institutional models that lead to a deepening of global democracy. Yet the global challenges across regions and within states continue to mount without an adequate forum for those most affected by these challenges to voice their concerns. Consequently, the transition to global democracy cannot be left to its own devices. The current global system is defined by the selective respect for international law and a self-evident democratic deficit. If the status-quo is permitted to persist, this model of elite global governance, for example manifest through the P5 of the UN Security Council, will not reform itself but merely replicate and reproduce existing forms of exclusivity by co-opting a few more members. The increase in issues of common concern to world citizens at the global level justifies the formation of new arenas for democratic decision-making.

African experiences can influence the formation of a new global order. Specifically, drawing upon Pan-African experiences with the quest for human freedom, solidarity, justice, and reconciliation, the continent can infuse these notions into the reconfiguration of the global order. A new Global Democratic Architecture would be premised on the vertical disaggregation of the power of nation-states to a supra-national grouping of regions and downwards to sub-national communal formations. This chapter proposed that there a sufficient case can be made for the establishment of a World Federation of Nations to embody this new Global Democratic Architecture. A UN Charter Review Conference can launch such a process, alternatively the WFN could be established by a separate and stand-alone treaty.

This chapter has sought to establish the principle that radical transformation is required to achieve global democracy. UN reform will not significantly alter the power imbalances neither will it empower the citizens of the world to assert their right to hold global institutions accountable for their actions. Furthermore, radical transformation is also necessary to empower world citizens, through their own agency, to be in a position to actively define what a future organization that will address their interests as in terms of reducing the socio-economic inequalities that plague the majority of humanity. The UN has become the anachronistic caterpillar which has ossified and is now ready to shed its depleted edifice through a process of metamorphosis which will allow a new geopolitical configuration to emerge and strive to re-orient the planet toward global order. In the interregnum leading to this radical transformation, there will be paradoxes, fissures, and discontinuities, but these will be necessary in order to enable and facilitate the emergence of a new global order. In this historical mission, humanity should be guided by the wisdom of the distinguished Pan-Africanist and first President of a democratic South Africa, Nelson Mandela, who advised that: “It always seems impossible until it’s done.”

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Chapter 3

Toward a New Peace and Security Agenda

Contributions from Pan-Africanism

Cheryl Hendricks

INTRODUCTION

The awareness of the limitations of the conflict management approach adopted by intergovernmental organizations (IGOs) such as the United Nations (UN) and the African Union (AU) has been with us for a while and is found in the plethora of articles that seek to “rethink” peace-making, peace-keeping, and peacebuilding. The need for change is also highlighted in the reports by the UN’s *High Level Independent Panel on UN Peace Operations* (2015) and the *Review of the UN Peacebuilding Architecture* (2015). In 1992, the then Egyptian Secretary General of the UN, Boutros Boutros-Ghali, introduced an *Agenda for Peace: Preventative Diplomacy, Peacemaking and Peace-keeping*, to strengthen peace-making and peace-keeping processes in order to enable more appropriate responses to the intra-state wars that were burgeoning in the post–Cold War era.

Preventative diplomacy and post-conflict peacebuilding were introduced to usher in a more comprehensive conflict management approach. The AU, too, when it established the African Union Peace and Security Architecture (APSA), adopted the approach outlined in the *Agenda for Peace*. After the formation of the AU the number of conflicts in Africa decreased. However, from 2010 there has again been an upsurge in armed conflict with many of these being recurring conflicts. The sustainability of current conflict management approaches is therefore in question. Beyond tinkering with the existing peace and security agenda, there is a dearth of deeper reflection on alternative approaches and mechanisms, especially by Africans. Twenty-six years post the adoption of the conflict management agenda, the nature of conflict has

changed and requires that we reconsider our approaches to resolving them. In Africa, transnational violent extremist groups, election-related conflict, resource-based conflicts, coups, warlordism, and a plethora of other local-level conflicts (over water and land) no longer respond as readily to the tools in our conflict management toolkit.

It is therefore imperative that there is not only a critical reflection on the conflict management measures we are pursuing, but also robust interdisciplinary engagement to constructively think through new approaches and mechanisms. This chapter contributes to this endeavor by outlining some of the theoretical developments in the approaches to conflict management and outlining the well-rehearsed critique of the dominant approaches. The chapter then teases out some of the Pan-African conceptualizations of peace and security and its import into the Organization of Africa Unity (OAU) and the AU. The AU's Peace and Security Architecture and peace processes are then analyzed using its stated goals of Pan-Africanism as a lens. The chapter argues that we should "look back in order to look forward" and that we need to elaborate a reimagined gender sensitive Pan-African perspective that can inform conflict management on the continent and be the basis for a new global approach to conflict management.

CONFLICT MANAGEMENT APPROACHES AND MECHANISMS

The meaning of peace and security and the ways in which to attain it have always been contested. Realists viewed security through the prism of self-serving states in an anarchical world in which they needed to protect their national interest and territory from external threats. Consequently, the management of conflict was through the projection of power, largely through the use of force (militarized security) best encapsulated in the statement "we create peace by preparing for war." Realism took a major setback in the 1990s when there was a marked shift from interstate to civil wars, a renewed faith in multilateral organizations to deal with peace and security, and an emphasis on emancipation and human security. However, post-9/11, the rise in global terrorism, the renewed dangers of the production of weapons of mass destruction, and the perceived threat of non-compliant states (e.g., Iran and North Korea) have provided a theatre in which realism ("peace through coercive power"; Funk 2002) once again holds appeal. The use of mediation and negotiation (key elements of the Agenda for Peace) in these contexts are questioned by realists usually noting that "we do not negotiate with terrorists." For them it is predominantly the projection of force and the threat of sanctions that should inform conflict management.

David Shearer concurs that not all conflicts are amenable to being settled by “consensus promoting strategies” (e.g., negotiations and mediation) and indeed that “mediated settlements may have the unintended effect of prolonging the conflict . . . while military action may have the effect of foreshortening the conflict” (Woodhouse 2000, 9). It is easy to see the attraction of this approach in its quick win orientation.

Realism (and its variants) is the dominant approach among many governments, African scholars, and practitioners of international relations, and still underpins African multilateral institutions: This is despite the policies and rhetoric that call for a human security approach and/or for dialogue and consensus seeking. Realism is attractive because it provides authoritarian and *de jure* African states with the protective discourse of national interest and sovereignty, and a rationale for their build-up, and use of, security forces in the service of the incumbent regime. Faced with warlordism, rebels, terrorists, insurgents (and a host of other epithets for those who do not comply with democratic institutions and processes to change political governments and governance), regimes feel pressured and justified to use military force and multilateral institutions to embark on peace-enforcement missions.

Realism, however, is not an approach developed to explain or manage security in the African context. It evolved as part of the theoretical engagement of Western scholars with the challenges (interstate) facing their countries and the response mechanisms they deemed necessary at the time. It is once again being employed to deal with threats emanating from the outside (terrorists and conflict spaces that create refugees), and we have, therefore, seen the build-up of more and more foreign militaries in Africa. More military bases are being set up, whole islands are being taken over for this purpose, and foreign militaries are at the forefront of training African security personnel. These militaries purport to be here to assist, primarily through the use of force, with our continental security challenges. This is a worrying trend not only because of the limitations of military-based solutions, but also because of the inherent dangers of the remilitarization and recolonization of the continent under the guise of providing assistance with conflict management. The militarized option also does not augur well with the AU’s Agenda 2063 that calls for “silencing the guns by 2020” (surely all guns are to be silenced, not just those of rebels and terrorists).

Realism has always been challenged by, for example, liberalism, critical theory, feminist theory, and peace studies, all of whom have had a substantial influence on the development of the international Agenda for Peace.

Liberalism has been the theoretical and ideological basis for the establishment of the UN. The idea that one could have global governance that could introduce norms, regulations, and structures to bring order, stability, and collective security in a perceived anarchical world is associated with

this perspective. Liberalism's conflict management approach is premised on the belief that democracies, international law and organization, and interdependence (through trade) are the foundations for creating a peaceful world (captured in Kant's Perpetual Peace and Doyle's Democratic Peace thesis). The formation of liberal democracies that form part of global governance structures is then the path toward peace for liberalism. This ideology is at the heart of the current Agenda for Peace. Within liberal democracies "coercion and violence are not considered legitimate means for resolving conflicts" (Kinsella and Rousseau 2009, 478), instead negotiation and compromise become the means through which to deal with a conflict of interest—"peace through communication" (Funk 2002). However, if the adversary is seen as non-democratic/authoritarian then coercive means become justified.

Conflict resolution/peace-making had long been practiced by the UN as a means to resolve conflict between states. The difference in its application in the post-Cold War context is that it was now being applied, not between states with a supposed equal standing, but between governments and non-state actors (with both often not enjoying any widespread popular support). Christopher Clapham noted this shift indicating that:

They devised informal rules that powerfully shaped the process of peacemaking and, in turn, strongly influenced its outcomes. The most basic assumption underlying these rules was that all parties to a conflict have a "standing," which required that they be recognized as valid participants in any peacemaking process. [. . .] During the Cold War period, movements which challenged the control of states by their governments were normally accorded a recognized standing in international negotiations only when they met criteria for legitimacy. . . . Once this basic shift in the standing of conflicting parties was accepted, the other elements in the new conflict resolution mechanism readily fell into place. (Clapham 1998, 194–95)

The "other elements" were the "respect for the ceasefire agreement," the "terms of the peace agreement" that would be "heavily influenced by the values of Western liberal society, and called for the creation of a constitutional framework, encompassing multi-party competition for electoral support combined with a respect for basic human rights" (Clapham 1998, 195). The problem here was that the peace agreements were being forged without necessarily dealing with the causes that gave rise to the conflict in the first place (much of it related to the nature of the state), and that it assumed a commitment on the part of those engaged in negotiations to the "ideological norms that underlay the peacemaking process" (Clapham 1998, 197). Moreover, a large part of the challenge has been that many of these externally mediated agreements all seem to end up with similar power sharing agreements—irrespective of

context, nature of the conflict, and actors, the prescription is the same. This power-sharing/elite-pacting phenomenon has also further engendered a situation where violence (ability to do harm) becomes a means through which to acquire or retain access to state power (and its associated wealth) fueling the never-ending conflicts and peace agreements in some countries.

The realization that many of these peace agreements did not hold led the UN to an emphasis on peacebuilding, mentioned but not elaborated upon in the Agenda for Peace. Peace studies was a discipline that emerged in the late 1950s existing on the margins of international relations. Its preoccupation was not on war and the management of it, but was on how to create peace. The work of Johan Galtung and Paul Lederach is associated with this school of thought. They mooted and expanded upon the concept of peacebuilding to address the “root causes” of, and to transform, conflict. Here the emphasis was on addressing structural and cultural violence and on transforming relationships—“peace through transformation” (Funk 2002).

When the UN and other intergovernmental organizations adopted peacebuilding, however, it was not as much concerned with transformation as it was with resurrecting “failed” or “weak” states through conventional institutional building. The discourse of peacebuilding—aimed at societal transformation—was appropriated and depoliticized into a statist project. Security now was to be established through disarmament, demobilization, and reintegration (DDR) and security sector reform (SSR); development assisted through quick impact projects (schools, bridges, etc.); and reconciliation achieved through adopting transitional justice mechanisms (e.g., national reconciliation commissions).

In 1995, the UN produced an *Inventory of Post-Conflict Peacebuilding Activities* which included: Political Agreement; Relief and Humanitarian Assistance; Disarmament Demobilization Reintegration (DDR); Rehabilitation, Reconstruction and Reconciliation; Enhancement of Human Rights and a Participatory System of Government at all levels (UN 1996). In 2005, the UN Secretary General’s Report: *In Larger Freedom* made the call for a Peacebuilding Commission that would assist countries “with the transition from war to lasting peace.” Although there are now many more actors that engage in peacebuilding (DFID, USAID, European Union [EU], World Bank [WB], AU, etc.), there is a general consensus of peacebuilding as a set of largely external interventions that deal with issues of economic growth, politics, security, and social cohesion. Another paradigmatic dimension underpinning the liberal peacebuilding project is the “rule of law”—i.e., the assumption that there “is a relationship between law, peace and development” (Boon 2009), hence the emphasis on the development of constitutions and policies in the post-conflict phase.

Scholars critique liberal peacebuilding because of its intrinsic ideological bias in favor of the norms and values of the West and have viewed it as a form of imperialism, social engineering, and “riot control,” that is, stemming the flow of refugees to the West (Richmond 2011; Paris 2002; Duffield 2006). Call has emphasized that peacebuilding is essentially state building and highlights its emphasis on order rather than other values such as social justice (Call 2008). Chandler notes how international actors, who are the agents for peacebuilding, essentially undermine local institutions (Chandler 2013), whilst Curtis argues that peacebuilding “cannot be positioned above politics and history” (Curtis 2012). Paris commented that despite the limitations, we do not have any alternative to liberal peacebuilding (Paris 2010). Peacebuilders have been responsive to some of the critique mentioned above and most are now more sensitive to the need for local ownership of programs. In general, however, the translation of peacebuilding into the conflict management industry has been in ways that have reduced its transformative potential.

The lament by African scholars and the AU in relation to peacebuilding has been largely about its external influence and the need for “local ownership.” Few question its premises or have any alternative to current practice: They simply want African states and/or the AU to be in the driving seat of its implementation. This is clearly captured in the AU’s Policy Framework for Post-Conflict Reconstruction and Development (AU 2006). The UN’s Review of the Peacebuilding Commission of 2015 also speaks to the need for national ownership and for “sustaining peace” (in it for the long haul), and further notes the fragmented nature of peacebuilding and that there is little clarity about its implementation (UN 2015). This is indeed worrying. We have either left or outsourced the reconfiguration of post-conflict countries in Africa in the hands of others who are largely experimenting with programs designed on and for contexts that they are familiar with and in their own interest, and doing this by trial and error. We have not as Africans sought to think through anything different even when we bemoan some of the practices.

Conflict prevention and peace-keeping are additional instruments in the liberal conflict management toolbox. Although there is currently more emphasis being placed on conflict prevention as it is deemed more cost effective, there is actually very little in place to make it operative for preventing intra-state conflicts. Some of the key measures in the *Agenda for Peace* are preventative diplomacy, consensus-building measures (exchange of military missions, monitoring regional arms agreements, exchange of information), deploying fact finding missions, early warning, and preventative deployment by consent. In relation to early warning, Zenko and Friedman note that the “UN’s challenge lies primarily in building a robust capacity to analyse multiple streams of information from both inside and outside the organization” (Zenko

and Friedman 2011, 22). The challenge here though, as well as in structures like the AU and other Regional Economic Communities (RECs), is not so much with information gathering, it is on getting the appropriate responses in a timely manner, and that this is mediated by organizational politics.

Strengthening early warning capacity has become a key pre-occupation in African countries, especially by women's groups and other civil society organizations. However, though it can identify, in all probability, where conflicts are likely to erupt, by itself early warning is not a sufficient tool to prevent conflicts from occurring. A major part of the challenge is that there are no adequate mechanisms to respond in a timely manner to assist in preventing many of these conflicts once we know through early warning that they are likely to erupt (rapid deployment forces are not able to perform this function either). The building of "peace infrastructures" holds more promise in this regard. Conflict prevention has to take a more long-term, comprehensive approach. This, one could argue, was part of the Human Security perspective developed in the 1990s that redefined security as "freedom from fear, freedom from want, freedom to live in dignity (UNDP 1994)." At its core, it created a shift in focus from the security of the state to that of individuals and from looking at violence to other structural factors that contributed to insecurity (i.e., people's livelihoods and governance). If we want to prevent conflict we need to create societies in which these issues are adequately addressed and not simply instruments that reflect when violence is likely to erupt.

The UN currently has 14 peace support operations deploying 110,000 peacekeepers; 7 of the missions are in Africa (UN 2018). Peace-keeping has evolved considerably since 1956 when the first peace-keeping mission was deployed. It has shifted from primarily dealing with monitoring interstate cease-fire agreements to multidimensional peace support operations (supporting the implementation of peace agreements and assisting in rebuilding states) and to now include both peace enforcement missions and peacebuilding missions (for example in Haiti). Many of these peace support operations stay in a country for an extended period of time and begin to take over state functions (the Democratic Republic of Congo again being a prime example). *The High Level Independent Panel on UN Peace Operations* of 2015 asked that we recognize the limitations of peace-missions, that it should not be deployed in counter-terrorism contexts, and reiterated an emphasis on conflict prevention, mediation, and more high level political engagement.

Though few would argue that the majority of countries are better off for having a peace support operation than not having one, the challenges of these missions are also very clear: (1) They come at a high cost; (2) they are not that effective at the protection of civilians; (3) given the proliferation of peace enforcement contexts, there is an increased risk for peacekeepers; (4) peacekeepers themselves have become predators, engaging in sexual exploitation

and abuse; (5) it is difficult to determine an exit point for these operations; (6) the norm of impartiality is often transgressed; and lastly, (7) many of the conflicts are not confined to state borders and there are a number of sub-state actors simultaneously challenging the state (Caparini 2016).

The AU seeks to provide its own capacity to respond to peace and security issues on the continent; through the Africa Standby Force (ASF) it, too, deploys peacekeepers. It engages in strategic partnerships with the UN based on the following principles—the primacy of the United Nations Security Council (UNSC) in international security (AU therefore deploys on behalf of UNSC); African ownership and priority setting; partnership on the basis of consultative decision-making, division of labor, and burden sharing; mutual respect and adherence to the principle of comparative advantage; and division of labor underpinned by complementarity. The AU felt compelled to jump in to fill a gap in peace and security on the continent post Rwanda, but has confronted many of the same challenges and many more, especially since the environments it deploys in are not post conflict. This, therefore, means that they are not keeping any peace but seeking to enforce it.

The core mechanisms of the current peace agenda—conflict prevention, peace-making, peace-keeping, and peacebuilding—as shown above, have deep-seated flaws. Some argue that it is relatively young and therefore on a steep learning curve, and that the challenges that confront us in Africa are not unique and therefore we should not be too self-indulgent seeking “African Solutions to African Problems.” In contrast, the argument of this chapter is that we certainly cannot continue in ways that we have before. We are still trying to resolve many of the same conflicts years later (for example, CAR, DRC, Somalia), and others that we thought were resolved returned to conflict (Burundi, South Sudan). At whose expense would the international community and other peacebuilders be engaging in this learning process? We also know that doing the same thing will not engender a different result.

Furthermore, the call for “African Solutions to Africa’s Problems” should not be interpreted in an essentialist way (as we will see in the next section). It is a call for Africans to be engaged in the conflict management and development of their continent and to do so from the advantage of their own experiences. It does not negate what they can learn from others (not blindly copy) and certainly was always interpreted as charting a new way forward for humanity as a whole. It is, therefore, time to begin to think through either how we adapt the conflict management mechanisms to suit the current context or develop completely new ones to take us forward. Peace-making, for example, does not have to be limited to the current form of mediation between those with the ability to do harm. We can reimagine different peace-tables or peace-making processes if we ask ourselves the hard questions about the kind of peace we wish to attain and the best actors, methods, and forms of governance for delivering on it.

Before concluding this section there are two other theoretical perspectives that need brief mentioning and that can be drawn on as part of this reimagining of Africa in the emerging world order: critical security studies and feminist theory.

Critical security studies shifted our gaze from state security to the security of individuals (which human security then drew on). Whilst *feminist theory* highlighted the gendered power relations that sustained wars, the intersectionality of women's oppression, the patriarchal nature of states, and made the experiences and roles of women in conflict situations visible. This led to the drive by gender activists for women's inclusion into peace processes, most notably the adoption of UNSCR 1325 (Enloe 1983; Enloe 1990; Tickner 1992; Mama 1998; Olonisakin and Oketch 2011).

Booth (1991, 371) argued that "emancipation, not power or order, produces true security" and that states were but a means, not an end, to security. We therefore needed to place people and ethics at the center of the discourse on security. He argued that the twentieth century "has been the struggle for freedom of the colonial world, women, youth, the proletariat, appetites of all sorts, homosexuals, consumers and thought" and that the reciprocity of rights was integral to this conceptualization, for "I am not truly free until everyone is free" (Booth 1991, 321, and cited in Hendricks 2017).

Clearly, critical security studies was pushing the boundary for how we conceptualized security and thus by extension how we should create that security. This conceptualization seems to echo some of the Pan-African visions of peace and security. It is to this that we now turn.

PAN-AFRICANISM AND PEACE AND SECURITY IN AFRICA

Pan-Africanism was the driver behind the formation of the OAU and its successor the AU. Pan-Africanism is a perspective that therefore has shaped how Africans perceived peace and security and the mechanisms through which it should be attained. It is then prudent to tease out some of the key ideas that underpinned its conceptualization of security.

Pan-Africanism has its antecedents in anti-slavery and anti-colonial struggles. This was a movement that fought against the dehumanization of Africans (on the continent and in the diaspora), and for their equal rights to dignity, citizenship, and self-determination. The call was for emancipation and equality through unity, solidarity, and collective self-reliance: "Africa must be free; Africa must be united." Edward Blyden, Frederick Douglass, Martin Delany, Alexander Crummel, James Horton, Sylvester Williams, Marcus Garvey, Du Bois, CLR James, George Padmore, Kwame Nkrumah,

Sekou Toure, Julius Nyerere, and Amilcar Cabral are all key figures originally associated with the development of Pan-Africanism. It is, however, to the work of Nkrumah and Nyerere that we turn to, in this chapter, for insight into the ideas on peace and security in Africa as a whole.

Some of the key ideas underpinning Pan-Africanism and resonating in Nkrumah's vision were that Africa would use its power to the good of all mankind and that Africans had a shared experience and commonality of goals. However, the challenges to African unity were identified as nationalism, corruption and those coming from the outside, especially from former colonists. They severely underestimated how powerful these external forces would be, and the ruling elites' penchant to hang onto "nation-states" as a means through which to acquire access to wealth. Much of the conflict in African countries emanates from the desire to control the state in order to access resources. We have not moved very far from the patterns of primitive accumulation identified at the dawn of independence as a key challenge for peace and security in Africa. It is what enables neocolonial practices, fuels corruption, recasts politics as a high-stakes enterprise that in turn makes non-compliance with democracy a more assured option for gaining power and perpetuates the dehumanization of Africa's people. Pan-Africanists had, therefore, identified the "root causes" of conflicts many decades ago and they provided a possible roadmap for how to avoid the political and economic *cul de sac* toward which the continent was heading.

Clearly, Africans (continental and diaspora) were thinking about ways to create security for themselves and the principles on which this should be based. They were clear that the African soil should not be used as the testing ground for atomic weapons—as France did in 1960; that African countries should not be caught up in the Cold War divisions—"positive neutrality"; and that Africa would be the continent to meaningfully contribute toward new approaches to peace and security for the world. They upheld the principles of unity, interdependence, dignity, freedom, justice, ethical leadership, and the practice of "positive action" (non-violent campaigns against oppression). Unfortunately, many of their aspirations did not materialize. The formation of a United States of Africa is a "dream deferred" and post-independent governments turned rogue did not appreciate "positive action" against their forms of equally oppressive rule. There was also not sufficient thought given to the kind of structures and processes that should inform an Africa-wide peace and security architecture. That would be left to the generation of nationalists, who were holding on dearly to the principles of non-interference and sovereignty. In the post-Cold War context, there was little room for negotiating alternative peace paradigms and new conflict management mechanisms. Liberal peace-making

processes were what was on offer if the requirement was to be funded by the West.

From the Organization of African Unity to the African Union: Missed Opportunities

The establishment of the OAU in Addis Ababa in May 1963 represented simultaneously the attempt to build an institutional framework to create African unity and prosperity and a compromise to the idea of a United States of Africa. Although the idea of unity was not opposed, there was little consensus on how to achieve this. The Cassablanca group—also referred to as the radicals (Algeria, Egypt, Ghana, Guinea, Libya, Mali, and Morocco)—were in favor of full integration. While the Monrovia group—the moderates (Ethiopia, Liberia, Nigeria, Tunisia, Togo, Somalia, and Sudan)—argued for a more gradual approach to integration. In addition, the Brazzaville group—the conservatives (Cameroon, Central Africa Republic, Chad, Congo Brazzaville, Benin, Gabon, Ivory Coast, Madagascar, Mauritania, Niger, and Burkina Faso)—preferred to maintain close ties with France and form their own alliance. Ethiopia played a mediation role between the groups leading to the conference in Addis Ababa in 1963 that would give rise to the OAU. Here they opted for a gradual approach toward a political and economic union—one which we 54 years later are still working toward and have pushed back the date to 2063. Member states, however, recognized the value of their collective voice in international forums and thus the importance of an institution like the OAU that could give voice to their concerns.

The objectives of the OAU were to: (1) promote unity and solidarity of African States; (2) coordinate and intensify their cooperation and efforts to achieve a better life for the people of Africa; (3) defend their sovereignty, their territorial integrity, and independence; (4) eradicate all forms of colonialism from Africa; and (5) promote international cooperation.

This was to be achieved through non-interference, peaceful settlement of disputes by negotiation; non-alignment and the condemnation of subversive activities in neighboring states. The organs it created to carry out these functions were the Assembly of Head of State and Government, Council of Ministers, Secretariat, Commission of Conciliation and Arbitration, specialized commissions (e.g., economic commission, defense commission and an ad hoc-committee of “wise men” to handle specific security challenges), a liberation committee, and, in 1993, a Mechanism for Conflict Prevention, Management and Resolution.

In the early formation of the OAU, the key challenge was colonialism and the proxy wars of the Cold War protagonists (Murithi 2007). By the 1980s,

many countries in Africa had experienced coups and authoritarianism, and were in economic decline. The Lagos Plan of Action (1980), a blueprint for economic integration, was soon displaced by the donor imposition of Structural Adjustment Programs (SAPs) leading to further hardships (some aspects of the plan materialized later, e.g., an African Bank, Court of Justice, and a Pan-African parliament). The OAU proved unable to effectively intervene in the economic decline and political decay that beset many of the countries in the 1970s and 1980s. Some of its founding principles would come to constitute major impediments to its ability to maintain peace and security, as per its Charter, on the continent (notably the principles of non-interference and sovereignty).

In the immediate post-Cold War context, however, many African countries descended into conflict. By the early 1990s, the OAU was already beginning to have a rethink of its approach to peace and security. President Museveni, the then-chairperson of the OAU, and President Obasanjo, the chair of the Africa Leadership Foundation, held a meeting for Heads of State on Security, Stability, Development and Co-operation in Africa (CSSDCA), in Kampala in May 1991, which produced the Kampala Document. This document identified four “calabashes”: security (focusing on principles and modalities for interstate relations); stability (democratization, good governance, and popular participation); development; and cooperation (focusing on regional integration). Here already the links were being made between peace, security, democracy, and development.

Events in Africa, however, overtook the implementation of a proposed conference on SSDC in which there would have been further reflection on these calabashes. Liberia was in a midst of a civil war; Somalia and Sierra Leone began their descent into civil war; Burundi and the DRC were in armed conflict; and the genocide in Rwanda, in 1994, left everyone with a profound sense of shame and an urgent need to rethink peace and security on the continent. Recall that 1994 was also the year in which South Africa held its first national democratic election ushering in the African National Congress (ANC) with Nelson Mandela as Head of State. The formation of a democratic South Africa was constructed as the end of the fight against apartheid and colonial rule (a major *raison d’être* for organizations like the OAU and the Southern Development Co-ordination Conference). South Africa also emerged post-1994 with a renewed sense of hope for the continent and with a seemingly ready-made model for conflict management (negotiated settlements and power sharing), complete with a package for reconciliation (Truth and Reconciliation Commission).

At the OAU summit in Algiers, in 1999, the idea of the conference on Security, Stability, Development and Co-operation in Africa was revived and President Obasanjo tasked with the responsibility of convening it. The

conference gave rise to the Solemn Declaration on CSSDCA, which was adopted in Lome in 2000. The declaration represented a marked shift in thinking from the regime security paradigm that had come to dominate the OAU.

The Solemn Declaration highlighted the interdependence of countries noting that their security, stability, and development were inseparably linked. This conceptualization reinvigorated the ideas of unity, interdependence, and the need for collective security espoused by Pan-Africanism. The Declaration also called for a “Common African Agenda” and the “peaceful resolution of disputes, with emphasis on seeking African solutions to African problems” and noted that the responsibility for Africa’s security lies primarily with African states. The shift to a human security discourse was evident in the specific principles that the declaration outlined.

Security should be seen in its wholeness and totality including the right of peoples to live in peace with access to the basic necessities of life, fully enjoying the rights enshrined in the African Charter on Human and People’s Rights and freely participating in the affairs of their societies, and bearing in mind that Africa’s security, and that of its Member states, are inseparably linked with the security of all African peoples.

The concept of security must embrace all aspects of society including economic, political, and social and environmental dimensions of the individual, family, and community, local, and national life. The security of a nation must be based on the security of the life of the individual citizens to live in peace and to satisfy basic needs while being able to participate fully in societal affairs, enjoying freedom and fundamental human rights. (CSSDCA Solemn Declaration AHG/Decl4 (XXVI))

Additionally, the Solemn Declaration noted the need to build Africa’s capacity for peace support operations, emergency relief preparedness, and natural disaster response, and that “foreign intervention in the internal affairs of member states, especially in situations of conflict should be resisted and condemned by all member states.” The Declaration also spoke to the need for “democracy, good governance, respect for human and people’s rights and the rule of law,” which was the dominant discourse of the period.

These conversations and frameworks on peace and security therefore reiterated Pan-African values of unity, interdependence, dignity, and the need for common defense, homegrown solutions, and limiting foreign intervention and married this with the ideas of good governance and peacebuilding.

The Mechanism for Conflict Prevention in 1993 was soon tested as it had to deal with the crisis of armed conflict in Burundi (1993) and the Comoros (1995). A quick overview of the OAU/AU in Burundi provides insight into the challenges faced by the organization and its decisions to

form APSA. Under the stewardship of Dr. Salim Ahmed Salim, the OAU engaged in a process of talks in Burundi from October 1993. It deployed Ambassador Fall (later replaced by Ambassador Bah) with very little support to try and restore the government. The OAU wanted to deploy an Observation Mission to Re-establish Confidence Building in Burundi (MIPROBU) consisting of 180 army and 20 civilian personnel to help prevent the spread of violence in that country. However, due to Burundi stakeholders objections, this did not happen and a much smaller contingent was deployed—47 military observers through OMIB. Burundi descended further into crisis. The OAU then appointed President Nyerere as mediator from July 1995 to October 1999 (when he passed away and was replaced by President Nelson Mandela).

The OAU also decided to adopt a regional approach to the crisis forming the Great Lakes Regional Initiative for Peace in Burundi. This led to the Arusha talks, which eventually ushered in a new power sharing dispensation in which the minority Tutsis were guaranteed representation. However, a coup by Pierre Buyoya, the continued fighting (non-participation in the peace process) of the rebel groups, and the intrusion by France, Belgium, US, and UK (whom the OAU saw as undermining their efforts) were all issues that needed to be contended with during that period. The report by the AU and Centre for Humanitarian Dialogue (2011) highlighted the limited capacity of Nyerere's mediation team and how they then brought in international experts whom the Burundians felt "tried to dictate to them" and acted as if "they knew more about us than we knew about ourselves." The mediators used a combination of communication and sticks to get parties to sign an agreement—sanctions, raids, public rebuke, and threats to take away resources.

The need to send in troops to protect the new government was another feature that would come to shape the formation of the AU/APSA. Following the adoption of the decision for a limited peace-keeping operations by the OAU in 1995, the member states agreed to the development of a standby force and the setting up of a technical committee to work out the modalities for this new role of the military in the OAU's conflict management approach. The formation of the Standby force, and its deployment came with the transition to the AU.

THE AFRICAN UNION'S PEACE AND SECURITY ARCHITECTURE

The AU was inaugurated in Durban, South Africa, in July 2002. This was a time in which there was both the emergence of leaders who were committed to Africa's renewal, re-inspired by the vision of Pan-Africanism, and acutely aware of the need for a more robust continental organization to manage the

conflicts (e.g., Mbeki, Obasanjo, Wade, Gadaffi). One of the major shifts in this transition was that the principle of non-intervention was replaced by non-indifference and a peace and security architecture was set up to give effect to this consisting of a Peace and Security Council (PSC), African Standby Force (ASF), Panel of the Wise (PoW), Continental Early Warning System (CEWS), and a Peace Fund. The AU rallied member states with the call of “African Solutions for African Problems.” On the one hand, African leaders felt that the UN and international community were not sufficiently assisting with the conflicts that had erupted—Rwanda and Somalia being prime examples, i.e., that Africa was being marginalized as attention shifted to Eastern Europe. On the other hand, as the Burundi experience highlighted, they were also weary of self-serving foreign interventions.

Solomon Dersso notes that the political ideal of African solutions to African problems has two dimensions.

First and most important of these is the control that African exercise over the analysis, understanding and definition of the peace and security challenges facing the continent. For far too long, as Africans, we have had very little say over the definition of our challenges. Much of the mainstream knowledge that is produced on Africa has neither been by Africans, nor has it been from within Africa. This being knowledge produced based on epistemology and using methodologies developed elsewhere, it had little space for alternative and indigenous frameworks and approaches. One of the ambitions of African solutions to African problems is therefore to reverse this and anchor the analysis and understanding of the peace and security challenges in Africa on the needs and particularly circumstances of those directly affected. The other dimension is African leadership in the formulation and implementation of solutions that are properly tailored to respond to the specific conditions and needs of those affected. Instead of treating them as objects of charity and people incapable of redeeming themselves, this acknowledges and reinforces the agency of actors. (Dersso 2012, 21–22)

The AU was to be guided by the principals of human rights and the rule of law, and clearly stipulated that those who take power through unconstitutional means will not be allowed to participate in AU activities. Impunity and a lack of respect for human life would also not be tolerated—there was therefore a set of norms reinstated that would reinforce the Pan-African principals of unity, solidarity, dignity, and ethical leadership and that of neoliberal good governance.

The formation of the AU brought back the feeling of hope, first felt when countries were first getting their independence, that an “African Renaissance” was possible through this new continental vehicle. However, in practice, there were many missed opportunities to develop appropriate mechanisms for the varied conflicts that the continent was experiencing. Mediation,

early-warning, peace-keeping, post-conflict reconstruction through quick impact projects and peacebuilding through support for state building were the tools adopted by the AU. Though the AU initially engaged the intellectual resources of the continent to assist with developing some of its frameworks (for example, the post-conflict and SSR frameworks), these were soon jettisoned for the conventional approaches developed and funded by the international community and it lost touch with Africa's intellectuals. Soon, the AU became a bystander in many of the conflicts as former colonialists and other interested international stakeholders reasserted their presence—Madagascar, Mali, Cote D'Ivoire, Libya, and so forth. Under-resourced, restrictions on the use of funding it receives, and a lack of an alternative conflict management approach, the APSA did not develop and respond to peace and security in novel or African-centered ways or even go beyond peace as constructed as the absence of violence. The Pan-African discourse initially echoed by the AU (with a feeble attempt to resurrect it again in Agenda 2063) was essentially captured and emptied of its content by the very states and leaders that are the most problematic on the continent and who have little interest in genuinely pursuing any Pan-African ideal.

CONCLUSION: TOWARD A NEW CONFLICT MANAGEMENT FRAMEWORK FOR AFRICA

This chapter has argued that the continental organizations charged with the responsibility of creating peace and security have had a contradictory methodology in which they assert the principles of Pan-Africanism, yet the practice has been that of neoliberalism. This has led to a situation in which the continent's peace and security has been outsourced, mortgaged, and been subjected to prescriptions using incorrect lenses, hence, the hollowness of the peace and the tenuousness of the security. The chapter has argued that the principles of Pan-Africanism (unity, solidarity, interdependence, emancipation, dignity, equality, common humanity, self-reliance, integration, African-centeredness, transformative ethical leadership, justice) still provide a sound basis for developing a peace and security agenda. What we need to think through is the mechanisms through which to apply these principles to create peace and security and to elaborate on the philosophy so that it speaks to current challenges and includes and addresses other forms of marginalization (gender being a particularly pertinent one). This is a task that should draw on African men and women's knowledge production (and there has been plenty of it from the 1950s). It requires us to draw in contemporary, especially young, thinkers and draw on the capability and wisdom of policy makers,

practitioners, peacebuilders, human rights defenders, and development workers from across the continent working in conjunction with the security institutions in ways that foster collective ownership of, and responsibility for, peace and security. That is, the partnerships should be with those directly impacted by insecurity and/or working for peace on the continent.

Through this research, conversations, and conceptual laboratories, we will ensure that we do not merely have Africans reproducing pre-configured conflict management packages, nor do we simply seek to reinvent “traditional practices.” It requires us to think anew given what we know, have experienced, challenges that we have confronted in implementing conflict prevention, peace-making, peace-keeping, and peacebuilding and to have a clear vision of where we want to be, that is, reimagining a future Africa taking into account its past and present. We can also not innovate on the same edifice—for example, the state and political parties—but have to think through new relations, networks, associations, and processes that will provide more resilient forms of governance and security moving forward.

This approach therefore requires an ontological, epistemological, and methodological shift so that we can create more sustainable peace through decolonized processes. There is a rich history and set of experiences upon which we can draw. Firstly, this methodology prevents the overwhelming tendency we seem to have of second guessing ourselves. Secondly, it also prevents our tendency of reinforcing a racist narrative that we have contributed nothing to peace and security scholarship and practice, which is a result of the erasure and/or invisibility of a whole generation of scholars and politicians, ideas that gave us the seeds of freedom, peace, and security to begin with. When we begin to reimagine this future, we therefore do not start from a blank slate. Similarly, we take into account the rich contribution of African feminists and activists who have challenged the ability of patriarchal states and male-centered peace processes to deliver peace and security for all Africans. If Pan-Africanism challenged power relations between North and South and the positing of Africans as inferior then African feminism has equally challenged unequal gender relations that contribute to insecurity on this continent. To do this requires courage and conviction that is often hard to maintain in the face of continued neocolonial practices. It is not to isolate ourselves or to exclude others, but just as women needed space to think through their challenges and solutions to those challenges, and Pan-Africanists and Black Consciousness argued for the same, the time is now for us to reassert this message. This will enable Africans to once again engage the world from an informed position of what is required and how a new peace and security agenda will unfold on this continent and on the basis of this collaborate to take the continent and the world forward.¹

NOTE

1. Extracts in this chapter have been drawn from the author's own professorial inaugural address delivered at the University of Johannesburg, July 2017.

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Chapter 4

The AU's New Funding Mechanisms *Self-Financing at Last?*

Kasaija Apuuli

INTRODUCTION

The June 2015 African Union (AU) summit in Johannesburg South Africa decided that going forward the AU members would strive to finance 100% of the AU operation budget, 75% of the program budget, and 25% of the peace support operations budget (AU 2015a). Subsequently at the Kigali summit in 2016, the AU leaders agreed to a 0.2% levy on eligible imports from outside Africa that will initially rise \$325 million from the five regions of Africa with the figure rising to \$400 million in 2020, funds that will be used to finance the AU's operating program and peace operations budget (AU 2016a).

Financing of Africa's integration agenda has been problematic since the founding of the Organization of African Unity (OAU) in 1963. The continent has largely relied on external sources to fund its activities resulting in questions being raised on the ownership of the continent's integration agenda. This chapter interrogates whether the Johannesburg and Kigali decisions of the AU summit will finally result in the continent taking ownership of its integration agenda through self-funding. To put it in question form: Can the new funding arrangements result in Africa taking its destiny in its own hands, thus increasing its influence in the world?

To this end, a number of proposals on financing the AU have been suggested in the past but their implementation fell through. This chapter specifically focuses on the 0.2% levy proposal. Thus, were the new funding mechanisms of the AU to become reality, it will further cement the mantra of "African solutions to African problems" and lessen the continent's reliance on others, a fact that has hitherto stymied the continent's influence in global affairs.

CONTEXT

Fostering continental integration in Africa remains an ambitious project politically as well as *financially* (Engel 2015). The OAU started its first year of operation without a budget (OAU 1963). The Resolution that established the Provisional General Secretariat of the OAU entrusted its operation to the Ethiopian government but was silent on how the Secretariat was to be financed (Amate 1986). Thus, the Ethiopian government bore the greatest burden of financing the Provisional General Secretariat thus laying the foundation for the dependence syndrome. As a result of depending on one country, the General Secretariat was plagued by financial constraints, notwithstanding its limited expenses (Polhemus 1974). In the end, therefore, the continuing dependence on limited sources of finance by African integration initiatives is historical. These sources have to a very small extent been Africa, but to a large extent external.

In 2004, the United Nations Economic Commission for Africa (UNECA) noted that African regional integration continued to depend heavily on donor financing, which was inimical for the continent's integration agenda (UNECA 2004). Some commentators like Mohammed, warned that the heavy reliance on external finance, leads to "loss of autonomy" (Mohammed 2009). But why did the OAU and now the AU depend on external financing? Some reflection.

First, the African state suffers from "all talk and no action" syndrome. The 1960s, declared as Africa's Development Decade by the United Nations (UN), were supposed to result in African states pulling national and external resources together for collective self-reliant development (Ndongko 1985). However, this did not happen. Subsequently, the Lagos Plan of Action (LAP; 1980) was adopted by African leaders as a blueprint for collective self-reliance on the continent (Mathews 2018). This was followed by the signing of the Abuja Treaty on the establishment of the African Economic Community (AEC) in 1991 with the aim of increasing economic self-reliance and promoting an endogenous and self-sustained development. However, these initiatives did not "tangibly materialize" (Mathews 2018) into Africa's economic independence.

Secondly, for example, on average, the AU member states' contributions to the finance of the AU activities (both operational and program) have decreased over the years, while the share of donor financing has risen (Engel 2015). The organization has been tainted with the habit of poor remittance by member states throughout history (Mohammed 2009). The failure to pay is attributed to incapacity and simple negligence. Nevertheless, the fact is that most African governments are under severe budgetary constraints, and thus supporting inter-governmental institutions is something of a luxury. For example, by January

2017 only sixteen countries were up-to-date with their assessed contributions (Amani Africa 2017). The issue of OAU/AU members not paying their regular assessed contributions is historical. In September 1965, for example, OAU Secretary General Diallo Telli reported that twenty-four member states had failed to pay their due contributions either in full or in part (Amate 1986).

In summary, the financing difficulties that dogged the OAU, are now faced by the AU. Dependence on external sources of funding has come to define the AU. Where external funding has been absent or not forthcoming, the AU has struggled as the example of AU peacekeeping efforts in Somalia demonstrate.

AFRICAN UNION MISSION IN SOMALIA

In January 2007 the AU launched its fourth peace operation: the African Union Mission in Somalia (AMISOM). AMISOM was mandated to support Somalia's fragile peace process and protect the individuals involved in it; help the Transitional Federal Government (TFG) to consolidate its authority in Mogadishu; and facilitate the delivery of humanitarian assistance and the repatriation of displaced persons. The initial authorized strength of AMISOM was 8,000 troops. The operation received pledges of 1,800 soldiers from Uganda, 1,600 from Burundi, 850 from Nigeria, 350 from Ghana, and up to 1000 from Malawi (Williams 2009). However, as of 2018, only Djibouti, Ethiopia, Kenya, and Uganda are contributing to the AMISOM mission.

From the very beginning, the AU struggled to finance the AMISOM mission and thus relied on financial assistance from the European Union (EU) and several Western states, and later the UN (Williams 2009). The EU has been the main contributor to the AMISOM operation. The various non-AU sources were required to support AMISOM because the AU member states have not provided the funds necessary to implement the official system of financing the AU's peace operations. The Protocol relating to the Establishment of the Peace and Security Council of the African Union (2002) (hereinafter Protocol) stipulates that the AU member states that contribute troops and police to AU peace support operations bear the costs during the first three months. The AU would subsequently then reimburse these contributing countries within a maximum period of six months and then proceed to finance the operation. Unfortunately, this system has never worked in practice.

AMISOM's initial financial costs therefore fell directly on the Troop Contributing Countries (TCCs): From 2007 to 2011 there were only two of them, Uganda and Burundi. The TCCs received considerable financial assistance from several partners—notably the EU, US, and UK—as well as assistance from a private firm, Bancroft Global Development (Williams 2009, 520). While bilateral donors provided most training, equipment, and mentoring

support for the TCCs, the EU provided the allowances for AMISOM's uniformed personnel as well as some other forms of support. Up until 2016, the annual cost of running AMISOM was approximately US\$900 million (Williams 2017).

The funding mechanism and adopting measures to reduce its financial risks in case the AU does not comply with the EU's financial regulations of AMISOM has been problematic due partly to the capricious behavior of some of the donors. For example, the EU has taken several decisions about how it pays AMISOM allowances, placing a cap on the amount it pays toward those allowances, and adopting measures to reduce its financial risks in case the AU does not comply with the EU's financial standards. Specifically, with regard to the payment of allowances, in January 2016, the EU, which pays for all the allowances for AMISOM troops, reduced its payment by 20%, from \$1,028 to \$822 per soldier, per month (Lorenz and Koigi 2016). Also, there have been delays in the payment of AMISOM peacekeepers in the field with some troops going without pay for months (Mutambo 2016). In the end, the AU peacekeeping effort in Somalia is generally at the mercy of donors, a fact that undermines the much touted AU mantra of "African solutions to African problems."

FACTORS AFFECTING AU FINANCING

Whilst the number of countries contributing fully to the AU budget have been increasing in number over the years, the organization faces problems including late contributions, liability asymmetries, and arrears.

Late Payment of Contributions

Member states of the AU pay their assessed contributions throughout the year, which makes it difficult for the organization to budget properly. The financial year of the AU runs from January to December of every year. In its report of 2007, the Panel that audited the AU observed that member states' contributions trickling in throughout the year and some at the end of the calendar year before the January Summit, had affected the ability of the AU Commission to implement its programs, particularly, in the beginning of the financial year, due to unavailability of funds (AU 2007).

Liability Asymmetries and Arrears

In January 2003, the AU established a committee to review the scale of assessment for member states' contributions to the budget. The debate that

ensued was on the idea of introducing a ceiling of 8.25% and two floors of 0.25% and 0.75%, respectively (Engel 2015). In January 2005, the contribution formula was introduced whereby Algeria, Egypt, Libya, Nigeria, and South Africa—each for its own reasons—volunteered to each contribute up to 15% to the annual budget of the AU. Whilst the contributing formula became effective in 2006, it was decided that the scale of assessment would be reviewed every three years. The political events in Algeria, Libya, and Egypt in 2011 (also called the Arab Spring) left these countries unable to meet their obligations to the AU budget. This necessitated the AU to review its funding arrangements. Thus in 2015, a new scale of assessment of contributions was introduced providing a ceiling of 12% as a member states' contribution to the budget, without a minimum floor rate (AU 2016).

The adoption of the new scale for assessed contributions resulted in ten countries paying close to 75% of the funds to the AU budget (Engel 2015). The implication of the heavy dependence on a few countries is that failure to honor their commitments by any one of the countries means serious trouble for the AU. For example, the 2011 political turmoil in North Africa, especially in Libya, has had consequences for AU financing as since its descent into turmoil the country has failed to meet its financial obligations to the AU. The majority of the AU members (44 countries) contribute only 25% of its budget as assessed contributions. Moreover, whilst the amounts that are contributed by the majority are rather small (Engel 2015), they do not reach the AU coffers as regularly as they should. It is instructive to note that under the 2015 assessment scale proposals, ten countries would contribute only 0.5% of the AU budget.

The consequences of member states failing to honor their financial commitments has contributed to the financial distress of the OAU/AU. The OAU Charter did not provide for measures to be taken when member states failed to make regular contributions to the budget of the organization. The Charter was less explicit on members' obligation. As a result of this policy lacuna, in July 1990 an amendment to Article 97 of the Financial Rules and Regulations was made to ensure that members were obligated to contribute as per the laws and regulations (OAU 1990). The Council followed up this decision by stipulating that defaulting member states shall be deprived of the right to speak at OAU meetings, the right to present candidates for OAU posts (political appointees and other officials), and the right to present candidates for OAU decision making bodies (offices, commissions, and committees) (OAU 1991). Notwithstanding these decisions, the problem of arrears persisted, as a result of which a credentials committee was introduced to implement sanctions against member states that had not paid (Engel 2015).

The AU adopted a similar stance of sanctions against member states in arrears on their contributions. The Constitutive Act provides appropriate

redress for defaulters, including denial of the right to speak at meetings, to vote, to present candidates for any position or post within the Union, or to benefit from any activity or commitments therefrom. In 2003, the AU's Executive Council published a list of nine member states that had not paid their dues to the organization. By the year 2010, member states arrears amounted to US\$ 43 million up from \$40 million in 2009 (AU 2012a). Nevertheless, Rules and Procedure of the Assembly were strengthened to deal with defaulting member states.

In this regard, Rule 32 (2) stipulates as follows: (a) when in arrears of payments amounting to two years but not exceeding five years of its assessed contributions, suspension of the member states' right to (i) speak, vote, and receive documentation at meetings of the Union; (ii) offer to host sessions of the Assembly of the Executive Council or any other meetings of the Union; (iii) present a candidate for any position or post within the Union; (b) when in arrears of payment of contributions amounting to five years or more, in addition to the sanctions in paragraph 2(a) of this rule, suspension of the member states' right to: (i) have the contracts of employment of its nationals renewed; and (ii) provision by the Union of funds for new projects in the Member State.

By 2014, sanctions were still being maintained against the CAR and Guinea Bissau for non-payment of contributions to the organization. This of course affects the functioning of the organization. As a result of these reasons, the AU has over the years been, first, in financial distress and, second, heavily dependent on donations from external sources. Thus, a search for alternative sources of funding has been on.

SEARCH FOR ALTERNATIVE SOURCES OF FUNDING

The challenges of low commitment of the members to financing the budget and the heavy reliance on external sources has spurred the AU to start searching for alternative ways to raise money to fund its activities. As the operational requirements of the AU have increased so has the demand for financial resources. Earlier on, there was a perception that the organization could raise additional funds from the member states, but this did not materialize. The issue of alternative sources of financing the AU was discussed at various meeting of Experts and Ministers, including the Conferences of African Ministers of Economy and Finance held in Dakar (AU 2005); Addis Ababa (2008), and Yaoundé (2010) (AU 2012b). However, no conclusive recommendations were made. The Panel that audited the AU in its 2007 report observed thus: "If the AU is to succeed with its ambitious agenda and contribute effectively to claiming the 21st Century for Africa, the Commission must then be able to mobilize financial resources on a scale much higher than its present budgetary provisions" (AU 2007).

It is against the above background that the 17th Ordinary Session of the AU held in Malabo, Equatorial Guinea, in 2011, requested the AU Commission to expedite the process of setting up a High Level Panel on Alternative Sources of Financing the Union (AU 2011). The envisaged Panel was requested to undertake consultations with member states and submit a report to the next sitting of the Assembly in January/February 2012. In its report, the Panel explored eight financing options viz: private sector funding; levy on insurance premiums (rate 0.2%); import levy (rate 0.2%); levy on hydro-carbons (rate 0.5%); levy on air-tickets (US\$5 for international travel and US\$2 for domestic travel); tourism levy (0.5%); levy on national budgets (1%); and export levy (0.2%) (African Union 2016b). The Panel recommended the adoption of all or a combination of the following options: private sector funding; levy on insurance premiums (rate of 1%); levy on international travel (\$2.5 for travel outside the continent and \$1 for travel within the continent); tourism and hospitality (\$1 for each stay) and import levy (0.2% on goods imported from outside the continent) (AU 2016b). The Panel further proposed a levy on text messages at the rate of 5 cents per mobile phone text message or any amount to be determined through consultations with the member states.

After further consultations with selected member states, the Panel finally recommended to the Assembly three options: a \$2 hospitality levy per stay in a hotel instead of tourism levy; 5 cents levy per text message sent; and \$5 travel levy on flight tickets originating from or coming to Africa from outside Africa. In May 2013, the Panel's report was adopted by the Assembly (AU 2013) and it was agreed that a deduction of \$10 from ticket earnings gained from air travel by anyone traveling in and out of an African country, and a \$2 on hotel bookings for tourists be effected (Engel 2015). The \$10 tax on flight tickets and \$2 tax on hotel accommodation would translate into an additional finance of \$730 million a year for the AU. However, this proposal was immediately challenged by Algeria, Chad, Egypt, Zambia, and Zimbabwe. President Michael Sata of Zambia had a reservation that such a tax regime would be counterproductive to sectors such as tourism (Namusa 2013).

In January 2015, the AU Assembly requested the Ad-Hoc Ministerial Committee on the Scale of Assessment (hereinafter Ad-Hoc Committee) to pursue consultation with a view to proposing modalities for the implementation of Alternative Sources of Financing the Union by member states with emphasis on inter alia determining an appropriate scale of assessment for contribution so that "the AU can take charge of its budget in line with the principle of funding the operational budget at 100%; programme budget at 75% and peacekeeping at 25%" (AU 2016b). In June 2015, the Assembly endorsed the recommendations by the Ad-Hoc Committee for the new scale of assessment (revising the earlier proposals) based on the principles of solidarity, equitable payment, and capacity to pay in a way that ensures

no single country bears a disproportionate share of the budget; achieving the following targets for Member State contributions, phased in over five years from January 2016: 100% of the operational budget, 75% of the program budget, and 25% of the peace support operations budget; and a tier system: Tier 1—all countries with a gross domestic product (GDP) annual growth above 4%, Tier 2—all countries with a GDP annual growth above 1% but below 4%, and Tier 3—all countries with a GDP annual growth from 1% and below (AU 2016b). The Assembly further decided that the new scale will be based on: the principle that the five member states in Tier 1 contribute 60% of the budget shared equally, and member states in Tier 2 and Tier 3 pay based on their capacity to pay; and a ceiling of 12% and without a minimum floor rate. The new scale would be implemented for the financial years 2016, 2017, and 2018.

In addition to the new scale of assessed contributions, the Twenty-Seventh Assembly held in Kigali Rwanda, agreed to institute and implement a 0.2% levy, with effect from 2017, on all eligible imported goods into the continent to finance the AU's operational projects, programs, and peace and security operations budget. The amounts collected will automatically be paid by member states into an account opened for the AU within the Central Bank of each member state for transmission to the AU in accordance with the assessed contribution. The taxable base of the AU import levy will be the value of eligible goods originating from a non-member state imported onto the territory of a member state to be consumed in that member state. The levy will apply to the cost, insurance, and freight (CIF) value at the port of disembarkation for imports arriving by sea, and the customs value at the airport of disembarkation for goods arriving by air. Together with AU levy decision, the Assembly appointed President Paul Kagame to lead the exercise of institutional reform of the Union (the AU Commission and the Organs) to ensure that the AU structures and *modus operandi* are aligned with the demands of integration and implementation of Agenda 2063, and to enable more effective and efficient use of resources and business-oriented delivery.

THE NEW FUNDING MECHANISM AND KAGAME'S REFORM PROPOSALS

In October 2016, President Kagame picked a team of nine experts to work with on the institutional reforms necessary to make the AU more effective (Kimenyi 2016). In his report to the Twenty-Eighth Assembly of the AU, President Kagame expressed his dissatisfaction with the current functioning of the AU. Thus, he recommended five institutional reforms to further strengthen the AU including financing the AU sustainably and with the full

ownership of the member states (AU 2017a). In this regard, the Assembly *inter alia* agreed that the current scale of contributions should be revised based on the principles of ability to pay, solidarity, and equitable burden-sharing, to avoid risk concentration (AU 2017b).

Earlier in 1993, the Peace Fund was established as the principle financing instrument for the peace and security activities of the OAU. From its inception in 1993 (under the OAU) until July 2016, the Peace Fund received a set percentage from the AU's regular budget as well as voluntary contributions (De Coning 2017). Until 2008, the percentage received from the regular budget by the Peace Fund was 6% (Badmus 2015). Following the establishment of the AU and adoption of the Protocol, a Peace Fund was established to provide the necessary financial resources for peace support missions and other operational activities related to peace and security (AU 2002). The Fund was to receive appropriations from the regular budget of Union, including arrears of contributions, voluntary contributions from member states and from other sources within Africa, including the private sector, civil society, and individuals, as well as through appropriate fund raising activities.

The 2009 AU Assembly held in Libya decided to increase funding to the Peace Fund through a gradual increase in the percentage of funds transferred from the regular budget from 6% to 12% by the year 2012 (De Coning 2017). The increase was supposed to be implemented over a period of three years starting in 2011. However, hitherto, this percentage has not yet been reached and currently stands at 7%. The high levels of arrears and late payments of member states' assessed contributions accounted for the failure to hit the target. As a result, therefore, the Peace Fund is highly dependent on external partners.

In January 2016, Donald Kaberuka, the former president of the African Development Bank (ADB), was appointed by the chairperson of the AU Commission as the AU High Representative for the Peace Fund. Kaberuka subsequently proposed that the Peace Fund should be organized around three windows: preventive diplomacy and mediation; institutional capacity; and peace support operations. Also, he proposes the creation of a crisis reserve facility which would be capitalized at a minimum of \$30 million by the year 2020, and then be replenished as needed. With the adoption of the 0.2% levy, Kaberuka has concluded that the Peace Fund will be endowed with \$325 million in 2017 raising to a total of \$400 million by 2020. These funds will endow the Peace Fund with a surplus, by 2020 its overall budget will be \$302 million (AU 2016c).

The remainder of the sections interrogate whether the new funding mechanism for the AU can deliver the organization to the promised land of self-financing.

Attaining Self-financing

Although some experts have expressed hopes that the new funding mechanism will be the turning point for the AU (De Coning 2017), the first question to consider is: Can the 0.2% levy be collected by the member states? Once collected, can it be passed on to the AU? The existing customs institutions will be responsible for collecting the revenue, and the existing central banks of member states will be responsible for transferring the funds to the AU. The levy will become operational in 2018, and so every member state will have to adopt national legislation to implement it. Some countries have already moved to put in place mechanisms to collect the levy. For example, the Rwanda cabinet passed the draft law to establish the levy on imported goods. The law if passed by Parliament will be charged from July 2017. Other countries that are at various stages of enacting legislation to provide for the levy include Chad, Congo-Brazzaville, Ethiopia, and Kenya. So generally, there is reason to be optimistic that this initiative may actually work.

Secondly, there are existing precedents that the AU can learn from. The Economic Community of West African States (ECOWAS) has successfully introduced a community levy that is 0.5% of customs and excise duties (De Coning 2017). The ECOWAS Common External Tariff (CET) was introduced in 2006 and comprises a four-band tariff structure made up of basic social goods (category 0) attracting an import duty of 0%; basic essential goods, raw material, capital goods, and specific inputs (category 1 attracting an import duty of 5%; intermediate goods (category 2) with an import duty of 10%; and finished goods (category 3) with an import duty of 20% (Connolly 2016). The ECOWAS CET also includes a number of taxes such as a community levy, statistical tax, and certain accompanying measures. The ECOWAS levy has enabled the organization to self-finance part of its budget and thus undertake peace support missions in countries such as Guinea-Bissau where it deployed sixty security sector reform (SSR) advisors (De Coning 2017).

Thirdly, member states have an incentive to collect the levy because the AU has stated that if any country collects more money through the import levy than what is required from it by the AU, it can keep the rest of the funds for its own needs (Institute for Security Studies 2017). De Coning has observed that the state will keep the difference between the amounts collected as the levy and the assessed contributions that the member state has to contribute to the AU.

Uncertainties Abound

The new funding initiative for the AU has been greeted with optimism. For example, Stephen Karingi, the Director of the Capacity Development Division at the UN Economic Commission for Africa, has been quoted as

observing that “it is possible to implement the 0.2% levy in a way that it has a neutral impact on the costs to importers and consumers” (ISS 2017). Rwanda’s Minister of Finance and Economic Planning, Claver Gatete was optimistic that the new financing mechanism would be simple to administer (Kagire 2017).

First is the issue of commitment of the member states to actually put in place measures to collect the levy. For example, both the AU Assembly and the current AU Commissioner for Economic Affairs, Mothae Maruping, have already expressed concern on the member states commitment to carry through with the initiative. The major challenge among the AU member states in regard to the financial commitment is developing domestic legislation to administer the new tax regime (Kagire 2017).

Secondly, as it has been noted, the new funding mechanism requires each country to select the appropriate financial institution(s) or customs authority responsible for assessment and collection of the levy (ISS 2017). The weak-revenue generating agencies and unsophisticated financial institutions of some member states could, however, make it difficult for them to implement the levy within a given timeframe. Moreover, corruption is pervasive in many African countries. According to Transparency International, only four countries in Africa are in the top fifty least corrupt countries in the world—Botswana, Cape Verde, Rwanda, and Mauritius—in that order (Transparency International 2016). Thus, to ensure that the levy is paid to the AU account rather than ending up in the hands of corrupt officials will be an uphill task in many member states (ISS 2017).

Thirdly, there are many regional arrangements in Africa. Whilst the AU recognizes only eight Regional Economic Communities (RECs), there are several integration arrangements, which in the context of the levy raises the issue of whether it will not be an extra burden on some states. For example, the ECOWAS levy (discussed above) was due to start in 2017 as is the AU levy. Since 2017 is when most of the levy arrangements on the continent are either kicking off, thus as it has been noted some states may have to prioritize in the short term: the AU levy or their own REC. Moreover, even the RECs’ levies have faced challenges. The ECOWAS levy came into force in 2015, almost ten years after being adopted. Also to note is the fact that only nine member states apply the levy. Thus the ECOWAS levy may not be the best example for the AU levy to emulate.

Four, the AU import levy may have an impact on importers and consumers. The levy may raise the cost of importing goods into the continent and in turn this may raise the prices of imported goods. The hope, according to some, is that any short-term costs or pain (in form of increased prices of imports) will be outweighed by the medium to long-term benefits of an AU that is self-financing (ISS 2017).

Lastly, there is the question of whether imposing duties on non-AU member states is compatible with World Trade Organization’s (WTO) rules and

obligations and other trade agreements entered into by the AU member states (Apiko and Aggard 2017). As at the time of writing, this issue had yet to be resolved.

CONCLUSION

Largely hitherto, African regional arrangements have been funded from external sources. From the very start, the OAU suffered from lack of funds, which stifled its effective functioning. When the OAU was transformed into the AU, the hope had been that the new organization would be funded better. However, to a large extent the AU has suffered from similar problems of financing like the OAU. Hitherto, the AU has depended on external sources of finance to run its budget because inter alia, most of the members do not pay their assessed contribution at all. This has resulted in the AU not being in charge of the integration agenda. Moreover, the dependence on external sources of funding has increasingly made the mantra of “African solutions to African problems” to sound hollow. Thus the AU leadership has decided to review the funding mechanism of the organization to make it self-financing by adopting the 0.2% levy on all eligible imports that enter the continent. The money raised through the initiative would enable the organization to become self-financing. However, as much as this initiative has been welcomed, the operationalization of the levy is fraught with challenges including commitment of member states to put in place measures to actually collect the levy and weak national institutional mechanisms. In the end, were the new funding mechanism for the AU to be actualized, it will indeed cement the mantra of “African solutions to African problems” and lessen the continent’s reliance on donors, a fact that has hitherto stymied the continent’s influence in global affairs.

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Chapter 5

Can the African Union Innovate in Conflict Prevention?

Evidence from Mediation and Preventing and Countering Violent Extremism

Adriana Erthal Abdenur and Giovanna Kuele

INTRODUCTION

The idea of preventing the outbreak, recurrence, or escalation of armed conflict is not a new topic of debate in international organizations. The concept of conflict prevention is at the heart of the founding of major organizations, from the League of Nations to the United Nations (UN) and many regional bodies. Nonetheless, at the UN as well as in the African continent, it was only after the UN's failure to respond to the crises in Rwanda and Somalia in the 1990s that conflict prevention started to be taken seriously. While at the UN there have been several high-level attempts to promote preventive approaches such as preventive diplomacy, early warning systems and response, and peace-building, these efforts frequently ran into resistance, inertia, or simply lack of political will. As a result, conflict management has historically predominated over conflict prevention at the UN, with peace-keeping and sanctions becoming primary tools.

In African discussions of peace and security, the UN's incapacity to adequately deal with major crises on the continent prompted the idea that the region should become better equipped and more proactive in responding to its own crises. This realization contributed toward the establishment of the African Union (AU) in 2001—based on the former Organization of African Unity—and provided the basis for a regional commitment to expanding conflict prevention activities in the continent. Out of the idea of “African solutions for African problems” emerged a new understanding of the role

of African organizations in peace and security, moving away from the traditional pillar of non-interference toward the idea of non-indifference.

More recently, the African Peace and Security Architecture (APSA) has worked toward developing and refining a preventive framework, as well as specific mechanisms such as the Early Warning and Mediation Support Unit. What key innovations are emerging from these efforts, and what are the main challenges? This chapter analyzes the AU's experiments in conflict prevention as currently conceptualized and practiced within APSA. We focus on two areas of conflict prevention that cover both immediate and structural prevention: conflict mediation and preventing and countering violent extremism (PCVE).

We argue that, while incremental innovations have been adopted in these areas, considerable challenges remain in ensuring the coordination between the AU, the Regional Economic Communities (RECs), and the UN, as well as the implementation and institutionalization of innovative preventive norms. However, the implementation of APSA's goals and the Agenda 2063 could emerge as an opportunity for boosting conflict prevention, especially against the backdrop of the UN's Sustaining Peace vision.

The chapter is structured in the following manner. The first part provides some background on the concept of conflict prevention as it has evolved over time in major discussions of peace and security in both policy and the academic literature. The second part analyzes the AU's debates on conflict prevention and then hones in on the two focus areas mentioned above. The conclusion examines the repercussions of the AU's current approach to prevention and offers some directions for further research.

(RE)DEFINING CONFLICT PREVENTION

In this chapter, we understand conflict prevention to be the combined set of tools, actions, and approaches designed to prevent the onset of conflict, and/or its recurrence by tackling not only the root causes of conflict and its immediate triggers within a nation-state, but also by dealing with cross-border flows and phenomena that can exacerbate these drivers or generate new ones altogether. This means that conflict prevention spans responses as varied as those implemented in infrastructure development, mediation, early response, and peace-building.

However, in order to understand the challenges to promoting and implementing effective conflict prevention, it is necessary to grasp the genealogy of this concept in both policy and academic circles. The concept of conflict prevention was one of the central drivers behind the creation of the United Nations in 1945, when the main goal of the founding members was the

maintenance of international peace and security in the aftermath of the Second World War. Nonetheless, the idea of preventing conflicts lost steam in the UN during the Cold War, as the organization remained paralyzed by the ideological impasse between the Western and Eastern blocs.

With the end of the Cold War and the dramatic rise in the number of intrastate armed conflicts, the UN increased its role in conflict management, primarily through increasingly complex peacekeeping missions. Yet global criticism toward the UN surged in response to its failures to prevent atrocities such as the 1994 Rwandan genocide. Global and regional debates about conflict prevention intensified. Some member states and other stakeholders demanded that the prevention of armed conflicts and humanitarian crises be returned to the core of UN agenda and policy debates. Secretaries-General Boutros Boutros-Ghali (1992–1997) and Kofi Annan (1997–2007) both advocated for a greater focus on conflict prevention, albeit with a somewhat different focus. While Boutros-Ghali suggested practical measures for preventive diplomacy, Annan urged the organization to put conflict prevention at the top of its agenda and to mainstream it throughout its three pillars (human rights, development, and security).

Ban Ki-moon (2007–2017) contributed indirectly to the debates with the series of reviews of the UN's peace and security architecture—on UN peace operations, peace-building architecture, and global study on Women, Peace and Security. These reviews offered not only diagnostics of challenges and lacunae at the UN but also recommendations, many of which are related to conflict prevention. For example, the resulting reports call for increased collaboration between different UN organs, as well as between the UN and regional partners, as ways to provide more effective and holistic responses to conflicts. The Advisory Group of Experts (AGE) issued a report promoting the idea of sustaining peace, which later featured in twin resolutions adopted by the United Nations Security Council (UNSC) and the General Assembly (UNGA) in April 2016.

This emerging agenda dovetailed with Agenda 2030, prompting new discussions about conflict prevention and its relation to topics such as climate change, migration and refuge, and the role of youth. Sustainable Development Goal (SDG) 16—for peaceful, just, and inclusive societies—in particular promotes the rule of law and access to justice, as well as citizen security and human rights, while also serving as an enabler for the other goals, all of which have links to conflict prevention. The breadth and universality of the agenda has helped to bring more attention to structural (deep) prevention, including through greater investment in development and human rights rather than just operational (immediate) prevention measures like mediation and diplomacy.

Ban's successor, António Guterres (2017–present), has highlighted conflict prevention as the top priority for the UN characterized by, a comprehensive, modern, and effective operational peace architecture, encompassing prevention, conflict resolution, peacekeeping, peace-building, and long-term development—the “peace continuum.” In taking up sustaining peace as his main “flag” at the UN, Guterres has stressed that—far from being the sole domain of peace and security—prevention must be integrated into the three pillars of the UN's work, urging staff and member states to enhance the interlinkages between peace and security, development, and human rights. Guterres has built on the work of the three reviews launched during Ban's tenure and has promoted the sustaining peace vision as a new rationale and source of renewed momentum for preventing conflicts. The concept seeks to move the UN and its partner organizations away from linear responses to conflicts, bringing conflict prevention and peace-building together as complementary processes in the quest by the international community to prevent conflicts and sustain peace (Mahmoud and Makoond 2017). It also underscores the importance of a comprehensive, coherent approach by the different components of the UN system and its partner organizations, including the AU.

In order to deepen the discussion on conflict prevention and strengthen partnerships toward this end, the UN launched a partnership with World Bank that resulted in the report *Pathways for Peace: Inclusive Approaches to Preventing Violent Conflict*. The report draws on case studies from across the globe, some of which identify concrete ways of avoiding the outbreak or recurrence of armed conflict. It also underscores the importance of inclusive processes and strengthening state institutions as routes to tackling the root causes of conflict.

In order to strengthen the UN's preventive capacity, Guterres has also worked to build on the efforts of Ban Ki-moon to boost the Human Rights up Front (HRuF) initiative. HRuF initially emerged out of the recognition that the UN—both the Secretariat and the country team—had failed in the last phase of the Sri Lankan civil war, in part due to the fragmented efforts of different agencies. This instance of systemic failure led to efforts to create a broad solution that would enable the mainstreaming of human rights into the work of all UN staff and improve early warning and coordination mechanisms—all part of a possible “renaissance in conflict prevention” (Zyck and Muggah 2012).

This conceptual effort is accompanied by attempts to induce structural change at the UN through a series of proposals for organizational reform that Guterres began unveiling in 2017. At the same time, the organization has come under new budgetary pressures and wavering leadership by a number of traditional actors, primarily the United States under the government of Donald Trump.

These UN discussions of conflict prevention have often provoked new academic scholarship on the topic, and vice versa. In the post–Cold War years, and more specifically in the twenty-first century, a number of scholars began to work on theory building in conflict prevention. One influential idea that helped to prepare the terrain for this shift was Galtung’s notion of positive peace, which demands attention not only to the presence of conflict, but rather also to its absence. Whereas negative peace refers to the absence of violence (as when a ceasefire is implemented), positive peace refers to restoration and strengthening of personal and institutional relationships, the creation of social systems that serve the needs of the entire population, and the constructive resolution of conflict. Peace, in this perspective, does not mean the total absence of any conflict, but rather the absence of violence in all forms. Within the context of conflict prevention debates, the idea of positive peace enabled scholars and practitioners alike to think about the drivers of peace, as opposed to only the causes of war.

While the scholarly debates on prevention often intertwined with UN discussions, they concentrated more on providing conceptual clarity and analytical direction for research on the topic. During the first period of theory-building in conflict prevention, a number of authors worked toward advancing the conceptual definition. Lund, one of the main advocates of preventive diplomacy (Lund 1995; 1996), proposed a typology for short-term prevention. Evans promoted the idea of a cooperative security approach, emphasizing the role of cooperation among states in order to reduce tensions and suspicion, resolve or mitigate disputes, build confidence, enhance economic development prospects, and maintain stability in their regions (Finaud 2013). Rubin (1998) stressed that not only the UN but also bilateral, regional, and nongovernmental organizations should play a central role in conflict prevention.

Other authors underscored related aspects of conflict prevention, such as the causes and phases of war, which can help to identify when a society is conflict-prone. For instance, Brown (1996) differentiated causal factors of war in permissive conditions and triggers, while Rothchild (2003) differentiated phases of the conflict in potential conflict, gestation, triggering and escalation, and post-conflict. These early typologies contributed toward a better understanding of the drivers of conflict and suggested general approaches for dealing with those factors. At the same time, the turn toward human security, with its broadened definition of what constitutes a threat to peace and security, pushed scholars to think more deeply about the socioeconomic, cultural, and political drivers of conflict. Because human security accords primacy to human beings and their complex social and economic interactions, it provokes a shift in the level of analysis away from the realist, state-centric paradigm of security championed by realists in particular. Although the idea

of human security has been criticized by some academics, policymakers, and diplomats for being far too broad and for failing to alter the behavior of major stakeholders in international security, this concept helped to establish conceptual links between security, development, and human rights that are relevant to conflict prevention, especially of the structural type.

Some scholars adopted critical views of how the concept of conflict prevention was emerging at the time. Sceptics considered the idea remained excessively broad—an appealing yet slippery trope for security policy. Others argued that conflict prevention was yet another attempt to rebrand the UN's relevance to peace and security—a passing fad rather than a serious commitment to overhauling the international community's approach to conflict. Weiss (1996), for example, underlined that prevention was added to the list of buzzwords in the contemporary public policy parlance. Luck (2002) argued that conflict prevention had lost steam even before it really took off. In sum, these critical takes posited the concept of conflict prevention as it emerged as little more than a “flag of convenience” that failed to offer substantive solutions and real advances, both for academic scholarship and for policy.

In order to tackle the lack of conceptual clarity around conflict prevention, in the 2000s some authors proposed more robust methodologies for the study of preventive approaches. Schnabel and Carment (2003), for instance, reviewed the institutional record on conflict prevention and argued that more attention should be given to structural prevention because it was cost-effective. Wallensteen and Moller (2003) also recognized the conceptual ambiguity of conflict prevention, proposing to focus on situations that indicate danger based on a large number of cases studies—both with and without war.

Michael Lund (2002), in turn, argued that, while the concept of conflict prevention should be applicable to different contexts, it should also be specified enough in order to be operationalized across a variety of settings. Lund (1995) systematized conflict prevention in a diagram that contained the basic life-history of conflicts (e.g., crisis, stable peace) and the phases of engagement (e.g., peacemaking in early stage). Furthermore, Lund proposed three steps to bring conflict prevention to the epicenter of international concern: consolidate what is known; focus knowledge-building on emerging conflicts; and conduct more basic prevention research.

Some scholars have also worked on ideas related to conflict prevention from an African perspective. Mazrui (2018), for instance, had long explored the idea of a “Pax Africana”—a concept that calls attention to the need to tailor broad concepts to regional contexts. Nathan (2010) has considered the peacemaking effectiveness of regional organizations, while Adebajo (2002) has honed in on West Africa to look at institutional arrangements and practices.

In addition, some civil society entities also contributed to the debates on conflict prevention, from the conceptual level to the operational dimension. For instance, the 1997 report by the Carnegie Commission on Preventing Deadly Conflict (CCPDC) defined, conceptualized, and operationalized the concept of conflict prevention, directly influencing the discussions and approaches eventually adopted by the UN, AU, and Economic Community of West African States (ECOWAS). The Report echoed the work of early conflict prevention scholars by dividing conflict prevention into two ideal-type categories: operational and structural. Whereas operational conflict prevention refers to measures taken to manage immediate or imminent crisis, structural prevention relates to ways to avoid the occurrence or recurrence of crisis in the longer term. The CCPDC's (1997) approach for conflict prevention lays down both operational and structural strategies, including early warning systems, management, well-being, recourse for justice, as well as a coherent political-military engagement.

Such typologies provide a basic organizing logic for thinking about (and designing) preventive responses. The AU's division between operational and structural prevention (analyzed in greater detail below) reflects this thinking. While many preventive responses straddle the divide between operational and structural, this dichotomous framework seeks to distinguish between underlying or root causes of conflict, and the more immediate disputes and escalation dynamics that can erupt in armed violence.

A degree of pragmatism is called for because, in many parts of Africa, intra-state conflict has become more widespread, complex, and protracted. Illegal armed groups, often with transnational ties, have played increasingly visible roles. Organized crime, terrorism and violent extremism, and geopolitical meddling all contribute to armed conflicts around the continent. In addition to posing new challenges for governments and international organizations, this diversifying cast of characters, makes it more difficult to identify the multiple causes of seemingly intractable conflict, as well as to design appropriate preventive responses. As a result, international and regional organizations are increasingly under pressure to identify, develop, and enhance effective conflict prevention responses.

CONFLICT PREVENTION DEBATES IN AFRICA

Since its launch on May 26, 2001, the AU has worked to develop more effective African responses to conflicts. In the 1990s, the crises in Rwanda and Somalia, in particular, brought the realization that—since the broader international community, including the UN—often proved unable or unwilling to respond to emerging conflicts, Africa had to become better equipped to respond to its own crises. As a result, the AU emerged out of the older

Organization for African Unity (OAU), moving away from the traditional pillar of non-interference, toward the idea of non-indifference, whereby the AU is allowed to intervene in member countries to stop grave atrocities like war crimes and genocides (Williams 2007). Therefore, much as in the case of the UN, the AU also had conflict prevention as a key objective from the very start, but with a strong emphasis on African ownership of solutions, as reflected in the oft-repeated phrase “African solutions for African problems.”

Institutional Design and Normative Frameworks

The AU’s Constitutive Act provides a solid normative framework for pursuing an effective peace and security agenda, but concrete mechanisms must be developed to ensure that its ideals are met. Toward this end, the AU has developed a series of normative frameworks and institutional mechanisms meant to allow the organization to better respond to conflicts. In particular, the creation of the AU Peace and Security Council (PSC), one of the components of the African Peace and Security Architecture, has received increasing attention as a way to provide effective and timely responses to emerging crises. The PSC has, among its foundational protocol, the task of anticipating and preventing disputes and conflicts, as well as policies that may lead to genocide and crimes against humanity. Its core functions include early warning and preventive diplomacy, facilitation of peace-making, peace-support operations, and, in some instances, recommending intervention in member states so as to promote peace, security, and stability. Finally, the PSC supports peace-building and post-conflict reconstruction, as well as humanitarian action and disaster management.

At the normative level, there have also been efforts to take structural prevention more seriously. In 2014, the AU structural prevention framework was approved. Structural prevention in this context is designed to reduce the likelihood of conflict and violence through efforts to strengthen the resilience of African societies and provide access to political, economic, social, and cultural opportunities (de Carvalho 2017). This framework has contributed toward the AU’s understanding that good governance through the strengthening of democratic culture and institutions, respect for human rights, upholding the rule of law, and socioeconomic development are needed to prevent conflicts and foster peace and stability in Africa. It has also stressed the need for a “comprehensive and holistic approach” to conflict prevention that includes building strong, responsive, and accountable state institutions at national and local levels that deliver key services, and for ensuring inclusive political processes and economic empowerment, rule of law, and public security.

In 2011, the AU developed the African Governance Architecture (AGA), which acknowledges the role of governance in enhancing conflict prevention

efforts. While most in Addis Ababa Headquarters acknowledge the complementarity between AGA—which brings together AU organs and RECs working on democratic governance and human rights—and APSA, there is still little interaction between the two architectures in implementing conflict prevention.

With respect to institutional design, the AU Peace and Security Department features, among its five divisions, a Conflict Prevention and Early Warning Division—tasked with offering timely advice on potential conflicts and threats to peace and security in Africa to AU decision-makers. The division focuses in implementing a number of aspects of the APSA, including the Continental Early Warning System (CEWS), the Panel of the Wise (PoW), and the AU Border Programme (AUBP).

The CEWS is tasked with data collection and analysis, as well as with collaboration with the UN and other relevant organizations and institutions in anticipating conflicts and formulating recommendations to the PSC on potential threats and best courses of action. The CEWS includes, among other components, a Situation Room responsible for observation and monitoring that is also linked to the equivalent units within the RECs, and that works with specialized indicators developed for this purpose. Other relevant tools include the Africa Media Monitor (AMM), a set of applications to automate data; and Africa Prospects, which is designed to forecast the risk and vulnerability of countries with respect to structural influences. The CEWS illustrates the ongoing process of innovation through the creation of dedicated organizational structures capable of mobilizing a wide variety of preventive resources while maximizing coordination with partner institutions, including the UN.

The PoW, a five-person panel of “highly respected African personalities from various segments of society who have made outstanding contributions to the cause of peace, security, and development on the continent,” is tasked with supporting the PSC and the AU Commission, especially in conflict prevention.

In order to avoid the “silo” problem that has long plagued the UN, the AU Commission has also launched interdepartmental working groups on Post-Conflict Reconstruction and Development (PCRD) and on structural prevention.

In addition to these internal developments, the AU has deepened ties to the RECs, which include eight subregional bodies, considered to be the “building blocks” for AU integration. In addition to leading a variety of transformative programs around Africa, including the 2001 New Partnership for Africa’s Development (NEPAD) and the First Ten-Year Implementation Plan, adopted in 2015, the RECs grant the AU wider and more capillary reach around the continent. Moreover, because the RECs work with governments, civil society, and the AU Commission in implementing broad frameworks

such as Agenda 2063, they are essential in achieving conflict prevention objectives. However, the capacity and scope of the RECs vary widely, and some have been heavily shaped by subregional geopolitical dynamics that sometimes detract from their preventive capacity.

New opportunities for conflict prevention may emerge through continued discussions between the AU and REC/Regional Mechanisms (RMs) on the implementation of APSA goals, including through its linkages to African Agenda 2063, the strategic framework for the socio-economic transformation of Africa during a span of 50 years. This guiding vision for the continent—more specifically, for “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the international arena”—is very much aligned with the spirit of the UN’s Sustaining Peace vision (Abdenur 2017) and in particular the call to address the root causes of conflict and instability.

Here below, we analyze how these normative, institutional, and process innovations have affected the AU’s work in two areas: mediation and preventing and countering violent extremism. These areas were chosen as examples of a predominantly operational prevention approach (mediation) and a predominantly structural approach (PCVE), although both concepts sometimes straddle the conceptual divide between those categories.

Mediation at the AU

The concept of mediation was enshrined in the OAU’s inception in 1963, whose Charter restricted the organization to a position of “non-interference in the internal affairs of a state” (Article III, 2). Due to this position, mediation was seldom used. When mediation was deployed, it typically consisted of ad hoc efforts such as conference diplomacy, committees, good offices, and summit mediation. However, as more African countries became independent, new types of territorial disputes emerged. The demands for mediation grew in the 1990s as conflicts intensified and became more complex. As a result, with the establishment of the AU, the previous stance on non-interference was *flexibilized* and mediation became one of the key approaches in tackling the threat of conflict around the continent, and there was an awareness among its founders that the AU would have to innovate in relation to its predecessor by establishing more institutionalized mechanisms for mediation.

A number of frameworks establish the importance of mediation as a tool for AU conflict prevention. Article 4(e) of the Constitutive Act of the AU provides for the “peaceful resolution of conflicts among AU Member States through such appropriate means as may be decided upon by the Assembly.” Article 3 of the Protocol Relating to the Establishment of the Peace and Security Council outlines the anticipation and prevention of conflict, as well

as peacemaking, peace-building, and post-conflict reconstruction among the organizations' main objectives. Within this broad scope of response types, the AU's role in conflict mediation revolves around initiatives that are normally taken during the escalation phase of a given conflict, when proximate, dynamic factors come into play.

The Protocol also grants the PSC specific responsibilities in mediation. The Chairperson has, under the authority of the PSC and in consultation with involved parties in conflicts and disputes, deployed a range of efforts, either personally or through special envoys and representatives. As of 2016, there were approximately 20 special envoys, representatives, and mediators deployed in conflict and post-conflict countries around Africa. These have included Special Envoys to Guinea, Madagascar, Guinea-Bissau, Comoros, and Niger; facilitators (for example, in Burundi and the Central African Republic); Special Representatives (Somalia, Great Lakes Region, Liberia, Central African Republic), and Special Joint Representatives (Darfur); and Chief Mediators (Mali) and Joint Mediators (Madagascar). Mechanisms such as the Panel of the Wise or the regional mechanisms, to prevent potential conflict, to mediate and resolve ongoing conflicts and disputes have also been mobilized by the PSC, as well as High Level Panels such as that organized for Darfur/Sudan/South Sudan.

The AU Mediation Support Unit (MSU) was created to provide capacity support to mediators, including through serving as the secretariat for the annual retreat of African mediators and special envoys, and providing briefing materials for mediators and their staff. The Unit is also responsible for developing an analytical and early-warning capacity for armed conflicts through collaboration with other Peace and Security Division (PSD) units, African Union Commission (AUC) departments and external institutions, including think tanks and research centers. Finally, the MSU provides technical expertise in designing, supporting, and carrying out mediation and related activities, and functions as a center for documenting African peace-building efforts, and maintaining a roster of mediation experts and support staff.

There has also been a strong effort to increase meaningful participation of women in mediation, aligned with the UN Women, Peace and Security Agenda. In 2010, the Panel of the Wise launched a long-term study and action plan to eradicate sexual violence against women and girls in armed conflicts; one of the key recommendations in the ensuing report called upon the AU to establish a formal network of women in mediation. This recommendation and other efforts led to the March 2017 establishment of the FemWise-Africa (Network of African Women in Conflict Prevention and Mediation), which aims to strengthen the role of women in conflict prevention and mediation efforts in the context of the APSA. FemWise provides a platform for strategic

advocacy, capacity building, and networking for enhancing the implementation of the commitments for women's inclusion in peacemaking in Africa. More broadly, it represents a normative innovation in the sense that it underscores the importance of inclusive mediation as a means to make conflict prevention and resolution in Africa more effective.

Given the demand for mediation, the AU has focused on capacity-building in mediation, for instance by developing strategic and operational mediation guidelines and by formulating a system for capturing lessons learned and mediation experiences more systematically. In 2009, a Plan of Action to Build the AU's Mediation Capacity was adopted (Govender and Ngandu 2009). The 2008–2010 Work Program to Enhance the AU's Mediation Capacity study was followed by the 2012 Standard Operating Procedures for Mediation Support. That same year, the African Union's Knowledge Management Framework for Mediation Processes (KMF) was adopted as a means to foster innovative thinking on mediation and provide a learning platform for the AU as well as the RECs and RMs, as well as the Panel of the Wise. Key documents developed in collaboration with civil society entities, such as the AU Mediation Support Handbook (developed through a partnership with the Durban-based ACCORD) represents one effort to systematize and harmonize a wide variety of practices carried out by the AU and its partner organizations. By providing individual mediators and mediation teams with an understanding of the set of tools and approaches available in the African context, illustrated with case studies taken from around the continent, the Handbook represents an example of innovation through capacity-building.

In mediation, therefore, the AU has worked to innovate along several fronts: at the normative level; in terms of institutional design; in relation to organizational partnerships and collaboration; and with respect to capacity-building. The extent to which these innovations enhance the effectiveness of mediation in the African context, however, will depend greatly on the ability to rally political will, resources, and greater coordination with other organizations, from the UN to the RECs.

Preventing and Countering Violent Extremism

In the area that is currently referred to at the AU as Preventing and Countering Violent Extremism (PCVE), changes in nomenclature reflect intensifying debates about, and sometimes political struggles over, shaping this field. The AU has a long history of initiatives to prevent and counter terrorism and violent extremism, dating back to 1992, when the OAU meeting at its 28th Ordinary Session, held in Dakar, Senegal, adopted a Resolution on the Strengthening of Cooperation and Coordination among African States [AHG/

Res.213 (XXVIII)] in which the Union pledged to fight the phenomena of extremism and terrorism. A series of agreements and conventions ensued, including the June 1994 meeting when the OAU adopted the Declaration on the Code of Conduct for Inter-African Relations; the 1999 OAU Convention on the Prevention and Combating of Terrorism; and the September 2002 AU Plan of Action on the Prevention and Combating of Terrorism, which identifies areas for improvement, such as border control, inter-governmental information exchange, countering terrorist financing, and related legislative and judicial measures. The additional Protocol to the 1999 Convention on the Prevention and Combating of Terrorism recognizes the growing threat of terrorism in the continent and the growing linkages between terrorism, drug trafficking, transnational organized crimes, money laundering, and the illicit proliferation of small arms and light weapons.

These frameworks began leading to the creation of dedicated mechanisms. For instance, as part of the implementation of the 2002 Plan of Action, the African Centre for the Study and Research on Terrorism (ACSRT) was established in 2004 in Algiers to serve as a structure for centralizing information, studies, and analyses on terrorism and terrorist groups and to develop counter-terrorism (CT) capacity building programs. The ACSRT also provides a forum for interaction and cooperation among Member States and Regional Mechanisms. The Centre plays a key role in guiding the AU's CT efforts and works in collaboration with a number of regional and international partners to ensure coherent and coordinated CT efforts in the continent.

Likewise, in October 2010, the AU appointed a Special Representative for Counter-Terrorism Cooperation, tasked with the continent's understanding of and provision of adequate response to the growing phenomenon of radicalization and violent extremism that fuel terrorism. The Special Representative has served concurrently as the Director of the ACSRT and works to mobilize support for the continent to fight the scourge of terrorism, to assess the situation in various Member States, and identify, with the concerned national authorities, priority security issues that need to be addressed in PCVE.

The Commission has also developed the African Model Law on Counter Terrorism, meant to assist Member States in implementing the provisions contained in the various continental and international counter-terrorism instruments, including the 1999 OAU Convention on the Prevention and Combating of Terrorism and its related Protocol. Two processes, those of Nouakchott (2013) and Djibouti (2015), have built on those efforts by gathering heads of intelligence from across the Sahel and East Africa regions to share information and strengthen regional cooperation in this area (Sharif and Richards 2016).

Given that violent extremism is a transnational threat, since the mid-2010s the AU has enhanced its collaboration with the UN and other partner organizations, as well as some donor states, on preventing violent extremism through a number of institutional initiatives. Key discussions and policy debates have included the AU Commission and its entities related to the prevention and countering of terrorism and violent extremism, RECs, Regional Mechanisms for Conflict Prevention, Management and Resolution (RMs), and the Committee of the Intelligence and Security Service of Africa (CISSA). The UN agencies involved in these dialogues have included the UN Counter-Terrorism Implementation Task Force (CTITF), UN Office on Drugs and Crime (UNODC), and the UN Development Program (UNDP). Also present were the International Criminal Police Organization (INTERPOL), Regional Police Chiefs Cooperation Organizations, and AU Partners. Some of the initial discussions have identified the need for enhanced countering of terrorism and violent extremism in the AU Member States. There have also been calls for the international community to share data on terrorist and extremists, and also to give greater attention to building resilience to radicalization.

In comparison to the more operational character of the AU's approach to mediation, its initiatives in preventing and countering violent extremism appear to straddle both the operational (countering) and structural (preventing) aspects of the organization's prevention categories. However, there is still some conceptual lack of clarity around categories such as preventing/combating/countering and terrorism/violent extremism, which in turn is a reflection of broader debate and political struggles over how to shape approaches and agendas in this area. In addition, despite the recognition that a holistic approach is necessary in tackling the structural causes of violent extremism, the implementation of coherent responses in this area has been slow.

There are, nonetheless, some areas of considerable improvement and even innovation. With respect to the role of gender in PCVE, some progress is being made by the AU and partner organizations in implementing national, regional, and continental policies on gender, including gender parity and zero tolerance policy on sexual exploitation and abuse of women and girls.

The AU has also increasingly acknowledged the need to make PCVE more inclusive, particularly through the meaningful participation of women in preventing and countering violent extremism in Africa. There has been recognition that women experience and suffer from the effects of violent extremism in particular ways, for instance trend of abuse of women and girls, by terrorist and violent extremist groups, that are used as suicide bombers, sex slaves, and are subject to other forms of abuses and violations. In this regard, they condemned, in the strongest of terms, the abductions, trafficking, and all forms

of abuses and violations against women and girls by terrorist and violent extremist groups operating in various parts of the African continent, which include Boko Haram and Al Shabaab.

At the same time, aligned with the UNSC Resolution 1325 on Women, Peace and Security (WPS), the AU has also increasingly recognized the agency of women in PCVE by acknowledging the multiple and key roles that women place in ensuring societal dynamics that are essential in PCVE, for instance by promoting social inclusiveness, facilitating effective participation of women in peace processes at all levels, and respecting and promoting women's rights—all areas that are relevant to PCVE. There were calls for stronger links between the WPS agenda and PCVE, as well as for greater investments by the international community in supporting the meaningful participation of women in PCVE. For instance, at an October 2017 meeting dedicated to women and PCVE, participants praised the efforts and sacrifice made by women in countering terrorism in Somalia, Lake Chad Basin, and the Sahel.

AU debates on conflict prevention and PCVE have increasingly acknowledged that structural factors like poverty and hardship exacerbate the vulnerability of women and girls to manipulations, abuses, and violations by violent extremist groups, and underlined the need to fight poverty in Member States, including empowering women and girls. In this context, the AU has stressed the need for more education and gender sensitization campaigns, as well as effective communication strategies, in order to raise public awareness on the importance of respecting and promoting women's rights as part of the best means and ways of preventing and countering violent extremism.

There is also growing recognition that meaningful participation of women in developing comprehensive counter-violent extremism strategies is necessary for African states and entities to effectively address all conditions conducive to violent extremism. There is thus a drive to harness and further strengthen women's national platforms and regional networks on peace and security. AU Member States have also been called upon to develop a deeper understanding and to mainstream gender analysis into national, regional, and continental efforts to effectively prevent and counter violent extremism.

Other areas that have been identified for further preventive work involving gender and PCVE include further strengthening the administrative capacity of local and national governments, among others by ensuring effective border control and management systems, as well as judiciary services, in order to more effectively prevent and combat terrorism, violent extremism, human trafficking, in particular exploitation of women and girls. There is also a need for Member States to go further in guaranteeing the protection of women and girls against all forms of abuses, including the establishment of protection

infrastructures that provide comprehensive responses, such as legal, medical, and psycho-social support, and in ensuring full compliance with the AU zero tolerance policy on sexual and gender-based violence, as well as the need for imposition of stiff penalties against perpetrators of sexual violence and other forms of abuses against women and girls, regardless of their status or rank, with a view to combating impunity and promoting justice for the victims of violations and abuses.

In 2018, the AU and UN stepped up efforts to deepen collaboration in this area. Guterres called for a “higher platform of cooperation” between the two organizations, building upon the April 2017 Joint UN-AU Framework for Enhanced Partnership, which includes cooperation in the field of countering terrorism and preventing violent extremism. The emergence of new, dedicated UN mechanisms, such as the UN Office of Counter-Terrorism, may offer new opportunities to innovate in this through the creation of regional strategies and national action plans, among other instruments.

In this area, the AU has worked to innovate through normative frameworks, partnerships, and—at least in some areas—by promoting inclusiveness in the preventive dimension. However, conceptual lack of clarity and competing external agendas have also muddled efforts to enhance effectiveness and innovation in this area.

CONCLUSION

Since the early 2010s, the AU has stepped up efforts not only to clarify its approach to prevention, namely through the broad categories of structural and operational prevention, but also to create new divisions and mechanisms for effective prevention of armed conflict. Some of these mechanisms are inspired by and adapted from UN agendas, structures, and mechanisms, whereas others originate in OAU efforts or more recent initiatives emerging in different African contexts.

The AU’s efforts to innovate in conflict prevention occur in four inter-related areas. On the normative front, there have been successive efforts to enshrine principles, refine frameworks, and muster political will through formal commitments. The concept of inclusivity has gained ground in the AU’s preventive function especially through the advancement of the Women, Peace and Security agenda.

The second area of innovation entails institutional design. Incremental change has come about through the creation of new organizational structures that are dedicated to prevention, often featuring the word prevention

explicitly. In addition, the appointment of specialized and empowered focal points such as Special Representatives has granted the AU's preventive structure greater agility.

Third, the AU has made efforts to innovate in prevention via new partnerships. These cover a wide gamut of actors. Even as the AU seeks to enhance collaboration with the UN on preventive issues, it has also deepened ties to the RECs and RMs, and occasionally with civil society entities such as peace and security think tanks in Africa. A related effort is the promotion of specialized networks of prevention-oriented individuals and institutions, as illustrated by the example of FemWise.

The fourth area of innovation covers cross-cutting efforts in capacity-building, not only through plans of action but also dedicated instruments such as policy documents, handbooks, and associated events such as seminars and workshops. Taken together, these areas of innovation are meant to refine, reshape, and render more effectively the concrete responses that the AU either implements or promotes around the African continent.

The breadth of these efforts is very much in line with the Sustaining Peace vision being promoted by the UN under the leadership of Secretary-General Antonio Guterres, in that the AU's approach to conflict prevention runs the gamut from addressing deep structural causes of conflict (including poverty and underdevelopment) to addressing imminent crises and ongoing armed conflict. Another point of convergence is the emphasis on inclusive prevention, particularly through the meaningful participation of women and youth in political processes.

From a policy perspective, the Sustaining Peace agenda and its intersections with Agenda 2063 may open up new opportunities to innovate in the AU's preventive capacity. In addition, other areas could be explored, such as South-South cooperation with non-African states and other stakeholders from the Global South. The UN-led agendas that promote greater inclusiveness can also open up new chances to incorporate marginalized, vulnerable, or excluded players, such as youth, that can also enhance the organization's preventive capacity. Finally, although the use of new technologies is never a panacea for conflict prevention, areas like Big Data and drones offer potentially rich sources of solutions into which the AU could tap.

With respect to further research, since many of the efforts outlined in this chapter are recent (undertaken in the past five years), the agenda for further investigation is vast. Priority should be granted to assessing the effectiveness of mechanisms that are already in place, through both case studies and comparative analyses of preventive efforts. Researchers should also deepen analysis of particular areas, paying special attention to how, and to what extent, normative frameworks are being translated into concrete practices in conflict

prevention. Finally, the politics of prevention and its possible competition (for instance, for resources) with conflict management should be investigated in areas such as peacekeeping and peace-building.

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Chapter 6

Antidotes to Extremism

Africa's Refugee Hospitality Paradigm

Gilad Ben-Nun

INTRODUCTION

One of the of the most perplexing conundrums to scholars of refugee studies concerns the habitual welcome and protection accorded to refugees by a substantial majority of the African Union's member states. In 2016, South Africa became the first country in the world to officially accord the right of asylum to forcibly displaced economic migrants, in this case from Zimbabwe (Ben-Nun and Caestecker 2017, 12–15). In 2017, Uganda who “gives a warm welcome to South Sudanese fleeing violence,” is hosting the largest single refugee camp in the world (Bidi Bidi), for South Sudanese who have received its welcome (Hattem 2017). Ethiopia is the longest standing single African country to provide continuous and unabated refugee protection for a quarter of a century now, from the 1993 Somali refugee crisis to contemporary Yemeni refugees receiving asylum there, with an estimated refugee population of close to a million people (Anderson 2014).

In 2017, Ethiopia (as a current UN Security Council member) and Kenya stood at the very forefront of UNHCR's global appeal and establishment of the Comprehensive Refugee Response Framework (CRRF) as a regional approach to the improvement of the lives of refugees (UNHCR 2017a). Not surprisingly, the very first countries in the world to sign up for the CRRF were Djibouti, Ethiopia, Kenya, Uganda, Tanzania, and Zambia (UNHCR 2017a). Immediately following up on this global initiative, in October 2017, Ethiopia radically revised its long-standing domestic legal code and in close coordination with UNHCR and UNICEF began full civil registration for its refugees (issuing them Ethiopian-state birth and death certificates), coupled with the commencement of registration for their work-permit eligibility

(UNHCR 2017b). Central American countries are duly following suit on this East-African show of leadership in refugee protection, with Belize, Costa Rica, Guatemala, Honduras, Mexico, and Panama, recently also signing up for UNCHR's CRRF.

As US President Trump decides to forcefully expel 60,000 post-earthquake Haitian refugees hitherto protected by the Obama administration (Jordan 2017), as Australia rescinds its pacific-island detention center, abandoning middle-eastern refugees there to their fate (Lagan 2017), and as Slovakia refuses to host any Syrian refugee on grounds of their so-called "cultural incompatibility," a completely reversed African attitude seems to prevail, notwithstanding the huge disparities in financial resources and developmental stature between African Union member states and western countries. Instead of turning their back on refugees as do so many western governments, African states seem bent on continuing, if not outright expanding, their welcome to refugees (Ben-Nun and Caestecker 2017, 12–15). How can one explain African welcoming attitudes toward refugees, which seems almost diametrically opposed to that of "the west"?

In this chapter, I wish to explore these rather evident dichotomies between current African attitudes as opposed to western ones, concerning the welcoming of refugees, and point toward some socio-cultural factors, which I believe help explain this fundamental divergence. I begin with a short reference to existing explanations concerning African state-based refugee-hospitality practices that are premised upon the 1969 Organization of African Unity (OAU) refugee convention, and why I think these explanations fall short of satisfying the existing rift between African practices in favor of refugees as opposed to their occidental and oriental regional peers. I continue with an exploration of the sociological explanations concerning the deep social and moral value associated with hospitality of the stranger in African social contexts. I then follow this up with an in-depth reading of the repeated protection afforded to persecuted people who adhered to faith systems non-indigenous to the African continent: Judaism and Islam, at its two geographic extremes: Morocco and Ethiopia. I conclude with some ideas as to where I see the deep need for further research into this field, coupled with some ideas as to the current policy implications of Africa's culture of refugee-hospitality.

THE LIMITATIONS INHERENT TO EXPLANATIONS PREMISED UPON THE 1969 OAU REFUGEE CONVENTION

With the field of refugee studies much influenced by diplomacy research, international relations, and research into refugee law, the availability of

explanations for Africa's refugee hospitality have tended to center upon the impacts of the 1969 Organization of African Unity's Convention Governing Specific Aspects of Refugee Problems in Africa (1969 OAU Refugee Convention). Scholarship is broadly in accordance with the view that this early adoption of the OAU Refugee Convention, merely six years after the organization's establishment in Addis Ababa as the decolonization of African states was still ongoing and in full swing, has certainly contributed to the extensive buy-in of refugee protections adhered to by African member states (Garderen and Ebenstein 2011). This becomes all the more evident when one compares regional African approaches toward refugees with other world regions in terms, such as the Arab world under the League of Arab States and East-Asian countries under ASEAN. As African countries opt to care for their refugees, ASEAN has not even bothered to enact its regional Refugee Convention, let alone any sort of regional human rights charter. Much of the same can be said of the Arab League concerning refugees and their rights. Moreover, neither ASEAN nor the Arab League have ever taken the time to establish their regional courts, similar to the European Court of Human Rights, the Inter-American Court for Human Rights (of the Organization of American States), or the African Court of Justice and Human Rights established in 2004. This is noteworthy, given the fact that these regional courts have repeatedly held their member states accountable and at bay when they violate human rights (Ben-Nun 2018b).

The early enactment of the 1969 OAU Refugee Convention and its long-standing respect amongst its African signatories, none of which has ever opted to rescind this treaty, have subsequently triggered calls for further advancements in African refugee protections. In 2004, UNHCR's Representative in Ethiopia, Moses Okello, commendably called for an extension of the 1969 OAU Refugee Convention's protective faculties so as to also cover internally displaced peoples (IDPs) in Africa, thus building upon the already-existing venerable legacy of this African legal precedent in refugee protection (Okello 2014).

Okello's and Garderen and Ebenstein's above-mentioned arguments in favor of the OAU Refugee Convention's moral authoritative character that liaises between that convention's long-lasting legacy and current refugee hospitality practices of African states are certainly valid. Yet they fall short in providing for a fully-fledged and comprehensive explanation of the difference between Africa's conduct as opposed to other world regions vis-à-vis refugees, due to their *ex-nihilo* portrayal of the potencies of this legal treaty.

The adoption of any regional or inter-state treaty cannot, in and of itself, be the sole trigger for broad-based state adherence to its noble humanitarian principles, as this would constitute a gross imbalance of the Rawlsian juridico-moral reflective equilibrium (Rawls 1972). Any explanation of

Africa's refugee hospitality which is devoid of some sort of reference to long-standing meta-ethical and historical underpinning principles of the moral undercurrent which initially would have brought to the enactment of the 1969 OAU Refugee Convention in the first place is logically insufficient. A line of argumentation which is based upon the OAU convention as the "birth moment" of African sentiments in favor of refugees fails, since it cannot explain the adamant commitment with which African states continually and unabatingly uphold refugee protection standards, *in comparison* to the somber record of their occidental (Europe) and oriental (ASEAN/Arab League) peers. Explanations that begin their story of African refugee protection from 1969 are inherently incomplete since these only tell a part of it. To put it simply, the OAU Refugee Convention had to rest on some sort of long-standing African traditions of refugee hospitality, so as to have come into being in the first place.

AFRICA AND THE NEAR EAST'S SOCIO-ANTHROPOLOGICAL "HEROIC HOSPITALITY" PATTERN

To be sure, hospitality, or rather the moral obligation to accord it, has been seen as an integral part of modern-day debates concerning the nature of morality (Selwyn 2000). Over the past decade, Conrad Lashley's study into the underpinnings of hospitality as a social responsibility, and the religious duties associated with hospitality across different faiths, from the Abrahamic ones through Hindu up to Buddhist creed-based systems, has done much to widen our understanding of the span of human societies that adhere to commitments of hospitality to the migrant stranger (Lashley 2008, 2017). To claim that Africa has a fundamentally different hospitality culture can be methodologically rather dangerous. For one, such argumentation runs the risk of being tainted with an orientalist-type of romanticism à la Edward Said (1978), or with western-generated images of Africans as per Uncle Tom's cabin, or Twain's Huckleberry Fin. But perhaps more importantly, views of an "African hospitality" run the risk of generalization on too wide a geographical scale. Indeed, the mistaken European tendency for generalizing on "Africa" or "Asia" was already well-captured by the respected Middle-East scholar Marshall Hodgson (Ben-Nun 2018a):

all the lands of the "mainstream" are sometimes identified with the "West." Classical Greece is called "Western," though Byzantine Greece is often included in the "East." . . . All the other civilizations of the Eastern Hemisphere are lumped

together under the heading “East” “Orient.” This concept in history is the equivalent of the concept “Asia” in geography. It enables us to set up our West as conceptually equivalent to all other civilized regions taken together—“Asia.” . . . Hence such a conception of Eurasia allows us to erect a classic ethnocentric dichotomy in the main part of the world—ourselves and the others, Jews and Gentiles, Greeks and Barbarians, “West” and “East.” (Hodgson 1993, 7)

Nevertheless, one is hard-pressed to deny the simple fact that African societies tend to be unequivocally more hospitable, especially to the migrant stranger, than occidental ones. In recent years, scholarship in diverse fields, from sociology, to philosophy, to hospitality studies, has begun to denote a growing appreciation for the deeply embedded notions of hospitality across the divergent spectrum of African cultures. The first, and perhaps natural area, where ideas concerning African hospitality perspectives have begun to be explored concerns the well-known southern African concept of *Ubuntu*. As Thaddeus Metz has recently (and convincingly) showed, *Ubuntu*, which roughly means “humanness,” and which often figures into the maxim that “a person is a person through other persons,” is also intimately related to hospitality (Metz 2007, 323). Quoting Nobel Prize laureate Desmond Tutu, Metz denotes that:

When we want to give high praise to someone we say, “Yu, nobuntu”; “Hey, so-and-so has ubuntu.” Then you are generous, *you are hospitable*, you are friendly and caring and compassionate. You share what you have. (Metz 2007, 323)

While Ubuntu is strongly associated with South Africa thanks to its Zulu linguistic origins, parallel concepts are well-known across the Southern African hemisphere, be it “Nunhu” in Shona (Zimbabwe) or “Utu” in Swahili (Metz 2007, 323, n. 4). Other applications of Ubuntu, whether in general philosophy, or more specifically for example in bio-ethics, demonstrate the rather wide application which the concept enjoys (Ramose 2002; Chuwa 2014).

African hospitality structures are certainly not limited to Ubuntu and its cognate terms. Surveying historical sources spanning over three hundred years of hospitality to the stranger in Tanzania, Fourshey has convincingly demonstrated the *Longue Durée* pervasiveness of hospitality to the stranger there, along with the therapeutic and healing faculties associated with his or her welcoming (Fourshey 2012). Ruitter has recently affirmed very similar notions of African hospitality, albeit this time coming from hunter-gatherer societies of East Africa and the Horn of Africa (Ruitter 2016). The notion of being together and not apart, of an implicit sense of deep communitarianism

very much associated with thinkers such as Charles Taylor, comes across strongly as one hears expressions such as the Swahili one “Tunakaa Pamoja” (we stay together or better translated “we stay as one”), which rather than excluding the migrant stranger or foreigner, implicitly embraces and includes him into the social collective (Ruiter 2016, 294). Exclusion, either on the part of the society, and even more so when practiced by the foreign individual is abhorred, as it implies a sense of self-appointed superiority (Kapuscinski 2008).

A full investigation of the socio-psychological characteristics that underpin African hospitality are far beyond the scope of this study, and would probably require a dedicated study, which in the eyes of this author are both timely and well-merited. Nevertheless, one should pay attention to a deep notion which prevails in many African cultures known as the idea of “heroic hospitality.” Referred to amongst others by Wilfred Thesiger, who encountered it in his travels on both sides of the Aden straits, as the first westerner to successfully cross the Saudi Arabian Rub al Khali (“the empty quarter”) desert and as the surveyor of the Ethiopian Awash river basin, heroic hospitality denoted for Thesiger a cognitive mindset common to the peoples of Arabia and the fertile crescent, and especially noticeable amongst East Africans, with whom he spent most of his life (Thesiger 1959, 1964).

In a celebrated passage from *Arabian Sands*, which begins with his travels in Abyssinia and Sudan prior to his crossing of the Arabian sand desert, Thesiger recalls an episode where after days without meat and the sudden hunting of a rabbit, as he and his nomadic companions come to feast upon it, they suddenly observe a group of strangers approaching. Succumbing to the understanding that more people would have to share the meager allotments of meat, Thesiger angers, while his nomadic companions rejoice at the notion that they might have further opportunities to exchange conversation and company with guests in such a lonely desert (Thesiger 1959, 111).

But perhaps more representative of African concepts of heroic hospitality are Thesiger’s less known biographical works concerning his early years in Ethiopia and the later four-decade period he lived in north-east Kenya (Thesiger 1988, 1996). Born in Ethiopia and very much immersed into his African natural and human surroundings, Thesiger suffers acute psychological trauma when his family returns to the United Kingdom and he is required to attend the harsh and somewhat misanthropic environment of the British public-school system in Eton. Upon Haile Selassie’s invitation, Thesiger returns to Ethiopia for that king’s coronation, and from the 1930s onward basically remains in Africa, including during the time of World War II where he joins the British Special forces SAS unit fighting Rommel in the North African desert (Thesiger 1988).

Thesiger repeats and returns time and again through all his writings to the notion of African “heroic hospitality.” At the individual level, this is an overriding characteristic in the receipt of joy and grace, which the hospitality giver benefits from once he has orchestrated an act of generous hospitality. At the societal level, the act of hospitality generates positive social recognition and wide-ranging respect. In areas of sustenance scarcity of drinking water and food, with limited shelters from extreme climates and often subject to societal dangers, an act of hospitality toward the stranger is almost implicitly heroic, as in many cases it might well be tantamount to the saving of that stranger’s very life.

This heroism of hospitality and protection of the migrant stranger also runs deep to the very core of all three Abrahamic faiths, as in the famous protection accorded by Abraham and Lot to the three messengers whom the people of Sodom and Gomorrah wish to harm. It is noteworthy that both the Jewish old testament and the Holy Muslim Quran relay this story of protection and hospitality accorded to these strangers by Abraham in an almost identical manner, as the noble patriarch risks his life and that of his family for them, offering them food, shelter, sustenance, and the protective security of his household (Genesis 18; Surat Al Hud 11, 69–83). Abraham’s washing of his guests’ feet, in a region where water is scarce, subsequently emulated several times in the old testament, is perhaps most associated in the Abrahamic faiths with Christianity, as Jesus washes the feet of his disciples (John 13, 5).

The educated reader might ask herself or himself what these biblical stories have to do with the subject of refugee protection at stake. Nevertheless, in 2013, as the Israeli Supreme Court unanimously and unequivocally revoked the Israeli governmental legislation, which stipulated the mass incarceration of African Sudanese and Eritrean refugees, it was precisely these biblical passages which Supreme Court Justice Isaac Amit relied upon, as he unanimously voided the already legislated 2012 Anti-Infiltration Act on behalf of the entire Supreme Court judicial chamber:

With regard to those asylum seekers who have already reached our abode, after having crossed thousands of kilometres of wilderness by tortuous routes, and traversed the Sinai Desert, where some fell victim to evildoers who tortured them, abused them, raped their wives and daughters, and sometimes even killed some of them in various ways. Once they reached our borders, wounded in body and soul, we should have welcomed them, bound up their wounds of body and soul and treated them with generosity and compassion with respect to work, welfare, health and education. We ought to have told them “Let a little water, I pray you, be fetched, and wash your feet, and rest yourselves under the tree.” (Ben-Nun 2017, 193–94)

RECURRING INSTANCES OF AFRICAN-ENABLED REFUGEE ASYLUMS: MOROCCO AND ETHIOPIA

Thus far, I have considered what I see as certain socio-conceptual patterns embedded in African societies, upon which, in my view, Africa's current refugee hospitalities rest upon. In order to further substantiate my basic argument, that current African refugee-hospitality practices cannot be dissociated from the socio-anthropological underpinnings of African philosophical, customary, legal, and cultural fundamentals, I propose to call upon previous historical experiences, which I believe are critical to our understanding of current African practices. The two examples I wish to explore here are Morocco's repeated asylum to persecuted Jews over the past two thousand five hundred years, and Ethiopia's repeated asylum to Arabian Muslim refugees, first documented one thousand four hundred years ago during Islam's inception, and which is continuously taking place as these lines are being written (Wood 2015: UNHCR Yemen 2015). However, before delving into the specific historical intricacies of these two examples, I wish to highlight two methodological considerations which have led me to focus on these specific examples over other ones.

The first methodological factor concerns *human difference*. The act of deciding to welcome any stranger, let alone a persecuted refugee, is inextricably associated with some degree of altruistic intention on the part of the welcoming receiver. Any incoming influx of persons, even when the incomers are sociologically close to their receiving society in terms of their beliefs, shared values, or common ethnicity and religion, invariably entails a strain upon the existing resources of the receivers. So if the challenge of welcoming one's own kin entails its complexities, what are we to say about cases where receiving societies extend their welcome to persecuted refugees who neither share their ethnicity, nor language or customs, and most importantly—who do not adhere to the same faith as the receivers?

Surely, we would all agree that both cases, of receiving people like oneself as opposed to receiving people who are fundamentally *different* than oneself, are not analogous, and that the welcoming of *difference* is fundamentally more powerful, in terms of its welcoming potencies, and the efforts this requires from the receiving society, than the reception of one's own kin.

The second methodological point concerns historical repetitiveness, as opposed to historical accident. That a certain episode of refugee welcome occurs once in a certain society, as it accords asylum to a persecuted people different from itself, is in and of itself admirable. Yet when this welcome for people of difference is historically repeated by the same society, through different historical periods, it denotes the existence of a far more powerful and deep-seated trait of social tolerance and openheartedness within that

receiving society. The repetitiveness in this instance precludes the possibility that the refugee hospitality accorded was a mere historical accident.

In recent years, much scholarly discussion has been devoted to a reevaluation of the Ottoman Empire and its rather remarkable record of religious tolerance. This Ottoman tolerance for difference was intimately linked to a heightened moral sense of the need to provide refugees with asylum, much in line with the notion of “heroic hospitality” mentioned above, and which collapsed mainly due to the pressures of occidental-driven nationalism and the capitalist effects of modernity (Blumi 2011, 2013). One of the most pertinent observations made by the eminent Middle East historian Bernard Lewis, regarding the reception of refugees by the Ottomans, concerned this reception’s diametrically opposed character when compared with parallel practices of Christian “western” Europe. Speaking of these differences between Christendom and the Islamic world, Lewis wrote:

Perhaps the most notable amongst the differences is the movement of refugees. In the twentieth century this movement was, overwhelmingly, from East to West; in the fifteenth, sixteenth and even in the seventeenth centuries, it was primarily from West to East. Surely, the Ottomans did not offer equal rights to these subjects. . . . They did however offer a degree of tolerance without precedent or parallel in Christian Europe. Each religious community . . . was allowed the free practice of its religion. Most remarkably, they had their own religious chiefs, controlling their own education and social life, and enforcing their own laws, to the extent that they did not conflict with the basic laws of the empire. While ultimate power—political and military—remained in Muslim hands, non-Muslims controlled much of the economy, and were even able to play a part of some importance in the political process. (Lewis 2002, 37)

It is precisely the recurring and repetitive nature of the Ottoman welcome to refugees that lies at the core of Lewis’ rather pervasive generalization as he claims that the Ottomans exercised “a degree of tolerance without precedent or parallel in Christian Europe.” It is to this repetitive nature of instances of African refugee hospitality to which I wish to allude, in terms of a methodological point of strength as mentioned above.

The first historical repetitive example of African refugee hospitality I wish to explore concerns the recurring asylum accorded by Morocco to Jewish persecuted refugees over the ages. While tradition has alluded to Jewish existence in Morocco since the destruction of the first Jewish temple by Nebuchadnezzar (587 B.C.) followed by his forcible exile of the entire population of Judea, the first documented proof of the arrival of Jews in western north Africa dates back to the destruction of the second temple (70 A.D.), with the second forceful Jewish exile prescribed by the Romans. This is clearly substantiated by the uncovering of Hebrew and proto-Semitic

inscriptions in the archaeological excavations of the Roman Moroccan town of Volubilis, which quite possibly might have had the first synagogue in Morocco as early as the third century A.D. (Stern 2008, 168–94). Toward the end of the Talmudic age, around the fourth century A.D. we already have solid proof of a substantial Jewish population in Morocco nearly 30,000 strong. The last wave of Jews to reach Morocco during late antiquity was that of the seventh century, emanating this time from the Iberian Peninsula, rather than from the East.

The Christianizing of Spain via the conversion of the polytheistic Visigoth tribes into Catholicism triggered an immanent persecution of the Jews there, who in their plight received asylum and welcome from Moroccan polytheists of the southern shores of the Gibraltar straits (Hirschberg 1965, 33). Thus, at least under two documented instances during antiquity, and probably under three if one is to include Jewish oral traditions concerning the first exile of 587 B.C., Moroccans accorded asylum and protection to Jews in this relatively remote area from Roman centers of imperial control. In doing so, they repeatedly accepted to live with people who were ethnically, linguistically, culturally, and most importantly religiously, fundamentally different from themselves solely because these newcomers who were forcibly expelled from their land, were being subjected to acute suffering, slavery, and servitude—and thus merited protection.

The rapid “venture of Islam” as Hodgson has termed it, during the seventh and eighth centuries, certainly triggered sensations of relief amongst many, if not all, the Jews who inhabited the Near East and the Mediterranean basin (Hodgson 1974). The yoke of the Byzantine empire’s hefty persecution of the Jews across that empire, and especially the four-hundred-year-old prohibition upon any Jewish settlement in Jerusalem, was rightfully seen as a mere extension of Roman cruelty, masked only by a Christianity which was potentially even more vicious to Jews than its pagan Roman predecessor. Islam, which drew so much of its origins from Jewish influences in Arabia, was seen by many Jews as a savior faith (Shoemaker 2011, 28–27). Khalif Omar’s conquest of Jerusalem and his reinstatement of Jewish life there brought about the return of Jews to Jerusalem, and the erection of the first Jewish synagogue there after nearly five centuries of absence from the holy city (Avni 2014, 308). Omar’s successors rapidly conquered the southern shores of the Mediterranean basin, while his later rivals from the Syrian-based Omayyad house came to establish what was to become the epitome of religious tolerance for almost eight centuries—Spanish Al Andalous (Menocal 2009).

The thriving and prosperity of refugees, three to four generations after their forerunners were accorded asylum, is a rather well-known phenomenon in refugee studies. This certainly held true for the wave of Jewish refugees from Visigoth Spain. Their freedom of worship and material prosperity triggered

their excellence in learning. By the tenth century, it was Moroccan-Jewish Rabbis who were now summoned to head the great Yeshivot (religious Talmudic learning centers) in Jerusalem. By the eleventh century, the entire Jewish world was looking to Moroccan Jewish leaders such as Rabbi Isaac Alfasi (his name denoting his Moroccan city of origin), who became the most authoritative Jewish law scholars of their time, and upon which subsequent great scholars such as Maimonides (himself a graduate of the Qarawiyyin's medical school in Fez), relied for their Torah interpretations.

The last, and perhaps most commemorated wave of Jewish refugees arrived in Morocco in 1492. Under the decree issued by the Christian monarchs Ferdinand and Isabella, following the unification of the royal houses of Castilla and Aragon, the entire Jewish community of Spain was confronted with the choice of either being expelled from their home of well-over a thousand years, or succumbing to the demand to convert to Christianity under the Spanish inquisition (Baer 1992, 238–410). As the forced exile of Spanish Jews unfolded, the notion of “Sephardic Jews” (“Sephardi” being the Hebrew name for “a Spaniard”), as opposed to Ashkenazi Jews from Europe, came into being. And while Sephardic Jews found their way also to Northern Europe (as for example with the great Dutch-Jewish philosopher Baruch Spinoza), the overwhelming majority of them found refuge in Muslim lands and in the Ottoman Empire. While famous Sephardic communities, such as those of Salonika, Sarajevo, Istanbul, and Sofia, were established on the Northern shores of the Mediterranean basin, the substantial majority of Sephardic Jews settled in North Africa. Of these North African communities, Morocco and its urban centers (Rabat, Tangiers, Meknes, and especially Fez and Marrakech) would come to host more Sephardic Jews than any other Muslim country.

One should not attempt to idealize the lives of Jews in Morocco, nor anywhere else for that matter. The eruption of sporadic anti-Jewish riots which resulted in multiple deaths of Jews lynched by angry mobs was a recurring pattern of events, which only ceased toward the end of the nineteenth century. Nevertheless, one should pitch the Moroccan-Jewish experience comparatively, both against its immediate North-African proximities (as in the Jewish experiences of Algiers, Djerba, and Libya), and especially against the horrible record of the persecuted Jews of Europe. And against both these examples, the overall mercifulness, coupled with the social and economic integration of Moroccan Jews into their Muslim surroundings, shines through as an unparalleled example of cross-confessional hospitality, repeatedly accorded to a persecuted ethno-religious minority.

During the seventeenth century, it was to Moroccan Jewish leaders such as Rabbi Don Samuel Pallache who rose to become the Moroccan ambassador to Holland, that Polish Jewish communities came to beg for monitory contributions so as to free East-European Jews captured by the authorities there for

ransom (García-Arenal and Wiegers 2007; Tubi 1981, 189–90). One cannot dissociate the significant rise in numbers of Moroccan Jewry over the four centuries which elapsed since the Spanish exile, from the material wealth and religious prosperity they enjoyed—as a direct result of the benefits and security implicit in their Moroccan-accorded asylum. By the mid-twentieth century, no Jewish community of the entire Arab world compared to it neither in size, nor in its relative security. And as for European Jewry, the cumulative and active participation of virtually all continental European countries north of the Pyrenees in their destruction under Hitler’s “Final Solution” in the Holocaust, rendered any prospect of comparison with their Moroccan welcome—null and void.

The creation of the state of Israel, and its ensuing Palestinian refugee tragedy, was paralleled by the expulsion of all of the Jewish communities from the Arab world. The renowned Jewish international jurist Jacob Robinson—the author of much of the UN 1951 Refugee Convention—understood full well the effective population swap à la Greek-Turkish of the Lausanne treaty of 1923, which this amounted to (Ben-Nun 2013, 120–21). Yet there was one single Arab country that refused to expel its Jews, and where the King literally begged for them to stay—Morocco.

Speaking to Israeli officials in 1964, King Muhamad V protested against the luring of Moroccan Jews to Israel, and the fate that would befall them there, stressing his responsibility to these “children of mine” (Ben-Simon 2018). While most Moroccan Jews did end up emigrating to Israel, and suffering no small ordeals as a result thereof, a substantial Jewish community has remained in that country, protected and seen as an integral part of Moroccan society to this day. That Morocco to date records less attacks on Jewish institutions per annum than France, speaks loads of the continuous protection and long-standing commitment to the asylum, which has been repeatedly accorded to the Jews there for over seventeen centuries.

I now move to my second example of a repetitive provision of African asylum to people fundamentally different than the majoritarian receiving society—Ethiopia’s hosting of Muslim refugees from the Arabian Peninsula. As with the relations of Morocco to its Jews, so to the relationship between Ethiopia and Arabian Muslims stretches back some one thousand four hundred years, back to the days of the dawn of Islam (Trimingham 1965, 57–78). And as in the Moroccan-Jewish story, Ethiopian Muslim relations were also cemented by a primordial blueprint, namely, the asylum accorded by the Christian Ethiopian king Najashi Ashama to the persecuted followers of the prophet Muhamad who fled for their lives across the Red Sea, and survived thanks to *Najashi al Habasha*’s (as he is known in Arabic) Ethiopian protection (Erlich 1994, 10–58). The historical and Islamic jurisprudential implications of this first asylum, recognized in fact as the very first *Hegira* (flight

for the faith from the infidels), are beyond the scope of this study (Kabha and Erlich 2006). In short, the Meccan followers of the newly recognized prophet Muhamad, being monotheists and opposed to the polytheist majority of that city's inhabitants, had become subject to life-threatening persecution due to their adoption of the new faith. Arriving on the south-western Abyssinian shores of the Red Sea, and upon their plea with the *Najashi*, they received the king's protection, and were allotted agricultural land to cultivate and provide for, thus saving them from destitution. Mohamad's famous brief addressed to the Ethiopian king, whereby the prophet famously acknowledged the truth of Ethiopian Christianity and its belief in Mary and Jesus, cannot be dissociated from this first episode of Christian asylum to Muslim believers (Erlich 2010, 13–15).

The *Najashi*'s hospitality to the first Muslims established Ethiopia's unique place within religious Islamic jurisprudence and Muslim conceptions of the Laws of Nations. In the normally dichotomic Islamic worldview, which partitioned nations into groupings of *Dar al Islam* (the House of Islam) and *Dar al Harb* (the world beyond—the house of war), Ethiopia was crowned as the epitomic example of *Dar al Hiyad*—the house of neutrality being neither Islam nor war.

Ethiopia's subsequent history has seen repeated reception of refugee flows, many of whom are Muslim. Indeed, the fact that the country today boasts a sizable 30 percent Muslim minority is directly attributable to these subsequent migration flows, alongside Ethiopian conquests in the country's south-eastern Somali proximity, which brought further Muslim populations under its purview. That said, Ethiopia's subsequent hospitality accorded to Muslim refugees has continued through the ages, and probably came to its zenith during the mid-1990s, as the country hosted the overwhelming majority of Somali refugees, following the collapse of that country.

Yet perhaps the most astonishing welcome for Muslim Arabian refugees in predominantly Christian Ethiopia is taking place as these very lines are being written. Since 2016, and with ever-growing force in 2017, Ethiopia has been according its welcome to Muslim Yemeni refugees. While this would seem a mere extension of the continuous 1,400-year-old Ethiopian hospitality trend, the devil here is in the details: an overwhelming majority of those being accorded asylum these days are Houthi Yemenis, that is, of the Shi'a faith.

One need not waste words on elaborating just how significant the Shi'a / Sunni schism in Islam is, and has been since the seventh-century breakup of that faith after the death of Khalifa Ali, and the murder of Hassan and Hussain in Karbala. That virtually all Ethiopian Muslims are Sunni who belong to the tolerant and long-standing *Habashi* stratum of Islam is a fact. That these Muslims, and the country's Christian majority, have nevertheless accorded their welcome to persecuted Shi'a Muslims from Yemen, against the backdrop

of current Shi'a–Sunni bloodletting across the entire Arab world, from the Persian Gulf, through Iraq, to Lebanon, is testimony to the Ethiopian hospitality sentiments over and above religious denominational precepts. Ethiopian favor for refugee protection has repeatedly withstood the tests of time and human difference, just as much as Moroccan ones have, in a stark contrast to expulsionist and refugee-rejectionist Western notions.

Toward a Correct Evaluation of Africa's Refugee Hospitality

A recently conducted study which examined refugee reception and the challenges they posed to nation-state sovereignty on a global scale concluded that:

Nowadays, however, much of the hope in refugee protection is in fact coming from the Global South. The admirable German reaction towards Syrian refugees is dwarfed in terms of its humanitarian extent when compared with countries such as Ethiopia and South Africa. As of 2015, Ethiopia housed the largest population of refugees (650,000) on the African continent. Yet contrary to Germany, which welcomed its Syrian refugees in 2015 in addition to those from the Yugoslavian civil war in the early 1990s, Ethiopia—which has been housing African refugees for more than a quarter of a century (ever since the first Somali refugee flows of 1991) is one hundred times poorer than Germany. As for South Africa, it is the first country in the world to have officially recognized harsh economic conditions as a legitimate ground for the granting of asylum; it has been hosting Zimbabwean refugees for a decade now, and has recently lengthened Zimbabwean residence visas under its extended Zimbabwean Dispensation Program. Rather than locking up refugees in camps, the South African Minister of Home Affairs congratulated his own country for not administering an obligatory encampment policy for refugees. (Ben-Nun and Caestecker 2017, 14)

As the president of the European Council recently openly questioned the need to coerce the countries of Eastern Europe to accept their fair share of the shouldering of Europe's refugee burden, to the dismay of German, Italian, Spanish, French, and Greek leaders, one should consider the large buy-in which African states have demonstrated vis-à-vis UNHCR's Compact on Migration (Renkin 2017). That the US administration under Trump has recently decided to disengage and not take part in UNHCR's global effort in favor of refugees merely reflects just how far ahead African governments are in terms of their favorable approach toward refugees. And as for Australia, both during the enactment of the 1951 Refugee Convention and today, that country has championed its unchecked outright hostility to the reception of refugees who have not complied (and as persecuted people *could not* comply) with its regular consular-based immigration policy (Ben-Nun 2013, 118–20;

Ben-Nun 2015, 99–103). In 2018, the question to be asked is not anymore *if* African refugee hospitality is indeed substantially wider than that of the West, but rather *why* is that hospitality so much more common in Africa.

This current consensus as to Africa's culture of refugee hospitality has not gone uncontested in academic circles. Respectable voices such as Gaim Kibriab, Abiodun Aloa, and others have pertinently (and rightfully) challenged the notional existence of a fundamentally African refugee hospitality culture (Kibreab 1985, 68–80; Aloa 1998, 79; d'Orsi 2015, 62). Warning against the methodological pitfalls inherent in romanticizing the nation-state behavior of many African countries, these researchers have significantly enriched the debate, as they have provided stern and valid qualifications to any sweeping or across-the-board arguments in favor of the existence of an African refugee hospitality notion. Be it African states who advocate for refugees' rights so as to secure higher degrees of international aid, or regimes that champion a pro-refugee rhetoric so as to mask their true neglect and even outright battering of refugees, these scholarly contributions have been crucial to the qualifying and framing of the debate. The recent despicable agreements which Israel has struck with Uganda and Rwanda to "export" its Eritrean and Sudanese refugees to these countries, in exchange for monetary compensation—a settlement which has shamefully received the tacit endorsement of the Israeli Supreme Court, notwithstanding unequivocal proof that these deportations result in the plight *en masse* of the deported—is but one recent example confirming just how valid these qualifying arguments as to African refugee hospitality really are (Berger 2017; Levy 2017).

Yet when all is said and done, and notwithstanding the above-mentioned criticisms, in 2018, as most of the world from Europe, through North America, the Middle East, most of Asia, and Australia succumbs to its disgusting indifference toward the plight of refugees, one is hard pressed to provide any serious argument with which to qualify Ethiopia, Kenya, South Africa, or Tanzania's openheartedness toward refugees from Somalia, South Sudan, Zimbabwe, and Burundi.

At the end of the day, when one examines the conduct of states, one must do so within the realm of comparative and relative standardized conduct. When one places the current broad-based African state-conduct toward refugees against that same conduct of virtually all other states (Germany's welcome toward one million Syrian refugees being the obvious exception), one cannot but accept that, when it comes to refugee hospitality, something fundamentally different is taking place in Africa, notwithstanding the occasional battering of refugees, or the administration of discriminatory asylum procedures there (Milner 2009; Kwamena-Onoma 2013). For when it comes to the ultimate academic judgment as to nation-state conduct, if one is to make any

sense whatsoever of an existent hierarchy of states' conduct and upholding of the moral high ground, this assessment must be carried out comparatively. And it is here—in this type of *comparative thinking*—that Africa's hospitable conduct shines through.

The reason this author has opted to single out Ethiopia's attitudes toward Muslim refugees from Arabia, and Morocco's provision of asylum to Jewish refugees, is a methodological (or rather a meta-logical) one. It is premised upon the *repetitiveness* of these countries' *recurring* accordance of asylum to persecuted people that are different from one's own. We can sit down and argue until the rise of dawn as to whether Africa indeed has an ingrained, "sociologically built-in," higher inclination toward refugee hospitality than other world areas. Yet even opponents of the "African refugee hospitality paradigm" such as Kibriab and Alao, would have to concede that there is something fundamental which validates this paradigm.

That the paradigm is observed from the North-West to the North-East of Africa is good enough to demonstrate that it does pertain to some fundamental sociological traction within African societies. If, on top of that, this paradigm of African refugee hospitality *is exercised repetitively, in the same places, by the same societies, under extended timeframes exceeding the historical one-thousand-year millennial threshold*, objectors to the paradigm would have to at least concede that there is indeed something very fundamental in it for Africans. Simply brushing off the logical powers vested in the historical repetitiveness of Morocco and Ethiopia's refugee hospitality would be tantamount to nothing less than the loss their intellectual honesty.

CONCLUSION

The analysis in this chapter has demonstrated that the questions now then are not so much *if* the African refugee hospitality paradigm "holds water," but rather: (a) whether this paradigm is limited to Morocco and Ethiopia or whether it is shared by more countries on the continent, and (b) what is the socio-anthropological explanation at the core for African societies' adherence to refugee hospitality.

These questions will probably require years of research to answer, with multiple scholars, in multiple countries, looking at multiple factors, so as to draw up a comprehensive map of African states' approach toward refugee hospitality. In all probability, this map will be anything from monolithic, with nuances and variations, and with some societies being more hospitable than others. Indeed when one considers the tremendous progress achieved in recent years concerning the study of the Atlantic African slave trade, and with the uncovering of the considerable *internal* African slave trade which

existed in tandem, pundits in favor of the African refugee hospitality paradigm (such as the author of these lines) would have to concede that they too are significantly challenged in their wish for an overarching substantiation for positivistic theories of African refugee hospitality.

Nevertheless, most chances are that as such research progresses, in an attempt to qualify, understand, and evaluate the validity of this paradigm, the full spectrum of refugee hospitality practices accorded by other African countries and societies will come to the fore. And when this evidence becomes available, and when it is juxtaposed against the morally repulsive practices of other societies—most notably “Western” ones—we might well wake up to realize just how special and morally superior African approaches to refugee protections really are. That an already existing glimpse of this superiority exists in the 1969 OAU Refugee Convention, as opposed to the lack of any such parallels in ASEAN or the Arab League, is platitude. If only for the sake of refuting once and for all the skepticism which questions the African refugee hospitality paradigm, let us bring forth this research challenge, and see which answers can be forwarded to these questions. Between Morocco and its Jews, Ethiopia and its Muslims, and Africa and its 1969 OAU Refugee Convention—this writer will take his chances with the advocates in favor of the African refugee hospitality paradigm, and against its sceptics.

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Chapter 7

Relational African Values between Nations

Bringing Communion to the Global Order

Thaddeus Metz

INTRODUCTION

There is a kernel of truth in the claim that Western thought about global justice, development theory, and related topics is characteristically individualist. That is, global ethical reflection with a Euro-American-Australasian pedigree typically locates basic moral value in properties intrinsic to a person, ones such as autonomy or pleasure. In contrast, ethical thought that is salient among indigenous sub-Saharan thinkers is relational.

This chapter spells out the individualist-relational distinction as it concerns ethics, and suggests that those doing normative work on international topics such as globalization, political power, foreign relations, and criminal justice have strong reason to take African ideals about communal relationships more seriously than they have up to now. The main reason for believing that communal approaches characteristic of moral ideals emerging from many African peoples should feature more often in work on global ethics is not mere adherence to multiculturalism. Instead, the strongest rationale is that there is weighty evidence that Afro-communal values promise to have something substantial to contribute to contemporary controversies. This chapter provides reason to believe there is some philosophical justification for exercising normative power at the global level with the aim of fostering communion among the world's people.

This chapter continues by spelling out the contrast between individualist and relational normative ethics, after which it provides a philosophical interpretation of the relational value of communion characteristic of sub-Saharan cultures. Then, it applies the Afro-communal ethic to four topics in global

ethics, bringing out what it entails for certain aspects of globalization, political power, foreign relations, and criminal justice. The chapter suggests that the implications of a communal ethic are *prima facie* plausible and often prescribe changes to the status quo. Lacking the space to systematically defend communion as a fundamental value, the chapter nonetheless urges normative theorists of international politics not to neglect it, and it makes realistic recommendations for the African Union, trade organizations, diplomats, and other agents in a position to influence global policy. The chapter concludes that Africans should not be shy about using normative power to advance communal relationship, at least since there are other major non-Western philosophical traditions that, while not focused on communion, are nonetheless relational and would often find common cause.

INDIVIDUALISM AND RELATIONALISM IN ETHICS

Euro-American-Australasian approaches to global ethics are characteristically (though neither exhaustively nor exclusively) individualist. By this is meant that the dominant or salient normative theories found in publications from the West devoted to moral matters at the international level appeal, at bottom, to the ideas that moral status is grounded on what is internal to an individual. Right action and just policies are roughly what honor or promote such intrinsic properties. Below, exceptions to this norm are acknowledged, but first it is pointed out that it is indeed the rule.

First, the most influential Western approach to human dignity, as invoked for purposes of distributive justice across the globe and the like, is Kantian. According to it, a human being has a dignity insofar as she has a capacity for autonomy or rationality of some kind. What makes us more special than anything else in the animal, vegetable, and mineral kingdoms, and the subject of human rights and cosmopolitan concern, is our capacity for intelligence of a certain sort, one that makes no essential reference to another person.

Second, while one may think of utilitarianism or cost-benefit analysis as a more collectivist alternative to Kantianism, benefit to the greatest number of people is not necessarily the aim of such an approach, which would direct resources to a minority, or even oneself, whenever that would maximize happiness and minimize unhappiness in the long run. More deeply, typical forms of utilitarianism count as individualist since they deem moral status to be a matter of an individual's capacity for pleasure/pain or for preference satisfaction/frustration and since they deem right action to be a function of summing up such states, none of which inherently involves anyone else.

Third, consider the relative newcomer on the scene, the capabilities approach, which for many has improved upon the previous two for focusing

on people's capacity to live an objectively good life, as opposed to the capacity to choose pretty much any life at all, à la Kantianism, and the actual living of a subjectively good life, as per utilitarianism. However, the capabilities approach, too, is not essentially relational, illustrated most clearly in the case of Amartya Sen's influential version, according to which the relevant capabilities are to be specified consequent to democratic deliberation (2004), a view also more or less supported by other influential capability theorists such as Ingrid Robeyns (2003) and Sabine Alkire (2013). Although the process by which capabilities are to be chosen for Sen and others is a collective one, there is nothing guaranteeing that the content of the chosen capabilities will transcend the intrinsic properties of a given person.

These are the most common philosophical approaches to thought about poverty, inequality, development, migration, terms of trade, human rights, military intervention, and related topics. Of course, there have been exceptions, the most salient one being Martha Nussbaum's capabilities approach to development theory (2011). Unlike Sen (and Robeyns and Alkire), Nussbaum believes that philosophy should take on the role of providing guidance to democratic-deliberative bodies (among others), and so she presents a substantive list of the capabilities she believes that they would be most justified in choosing. Recall that Nussbaum's list has ten capabilities, two of which are relational, namely, affiliation and other species. For a dignity-oriented state to treat a citizen justly, then, Nussbaum maintains that a person must be assured of the ability to relate positively to other human beings and to animals.

However, these two relational elements are relatively vague, and have not yet grounded particularly innovative approaches to global ethical issues beyond development theory. What might global ethical issues look like if relationality, exemplified by two elements on Nussbaum's list of ten, were made much more central? Or how might these issues be approached if relationality were even deemed exhaustive of what grounds morality?

To clarify the nature of a relational ethic, let us contrast it with more familiar perspectives. First off, as we have seen, an individualist account of morality is the view that properties intrinsic to an entity, ones making no essential reference to anyone else, ground the capacity to be wronged or to be owed moral treatment, where right action is what promotes or honors these properties. Besides the capacity for autonomy or rationality (Kantianism), and the capacity for preference realization/frustration or pleasure/pain (utilitarianism), additional examples of individualism include being an agent (Hobbesian egoism) and being a self-owner (some forms of Lockeanism).

A holist or corporatist account of morality is the view that the bearers of moral status are groups, where a group is a discrete collection of entities that are near, similar to, or interdependent with one another. The ascription

of moral standing to peoples or cultures is holist in this way, with another clear example being the land ethic (Leopold 1968) that is influential amongst environmental theorists.

In contrast to both of these approaches, a relational account of morality is the idea that moral status is constituted by some kind of interactive property between one entity and another, which property requires realization or respect. It therefore stands “in between” individualism and holism. Similar to individualism, a relational account implies that moral status can inhere in beings as they exist apart from their membership in groups. A relational theory implies that something can warrant moral consideration even if it is not a group or a member of one, or at least for a reason other than the fact that it is a member. Similar to holism, though, a relational account accords no moral status to an organism merely on the basis of its intrinsic properties. A relational theory implies that a being warrants moral consideration only if, and because, it exhibits some kind of causal property with regard to another being.

The Western ethic of care (e.g., Noddings 1984) approximates the sort of relational approach to morality explored in the rest of this chapter. However, it is not equivalent to the ways that philosophers inspired by the views of indigenous Africans have interpreted relationality, which has most often been in terms of communion or harmony.

COMMUNAL RELATIONSHIP IN SUB-SAHARAN PHILOSOPHY

One salient and philosophically interesting interpretation of African ethics is relational and, specifically, communal. For many indigenous sub-Saharan societies, one’s basic goal in life should be to realize human excellence, that is, *ubuntu* in the famous vernacular of southern Africa, which one can do if and only if one lives communally (or harmoniously) with other persons or honors communal (harmonious) relationships with them. To begin to understand what communion amounts to in this tradition, consider remarks from a variety of African thinkers. The Nigerian philosopher Segun Gbadegesin says that for traditional Yoruba morality, “Every member is expected to consider him/herself an integral part of the whole and to play an appropriate role towards achieving the good of all” (1991, 65). One of the most influential African political philosophers in the post-war era, the Ghanaian Kwame Gyekye, remarks, “A harmonious cooperative social life requires that individuals demonstrate sensitivity to the needs and interests of others. Communitarian moral theory advocates a life lived in harmony and cooperation with others, a life of mutual consideration and aid and of interdependence, a

life in which one shares in the fate of the other” (1997, 72, 76). A South African public policy analyst, Gessler Muxe Nkondo, points out, “If you asked *ubuntu* advocates and philosophers: What principles inform and organize your life? . . . the answers would express commitment to the good of the community in which their identities were formed, and a need to experience their lives as bound up in that of their community” (2007, 91). Finally, the Kenyan historian of African philosophy Dismas Masolo highlights what he calls the “communitarian values” of “living a life of mutual concern for the welfare of others, such as in a cooperative creation and distribution of wealth. . . . Feeling integrated with as well as willing to integrate others into a web of relations free of friction and conflict” (2010, 240).

These and many other construals from thinkers from different parts of Africa about what it is to commune or otherwise live morally with others suggest two recurrent themes (see Metz 2013, 2017a). On the one hand, there is a relationship of *identity*, a matter of considering oneself a part of the whole, being interdependent and sharing a fate, experiencing life as bound up with others, and being integrated with others. On the other hand, there is reference to a relationship of *solidarity*, achieving the good of all, considering and aiding, being committed to the good of the community, and being concerned for others’ welfare.

These two facets of a communal relationship can be distinguished and reconstructed with some precision. For an overview, consider Figure 7.1 (Metz 2017b, 118).

It is revealing to understand the relationship of “identifying” with others or “sharing a way of life” with them (i.e., being close, belonging, etc.) to be

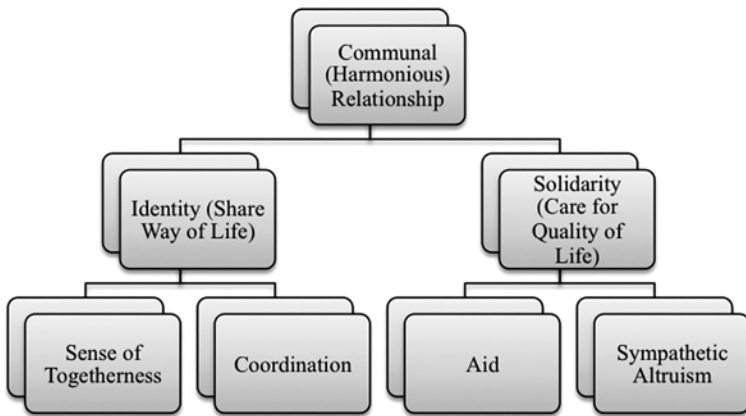


Figure 7.1 Schematic representation of communion. Source: Thaddeus Metz, “Replacing Development: An Afro-communal Approach to Global Justice.” *Philosophical Papers* 46, no. 1 (2017b): 118.

the combination of exhibiting certain psychological attitudes of cohesion and cooperative behavior consequent to them. The attitudes include a tendency to think of oneself as a member of a group with the other and to refer to oneself as a “we” (rather than an “I”), a disposition to feel pride or shame in what the other or one’s group does, and, at a higher level of intensity, an emotional appreciation of the other’s nature and value. The cooperative behaviors include being transparent about the terms of interaction, allowing others to make voluntary choices, acting on the basis of trust, adopting common goals, and, at the extreme end, choosing for the reason that “this is who we are.”

What is labelled the relationship of “exhibiting solidarity” with or “caring” for others (i.e., acting for others’ good, etc.) is similarly aptly construed as the combination of exhibiting certain psychological attitudes and engaging in helpful behavior. Here, the attitudes are ones positively oriented toward the other’s good, and they include an empathetic awareness of the other’s condition and a sympathetic emotional reaction to this awareness. The actions are not merely those likely to be beneficial, that is, to improve the other’s state, but also are ones done consequent to certain motives, say, for the sake of making the other better off or even a better person.

Bringing things together, one can interpret one major swathe of traditional African thought about ethics by saying that an agent’s foremost goal should be to live a genuinely human way of life, which amounts to prizing communal relationships, ones of both psychologically and behaviorally identifying with other persons and exhibiting solidarity with them, too. This analysis makes sense of Desmond Tutu’s terse remarks about ethics from a characteristically African standpoint: “We say, ‘a person is a person through other people.’ It is not ‘I think therefore I am.’ It says rather: ‘I am human because I belong.’ I participate, I share . . . Harmony, friendliness, community are great goods. Social harmony is for us the *summum bonum*—the greatest good” (1999, 35). Roughly, then, right actions and just policies are those that express respect for communal or harmonious relationships, of sharing a way of life and caring for others’ quality of life. Or they are ones that treat people as having a dignity in virtue of their capacity to relate in these ways. Such an approach to morality differs from the most salient philosophical approaches in the contemporary West, which appeal at bottom to utility promotion, respect for autonomy, agreement in a social contract, or God’s will.

To “honor” or “prize” communion, or people who have the ability to commune, is what philosophers call a “deontological” notion, and so is to be contrasted with a “consequentialist” prescription merely to promote communion as much as one can, and wherever one can, in the long run. For one example, one should give some priority to the communal relationships of which one is already a part instead of cutting them off, even if doing so would foster marginally more communion on the part of others. All things being equal,

the stronger and longer an agent's communal ties with others, the more of an obligation to help them. This interpretation of partiality is meant to reconstruct the traditional practice of prioritizing aid to kin and clan relations (see Appiah 1998).

However, partiality is not meant to be absolute, and the urgent needs of strangers, who also matter for their own sake by virtue of being *capable* of communing and being communed with, merit consideration and must be weighed up against the interests of intimates. The impartial idea that every person has a dignity is also prominent in the African tradition (Wiredu 1992, 199–200; Gyekye 2010, sec. 6), and is expressed here in terms of the natural *ability* to be party to communal relationship with characteristic human beings.

For a second respect in which the ethic is deontological, prizing communion means that one normally should not seek to advance it by means of the opposite of substantial discord or enmity, at least when that is directed toward innocent parties. This restriction on how to promote communion is a philosophical way to articulate human rights, which largely serve the function of protecting innocent individuals from being egregiously used merely as a means to a greater good (see Metz 2010, 2014). The Afro-communal ethic therefore is not consequentialist in the sense of implying that the means by which one maximizes a desirable state of affairs lacks moral significance in itself; instead, there is something wrong “in itself,” apart from the long-term results, with (roughly) being seriously discordant toward those who have not themselves been discordant.

This philosophical specification of a communal ethic with an African pedigree appears to capture well the moral desirability of many salient traditional practices south of the Sahara Desert. In brief, recurrent themes of consensus-seeking in the realm of politics, collective harvesting when it comes to production, and reconciliation pursuit in the sphere of criminal justice are all plausibly viewed as ways of prizing communion.

There is much more that could be said to clarify and to motivate this communal ethic, both as African and as philosophically plausible. However, this sketch should be enough to tease out its implications for global ethics, which is the primary aim of this chapter.

HOW TO COMMUNE AT THE GLOBAL LEVEL

What would global ethics look like if communion, and not, say, autonomy or utility, were taken to be fundamental? In the following, just four of the Afro-communal ethic's implications for international politics are sketched, along with suggestions of ways to employ normative power to effect changes to public policy. May they stimulate the field to consider more in the future.

Good versus Bad Globalization

After explaining briefly what is meant by “globalization,” this section indicates what the value of communion entails for it. The section argues that while some facets of globalization are welcome in the light of a prescription to live communally, others are not, should be changed, and, where necessary, must be actively rebutted by policy makers.

In general, globalization consists of the greater integration of various parts of the world, particularly when it comes to economics, that has arisen in the past thirty or forty years. The world has become more globalized, the more that materials from one part of it have been transported to another; corporations based in one country have opened outlets in many others; people born in one country have relocated to another for purposes of work or education; products and services sold in one region have come to be consumed in many others; barriers to markets have been lowered; and the currencies of different countries have themselves been subjected to global trade. In addition, in the wake of these business-oriented forms of globalization have arisen some more culturally oriented ones. The latter include information that was generated in one region becoming readily available (say, via the internet) in another; music and other art forms originating in one locale being enjoyed or appreciated around the world; people from one culture traveling to another, different one either to learn or to enjoy a holiday; and English becoming increasingly used in countries where it is not a first language.

Taking the value of communion for granted, *some* of these facets of globalization are desirable. If what makes people special is their ability to relate, then there is some moral reason for them to do so, that is, to foster cohesion between each other. A policy of isolation or self-reliance could be temporarily justified as a defensive response to aggression or other forms of subordination, but is not the ideal. Instead, an ethic of communion prescribes interdependence and outreach, or at least welcoming with hospitality those who seek to engage on friendly terms. “We are different so that we can know our need of one another, for no one is ultimately self-sufficient. A completely self-sufficient person would be sub-human” (Tutu 1999, 214).

In particular, if one part of the world is enjoying certain goods, there is, on the face of it, reason for them to be shared with the rest of the world insofar as they would be of real benefit to it. The spread of smart mobile phones and internet access, for example, was facilitated by a world market, and has arguably been good on the whole for a wide variety of different peoples and cultures.

However, the sort of economic and cultural integration that has taken place across the globe has unfortunately undermined communion in several serious ways. What follow are just three examples.

Consider, first, how the “free trade” dimension of globalization, at least as practiced so far, has inhibited communion. It is of course degrading for African and other economically poor countries to be told to open up their agricultural markets when European countries and the United States notoriously employ protectionist measures. However, note that a more just global order would require more than merely tit-for-tat, that is, a similar lowering of trade barriers. Instead, where Western farmers are by and large well off and African farmers are not, African governments should protect their farmers and Western governments and related bodies such as the European Commission should not protect theirs (see Moellendorf 2009). Fair trade sometimes honors communion more than free trade.

Of course, Western institutions will tend to see themselves as obliged to do the best they can for their farmers, and they probably should to some degree, because of a tighter relationship between those bodies and Western citizens. However, African farmers also matter to some real extent, insofar as they, as capable of communion, have a dignity that demands respect and are very badly off. Western institutions morally may not ignore the interests of African farmers, and the latter’s urgent need might be enough to outweigh the fact of the former’s communal ties with their own farmers.

In addition, organizations other than Western governments, which do not have the same communal ties to Western farmers, have all the more reason to fight for the interests of African farmers, for instance to point out glaring differences in the quality of life between the two groups and to lobby to help those who are much worse off. The African Union is one such body, but also worth mentioning are smaller blocs, such as the Common Market for Eastern and Southern Africa and the West African Economic and Monetary Union, which make agreements with Western bodies. Their bargaining power may well be weak relative to the West, but the appeal to normative force could be strong, or at least it could not hurt to try.

A second unwelcome effect of “free trade” is the impact it can have on relationships within a country or region. Rather than export goods to the global market, African traders, or at least those who prize communion, would often prefer to make goods that would benefit their compatriots. There is something *prima facie* wrong with a situation, evidently such as in Togo, “where in a country with coffee crops it is impossible to drink local coffee (there is only imported instant one)” (Lubieniecka 2013, 11–12). Although all human persons matter insofar as they are by nature capable of communion, there is extra reason to serve those with whom one has actually communed. Therefore, a country that produces raw coffee beans but lacks the technological means to process them should go out of its way to acquire them, and other, much wealthier countries should enable it to do so. That would be

a more fitting kind of aid from Western governments and non-governmental organizations than merely assisting farmers in so-called “developing” societies to compete on the world market.

In addition, it is what African officials who facilitate aid arrangements should request from them. Notice that the slogan should not be “self-sufficiency,” as it sometimes has been among African nationalists and as Tutu eschews above (although he is speaking of individuals, the point plausibly applies to groups such as countries). Although it would naturally be good for regional organizations, such as the Economic Community of West African States and the Southern African Development Community, to improve trade within Africa, the aim should not be distance from the West. Instead, sub-Saharan politicians should seek to acquire support from it, which owes compensation to African peoples or at least could help them with relative ease, but aid of a sort that would foster communion locally.

For a third, and for now final, example of how globalization has been discordant, consider ways in which cultural homogenization, and specifically Westernization, is incompatible with communion and could be mitigated. Where people have by and large freely shared a way of life for a long while and it has become central to their self-conceptions, respect requires doing what one can to avoid undermining it (see Metz 2014, 142–44). Too much English and other forms of standardized art and architecture do fail to some degree to respect people as members of cultural groups.

Why is it that an African airport plays Anglo-American music, when it could feature local artists and enable visitors to purchase their recordings? Why are the sites of a hotel chain in a given African city pretty much indistinguishable from what one would encounter at its North American sites, when it instead could have employed local architects and designers to impart African aesthetics, meanings, and forms of engagement? Why does an African public television broadcaster pay for “B” movies from Hollywood, when it could find creative and inexpensive ways to produce local content?

In the first instance it is the responsibility of companies that run airports, build hotels, and broadcast media to make different decisions. However, a given African government could help them do so, and without the blunt force of law. For example, a government’s officials could make requests of firms, pointing out that respect for a person means respecting the way of life of her people, those with whom she has identified and exhibited solidarity. In addition, its officials could back up the normative rhetoric with incentives, for example, giving tax breaks to firms willing to accede to their requests or, at least upon establishing a national bank, offering cheap loans to them.

Again, it is worth noting that these suggestions are not a call for isolation from the world market, let alone from the rest of the world more generally. Self-reliance is unlikely to be effective in a world that is already so closely

integrated, and, in any event, interdependence rather than independence is the moral ideal from the perspective of communion. Instead, the recommendations are to find ways of interacting with other countries in ways that enable communion both with them and within one's own country and region.

Political Power as a Human Right

It is well known that consensus often played a role in how traditional African societies made decisions (see, e.g., Gyekye 1992; Bujo 1997, 157–80). Although there were usually monarchs in them, it was rare for policy to be determined unilaterally by a king; instead, he would routinely defer to the unanimous recommendation of a group of (typically male) elders who had been popularly appointed and who sought to resolve conflicts in a way that was to the benefit of everyone. Similarly, it was common among many indigenous sub-Saharan peoples to seek to resolve conflicts of interest by hearing the views of any adult member of the community and talking under the proverbial tree until everyone assented.

These ways of resolving disputes are non-competitive models of decision-making distinct from typically Euro-American-Australasian forms of political power. The latter usually involves political parties jockeying for as much power as they can get on the basis of majority rule and using it to serve their constituencies.

The value of communion well explains the view that consensus should be the default approach to resolving political disputes. Communion means sharing a way of life and caring for others' quality of life. Genuinely sharing a way of life would mean sharing the power to determine what happens among a group located in a certain territory. The more that policy were determined by everyone's assent, the more people would tend to enjoy a sense of togetherness and the greater their cooperative participation. In addition, with regard to caring, if everyone's agreement were essential for a law or policy to be valid, then it would be most likely that no one's interests would be neglected and instead that everyone's interests would be adequately met.

Although it would be impractical for a large-scale state, with several million citizens, to seek out consensus among them all when adopting law, some contemporary African philosophers have suggested that it could require consensus among elected representatives (see, especially, Wiredu 2000). Instead of a multi-party, competitive system, perhaps an African constitution could require Parliamentarians, upon having been elected by majority vote (such being practically necessary in a mass society), to come to a unanimous agreement among themselves about how to do what is best for the public as a whole. This idea is not that all Parliamentarians would come to share the

same judgment, that is, adopt the same policy for the same reasons. Instead, African political philosophers usually suggest that there should be unanimous agreement in the sense that no one has such serious problems with the policy to prevent it from going ahead.

In light of the value of communion, then, it is not obvious that international human rights advocates should enshrine multi-party democracy as the norm. Given the *prima facie* attractiveness of the value of communion, there is real debate to be had about the ideal form of how to distribute political power, not only with regard to domestic lawmaking, but also, say, at the level of the United Nations, which, as is well known, currently tends to operate according to power blocs.

If this approach to decision-making still seems utopian or unrealistic, there are more clearly practical avenues open. For example, the African Union could revise its Charter on Democracy, Elections and Governance (2003) to indicate that it should be an aspiration to integrate consensual approaches into political decision-making. A given state could change its constitution to require consensus of Parliamentarians with respect to only some laws or policies, for example, upon deciding to go to war. For a third example, consider the negotiation techniques used at the climate change talks in Paris a few years ago (Rathi 2015). Parties were urged to point out non-negotiables and to offer constructive solutions in the light of the various necessary conditions mentioned. These approaches were explicitly derived from traditional African practices, and they worked to bring nearly 200 countries to consensus on a difficult topic.

Whenever policy-makers from Africa find themselves in a group with conflicting views and interests among its members, they could recommend that consensus be required before moving forward. It is hard to say “no” in principle to the point that, since everyone has a stake in the outcome, everyone should assent to it. The objections will turn on practicalities, *viz.*, that it would take too long to achieve consensus or that it would be impossible. Sometimes those objections will be convincing, but not always.

Foreign Relations

Which principles should guide the way that states and other large-scale groups relate to one another with regard to the distribution of benefits and burdens? It is plausible to think that respect for communal relationship prescribes a path that is neither strictly impartial (cosmopolitan) nor partial when it comes to foreign aid, as well as neither strictly pacifist (neutral) nor realist with respect to military intervention, boycotts, and related harms.

Regarding foreign aid, whose needs should be prioritized by a state seeking to help those beyond its borders? It could direct its resources to wherever

people are in most need. Essentially, it could direct them to those people with whom (or with their state) it has enjoyed a close tie. However, taking the value of communion seriously probably entails that both approaches are extreme and that a middle path is preferable.

On the one hand, there is some moral reason for a state to donate goods to those with whom it has communed in the past, and, in particular, to those with whom it has identified closely. This principle explains why sub-Saharan states have somewhat weightier duties to other sub-Saharan states, and why their failure to have quickly and robustly pitched in to resolve the Ebola crisis of 2013–2016 was a serious wrong (for analysis, see Metz 2017c). The African Union should have used the language of “identity” and “solidarity” much more forcefully in order to rally support from member states.

On the other hand, there is also some moral reason to attend to the degree to which people are suffering, regardless of whether they or their states have enjoyed a prior relationship with a state in a position to aid. As noted above in the context of trade policy, all people have a dignity by virtue of being capable of communing and being communed with, which provides some reason to help them whenever one could save their life, limbs, or livelihoods.

How to balance these competing prescriptions is often a matter of contextual judgment. However, in those cases where those with prior ties are suffering, the decision is clear. Honoring communal relationship entails that a state should meet the urgent needs of those with whom it identifies before meeting their less urgent needs or the urgent needs of strangers.

Turning from beneficence to interference, when should a state use force against another state or group? A communal approach to intervention tells against not only the idea of engaging in military or other conflict for the sake of self-interest, but also the notion of isolationism, avoiding other countries’ problems altogether.

First, imperial conquest for the sake of one’s own people is obviously forbidden, insofar as communion involves cooperation with and aid to others. Note that communion also rules out paternalist colonialism, for even if, for the wild sake of argument, such intervention were good for those conquered, that foisted benefit would not have been achieved in a way that honors the value of sharing a way of life.

In addition, communion rules out the other extreme of never using military or other force to help others. If the only way to rebut those being robustly discordant, that is, employing substantial coercion or doing serious harm, were to employ robust discord against them, it would be justified. There is no disrespect of communal relationship, if one uses discord as necessary to rebut discord; instead, that is to show respect for the value of communion. Where a state’s intervention against wrongdoers could serve the function of preventing severe human rights violations (and a peaceful solution is not possible),

and where this state would not place great burden on its own people, it is not merely permitted, but is required, to intervene. The isolationist alternative would fail to treat others as potential sites of communion.

Hence, there is a kernel of truth in “R2P” (right to protect) talk, given the Afro-communal ethic advanced here. The difficulties lie in determining when foreign intervention is truly necessary in order to prevent grave human rights violations, and when, if it is, it would be likely to avoid making people’s lives even worse in the long run. These are empirical matters that powerful states will be inclined to manipulate in selfish ways. However, this point does not cast doubt on the moral principle that those subjected to ethnic cleansing, mass rapes, and systematic killing can have a right to call on those with the ability to stop these actions.

International Criminal Justice

For a fourth and final example of how a principle of prizing communion might usefully guide international actors’ orientation toward each other, consider that Africa has already given a lesson to the world about how to respond to globally relevant wrongdoing such as a crime against humanity. Appealing to dominant Western principles, there have been two main rationales for the punishment of adult offenders: deterrence and desert. In contrast, rather than intentionally create a climate of fear or impose harm for its own sake in the manner of “an eye for an eye,” communion centrally prescribes responding to serious injustice in search of repair and reform. Instead of retaliation or retribution, the characteristically African ideal has been reconciliation.

It is well known that in the indigenous African tradition, the reparation of broken relationships has frequently been deemed the primary function of criminal justice. Often in small-scale societies below the Sahara, punishment has been either eschewed altogether in favor of apology and compensation, or imposed with the central aim of resolving conflict between the offender and his victims (more carefully, between his family and the families of those whom he has directly wronged). These traditional reconciliatory practices appear to be what led to not merely South Africa’s influential Truth and Reconciliation Commission (Tutu 1999; Krog 2008), but also similar approaches to crimes against humanity in places such as Zimbabwe, Sierra Leone, and Rwanda. Indeed, the movement toward what is called “restorative justice” or “transitional justice” in the West is grounded substantially on sub-Saharan mores (Louw 2006).

A concern to restore communion, to bring offenders and victims back into relationships of identity and solidarity, makes good sense of the idea that those who have been extremely unjust often ought to be given a chance to apologize, to reveal the truth about their misdeeds, to undertake reparations

for them, to become morally reformed, and then to be reintegrated into society. If what is most important about people is their capacity to relate communally, then reconciling, in the sense of disavowing prior discord and advancing communion in the future, is a straightforward way of dealing with serious crime.

Note that reconciliation, so construed, could involve punishment or at least some kind of heavy burden placed on the offender. For instance, it could include restitutionary penalties, ones that push offenders to compensate their victims. Requiring labor from offenders for the sake of effecting reparation would, from a reconciliatory standpoint, be preferable to simply locking them up. For another example, rehabilitative penalties could also be apt. These are punishments that would prompt offenders to change their motivations. Requiring counselling that includes thorough consideration of what has led an offender to do wrong and labor that is likely to instill empathy and an awareness of the consequences of actions could be appropriate.

Although commissions designed to advance reconciliation have so far mainly been employed in response to intranational conflict such as civil wars, there is no reason not to extend them to bitter and long-standing international conflicts. How might reconciliation be achieved among, say, the Israelis and Palestinians, the Sunnis and Shias, or the Indians and Pakistanis? Peacemakers between these rivals might take a cue from African thought, and African diplomats might use the language not of “justice” or “peace” but rather of “reconciliation,” which synthesizes elements of both, to inspire a vision for the future.

CONCLUSION

The aim of this chapter has not been to convince the reader that a communal-oriented ethic with an African pedigree is most justified. It has instead sought to show that it should not be ignored when theorizing about normative issues facing the world, and to provide some guidance for policy-makers who find it attractive with respect to globalization, political power, foreign relations, and criminal justice.

In closing, this chapter suggests that it is not merely those from sub-Saharan cultures who are likely to find something appealing about the Afro-communal ethic and its implications for global matters. As two scholars have recently suggested, for most of the world’s peoples, “harmony is the mother of all values” (Bell and Mo 2014). They point out that it tends to be only Westerners, and those influenced by them, who appeal to individualist goods such as autonomy or utility. Many, perhaps most, other indigenous non-Western worldviews prize relationships of kindness, generosity, tolerance,

and respect. For just two examples, the Confucian worldview, originating in China but also prevalent in several East Asian countries, is relational in this way (e.g., Li 2014), as is the worldview of *buen vivir* prominent in Latin America (e.g., Gudynas 2011). There are of course differences between these ethics, but it is plausible to think that their relationality makes them more similar to each other than they are to characteristically Western moral perspectives. When engaging with people influenced by indigenous non-Western worldviews, Africans would be wise to invoke relational values. Doing so would make their normative power more effective.¹

NOTE

1. Some parts of this chapter initially appeared in Thaddeus Metz. 2014. “Harmonizing Global Ethics in the Future.” *Journal of Global Ethics* 10, no. 2: 146–55. That material has been reprinted with the permission of Taylor & Francis.

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Part II

AFRICA

GEOPOLITICS AND GLOBALISM

Chapter 8

Between Atavism and Modernity

Sub-Saharan Africa's Strained Relationship with Constitutionalism

Tom Syring

INTRODUCTION

Recent scholarship on constitutionalism points to a seemingly paradoxical relationship between “disillusionment with internationalized state-building techniques on the one hand, and increased international faith in constitution-making as a state-building tool on the other” (Bell 2017, 13). If we conceive of constitutionalism as the idea that “government can and should be legally limited in its powers, and that its authority or legitimacy depends on its observing these limitations” (Waluchow 2018), the challenge is apparent: It is commonly significantly easier to keep and defend a system of limited government, than to first having to create one, irrespective of whether the driving force comes from the outside (international society), from within a state (an existing or reforming government), or an amalgamation thereof (a transitional government, with international interveners). And the more fragile or conflict-affected a state, the harder it is to initiate a transition toward a functional, democratic structure, as long-term, international support in brokering peace-agreements and attempting to foster transitions in the Democratic Republic of the Congo, Nepal, Somalia, or South Sudan seem to suggest (Cilliers and Sisk 2013).

From that vantage point, the international aspect of state-building versus the mainly national process of constitution-making is not so much where the difference lies. After all, since the US-led Iraq war and the ensuing constitutional project in Iraq, internationally driven or supported constitution-drafting forms part of the “internationalized state-(re)building playbook”—irrespective of the success or failure of that approach. Rather, the problem lies with expectations. While the ambition of constitutionalism as the

long-term goal of constitution-making may serve as a tool for reaching political compromises and settlements, drafting constitutions is by itself no panacea for resolving conflict. Constitutions represent the most foundational law of legal systems, but the process of drafting them—while arguably representing the most foundational part of state-building—is just as exposed to political pitfalls as those other “internationalized state-building techniques” that have led to disillusionment and state-building fatigue on an international level.

Key to a successful undertaking of constitution-drafting and of instilling constitutionalism then appears to be a much greater concern with national politics and peculiarities, with understanding the domestic context and local subtext in each case. This is, it will be argued below, where the process of creating independence constitutions in the late 1950s and early 1960s in Africa with the expectation of thus (easily) arriving at constitutionalism often went awry—a failure reinforced as much by following a bad example (adopting a mode of government akin to the one during colonialism), as by badly following good examples (adopting “virtuous” constitutions and democratic governments without paying attention to minority protection).

There is hope, on a global level, that international standards and “best practices,” for example, regarding minority protection and inclusion may take hold (see, for example, the Framework Convention for the Protection of National Minorities (Council of Europe 1995) and the Declaration on the Rights of Indigenous Peoples (United Nations 2007)), with the realization of true, “lived” constitutionalism, as opposed to merely drafting a static constitutional text, as its centerpiece. Recent developments in Africa and the Americas have seen the African Union (AU) and the Organization of American States (OAS) firmly expressing their commitment to democratic government and signing treaties to that effect, with a view to preventing “democratic regression” (Bell 2017, 18). Both organizations have adopted standards specifying prohibitions of “unconstitutional change of government,” or “unconstitutional rupture,” which may have sanctions and ultimately expulsion from the respective regional entity as a legal consequence. (While the Lomé Declaration (Organization of African Unity 2000), article 30 of the Constitutive Act of the African Union (African Union 2000), and article 23 of the African Charter on Democracy, Elections and Governance (African Union 2007) represent the AU *acquis* in that regard, as to the OAS, this function is fulfilled by article 9 of the Charter of the Organization of American States (Organization of American States 1948) and articles 19–21 of the Inter-American Democratic Charter (Organization of American States 2001).) Furthermore, the European Commission for Democracy through Law (better known as the Venice Commission of the Council of Europe), advises on, produces studies, and renders (legal) opinions on a range of issues relating to constitutional matters.

But the track record of the countries selected for this study, drawn in the main from the Great Lakes region of Sub-Saharan Africa, suggests that there may still be a long way to travel before the aspirations of the above-mentioned standards will materialize throughout these organizations' member states and on a global level.

To be sure, many other countries and regions could equally have been chosen here. The recent election-related or otherwise political violence in, for example, Kenya and Zimbabwe, but also in the former African constitutional frontrunner state of South Africa, suggests that challenges abound. Equally, the Venezuelan crisis demonstrates that also amidst the OAS states, despite the organization's expressed stand against democratic regression, authoritarianism is on the rise. The International Commission of Jurists documented the loss of independence of the judiciary in Venezuela, stating that "over the course of 18 years, despite constitutional and legal guarantees, the legal branch has ceased to be an independent and impartial organ of public authority" (International Commission of Jurists 2017, 3–4). Numerous factors have reportedly contributed to that outcome, including the interim and provisional nature of the vast majority of judges, political retaliation against and punishment, without due process, of judges who rule against the interest of the executive branch. The cases of Russia under Putin and Erdogan in Turkey further prove that democratic regression is on the rise in several regions and even within some member states of the European Union (EU); a shrinking space for human rights and their constitutional guarantees, including the independence of the media, have been reported in Hungary and Poland.

Hence, numerous other regions and countries currently experience rule of law challenges. But few regions seem to have seen such a high density of recent, irregular constitutional amendments as the countries largely forming the Great Lakes region of Sub-Saharan Africa. Thus, their selection for scrutinizing the question at hand: (Sub-Saharan) Africa's strained relationship with constitutionalism.

With that as a backdrop, this chapter sets out to place the challenges of constitutionalism in Africa in a historical context, before highlighting some common characteristics of countries having suffered democratic regression in the past couple of years. It then attempts to explain the current state of affairs by taking recourse to the constitutional genesis of that region and the influence its historical development yielded on processes of fossilization of political systems. The final part of this chapter seeks to address some of the overarching questions of this edited volume by considering what may be done about these recent (constitutional) developments on the continent and what impact they may have on African Affairs and their weight in the contemporary world order.

DEMOCRATIC REGRESSION IN SUB-SAHARAN AFRICA

Africa is changing rapidly, and Sub-Saharan Africa in particular represents the region with the fastest growing population in the world, abounding with young people yearning for opportunities and change. Based on a 2018 Population Reference Bureau report, Sub-Saharan Africa constitutes the region with the youngest population in the world, with 43 percent of the people being less than 15 years of age. Furthermore, Sub-Saharan Africa's population is estimated to more than double by 2050 (from 1,049 billion to 2,200 billion)—the fastest growth of any region in the world (Population Reference Bureau 2018). Yet, this region also harbors many of the longest sitting presidents in the world, some accumulating more than thirty years at the helm (Hanna 2017). From Kigali to Bujumbura, from Brazzaville to Kinshasa, state leaders cling to power, often employing less than democratic techniques—from questionable referenda and flagrant constitutional amendments to flawed elections and excessive use of force—all with a view to defying the rules of democratic alternation, pushing people to succumb or leave. What are the inherent reasons for these state leaders' behavior, why do they still succeed, what are the consequences for those voicing opposition, and what role is there to be played by international law in contributing to curtailing these seemingly unbounded and perpetual presidencies—or is the alternative worse?

Historical Background

The development of constitutionalism in Africa has undergone change that, on an aggregate level, may be divided into three distinctive waves. The constitutional genesis and evolution may shed some light on the political context and presidential inertia experienced in many a state today. It may also, in part, account for the political discourse regarding the International Criminal Court (ICC) and non-observance or adherence to certain international legal norms.

The majority of the countries now constituting the African Union received their independence from colonial rule in the late 1950s and early 1960s. Africa's independence constitutions placed no restrictions on the number of times an incumbent could serve. Therefore, it was “commonplace for presidents to stand for re-election as often as they wanted and many simply made this permanent by declaring themselves ‘president for life’” (Fombad and Inegbedion 2010, 1). Africa's constitutions of the time included certain provisions for the protection of individual rights, opposition parties, independent courts, and regional representation and autonomy, and were thus supposed to establish the basis for postcolonial constitutionalism. However, soon after attainment of independence, numerous African countries disparaged their

independence constitutions as neocolonial devices and amended or replaced them with something they regarded as more fit for uniting their often artificially delimited and ethno-linguistically disparate polities. Formal multiparty systems were abandoned to the advantage of “Africa’s indigenous political traditions, which were said to privilege nonpartisan consensus building over partisan division” (Prempeh 2007, 476). The absence of limits on the number of times a state leader could let himself be “re-elected” remained. Authoritarian rule ensued, restricting individual freedoms, often under the guise of, or perceived need for, giving primacy to development. An early example of such emphasis may be seen in Tanzania’s (then) president, Julius Nyerere, who, in 1964, defended the introduction of a new preventive detention law by stating: “Development must be considered first. [. . .] Our question with regard to any matter—even the issue of fundamental freedom—must be, ‘How does this affect the progress of the Development Plan?’” (quoted in Austin 1984, 69).

Once the claim to development as a supra-constitutional source of legitimacy wore off, or development proved unsustainable, state leaders turned to a combination of patronage and repression, and the “crisis of legitimacy became a crisis of governance” (Thomson 2004, 206), resulting in the 1980s and 1990s in either failed states, or in states that were under internal and external pressure to change course. Constitutional reforms introduced presidential term limits, allowed for multi-party systems, and restored freedom of association and other civil liberties. But “not a single democratizing state chose to move to a parliamentary form of government” (van de Walle 2001, 31) and the presidential character of Africa’s constitutional politics, with vast powers vested in one person, remained.

The recent backlash especially in Sub-Saharan Africa, with a flurry of constitutional referenda and other attempts at extending or altogether removing presidential term limits, may be regarded as a third wave of constitution meddling. This development has been enabled, in part, by an often still rather feeble parliament and opposition, and by competing or vague international legal norms, including African Union foundational framework provisions, which lend themselves to abuse.

The ensuing section aims at exemplifying the systemic problem of bad governance by depicting a number of pertinent cases with similar features situated in Sub-Saharan Africa, the region with the youngest and fastest growing population in the world, yet also consisting of many of the poorest countries on the globe (Anderson 2014).

To be sure, one could make a statement to the effect that the majority of the cases selected here simply (still) largely adhere to a French-style presidential or at least semi-presidential system, and that what works for France could not truly be declared a bad mode of governance. Of course, such a statement would falter on numerous levels. First of all, apart from Congo-Brazzaville,

none of the countries depicted below had direct colonial ties to France. As such, any of the other countries included in the selection adhering to a French style presidential system did so on their own account (which, of course, is not to say they were solely responsible for that state of affairs). In fact, both Congo-Kinshasa (DRC), Rwanda and Burundi were under Belgian rule prior to obtaining independence and Belgium itself never adhered to a presidential system, neither at the time, nor nowadays. Rather, Belgium is a federal constitutional monarchy with a parliamentary system of government.

Taking the DRC as an example, at the time of the roundtable discussions negotiating independence from Belgium as of 30 June 1960, the Fundamental Law outlining the new entity's constitution actually left open a specific description of the form of government and head of state. Instead, the document spoke of "the state" (not, e.g., "the republic") and the "head of state," without defining whether this should be a "president" or other (Nziem 2016b, 189). Then, the first Congolese Constitution postindependence, adopted on 1 August 1964, had foreseen in its Article 178 that the country as of the beginning of the third legislature (i.e., from 1975 on) should change its name to "Federal Republic of Congo" ("République Fédéral du Congo"). Thus, had it not been for Joseph-Désiré Mobutu's coup d'état of 24 November 1965 and the subsequent promulgation of a new "Constitution of the 2nd Republic" nineteen months later, today's DRC might indeed (still) have been a federal state (Nziem 2016b, 191). Instead, Mobutu installed a presidential regime, with the head of state being elected by direct, popular vote, abolished the multiparty system, created a unicameral parliament with weak representation of the provinces, and embarked on political centralism (Nziem 2016a, 226–27).

With the DRC example in mind one could claim that most presidential systems in the countries discussed below were established on the respective country's own account. But that would not be entirely true either. In the DRC, the "tropicalization of the Belgian system of governance" (Nziem 2016a, 228) simply did not work out, and the progressive potential of a true federalization of Congo was stillborn, once the Belgian parliament voted just days before Congo's independence for a law allowing Belgian companies operating in the Congo to opt for henceforth operating under Belgian law, thus legalizing the massive transfer of funds from the Congo to Belgium (Nziem 2016a, 218). Embarking on a resource-intensive process of federalization with all of a sudden a strangely empty hand, was on uphill battle doomed to failure. But leaving aside for a moment who is responsible for the eventual introduction of presidential systems in most of Sub-Saharan Africa, the more important question seems to be why they do not seem to function properly. And that question leads us back to France.

Evidently, what works in one context, is not necessarily transferable to another. Due to the usually massive accumulation of power in one person and

the election of the head of state by direct popular vote, presidential systems lend themselves generally more easily to abuse, compared to parliamentary systems. In consolidated democracies, that propensity to abuse is by and large negligible. Such a level of democracy is achieved when

under the given political and economic conditions a particular system of institutions becomes the only game in town, when no one can imagine acting outside the democratic institutions, when all the losers want to do is to try again within the same institutions under which they have just lost. Democracy is consolidated when it becomes self-enforcing, that is, when all the relevant political forces find it best to continue to submit their interests and values to the uncertain interplay of the institutions. (Przeworski 1991, 26)

Those, however, are preconditions which a fragile, newly built or conflict-ridden state is often unable to provide and which, arguably, the majority of (Sub-Saharan) African states yet have to experience. Hence, it is not necessarily the presidential system of government (irrespective of its French or for that matter US provenance), which seems to justify being at the core of the lack-of-constitutionalism debate, but rather the lasting absence of properly functioning state institutions imbued with democracy.

Given the particular flaws of the respective presidential systems in the region, the specific reasons and circumstance for failure may vary with each country. Hence, given the individuality of each case, an exhaustive list will neither be produced, nor would it be conducive to future learning. But what may be established is that a number of the longest-sitting state leaders display various common traits of character, aimed at resisting democratic alternation, including flawed referenda, hasty constitutional amendments, political violence, and other forms of exclusion, thus resulting in some instances in a lack of alternation over the course of more than thirty years (Opalo 2015). Recent constitutional developments in several countries which are negatively concerned in that way will be recounted below, in a geographical fashion, traveling from west to east.

Angola

Angola adopted a new constitution in 2010, opening for the then sitting president, José Eduardo dos Santos, to ultimately sit for another ten years at the helm, despite having accumulated already more than three decades in power (Dugger 2010). Historically, the head of the majority party automatically assumes the presidency, which, in real and democratic contests elsewhere is neither unusual, nor particularly questionable. Consequently, in a country dominated by one party, controlled by one strongman, it effectively leads to a freeze in alternation.

To be true, at first sight the Constitution conveys the impression of epitomizing human rights protection and modern division of power (cf. article 2, §§ 1–2). It also includes a clause according to which the president may be removed by parliament (article 161 (m)). But for this removal to happen, the Supreme Court or Constitutional Court, respectively, needs to approve, and all judges of these Courts are and have been appointed by the President (article 129, §§ 3–5). Furthermore, while the Constitution states that the president's term shall last for five years, and fixes the maximum length in office to two terms (cf. article 113, §§ 1–2) rendering former presidents who have already served two terms in office ineligible for election (cf. article 110, §§ 1–2(a–h)) and declaring constitutional referenda impermissible (cf. article 168, § 3), these are only ostensible hindrances. The president or one third of the members of the National Assembly may initiate a revision of the Constitution (article 233), which requires only a two-thirds majority in Parliament (article 235, § 2), and would become effective without a grace period, such as an election cycle. The enumeration of material limits to constitutional alternations is rather vague and is silent with respect to term limits (see article 236). Constitutional inertia or other constitutional safeguards thus appear to be largely absent.

The fact that José Eduardo dos Santos stepped down as president at the end of 2017 does not change that framework in any significant way. As the ruling party People's Movement for the Liberation of Angola (Movimento Popular de Libertação de Angola [MPLA]) has a dominant position in Angola, dos Santos's leaving the party helm to his handpicked successor, João Lourenço, effectively meant that he also thereby designated the next president (Cotterill 2017). As was expected, the MPLA won the elections and João Lourenço became Angola's next president. Accordingly, a true alternation has yet to occur (Pelz 2018). For the time being, the most one may hope for are changes initiated by a new president, anxious to prove his independence from his allmighty predecessor.

The Republic of Congo

In the Republic of Congo (Congo-Brazzaville), sitting president Denis Sassou-Nguesso, already reigning for a total of more than thirty-two years, aimed at preserving his grip on power by changing the Constitution of 2002. This Constitution stated that no one may be president for more than two consecutive terms (article 57), and no one aged seventy years or more may be eligible to stand for office (article 58). Sassou-Nguesso would, even if one were to start the count of years after the 2002 constitution came into force, have exceeded his term limits in 2016, and he had already turned seventy-two years of age (Perez 2015). Hence, Sassou-Nguesso pushed through a referendum in the fall of 2015 with a view to changing those pertinent constitutional limitations,

intimidated the opposition—which eventually boycotted the referendum—and claimed a more than ninety percent approval rate for the constitutional amendment. The fact that voter turnout was probably below five percent, did not bother him. Apparently, no minimum participation seems to be required (RFI 2015a).

Based on those results, the Constitution was changed, now removing presidential age limitations (cf. article 66, Constitution of 2015), and opening for three presidential terms (albeit the length of each term would henceforth be five instead of seven years; cf. article 65 of the new Constitution). Sassou-Nguesso thus claimed eligibility for yet another term. Elections were held with widespread repression and documented electoral fraud, most opposition candidates were jailed or fled the country, and Sassou-Nguesso proclaimed himself winner (McAllister 2016). Apart from flagrant violations even of established legal and constitutional provisions, no constitutional inertia or other constitutional safeguards (for example, the requirement of a two-thirds majority in parliament and/or the coming into force of any constitutional amendment not until after an ensuing parliament has been elected) exist against what James Madison (1788) once described as the danger of arbitrary government and the current mores of oppressive majorities, or, as here, oppression itself.

The Democratic Republic of the Congo

A similar attempt at extending constitutionally prescribed term limits occurred in neighboring DRC (Democratic Republic of Congo), where the sitting president Joseph Kabila's second and last reelection term was up in November 2016 (Jullien 2015). Unable to push constitutional changes regarding presidential term limits directly through, which, according to article 220 of the Constitution of 2006, could not be the object of revision, he opted for a subtle twist: the "*glissement*," or "slip" (Clowes 2015). The argument goes as follows, according to Article 70 of the Constitution, the president remains in power until elections of a new president have been concluded. Hence, as long as no new elections have taken place, which the current regime seems to do everything to prevent, Kabila shall remain in power (Monnier 2016).

Maximizing on this vague definition, the president and his followers seem to have done everything to render the timely organization of elections even logistically impossible. Demonstrations in support of respecting the constitution, organizing elections, and requesting the president to respect the term limits were met with force, resulting in at least fifty-three deaths and several hundred arbitrary arrests (RFI 2016a).

When the opposition denounced such interpretation as unconstitutional, and even appealed to the Constitutional Court, the Court voted in favor of the president's view (Kode 2016). However, as it turned out, the Constitutional

Court's judgment was unconstitutional itself, even if judged by its own standards and legal basis. The Constitutional Court consists of nine judges, seven are needed for a quorum, but only five were actually present—some had excused themselves as sick, others had left the country (RFI 2016b).

Meanwhile, the stalemate continued, and it was only when the National Episcopal Conference of Congo (Conférence Episcopale Nationale du Congo [CENCO]) intervened that some negotiations between opposition and governing party occurred, with a view to finding a peaceful solution to the conflict. The talks under the aegis of CENCO eventually yielded an agreement, under the terms of which presidential elections were to be held by the end of 2017, at which time at the latest president Kabila was to resign definitely, the opposition was to get to choose the prime minister and the head of the Independent National Electoral Commission (Commission Électorale Nationale Indépendante [CENI]) supervising the preparations for the long-overdue elections (RFI 2016c). However, solution of remaining points of discord and, above all, implementation of the terms of the agreement, had come to an impasse, with the governing party continuing what appeared to be stalling tactics. And with every day that passed, CENCO was more likely to discontinue offering its good offices, and preparations for the envisioned presidential election before the end of that year—the paramount precondition of the agreement—less likely to see the light of day. The death of Etienne Tshisekedi, the historical, most respected, and uniting opposition figure, designated as head of CENI for the period of transition, did not bode well for the further process (RFI 2016d). Continuing debate regarding the intended use of electoral machines and irregularities pertaining to voter lists (RFI 2018) added serious doubts the presidential elections, foreseen for 23 December 2018, would take place according to international standards—if at all. After yet another delay, elections were eventually held, though the outcome remained disputed amidst claims to electoral fraud (Wilson 2019).

Rwanda

As with the aforementioned countries, Rwanda has also seen increasing repression and a decreasing political space over the past few years (McDoom 2013). Long hailed as an exemplary country in a Sub-Saharan, and post-violence context, and strategically playing the “genocide card” whenever criticism toward human rights abuses at the hand of the government mounted, the political situation in the country has adopted most of the traits of a one-party state (Reyntjens 2015). There seems to exist no real opposition to Paul Kagame, and claims to the contrary, such as pointing to the so-called “Green Party,” the only registered and authorized opposition party, appear to be a means of paying lip service to foreign donors (Meyerfield 2016). An attempted

visit by a foreign reporter demonstrated that the “Green Party” was barely visible in the streets, even its headquarters were hard to find, and hardly staffed.

In such an environment, Kagame pushed through a referendum for a constitutional amendment removing the limitation of sitting for a maximum of two terms as president (Johannsen 2015). Taking a climate of repression and control, reports of forced voting, and insufficient time to even debate the amendments to the constitution into account, it is probably not surprising that the majority of Rwandans approved these changes, now effectively allowing Kagame to stay on for a total of more than thirty years.

But is a constitutional amendment, even if approved by a large majority, valid in such a context? The idiosyncratic nature of the constitutional amendment (Reyntjens 2016), tailored to one person only, Kagame, has been criticized for undermining democratic change of government contrary also to article 23 of the African Charter of Democracy, Elections and Governance, which states that “illegal means of accessing or maintaining power constitute an unconstitutional change of government and shall draw appropriate sanctions by the [African] Union.” Despite such serious criticism, Kagame was elected Chairperson of the African Union in 2018. That, however, may not necessarily reflect well on him, but rather badly on the AU.

Burundi

The final example of bad governance in this belt of African Great Lakes countries pertains to Burundi, where the sitting president, Pierre Nkurunziza, pushed through a disputed third mandate, claiming that the term limits applied only to a president who, as required by the constitution, was elected “by the people,” that is, “by universal direct suffrage” (cf. article 96 of the constitution of 2005). However, Nkurunziza’s first term came about through negotiations following the peace agreements that ended the civil war in Burundi, and hence he was elected by Parliament then, not by the people (Winsor 2015). But instead of having an open political dialogue, as in the countries depicted above, a similar pattern of repression and political violence emerged, where even judges on the Constitutional Court apparently had been pressured to decide the question, raised by the opposition, of an unconstitutional extension of term limits, as in line with the president’s view (Kagire 2015). At least one of these judges soon afterwards fled the country and reportedly applied for asylum.

Furthermore, in the past few years Burundi has refused to cooperate with the United Nations (UN), including giving a group of experts, among them the AU’s Special Rapporteur on Refugees, Asylum Seekers, Migrants and Internally Displaced Persons (IDPs), access to continue their independent investigations into the security and human rights situation in the country (Lee 2016). Based on what the experts had seen and researched thus far, the United

Nations Independent Investigation on Burundi (UNIIB) report stated, *inter alia*, that there were serious reasons for believing that “gross human rights violations [which may] amount to crimes against humanity” may have been committed (UNIIB 2016, 14). The report was published in September 2016. A few weeks later, the Burundian government announced that it would withdraw from the ICC, the sole international court with jurisdiction over international crimes, including crimes against humanity, without limitations in terms of temporal or geographical scope, or official capacity of the accused, for example as head of state or government. (Other international courts with similar subject matter jurisdiction, such as the International Criminal Tribunal for the Former Yugoslavia (ICTY) and the International Criminal Tribunal for Rwanda (ICTR) had their competences restricted in geographical (cf. ICTY Statute, article 1) or temporal (cf. ICTR Statute, article 1) scope.) On 27 October 2017, Burundi’s withdrawal from the ICC became effective. However, it will not put an end to already ongoing preliminary investigations into international crimes committed in the country since 2015 and prior to the withdrawal. As such, contrary to the Burundian government’s claims, the move is unlikely to entirely shield alleged perpetrators from facing justice, although it certainly further complicates the international court’s investigative process (Amnesty International 2017).

CONSTITUTIONAL GENESIS AS AN EXPLANATION FOR “PRESIDENTIAL INERTIA”

What the above countries have in common is that wherever possible, they tried to at least give the impression of paying heed to constitutional rules, basing changes to term limits or other constitutional provisions benefiting the president and the ruling party on constitutional provisions presumably allowing just that—without regard to the context and form in which such changes could be regarded as legitimate. The reasons for that attempted veil of constitutionality vary. This may be based on the assumption that, if portraying an act as being covered by a constitution (even if it’s not) yields the intended result, instead of openly using brute force, why choose the latter?

Furthermore, with the increasing emphasis placed on human rights discourse by donor countries, also when it comes to projects on the African continent, outright and open defiance of constitutional rules may lead to development aid cuts and other (financial) disadvantages. Hence, trying to keep up at least an appearance of legality may simply “pay off.” As this line of reasoning is based on economic performance and resources, it is perhaps not surprising that better-off countries (or in any case countries with powerful donor alternatives) are generally less likely to be concerned by the looks of their legality façade.

Finally, the reasons for this preference for trying to appear “norm-abiding” may be based on state leaders’ narcissistic penchant for (positive) publicity and self-portrayal. Some human rights changes occur

apparently because leaders of countries care about what leaders of other countries think of them. Norms have a different quality from other rules or maxims. James Fearon argues that while rules take the form “Do X to get Y,” norms take a different form: “Good people do X.” Thus, people sometimes follow norms because they want others to think well of them, and because they want to think well of themselves. (Risse and Sikkink 1999, 8)

STATES AND THEIR LEADERS DO CARE ABOUT THEIR (INTERNATIONAL) REPUTATION

From the 1990s on, some legal scholars started discussing a community of “liberal states,” seen as a sphere of peace, democracy, and human rights, and distinguished relations among liberal states from those between liberal and non-liberal states (Franck 1990; Slaughter 1995). In that way, it was assumed, “human rights norms have constitutive effects because good human rights performance is one crucial sign to others to identify a member of the community of liberal states” (Risse and Sikkink 1999, 8) and in some cases a precondition for membership in some more elitist circles. One of these liberal “clubs” represented the European Union and its formal and informal rules and norms stipulated “that only democratic states with good human rights records can join the club” (*idem*, 9).

While these examples pertain to a different time and different region, the underlying mechanisms at play may be transferable to our present context as well. A minimum, at least nominal set of human rights norms, and a somehow stronger (from a rather low basis) concomitant emphasis on constitutional rules entered the rights discourse in Sub-Saharan Africa only after the governance crisis of the 1990s and onwards. Hence, it is not surprising that whatever impact such discourse may have had on regional rulers, it should only come to the fore after the rights debate gained some traction on the continent. Furthermore, what then may have been potential admission to the EU for a number of former eastern European states as an incentive, may now translate into a seat at the table in EU–AU negotiations, preferential treatment in relations to the International Monetary Fund (IMF), or invitations to other, covetable circles.

But even the above-mentioned explanatory factors for partly norm-conforming behavior only carry to a certain point. Ultimately, when the desired outcome in terms of preserving the position as head of state was inconsolable with norm-conforming, constitutional behavior, the former took precedence over the latter, and constitutions fell prey to undue revisions.

That some of the changes to constitutional provisions even opened for certain term extensions and other revisions that may benefit the very government proposing the changes, without the common constitutional safeguards of, for example, at least one electoral period between the suggested revision and the coming into force of such changes, may by itself be regarded as a flaw. But combined with an environment of repression and abuse of power, precluding any meaningful political opposition to the ruling party and discussion of the proposed changes, the various modes of constitutional amendments may hardly be described as legitimate from an objective point of view (Congressional Research Service 2018)—they would often more appropriately be called constitutional coups d'état.

Also, quite telling when it comes to the disregard of the true (teleological) meaning of constitutional provisions are the lack of respect paid to other, less visible provisions, or, more precisely, the creative inventions to hide unconstitutional behavior. Article 96 of the constitution of the DRC for example prohibits the president from being involved in any professional activity during his term in office, though not his family. Recent research revealed that Joseph Kabila's family had an interest in, and often controlled, at least seventy companies, in almost any sector of importance, from banking to agriculture, from petroleum and mining to transportation and hotel business, in the DRC but also abroad, resulting in contracts worth several hundred million dollars (Kavanagh et al. 2016). Joseph Kabila himself is associated directly only with two of these companies. But there seems to be little doubt as to the origin of all the other family contracts, and even Kabila's diplomatic adviser, Barnabe Kikaya Bin Karubi, is quoted as trivializing the results of that research by stating that there is nothing unusual about the members of Kabila's family having some advantages—after all, it's the presidential family (RFI 2016e). But what may account for state leaders clinging to power, often employing less than democratic techniques—from questionable referenda and flagrant constitutional amendments to flawed elections and excessive use of force—all with a view to defying the rules of democratic alternation?

The fossilization of the political systems (Ould-Abdallah 2016) may in part be explained by the respective countries' constitutional genesis and history (as depicted above), but it has arguably also been enabled by international actors' reactions (or lack thereof) to constitutional developments at various junctures, including the AU's position regarding the question of coups d'état. Since the summits at Algiers and Lomé in 1999 and 2000, African state leaders have routinely condemned all taking of power by means outside a country's constitution and, in line with the Constitutive Act of the AU (cf. article 30), governments who come to power by anti-constitutional means are automatically suspended from participating in the activities of the AU—until constitutional order has been restored. At a time where military

coups d'état were the order of the day, that stance seemed both popular and prudent. These days, where coups d'état by other means, that is, "civil" or "constitutional" coups d'état, are "in vogue" and the preferred modus operandi of those that at all costs attempt to avoid relinquishing power, that position may not be as a priori given and justifiable, and in any case in need of modification.

UNINTENDED CONSEQUENCES: MILITARY VERSUS CONSTITUTIONAL COUPS D'ÉTAT

For a long time, many countries on the African continent had suffered from a ubiquitous threat of the military waging a coup d'état against a sitting government. Containing this menace formed part of the motivation for Article 30 in the abovementioned African Union's Constitutive Act, precluding governments that came to power by unconstitutional means from participating in the activities of the AU. However, it may be argued that this stance did and does not adequately take into account the developments on the continent in the past 25 years or so. From the 1990s on, the process of democratization has been in the retreat. With the exception perhaps of freedom of expression, the political landscape has been overshadowed by a declining political space, with continuously increasing barriers to pacific alternation being erected by the sitting governments, culminating in a recent surge in (un-)constitutional amendments with concomitant abuse of opponents and a growing potential of people leaving their country for safety.

Prior to the democratization of African countries, the *threat* of a military coup d'état served to a certain degree as a de facto political regulator. Setting negative connotations of *actual* use of force aside, the respective sitting (civilian) regime's fear of a potential intervention by the military (and hence of non-pacific alternation) represented a counter-balance, delimiting the power of excessively misgoverning rulers. In lack of any real opposition or feasible, constitutional ways of overturning or countering bad governance, the automatic condemnation of any "anti-constitutional" change of government has contributed to cementing a political class of unbounded rulers, further securing and justifying their perpetual hold on power by constitutional referenda and amendments, unconcerned by the lack of legitimacy or a need to take opposition forces into account. In the prevailing political climate, it is perhaps fair to say that the initially good intentions of shielding AU member states in that fashion and preventing (frequent) government overthrow by military coups d'état, have had the (un)intended consequences of encouraging a new form of government abuse, a constitutional violation none the better: constitutional coups d'état.

This democratic regression also highlights the overriding problem with democratization processes on the continent and the limits of constitutions as vehicles or catalysts for furthering democratic alternation and adherence to a rule of law. As long as the “conditions that create and enhance the near-monopoly position that ruling groups in Africa have tended to enjoy once in power” (Oloka-Onyango 2001, 342) remain unchallenged, and constitutional provisions on term limits and divisions of power are not “so entrenched as to make their amendment extremely difficult” (Fombad and Inegbedion 2010, 27), the view that democracy may be instilled with the help of constitutions is bound to falter. In that sense, without constitutionalism, even the most modern of constitutions remains an atavism.

CONSTITUTIONALISM IN AFRICA AND THE FUTURE OF THE CONTINENT

Looking at the prospects of constitutionalism in Africa and pondering what may be done and what impact Africa and African Affairs may have on the contemporary world order based on the countries depicted in this chapter, the outlook may seem meager.

Many of the Sub-Saharan countries discussed above do have elaborate and modern constitutions on paper—but abusive state leaders need to be reminded of existing constitutional provisions and held accountable for any unconstitutional changes. This cannot be done unless donors, the EU, AU, and the United States, speak with one voice. In fact, in connection with the flawed referendum in Congo-Brazzaville, changing the constitution, then French Prime Minister Françoise Hollande, when asked about it, answered in quite vague terms, actually stating that he respected any state leader’s right to consult his constituency. There was no mention and no criticism of the form and context of such “consultations” (RFI 2015b). Only after the equally flawed, ensuing elections and their violent aftermath did then French Foreign Minister, Jean-Marc Ayrault, eventually openly criticize Brazzaville (Afrique Education 2016). Given the traditionally strong ties with and position in Congo-Brazzaville the former colonial power France has maintained, a more candid, critical stance could have made a difference.

Furthermore, on the regional, EU level, there are tentative signs of becoming more outspoken in the face of human rights violations or electoral travesties of justice. Federica Mogherini, the EU Head of Foreign Affairs, for example, criticized Gabon for its recent election, the very limited access given to EU election observers contrary to prior agreements, and indicated that the confidence of the people of Gabon regarding the integrity of the electoral process, may have been put at risk (MacAllister and Obangome 2016). Pushing for

electoral observation missions and speaking up are important starting points, not least by thus lending the opposition some witnessing eyes. But much more is needed. Ultimately having the threat of pursuing and prosecuting state leaders' most egregious crimes before international courts up one's sleeve, even if those institutions for the time being are openly defied by the persons concerned, may still have an effect, as would working with the AU toward regarding constitutional coups d'état similarly critical as military coups d'état.

But, most importantly, the AU itself needs to be more involved, outspoken, and forward looking, and to not leave the stage to those of its member states who attempt to "immunise themselves from criticism in the name of human rights, democracy and the rule of law" by conveniently deflecting and diminishing that criticism as something "Western" (Kumm et al. 2017, 8) thereby simultaneously discrediting "the emancipatory ambitions of those who they aspire to rule" (Ibid., 3).

CONCLUSION

Discussions in this chapter have demonstrated that although the journey for Africa in the global order is challenging, and tortuous, the prospects may be promising. Africa has one of the youngest and most rapidly growing populations in the world and the continent is increasingly discovering and realizing its potential, tailoring it according to its own measures, not just waiting for international solutions from outside. One pertinent example represents Agenda 2063, the AU's strategic framework for the socio-economic transformation of the continent over the next 50 years, complementing, but in many ways also going beyond and being more ambitious than, the United Nations Sustainable Development Goals (SDG).

Furthermore, in many areas African states are increasingly establishing themselves as ecological frontrunners. From eco-friendly plastic bottle houses in Nigeria, telecommunication hubs in Rwanda, and the continent's general mobile payment savviness, to one of the world's biggest solar energy parks in Morocco (with a potential to even deliver solar power to Europe; Ceurstemont 2016), and other cutting-edge renewable energy projects (Boris 2017), Africa has the potential for significant development. It may even become a leader in some of those fields, especially if it manages to unlock the energy that still far too often has to be directed toward political struggles for democratic alternation, or be employed in daily, personal struggles just to get by for another day.

However, although progress seems slow, there are encouraging signs on the horizon, also in the judicial field. On a national level, there are the judges who defied the president in an unprecedented supreme court ruling in Kenya that ordered a rerun of the elections (McConnell 2017). And on

an international, African Union level, there is the African Court on Human and People's Rights (AfCHPR) judgment in *Actions Pour la Protection des Droits de l'Homme (APDH) v. the Republic of Cote d'Ivoire* (November 18, 2016), where the Court found that the imbalance created by a law that amended the makeup of the state's Independent Electoral Commission gave an advantage to the incumbent president over other candidates and consequently also violated the principle of equal protection (AfCHPR 2016).

Rare actions to date, indeed, but all the more encouraging. And if such positive examples catch on, there would be no need to remain pessimistic, and the atavistic approach to constitutionalism might eventually rightfully become but a memory of the past.

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Chapter 9

Another Round of Plunder?

China, Africa, and International Politics through the Lens of the Mugabe Government, ca. 2000 to 2016

Wesley Mwatwara and Ushehwedu Kufakurinani

INTRODUCTION

On the 27th of January 2018, the world woke up to the news that what the Chinese government had presented as a gift when it constructed the African Union's headquarters in Addis Ababa in 2012 was in fact part of Beijing's self-serving maneuver feeding into the Chinese sophisticated intelligence agenda on the continent. The Chinese were accused of "opening a window in the computer system of the \$200 million-facility which they installed. The breach was suspected to be 'intentional' to allow intelligence agencies and hackers to have illegal access to information" (Akwei 2018). Yet more tellingly, China was not the only power snooping on the African Union. Reports also suggested that the US National Security Agency (NSA) and the British intelligence agencies (GCHQ) were also surveilling the AU building (el Masaiti 2018). These espionage activities offer a lens through which one can examine the nature of the Sino-Africa relations since 2000. Many questions have been raised, but perhaps the apprehension which these revelations bring to many Africans in general and Zimbabweans in particular can be captured in Alex Magaisa's statement:

Well, the Chinese built our Defence College, they are building our new Parliament, and they are so generous they even gave us a super-computer which is housed at the University of Zimbabwe! (I'm not even going to mention BVR [Biometric Voter Registration]). It's true what they say: there's no free lunch in this world! (Magaisa 2018)

Given this state of affairs, we seek to examine whether Sino-Africa relations constitute a definitive break from long-term relationships of dependency and the recurrent development crises afflicting many African states or is it simply yet another round of plunder of its abundant resources. We examine the nexus of Chinese “imperialism” and African economies through Nyasha Mboti’s concept of the illogicality of imperialism (Mboti 2017). Our chapter juxtaposes Mboti’s observation that in Africa “parasites” have become more important than “hosts” with the false images manufactured by the African ruling elite that the continent is on a journey toward self-reliance, increased attractiveness for foreign investors, and a positive and sustained GDP. As we argue, this is an illogicality given that the fundamental variables that explain the historic plunder of African resources have not been addressed leading to the illusion that closer economic relations with the now capitalist China would place the continent on a sound path toward rapid economic development. In our analysis, we utilize the Sino-Zimbabwe relations to investigate and demonstrate the meanings of such relations. Far from constituting a definitive break from relations of dependency, we argue, the Sino-Zimbabwe relations, touted by the Mugabe government as the “Look East Policy,” only served to reproduce and perpetuate the exploitation.

Despite being carefully couched as a friendship between two countries with relations dating as far back as the liberation struggle between the 1960s and 1980, we will demonstrate that this relationship has not yielded substantial benefits for Zimbabwe. Regardless of the transformations which have occurred in the Chinese economy and foreign policy over the years, memories of China as an anti-imperialist and communist country have dominated and influenced both political and economic relations between Zimbabwe and China from 2000. Since the ruling elite has been very careful in demonstrating the exploitative nature of their previous relationship with Western powers, China has managed to utilize the rhetoric of friendship to perpetuate the same relationship with the difference that it, unlike the West, has managed to pass off its exploitative activities as friendly gestures. As we will demonstrate, the Chinese have managed to manipulate the liberation war nostalgia within the ruling elite and the country’s pariah state to their advantage. Claims that China does not engage in domestic politics have been difficult to sustain in view of speculations that suggest that conditionalities were given to Mugabe’s regime to find a suitable successor and allegations that China was in fact connected to the November 2017 “putschists” and the fact that China was involved in an underhand transaction of small arms for eight tons of ivory from Zimbabwe (Carmody 2016, 81). It is therefore, contentious to advance the notion that Chinese interest in the country is guided by four nos; “no hegemony,” “no power politics,” “no military alliances,” and “no arms racing.” In this chapter, we demonstrate that despite the reconfiguration of economic relations, there has been a reinforcement of previous patterns of the economy and politics.

Our study, therefore, traces the Sino-Zimbabwe relations examining how Chinese economic resources and political and security support were conceptualized, viewed, and deployed in the polity in seemingly similar fashion as Western capital but without being labelled exploitative. It falls within the broader rubric of the “paradox of plenty” argument but specifically analyzes how a parasitic relationship has developed over time and how it has also shaped Zimbabwe’s international relations with the Western powers since 2000. We explore the Chinese flexigemony/full spectrum approach in Zimbabwe to emphasize what Pádraig Carmody has poignantly termed the “extraversion of Africa whereby its economy was oriented to meet the needs of other people in other places.” Indeed, the “fable of exploitation” is explained in greater detail in Chris Alden’s 2007 publication that decries the political economy of the Africa-China relations at the expense of the majority of African languishing in poverty.

This highlights the nuances of both excitements and disappointments on both sides of the relationship. The study questions the place of the Chinese “dragon” in Zimbabwe, given the much celebrated indigenization policies and examines how Chinese capital has navigated around this policy. Finally, it also exposes the limited nature of the current relations and the yawning gaps in the claim that China will export its governance template to Africa when its conditions for aid include non-interference in local politics which ensure that it has to give a blind eye to issues in Africa, such as corruption, which in China would attract heavy punishment for its citizens.

Alden (2007) states that the Chinese have merely given a new twist on “an age-old story for Africa, the stripping of its resources by a foreign power to the benefit of a few fabulously wealthy leaders while ordinary Africans were left with a barren heritage.” Our discussion adds to the collection of victims in the Zimbabwean case study, which also portrays the Chinese utilization of “prestige projects” or symbolic diplomacy. We question the persistence of stunted development following, or rather in spite of, the intervention of the Chinese. Instead of the creation of sustainable economies, Chinese aid has seemingly served as a “source of elite enrichment in the midst of a sea of poverty.” As we will demonstrate, this has not managed to extricate Africa from the clutches of what dependency theorists call *comprador* bourgeoisie making the claim of a win-win situation between African and China hollow.

ZIMBABWE’S “LOOK EAST POLICY” VERSUS CHINA’S POLICY ON AFRICA

As Zhang Chun (2014, 21) rightfully observes, there are two parallel interpretations of the relationship between China and Zimbabwe: on the one hand, it is often viewed as a microcosm of China–Africa relations due to its economic

and resource elements; on the other, it is portrayed as an example of China's support for a "pariah regime" without any consideration of human rights and good governance. However, unlike Chun (2014) who views the China–Zimbabwe relationship from a holistic perspective, we go deeper to argue that in as much as it may have its own peculiar characteristics, like every other imperialistic impulse in Africa prior to Chinese investments, the sum total of this investment has been the perpetuation of the generation of poverty and inequality. Because we approach these issues from this angle, we do not subscribe to the conclusion that this relationship is quite different from the general China–Africa interactions. As we will demonstrate, the Zimbabwean story is not that of success as insinuated in Chun's study. Indeed, the former Zimbabwean Information and Publicity Minister Jonathan Moyo (Muleya and Mugari 2004) discredited the so called "Look East Policy" noting that "There is no such policy. It's a political slogan. It's typical of the Zimbabwe African National Union Patriotic Front (ZANU-PF) leadership to parade slogans as policies." Indeed, the "Look East Policy" did not appear to be as much a real foreign policy instrument as an attempt by ZANU-PF to ensure its political survival (Muleya and Mugari 2004). From 2000, ZANU-PF faced a serious threat of survival with the rise of the Movement for Democratic Change, a political party that grew from disgruntled workers. With the implementation of the Fast Track Land Resettlement Program since 2000, the ZANU-PF led government also began to face international isolation culminating in sanctions from the US and European Union. The "Look East Policy" was developed within this context of isolation and ZANU-PF efforts at survival both at the national and international frontiers. Despite the rhetoric on this "policy," China also lacks a clear national strategy toward Zimbabwe. This is because Zimbabwe is not important enough to warrant a national strategy. What China has is only a broader Africa strategy that takes different forms in different epochs (Chun 2014, 21).

However, China has at least two broad policy strategies that accommodate Africa. First is the Agenda 2063 and the second is China's One Belt, One Road policy. At the 2015 Forum on China-Africa Cooperation (FOCAC) Conference, the Chinese President Xi Jinping unveiled a ten-point economic plan for Africa. The chapter envisaged that such multi-billion dollar financing mechanisms by Beijing would elevate African hopes. The ambitious Agenda 2063 development blueprint envisioned "large scale industrialisation across Africa anchored on value addition and beneficiation of Africa's vast natural resources" (Chun 2014, 21). More importantly, the fact that the ten-point plan encompasses critical issues among which is financial support for industrial, agricultural, and infrastructural development in Africa places Africa at large and Zimbabwe in particular at an advantageous position to economically develop.

China's One Belt, One Road (OBOR) concept, also known as the Belt and Road Initiative, captures the country's most ambitious twenty-first century foreign and economic policies. OBOR is a combination of two outward-facing concepts: the Silk Route Economic Belt (SREB) and the twenty-first century Maritime Silk Route (MSR). The introduction of such initiatives by Xi Jinping was to promote economic engagement and investment along two main routes. The New Silk Road Economic Belt intends to run westward overland through Central Asia and onward to Europe whereas the twenty-first-century Maritime Silk Road loops south and westward by sea toward Europe, with proposed stops in Southeast Asia, South Asia, and Africa. Working in line with "market-oriented principles" as the Chinese suggest of OBOR initiatives, they also highlight the need for the program to generate adequate returns for its shareholders. In some circles, it is depicted as a renewed, stronger, and better coordinated push to expand China's influence overseas.

This concept should also be viewed within the general context of Sino-Africa relations which date back to pre-colonial times through to the Cold War era. From the post-World War Two period the Sino-Africa relations developed in three phases from 1950s, 1980s, and the 2000s. Each of the phases was punctuated by various activities including the establishment of the Tazara railway linking Zambia and Tanzania, investment of \$51.19 million in 102 projects in Africa with over 2,000 Chinese companies investing in various sectors inclusive of electronics, telecommunication, and transport (Chun 2014). Buoyed by its increasing influence across the continent, the Chinese government was prompted to declare that it will unswervingly carry forward the tradition of China-Africa friendship.

Without the advantage of being a former colonial power in Africa and previously not occupying a central role in global politics, the OBOR initiative makes up for these disadvantages and fast tracks China's ambitions to create the world's largest platform for economic cooperation. It focuses on the development of, among other things, ports, railways, roads, power plants, airports, oil and gas pipelines and refineries as well as Free Trade Zones. It is argued that if well managed, such economic cooperation initiative will cascade to policy coordination, trade and financing collaboration, and social and cultural cooperation (Jinchen 2016). The evolution and subsequent development of the initiative have been, in most cases, dubbed the Chinese Marshall Plan; one in clear comparison to the Marshall Recovery Program. Whereas the former is focusing on the development and "uplifting" of the less economically developed countries, the latter was a United States driven initiative to revive Western Europe soon after the Second World War. Part of the propaganda that surrounds the implementation of this initiative is the claim that China plans to create a win-win situation for both the Chinese government and African countries involved, yet the disparities on the benefits

remain wide enough to conclude that the major beneficiaries have been private foreign corporations and their home governments rather than African governments and their people (Carmody 2016).

Notwithstanding the concept's capacity at transforming the economies of the engaged countries (Africa inclusive), the period in which the policy was launched has raised a lot of concern in Africa and even beyond. The policy was implemented at a time when Chinese foreign policy had become more assertive. To this end, far from being considered a purely economic plan, the OBOR is often interpreted as a geopolitical one. Given Kwame Nkrumah's postulation on neocolonialism, many opinion leaders interpret the OBOR initiative as an economic agent driving the Chinese hegemonic/imperialist desires. Such interpretation to the policy has, therefore, jeopardized its effectiveness and reception by other African states/opinion leaders thereby leading to further complications or new interpretations. In fact, the majority of Chinese activities in Africa fall within the rubric of the argument that aid is the chief source of underdevelopment in Africa (Carmody 2016). This is not difficult to state, since, as we will show, despite almost twenty years of Chinese involvement in Zimbabwe, poverty, like everywhere else in Africa, has continued to rise.

The years after 2000 witnessed increased Chinese economic activities in the Africa. It was during that period that China also formalized its "go global" or "go out" strategy whereby companies were encouraged to invest overseas through tax incentives and loans to source natural resources. By 2006, the Chinese government, through China's African policy, could boldly state that 2006 was "the year of Africa." Numerous global economic crises and the inability of African countries to access finance from traditional Western sources and relatively easy terms of accessing Chinese loans made China an attractive source of aid. During that same time, the Chinese economy also grew exponentially and the total volume of trade with Africa has grown rapidly (Chhibber 2015). The *Chinese Daily* (2015) reported in 2015 that China's trade with African states ha[d] grown about ten times in the last decade, with the total value likely to hit \$300 billion [that] year. This, coupled with the use of both Confucius Institutes and China-Africa partnerships in higher education, is a point in favor of China's efficacy in executing the OBOR initiative in African countries (Palit 2017).

In the initiative's endeavor to revitalize ancient trade routes, the OBOR will automatically accumulate both economic and political benefits for China (PwC 2016). Informing this view is the comprehensive nature of the initiative, which is reinforced by the domestic investment drive in which every Chinese province has a role to play. The OBOR initiative carries with it a strategic focus to the Chinese government's "go out" policy which favors the capacity of Chinese firms to go abroad in search of new markets/investment opportunities (Economist Intelligence Unit and Britain 2015). Overcapacity

is believed to take place in many Chinese industries thereby influencing the need to offset part of its existing domestic overcapacity by exporting to African states. As a result, similarities between the Chinese policy and the general explanations of Western world involvement in African countries are drawn. Among other views, the OBOR's attempt to represent China's economic needs is linked to either the highest stage of capitalism or the vent for surplus theory. China's African Policy document fails to comprehensively include key economic terms. Although purporting to alleviate poverty and uplift the standards of living, it omits the words "poor" and "poverty" yet, by contrast, other policy documents on poverty alleviation from the UK's Department for International Development (DFID) make constant reference to the words "poor" and "poverty" (King 2013).

Chinese economic and political strategy already has a fledgling number of both critics and supporters. Yet it is important that the Sino-Zimbabwe relations be viewed in the context of China's global projection of economic and political power. It is imperative to understand how China explains its own activities, that is, the "paradox" of replacing Western hegemonism while maintaining her position as a status quo power in terms of domestic governance patterns and systems in Africa (Carmody and Taylor 2010). As will be shown, we question the pronounced Chinese ambition in Africa, which is encapsulated by Premier Wen Jiabao's declaration that, "We do offer our assistance [to Africa] with our deepest sincerity and without any political ambitions."

Chinese Aid in Zimbabwe

In this section we discuss the various forms that Chinese aid has taken in Zimbabwe. We explore the potential it has and indeed acknowledge the positive impact that it seems to make. We also offer critical insights into Chinese investment and relations with Zimbabwe. The circumstances surrounding the post-2000 flirtation between the two powers are not worth elaborating in detail, but suffice it to reiterate that they were largely motivated by Zimbabwe's fallout with the Western powers while China was quick to enlist the country into its sphere of influence with little competition from any other capitalist powers. The Chinese have thus been hailed by the ruling ZANU-PF government as an all-weather ally who stood with and by the cause and the people of Zimbabwe as they went through sanctions imposed by western countries.

The China-Zimbabwe partnership also comes at a critical point during which time everyone is engaging the Chinese. Apart from the US and the European markets' decision to open to massive Chinese exports, American and European industries rushed to manufacture in China because of its low

production costs. Such developments place China at the center of global economic initiatives. Despite China's previous aid and foreign direct investment (FDI) favoring Zimbabwe's neighbors more than her, the Chinese investment to Zimbabwe has been crucial in giving the hard-pressed ZANU-PF government a reprieve. While prior to 2017, Chinese FDI in Zimbabwe was estimated at about \$600 million in 2015 for Zimbabwe, South Africa received about \$22 billion whereas Zambia's share was pegged at \$2 billion (Chung 2016). With specific reference to their activities in Zimbabwe, the Chinese were expected to invest in expanding the Victoria Falls Airport, building the New Parliament, uplifting fair trade, providing loans and grants, building schools and hospitals, among others. In doing this, the Chinese held on to their global template of economic activities, which is partly captured in Tian Jincheng's, China's Director of the National Development and Reform Commission. On the surface, the Chinese economic diplomacy emphasizes the need for comparative advantage in the China–Africa relations as an ideal cooperation mode (Jincheng 2016). Indeed, while delivering a public lecture at the University of Zimbabwe in 2017, the Chinese Ambassador to Zimbabwe emphasized the idea to promote comparative advantage in which he singled the need for Zimbabwe to increase agricultural production in key commodities such as avocados, which are in high demand in China. This is not a departure from the law of comparative advantage ideals which neoliberalism fosters on the third world despite their not having managed in the past to extricate Africa from its myriad challenges.

The OBOR initiative brings FDI, itself an ingredient which developmental practitioners have for so long cited as a prerequisite for the economic take-off of countries like Zimbabwe. FDI is generally prescribed by developmental economists as one among the conditions needed to transform. Taking into consideration the reality that the Zimbabwean economy is shrinking while the government struggles to settle international debts, FDI remains one among the best options to revive the Zimbabwean economy. This is hinged on China's financial commitment to the initiative. For instance, in 2014, she established the \$40 billion Silk Road Fund to finance OBOR initiatives. It also extended into investments in several key projects.

In supplying capital projects, the Chinese not only build infrastructure but also supply equipment/technology. Such technological transfer can bridge the gap in which Zimbabwe (and indeed the rest of so-called third world countries) need not go through the trial and error period but simply adopt and transform. In 2016, China pledged to meet much of the financial and construction costs in building Zimbabwe's proposed new parliament in Mount Hampden. Commenting on the issue, the Chinese Ambassador to Zimbabwe remarked, "lots of things will come here, both the mega deals and the FOCAC deals" (Chikova 2017). It is within this regard that the building of a

parliament is linked to other mega deals like financing for the expansion of Hwange Power Station, construction of a pharmaceutical warehouse, expansion of a national fiber optic broadband project, and provision of wildlife monitoring equipment. In all this, the evidence of Chinese commitment is revealed by the Zimbabwean government's efforts at building and expanding the Victoria Falls International Airport using preferential loans (amounting to \$150 million) provided by the Chinese government. Considering that Victoria Falls is and one of the world's most attractive places, this can uplift Zimbabwe's tourist industry, which in turn will earn her foreign currency.

The Herald, a state-run newspaper, highlighted the possible areas in which Zimbabwe can benefit from the \$60 billion that China pledged to invest in Africa over three years. The noticeable increase in interest from Chinese businesses who want to invest in Zimbabwe has been perceived to be a positive step to achieving the much-needed economic turnaround. The interest manifested itself through the signing of a memorandum relating to cooperation between the China Council for the Promotion of International Trade Zhejiang and the Zimbabwe's Ministry of Macro-Economic Planning and Investment Promotion. Whereas the second agreement took the form of an Aide Mémoire between the Ministry of Macro-Economic Planning and Investment Promotion and China Industrial International Group Zimbabwe, the third reinforces/strengthens the China–Zimbabwe friendship zone (Chikova 2017). For Zimbabwe, all these agreements come at a time when the Small Economic Zones are perceived to be an investor friendly initiative. Notwithstanding the positive investment moves by the Chinese, what however remains is ensuring that the policies on paper transform into practice and, resultantly, into the economic development of Zimbabwe on a win-win basis.

There are clearly benefits for the Chinese in the Zimbabwean economy. Unlike other African countries marred by violence, Zimbabwe is a peaceful country whose extent of labor unrest is limited. The country's population, around 13 million people, can provide sufficient domestic market for most industries if established. One of the greatest factors militating against Zimbabwe is the efficiency (or lack of it) of her electricity system, which, in most cases, appears to be limited and unreliable. At face value, it would appear that China was extending a helping hand to Zimbabwe given its pariah status in the post-2000 period. Yet a closer analysis of the nature of the investments betray an exploitative relationship which the ruling elite in Zimbabwe are not motivated to challenge. Although likely to be viewed as a mechanism to reduce graft in the issuance of tenders by African governments as propounded by Carmody, the reality is that Chinese loans for infrastructure carry with them a conditionality that contracts go to Chinese companies (Carmody 2016).

The nostalgia and euphoria which often accompanies the signing ceremonies of these contracts, as revealed by Alden, masks the exploitation that lies underneath the deals. Indeed, having been shut out by the West, the Mugabe regime welcomed the Chinese thus, “We are returning to the days when our greatest friends were the Chinese. We look again to the East, where the sun rises, and no longer to the West where it sets” (Alden 2007). Despite showering the Chinese with this welcome, Mugabe did not receive the expected sea of financial capital. Some of the deals that were signed involved the state ceding farms and encouraging the Chinese to invest in tobacco buying and diamond mining. One would not be mistaken for supposing that Zimbabwe has mortgaged most of its key assets to the Chinese, in exchange for donations.

While the country is struggling on the economic front, the political benefits of Chinese support to the regime in Harare were demonstrated several times. As part of their show of support of the “people” of Zimbabwe, the Chinese partnered with Russia in 2005 to block Western-backed UNSC sanctions against the Zimbabwean government. Following the June 2008 Zimbabwean presidential run-off election, China again joined Russia in vetoing UN targeted sanctions that would have imposed more travel bans and financial restrictions on ZANU-PF’s top officials (Chun 2014, 9). While Chinese scholars maintained, until the events of the 14th of November 2017, which resulted in the removal of Robert Mugabe from power, that China’s policy in Zimbabwe was non-interventionist, the “coup-not-a-coup” was in some circles reported as “made in China” (Malone 2017). Prior to that, the Zimbabwe Defence Forces had benefited from Chinese weapons. The major arms sales included twelve jet fighters and 100 military vehicles valued at \$240 million in 2004; six trainer/combat aircraft in 2005; six additional trainer/combat aircraft in 2006; and 20,000 AK-47 rifles, 21,000 pairs of handcuffs and 12 to 15 military trucks in 2011 (Chun 2014, 14).

As Vava has observed, China’s role in Zimbabwe’s previous electoral processes is well documented (Vava 2017, 4). In the run-up the 2005 elections, China provided campaign material that included T-shirts bearing the ruling ZANU-PF party logos and the Chinese companies reportedly provided devices that were used against jamming signals of Zimbabwean opposition radio stations (Eisenman and Kurlantzick 2006, 223). Scholars have also questioned China’s role in Zimbabwe’s “complicate[d] democratic consolidation and good governance” (Vava 2017). Interestingly, China was the only international power to endorse the outcome of a violent and controversial re-election of Mugabe in 2008 (Eisenman and Kurlantzick 2006, 223). Vava argues that sections of the private media reported that ZANU-PF’s election campaign was partly China funded, with the party, for instance, ostensibly receiving one million campaign T-shirts from the Chinese government (Ndlovu 2017). President Mugabe told his central committee that China had

given them money and vehicles for campaigning (Chitemba 2013). Moreover, a Zimbabwean newspaper quoted an anonymous army intelligence source alleging Chinese bankrolling of the Mugabe campaign (Sibanda 2013). ZANU-PF's electoral triumph was attributed to Chinese financial support (Tafirenyika 2014).

By 2014, China had become Zimbabwe's third largest trading partner after South Africa and the EU. Despite the repeated decrease in the value of the country's currency since 2000, China continued trading in a variety of commodities with Zimbabwe. The recent trade between the two countries is reportedly based on China's appetite for Zimbabwe's mineral resources and raw materials. In February 2004, trade relations between China and Zimbabwe were further deepened by the signing of an economic and technical agreement. As part of this agreement China committed to helping Zimbabwe improve its tobacco production, a sector adversely affected by the land reform process, by providing the necessary resources (Chun 2014, 14).

By 2007, the Mugabe regime had not reaped anything tangible from the Chinese as "Zimbabwe remained off the official itinerary" (Alden 2007, 65). Indeed, the Chinese do not believe, just like the fence-sitting Western investors, that Zimbabwe can uphold bilateral investment protection agreements and manage its economy to international standards. They have witnessed, in Zimbabwe, instances of the arbitrary violation of laws of property and law of contract. And unless the government realizes this, then all Zimbabwe will continue to get from the Chinese are good words of intent until such a time as the situation in the country is deemed to have returned to normal. South Africa's Moeleketsi Mbeki described China as "both a tantalizing opportunity and a terrifying threat."

While the benefits to the ruling elite have already been spelt out, the damage which the Chinese investments did to the Zimbabwean economy were not long to be seen. The Zimbabwean experience was not peculiar as similar concerns had been raised elsewhere; suffice it to say that with the flood of Chinese goods into the Zimbabwean market, the issue of low-quality Chinese goods, such as food, clothing, textiles, and electrical goods were raised by the Zimbabwean population. Typically, customers complained about the quality of the goods while local businesspeople complained that they were being forced out of business. Although cheap Chinese products had this effect, it is worth noting that some of these low-quality goods did not come directly from China but from neighboring countries (Chun 2014, 16). Despite acknowledging the negative effects of its cheap goods on the local economy, Chinese scholars were quick to defend the superpower, alleging that this was done in ignorance but that they were now aware of the necessity for exporting higher quality goods, and the Zimbabweans understand that the price determines the quality and that China is able to produce goods for all markets.

There is nothing more telling to the exploitative relationship than the legislative debates in the Parliament of Zimbabwe. While discussing the nature of Chinese business activities in the country in 2016, legislators expressed dismay over massive fraud by a Chinese company, Yufan Import and Export Trade Company, which was importing dishes into the country and paying duty of only two cents or four cents but was selling the dishes for \$6 and \$13, respectively (National Assembly Hansard: 16 March 2017). This exposé was made by the Mabvuku-Tafara legislator James Maridadi who even brought with him to the august house the exhibits, which he circulated before making his presentation—one small dish, one large dish, transistor radio, a thread, binder, and outer blanket were laid on the table. What prompted the legislator was the economic downturn then pressing the country while there were promises from the ruling government that it was working toward resuscitating the economy. This was not the first time that the legislator was bringing evidence to buttress his case against Chinese-owned businesses as he had previously brought exhibits of blankets (National Assembly Hansard: 31 January 2017).

Maridadi's submission is worth quoting at length as it captures succinctly the nature of the relationship that obtains between many African countries and Chinese businesses. He posited that:

There are people that are operating in this economy that are not following regulations that are stipulated by Government. What I have before this House are two dishes. These two dishes are imported into this country by a company that I have put tabs on. When this dish (small) comes through the border, it is cleared at \$0.02. This one here (big) clears at the border at \$0.04. That is the duty that they pay. I went to buy this one here (small dish) for \$6 and I bought this one here (big dish) for \$13. They are imported from China. In China, Madam Speaker, they pay the correct amount but when they come to Zimbabwe, they do not pay the correct amount. I am talking about \$0.02 and \$0.04 and I have the evidence here. I have another item.

Companies in Zimbabwe like Waverly do all the manufacturing from lint to a complete blanket. The lint will lead to this outer material, it will also lead to this inside material, and it will lead to this binding cloth and to a complete blanket, a double of which will sell for \$30. When these quilting kits come into Zimbabwe, what they declare at the border is \$0.40. A local company which is manufacturing blankets cannot compete with a company that is importing a quilting kit for \$0.40 and sell a blanket because they can even sell it for \$3 and still make a profit. Actually, this material here, when it is being imported into Zimbabwe must declare \$2.93 per meter at the border but this whole set is declaring \$0.40 at the border. That is the level of prejudice to this Government. (National Assembly Hansard: 16 March 2017)

Among the many crimes levelled against the Yufan Import and Export Trade Company was the fact that it did not have a bank account leaving questions on how they were able to pay for commodities in China without going through the Reserve Bank of Zimbabwe, which issues import licenses.

Furthermore, since they did not have a bank account they did not pay corporate tax. Their pricing regime was also dubious as they have three different sets of tariffs in addition to not allowing any smart cash payments. Maridadi revealed that “If you are buying using bond notes, this dish here costs \$16. If you are using US dollars you pay about \$12. They will tell you that if you are buying more than one, they do not want bond notes, they want US dollars” (National Assembly Hansard: 16 March 2017). When one considers the cumulative effect of these nefarious trading practices, it is difficult to disagree with Maridadi’s conclusion:

Madam Speaker, if you look at the extent of prejudice—I was calculating here—a 40 foot container paid ZIMRA \$4,000 when in actual fact it should have paid \$49,970. I am talking of one container. This item that I have here which is called a Bill of Entry talks about twenty 40 foot containers that have come into Zimbabwe and they have only paid about \$80 when in actual fact if you calculate \$49,000 by 20, it is about a million. (National Assembly Hansard: 16 March 2017)

The effects of these illicit trade activities were not difficult to pick as Zimbabwean companies in various sectors of the economy were either forced to downsize or close shop; among these were National Blankets, Kango, Capri Corporation, Cone Textiles, David Whitehead, and Wildale Bricks—all of which came under intense pressure from Chinese imports. While these companies which used to account for a large chunk of the country’s national employment statistics were forced to fold resulting in massive unemployment, the Chinese replacements did not make up for these losses. In fact, China was bringing its own labor force. This Zimbabwean experience was not different from the Angolan one where one aid worker rhetorically asked, “Why is China sending us all their poor people?” (Alden 2007, 54). Without doubt, the massive unemployment as well as the impact of settling Chinese workers in Africa brought with it new social dynamics to communities in urban and rural Africa. When the sum effect of these activities is examined, the following question, raised for Zambia by its former Trade Minister Dipak Patel, is also poignant for Zimbabwe in particular and Africa in general, “Does Zambia need Chinese investors who sell shoes, clothes, food, chickens and eggs in our markets when the indigenous people can?”

Among the critical concerns emanating from Africa has been the tendency of China to export excess labor to Africa (Carmody 2016, 76). African companies are often out-competed at home by Chinese companies. Though there are generally higher labor costs in Africa when compared to wages in China, it has been noted that “even if African manufacturing workers labored for free, African manufactures would still not be competitive with those from China” (Carmody 2016, 77). So callous were their operations in Zambia, that upon taking power in 2011, Michael Sata renationalized the Collum Mine where numerous workers had been murdered in cold blood by their Chinese bosses (Carmody 2016, 95). Sata’s campaign message was succinct, “Chinese investment has not added any value to the people of Zambia . . . we need investors, not infestors.” In 2007, the Zambia-China Mulungushi Textile Joint Venture was closed due to the failure to compete with Asian imports while the Chinese had also threatened to cut diplomatic relations with Zambia should Sata win the election.

Although we have already established the negative effects the Chinese imports have had on the ailing Zimbabwean industries that are smarting from the effects of aged and outdated machinery, Zimbabwe presents somewhat an oddity in the history of how third world countries are exploited by China. Chun has observed that much like the trading patterns between China and other African states, bilateral trade between China and Zimbabwe has been characterized by the export of raw materials in return for manufactured goods (including clothing, textiles, and footwear), vehicles (cars, buses, tractors, and aircraft), electrical machinery, and other equipment. Yet Chun also makes a startling observation that in contrast with many other countries’ trade profiles with China, its two-way trade pattern with Zimbabwe seemingly indicates that trade between the two countries is skewed toward Zimbabwe. Chun found it unusual that a non-oil-exporting developing country can export more products to China than it imports (Chun 2014, 15). He makes the orthodox observation that this is an indication that Zimbabwe secured a market in China for its resources after the withdrawal of the West. Though he acknowledges that exports from Zimbabwe to China have been dominated by cash crops (tobacco, cotton) and minerals (particularly nickel and ferroalloys), he did not go far enough to spell out the impact of this trade model on Zimbabwe’s development trajectory. In fact, it entrenches the raw material trap which many African states are caught in.

Chinese capital has not led to substantial economic diversification of the economy in Zimbabwe or elsewhere in Africa, but rather reinforced resource dependence. Having out-competed the small scale traders in Africa, the Chinese have also shown a tendency to link their financial investments with increased Chinese migration to Africa (Alden 2007).

With this they managed to employ cheap Chinese labor too. Alden (2007) observed that “Chinese laborers in Angola were paid \$1 a day versus the \$3–4 that non-Chinese companies were obliged to pay Angolan laborers while Chinese engineers were reportedly paid one sixth of what their rivals received (Alden 2007, 45). As a result, newspaper articles with the following headlines have been read, “How China’s taking over Africa, and why the West should be very worried” (Malone 2008); China’s Economic Invasion of Africa. In a way, these headings capture growing sentiments of disillusionment and an emerging consciousness, if not skepticism, over China’s actual role in Africa. As shown, there is evidence to suggest that China’s presence in Africa can easily be interpreted as another round of plunder on Africa now coming from the East. Capitalism, whether Chinese or western, seems to have one constant, that is exploitation for maximum profits with minimum losses.

CONCLUSION

The chapter has demonstrated how China has managed to be a darling of Africa in general and Zimbabwe in particular. While with one hand, the Chinese seem to extend friendship and partnership, with another they seem to extend exploitation. It is this scenario that has produced the illogicality of imperialism, a scenario where the parasite is more important than the host. It is a scenario where the host actually begs the parasite to “partner” with them. We have not only demonstrated the parasitic nature of China’s presence in Africa but have also shown how China has remained a darling of African governments in spite of their exploitative existence. The aid in particular and the rhetoric of non-intervention have all worked to present China in a more positive light compared to her western counterparts.

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Chapter 10

How “Organized Hypocrisy” within the Standby Force Is Pulling African Institutions from the Global Influence

Francis Onditi

INTRODUCTION

Organized hypocrisy (henceforth shortened to OH) as a concept brings to the fore the importance of understanding how organizations manage conflicting forces. These forces might otherwise render an organization incapable of effective action and threaten its capability to deliver on its mandate. Much of these organizational dynamics can be understood and illuminated in terms of institutional evolution. Since the restoration of the African Union (AU) in 2002, the continental body and associated institutions have been evolving steadily. In spite of this progress, the organization has been perceived as being too bureaucratic and hypocritical, particularly after the AU’s regional mechanism—the African Standby Forces (ASFs)—failed to achieve the full operational capability in 2015.

In view of this “sluggish” evolution attributed to structural challenges, some scholars have argued that the “neo-patrimonial political systems” (Brosig 2017; Bach 2011) common among African states only permit the use of formal institutions on an ad hoc basis. Inconsistencies are not unique only to African institutions. Philip Cunliffe (2009) observes that within the United Nations system, the asymmetric governance structure serves a political function by allowing influence to be wielded without risk. But these discrepancies reinforce my conception of the relationship between ASF structures and the phenomenon of “hypocrisy.” As such, the AU’s decision in May 2013 to form the *African Capacity for Immediate Response to Crisis* (ACIRC) as an alternative to the “sluggish” ASF complicated AU’s reform agenda and undermines the investment already made in ASF (Cocodia 2016; Warner 2015). In this chapter, I argue that such inconsistency can arise from OH, a

phenomenon identified by institutionalists in which organizations or “powerful” individuals respond to conflicting demands in external environments by acting in a manner that is inconsistent with the laid-down policies and practices (Lipson 2007; Brunsson 2003). The decoupling and compensatory behavior of the AU policy actors in Addis Ababa as a response to the “sluggish” realization of a fully operational ASF (Onditi and Okoth 2016; Vines 2013) is a case in point.

Literature on African peace and security architecture (APSA) has concentrated on processes of attaining a fully operational ASF (Onditi and Okoth 2016; Engel and Porto 2010). To this end, peace operation doctrinal issues and the design of ASF and lately the emergence of the ACIRC seem to dominate the debate (Cocodia 2016; Warner 2015). However, systematic analysis of the forces driving the observed “inconsistencies” in the evolution of ASF remains scarce in literature. But, excluding the understanding of inconsistency/hypocritical behavior among actors furthers incomplete understanding of the underlying dynamics influencing Africa’s peace and security institutions.

Considering the important role regional mechanisms play in APSA, it is worth exploring drivers of “organized hypocrisy” in an institution established to maintain peace and security. When viewed from an institutional perspective, OH may be intentional, or may produce unintended results with either positive or negative implications on individuals or organizations (Thelen 2004). On one hand, it may produce gaps between policies and practices, undermine reforms, and impede efforts to advance an organization’s core mandate. On the other, it may create a conducive environment for organizations (Fang 2012) such as AU through the ASF structures to reconcile competing demands that might otherwise render such organizations incapable of effective action. Hamidreza Navidi et al. (2016) observes that the intensity of OH increases with increased size of organization and that trust is critical in preventing the negative effects of OH.

Nils Brunsson’s conception of hypocrisy reflects James March’s critique of a common model of organizational activity. However, conflicts between external reform demands and internal organizational culture are not the sole or even primary source of organized hypocrisy. OH arises as an organizational response to conflicting external normative and material pressures. Reform initiatives may be initiated from within an organization to manage irreconcilable demands from the organizational environment. OH has four ontological propositions: (1) the cognitions and preferences held by individuals affect their behavior; (2) this behavior of individuals in turn affects organizational choices; (3) organizational choices affect environmental acts; and (4) environmental acts affect individual cognition and preferences (March 1991).

Thus, if institutions are managed hypocritically at the expense of existing policy frameworks, it is because we believe it is hypocritical. Therefore, hypocrisy is not a natural part of the international system. Actors who believe it to be so construct it (Ansell and Weber 1999). The identity and interests of state or ASF structures differ over time and place. States or ASF structures also have more than one identity, for example, the Eastern Africa Standby Force (EASF) has a bilateral relationship with the African Union Commission, but EASF also has relationship with other African-based institutions such as the regional Peacekeeping Training Centres, as well as with external partners including the European Union (EU), African Contingency Training Assistance (ACOTA) and Western states, such as the US, Britain as well as the NORDIC states (Denmark, Norway, Sweden, Finland, and Iceland). Although OH has been applied probing the hypothesis around the inconsistencies observed within the international institutions such as UN peacekeeping doctrine and practice (Lipson 2002), there remains a dearth of knowledge on how African institutions, particularly peace and security structures, subconsciously or deliberately apply OH to circumvent the laid-down procedures and policies.

This chapter seeks to examine hypocrisy from the perspective of Nils Brunsson’s (1989) definition. He conceptualizes hypocrisy as an institution, socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels. In this sense, I am interested in the examination of hypocrisy in its assumed negative and positive forms as related to the evolution of ASF. For instance, I want to discuss how regional and sub-regional structures negotiated the evolution of ASF from 2003 to 2015 through hypocrisy. How do these and other actors within the ASF structures utilize hypocrisy to shape civil-military relations? Or do they challenge the formal regulations or policy that outlined the evolution of a multidimensional ASF? This chapter tackles these questions which, in a sense, are all also bound up with the central question—Which way of hypocrisy in Africa: To be recognized as a constructive concept and agency in ASF or as retrogressive practice?

This central question is pertinent during this time in which there is dire need for institutional reforms and transformation within the AU structures. Some authors (Aliyev 2015; Chappell and Waylen 2013) argue that institutional reforms affect the informal sphere, for example, by notably shrinking or eradicating informal institutions (Waylen 2013). However, political-security institutions such as the ASF raise several questions (Mattes and Bratton 2007). There is the puzzle of whether “hypocritization” of these institutions leads to decline in formality of processes or leads to increased cases of hypocritical tactics. How does this outcome influence evolution of ASF structures, post 2015?

ASF INSTITUTIONAL EVOLUTION

The concept of organized hypocrisy has gained wide usage in the field of international studies since the seminal work of the organizational theorist Brunsson (1989) and Krasner (1999). The concept of hypocrisy deals with issues of power, trust, and network complexities (Jackson 2014) that define the different types of relations—interregional, international, or inter-personal. OH is developed from an institutionalist organizational theory but widely used in disciplines such as international relations (IR) as well as organizational sociology. More recently, OH has been applied by political scientists in probing the hypothesis around the “inconsistencies” observed within the UN peacekeeping doctrine and practice (Lipson 2007). The concept has proved particularly relevant in advancing the understanding of global collective security systems and the politics of power that was witnessed during the early period of the post–Cold War.

A typical example is narrated by Lipson from both the African and Eastern European experience of war (Lipson 2007). Lipson observes that the difficult experience of UN peacekeeping in countries such as Bosnia, Rwanda, and Somalia called for doctrinal and organizational reforms with political support from various constituencies against the backdrop of inadequate capacities by the UN. The call for reforms within the UN and other peace and security organizations such as the AU is adequate proof that such institutions may exhibit tendencies of inconsistency as they navigate through challenging moments of conflict between norms and law. This shows how the world actors and human beings shape the world we live in and influence us. In a similar circumstance, institutionalists such as DiMaggio and Powell (1991), assure us that the logics of human relations are inherently social and social facts differ from “brute” facts such as a lake or a mountain.

As Sheehan (2010) has noted, traditionally, states have maintained balance of power through military and political objectives. However, after the Cold War in the 1990s, because of the prevalence of expeditionary wars and humanitarian interventions, an alternative conception of security such as human security approach can be contrasted with military security. The Chiefs of Defense conceived the ASF as multidimensional (military, police, and civilian) “force” of 5,000 troops each. The multidimensional force could thus draw from nearly 25,000 soldiers from around the continent and would be ready to be deployed by 2010 (De Coning et al. 2015; De Coning 2010) given that the troops would come from five African regions—North, West, Central, East, and South, as delineated by the regional economic communities (RECs) in each of these communities. These would lead to the realization of a rapid deployment capability of ASF structures. However, the influence of OH on evolution of such institutions tends to interfere with the overarching policies, standards, and procedures that govern them.

The OH framework puts emphasis on structures and processes established to satisfy the different conflicting demands in an organizational setting. In this chapter, the focus is on the regional security systems and possibly how OH could have influenced the outcome of the ASF. In Africa, there are two peace and security institutions that compete for both national and regional recognition: the Peacekeeping Training Centers of Excellence (CoE) and the National Defense Colleges (NDCs). Ideally, the Peacekeeping Training Centers of Excellence would be considered as the canonical Institutional Model (IM), while the National Defense Colleges are often singled out as the real-world case of an ideal Realist Organizational Model (ROM).

CoE and NDCs have different institutional profiles in many dimensions, including the nature and level of trainees, corporate governance, depth and scope of curriculum, composition of staff, nature of partnership, welfare, and scope of operation. Likewise, realist and institutionalist models differ in both theory and application. First, while the advocates of the realist model believe that there is order between structures and society and that things happen only through force or coercion, advocates of institutionalism such as Keohane (2005) assert that cooperation between nations is possible. Secondly, military, economy, and diplomacy are the key elements that define power in the realistic model and “survival” defines the state’s existence (Claude 1962; Haas 1953; Levy and Thompson 2005; Nexon 2009).

Nils Brunsson, while drawing from the principles of OH, argues that organizations can decide to ignore or uphold norms. This means that organizations will try to create two sets of structures and processes: (1) informal organizational structures (crafted to guide the actual delivery of service); and (2) formal structures that represent norms, rules, and policies of such an organization. The informality and formality of things in the universe influences realism and institutionalist perspectives differently (Aliyev 2015). It is worth noting that, both realists and institutionalists achieve efficiency differently. They both have their own specific comparative institutional strengths and weaknesses. While the realist model specializes in anarchy and therefore holds states or actors to be rational, institutionalist focuses on values of cooperation, which compels states and organizations to cultivate their norms around interdependence and exchange of information. Similarly, Jenny Davidson observes that implications of the formal-informality relationships are that they are exclusive. She adds that, OH thrives in an environment that is highly political (Davidson 2004). Often, actors are deliberately perpetuating inconsistency of norms against the practical demands. For example, in a typical ASF setup, the management of such institutions may be faced with a plethora of demands; for example, policy requirements to conform to the internal training standards, comply with (sometimes) the AU policies or international policies as well as with pressure from the donors to deliver certain training demands. All these are conditions conducive for an active OH.

Secondly, one of the most fascinating predictions of the OH principles is that organizations that conform to this conception are more political and less action-oriented. One would not be surprised, for example, to see EASF or associated structures such as Peacekeeping Training Centers placing less emphasis on the technical abilities of the staff hired into such organizations. However, within this environment, we could also expect a combination of both technical and political features. In this case, it would be expected that ASF structures strive to satisfy conflicting technical and political environments by developing parallel structures and processes. While citing examples from the UN system, Lipson (2002), admits that systems such as the UN are fundamentally highly dependent on legitimacy, hence, shaped by the prevailing normative context.

However, organizational theorists observe that compliance with the norms in an organization's environment may require behavior that would tend to interfere with the efficient performance of the organization's core task (DiMaggio and Powell 1991). Under such circumstances, organizations will tend to respond through OH. Indeed, the military could also act outside the norms of a security institution and project political behavior, especially under difficult circumstances within the regional security arrangement. ASF and the Regional Mechanisms (RMs) are no exception. The then African Union Commission (AUC) Chair, Nkosazana Dlamini-Zuma, first fronted the ACIRC as a stopgap measure to provide the continent with a rapid deployment capability after realizing that ASF's likelihood of attaining full operation capability by 2015 was close to nil (Warner 2015). This was a typical example of an organization circumventing organizational challenges, as such, OH was justified in order to avoid portraying AUC as failure.

Turning to institutional administration and management issues, one would expect that compared to NDCs (which are considered realist), CoEs would be more efficient and effective owing to tighter cooperation and to incorporation of civilian expertise into their operation. Why is this so? First, NDCs rely absolutely on the state's Ministries of State for Defence and Foreign Affairs for administration and management. These are bureaucratic institutions guided by realism. Therefore, their work force is bound by forcible coercion. Second, NDCs believe that hegemony is the best strategy for states and its workforce to pursue. NDC's realistic worldview leads them to adopt an authoritarian leadership style that isolates any element that may pose a threat to the status quo. This means that, for the police and civilians to survive in an environment dominated by the statist approach to public administration, they have to behave like the "military" by taking orders without questioning such directives.

Another hypothesis in OH literature as related to institutionalism is that rulers or leaders act in accordance with domestic political imperatives.

Krasner (1999), while borrowing from Morgenthau’s 1948 concept of bureaucracy, concludes that, if the domestic and international logic of appropriateness coincide, there will be hypocrisy. This means that the difference between the domestic and international logic of appropriateness determines the level of hypocrisy. Although Brunsson’s conception of OH differs from Krasner’s formulation by emphasizing that OH is about organizational structures and not rulers, Krasner reiterates that rulers or leaders of some of these state institutions are simply a reflection of the statist approach to managing public affairs. This style of rule is evident among environments dominated by military and political power. Although ASF structures were established to advance a multidimensional approach to peace operation planning and operation, in-depth study of EASF and Economic Commission of West African States (ECOWAS) structures reveal that the civil-military relations have grown tense, even though a policy framework exists (Onditi and Okoth 2016). Earlier on, Zeki Sarigil (2014) had shown that civil-military relations had strong influence on a country’s political architecture.

The final hypothesis is that, while NDCs and CoEs both tend to prefer partnership as a means of mobilizing resources and transferring technology, it is predictable that if they chose to partner with international actors, CoEs would tend to utilize such assets better than NDCs. This is so for three reasons: (1) the higher flexibility of the civilian environment that is usually liberal to a larger extent would be favorable; (2) organizational evolution and exchange programs with a foreign partner’s complementarities would allow for faster diffusion of technology and norms; and (3) due to the crucial role of the international community in cross-organizational learning, a significant level of acculturation would take place. This would lead to an appreciation of each other’s ideals and philosophies and hence to a culture of tolerance and accommodation (Furnham and Joseph 2013).

But this is not always the case. ASF structures operate in an environment that is webbed with a network of internal and external political maneuvers. Some researchers have pointed out that although there is a proliferation of institutions and partnerships to address peace and security issues in Africa, insufficient coordination among these actors and interventions has led to duplication of structures and waste of resources. Moreover, other scholars have criticized APSA for exceedingly utilizing liberal peace model, yet many African states are incapable of instilling norms such as democracy, respect for human rights, and good governance (Brosig 2013; Engel and Porto 2009). The result of this is inconsistency in application of policies is hypocrisy.

International peacekeeping policy analysts have observed that institutions mandated to carry out transnational duties such as peacekeeping tend to experience normative and practical clashes (De Coning et al. 2015). Indeed,

DiMaggio and Powell (1991) note that there tends to be conflicts between the organizational behavior and norms on one hand and the practical demands on the other. In view of this dilemma, the following section gauges the plausibility of utilizing the elements of OH to improve the understanding of the evolution of ASF structures.

IS THERE EVIDENCE OF OH WITHIN ASF?

The ASF evolutionary experiences highlight some important tensions between setting normative agenda on one hand and the influence of OH on values, institutions, and practical processes on the other. This leads to failure of the ASF structures to achieve the rapid deployment capability (RDC). One of the predictions suggested in the theoretical part of this chapter was that both NDCs and CoEs are more vulnerable to state political manipulation. It was also hypothesized that given the realistic nature of NDCs, formation of an alternative institution with ideals of liberal-institutionalism such as CoEs would naturally create and sustain a liberal environment that would allow civilians and police to thrive. In contrast, evidence reveals that in both NDC and CoEs, a civil-military tension has heightened, dominated by power struggle leading to asymmetrical relationship between the military and civilians. Essentially, the military subjugated the ASF structures. This section, therefore, assesses the extent to which these doctrinal and practical developments match the conditions that characterize OH among the ASF. These are inconsistent norms, political organization in an institutional environment, and parallel organizational structures and processes (De Lara et al. 2010).

During the period 2004–2014, out of the 200 concepts and constructs evolved within the EASF and ECOWAS, 58% of them are associated with military culture (for example, use of the term “force”), 41% are civilian while only 2% are police. The study was designed to gauge the evolution of a multidimensional ASF in relation to structure and processes. The perceived and “real” meaning of the term “force” was interrogated. Military’s view of the term maintains rooting in the military science to mean material assets and sophisticated psychomotor manpower skills applied to win war. Most of the military’s description of what a “force” was, to a large extent, borrowed from the work of Robert Greene (2007). Civilians interacting with the military is likened to “pushing” and “pulling” forces in the environment, just as demand and supply determine the frequency and intensity of spatial processes that involve the environment of goods, services, and people. For example, a defiant civilian or police peacekeeper who does not necessarily wish to be controlled by the military may be compelled to “hate” military colleagues. Such behavior might lead to civil disobedience within the peacekeeping ecosystem.

Such a trend could degenerate into formations of separate “forces” with the “force” dissociating to create separate peace operation formations. This might lead regional bodies into security anarchy since the mission to have an integrated “force” will have been detracted. Onditi’s research within the APSTA structures, notably EASF and ECOWAS standby force, reveals asymmetric relations between the military and civilians, with the former dominating key decision-making spaces (Onditi 2015). In some of the regional centers of excellence, the few police officers seconded to the center are not independent-minded, thus, they end up conforming to the norm set by the military domineers.

The African Peace Support Operations (PSO) institutions, including the ASF sub-regional structures, have evolved into an environment of highly inconsistent norms and practical outcomes. Perhaps, the most deeply entrenched inconsistency is that of the policy of gender representation within the regional PSO environment. Although the ratio between the military, police, and civilians seems narrow (military, 62 [36.5%]; police, 57 [33.5%]; and civilians, 51 [30%]), the disparity is visibly great in women representation. For example, a survey in the EASF revealed that three-quarters (128; 75.3%) of the total respondents were male while only 24 (24.7%) out of total peacekeepers surveyed (170) were female (Onditi 2015). When the issue of gender was interrogated further using the institutional prism, the results concurred with the fact that while CoEs have developed policies and guidelines on the gender representation rule, the outcome did not reflect such norms and policies. For example, in 2013 alone, one of the leading CoE-International Peace Support Training Centres (IPSTC) trained a total of 870 PSO personnel on various subjects. The greatest concern is that a large proportion of trainees 688 (79%) were men compared to a mere 182 (21%) female trainees (Onditi 2015).

It was also established that most of the senior seconded officers, including Heads of Civilian and Police, were required to report directly to the Joint Chief of Staff (JCOS). This raises greater concerns as the JCOS is a military officer, yet his ideological influence and decisions are likely not only to tilt the direction of the entire Force, but also impose an authoritarian leadership style. This inconsistency is in contravention with Article 13 of the AU Peace and Security Council Protocol, which states in part: “In undertaking peace and security duties, the African Standby Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice.”

A further characterization of OH is when a political organization is embedded in an institutional environment. Lipson (2007) reminds us that OH is more likely to be exhibited by organizations within an institutional (political) environment as opposed to a technical environment. Whereas organizations

such as the UN and AU exhibit institutional environments, its actors and the ordinary population depend upon them to uphold norms and appropriateness in their environments. The effectiveness of political organizations is hard to measure because the task they perform usually defies easy evaluation. The AU and EASF are therefore more often evaluated in terms of the extent to which they conform to the institutional norms of their organizational environments, for two main reasons: (1) that of the regional peace and security expectations; and (2) that of the world polity. In view of this parallelism, scholars and practitioners alike have predicted that the nature of regional organizations creates pressure to adopt and adapt to the characteristics of a political organization and to the extent that it conflicts with the measurable results to engage in organized hypocrisy (Damary 2014; Brunsson 1989). Brunsson, goes further to identify three characteristics of these political organizations: structures, processes, and outputs.

Resource allocation within the structures was found to have a wide disparity. For example, the two top leaderships of the planning, the Joint Chief of Staff and the Chief of Staff at the rank of Brigadier General and Colonel, respectively, received \$36,000 each per annum representing 3.1% of the total budget for the Force. The group of staff directly supporting the military element include support staff for the planning element (PLANELM) and the Logistics Base and the Brigade HQ. The Military Logistics Base received \$147,552 representing 6.44% while the Military Brigade HQ also located in Addis Ababa, Ethiopia, received \$215,076 (9.4%). The support for the PLANELM represents 15.09% of the work force at the EASF and was allocated \$123,456 during the period under review. This means that the military and associated structures are allocated the highest amount of \$1,014,084 (44.29%) compared to the police and civilians combined budget of \$265,200 (11.58%). In this case, we see the pressure of both the internal and external environment leading EASF to respond to this pressure through contradictory actions-allocation of resources. Moreover, the study established that at any given time, for every four staff at the force, three represent the military component leading to decisions that favor the military component. The outcome also shows that the transformation from a military operation to a multidimensional ASF is still elusive even after establishing the ASF in 2004.

Brunsson reminds us that political organizations focus on discussion and analysis that reflect inconsistent values over action, which leads to uncertainty and malaise among personnel. In respect to these features, the regional EASF structure exhibited some level of inconsistencies, with a mixed outcome. For example, on procedures of selecting participants for PSO training at the Nairobi-based regional peace operation training center, IPSTC, EASFs' respondents indicated that the process was democratic: 57 (57.6%),

and authoritarian: 29 (29.3%), respectively. Only 7 (7.1%) of the respondents indicated that the decision-making process was less restrictive. Despite this finding that leans toward the democratic decision-making model, there was a general feeling across regions that the decision-making process is not every one’s duty but military commanders’.

Staffing among ASF structures is not exempted from the inconsistency that characterizes OH. Although the AU envisages promotion of democratic principles and fair selection of trainees and staff among the ASF structures, the processes and outcome witnessed in EASF and the associated structures depicts features typical of a political institution. For example, during the study, the IPSTC staff analysis revealed a major civil-military capacity disparity. The results showed that out of the total 283 staff, 191 (67%) are Kenya Defense Force military officers compared to a mere 45 (16%) who are substantive civilian staff. The civilian casuals who ordinarily do not influence policies were 42 (15%) and international staff represented 5 (2%) (Onditi 2015). The frequent reference of the civilians as *raia* (ordinary citizens) by the military officers in these institutions is a clear indication that the phenomenon of what I call “witchcraft from within,” has taken roots. Indeed, some of the political challenges facing partnerships in Africa have been cited as strong vested interests by both African and international players and a tendency by actors to bypass the AU and RECs in peace and security political activities (Leistner 2014).

Brunsson postulates that political institutions produce parallel structures and processes in order to enable such institutions to adapt to inconsistent demands. This is what Brunsson and Krasner refer to as “decoupling.” At the strategic ASF level, a typical example of decoupling is when the AU peace operations insist on principles impartial and apolitical, but when conditions are tense, either of these principles will be sacrificed or the mission risks being terminated abruptly. At the operational level, the pattern of decoupling is seen when one section of an organization is designed to act politically, reflecting inconsistent values or symbolizing compliance with norms in the institutional environment. Another section will take on the role of an action organization, subject to the evaluative criteria of the professional environment. However, the international best practices require that PSO institutions such as EASF be evaluated against performance targets in order to obtain value for money, as well as credibility for public accountability. For instance, Towle (2015) emphasizes the five dimensions of evaluation decisions identified by Diehl and Druckman (2010) as: the stakeholders; time perspective; baseline; lumping; and mission type. Although these elements are more applicable to active peace missions, preparatory PSO institutions such as CoEs and ASF structures could find them useful

as a criterion for minimizing OH. International peacekeeping scholars have also acknowledged the critical role of an evaluating mission in improving their effectiveness and that of the entire mission ecosystem including preparatory stages (Druckman and Stern 1997).

The much-touted regional partnership agreements between EASF and CoEs could be viewed as a form of decoupling. In this case, the IPSTC on the one hand would be seen as emphasizing the existence of a Memorandum of Understanding (MOU) with the Regional Mechanism-EASF officially, when mobilizing for funding and public relations from donors. On the other hand, the human resource management and administration of the institution would depict features of apolitical organization through internal oppression against the civilians and police. This action has often resulted in a clash of norms espoused by the EASF and AU, particularly to the extent that the AU peace operation doctrine emphasizes a multidimensional and multidisciplinary approach to PSO activities. Yet, the structure continues to evolve along the military doctrine.

The final evidence of OH was in the human resource policies and processes. In the job description for hiring professionals to serve within the EASF, the EASF was found to use terminologies that were significantly militaristic, even in positions that would require non-military intervention such as political affairs. For example, when publishing job descriptions for recruitment, the use of terms such as “the candidate should be an official in civil service,” “the candidate should have served in Government,” and “the candidate should be equivalent of . . .” indicated a “militaristic” mindset among the decision makers in ASF structures. Therefore, it means that systematically, non-uniformed personnel or those working with non-governmental organizations or those in the academic community are automatically excluded from occupying such positions. The consistent use of the phrase “rank of . . .” brings to the fore the inconsistency in application of the multidimensional policy (see Table 10.1).

The existing frailties within its administrative structures of EASF are clear indications of OH. Fundamental in this, is the absence of performance evaluation management systems. The criterion for measuring performance and evaluating the capacities of individuals in relation to their jobs is wanting. As a result, the ability to effect and enhance efficiency is constrained. These are characteristics of political/hypocritical organizations as opposed to actionable professional establishments. The finding indicates that the weak and biased structures and processes within the ASF are the diversions from the broad objective to subjectivism. This was found to have affected *esprit de corps*, discipline, enforcement of regulations and policies, levels of trust and interpersonal communication between the military and civilians, and the ability

Table 10.1 Militarization of human resource capacities within ASF Structures and African Union’s sub-regional institutional evolution

<i>Job Title</i>	<i>Purpose</i>	<i>The inconsistency of the job description in relation to the function (An excerpt from the local Daily Nation, April 2013)</i>
Director	The Director provides leadership to the EASFCOM in accordance with the legal instruments establishing EASF and in consultation with the Chairperson of the Council.	At least should be the <u>rank</u> of a retired Major General for Military or equivalent for officials in the Civil Service or Police.
Head of Political and Liaison	To provide political guidance on matters of peace and security for EASF, carry out public relations/communications and create public awareness on issues pertaining to EASF.	At least should be the <u>rank</u> of a Colonel for Military or equivalent for officials in the Civil Service and Police.
Finance and Administration	To be responsible for providing administrative, financial and human resource support services to EASF.	At least should be the <u>rank</u> of a Colonel for Military or equivalent for officials in the Civil Service and Police.
Brigade Commander	To manage, command and control all the operations of the Brigade Headquarters for the EASF Force; prepare and provide operational command of EASF Brigade; and submit operational control of AU upon deployment.	Should be at the <u>rank</u> of Brigadier General.
Head of Logistics Base	To provide leadership and coordination of all activities involving logistics of EASF including performing functions mandated by the AU.	Should have a minimum of <u>rank</u> of a Colonel or equivalent.
Head of PLANELM	To provide leadership in the strategic and multidimensional planning for the EASF in peace support and security of the region; to manage and coordinate the implementation and operational activities of the Military, Police and Civilian Component for the planning element.	At least should be the <u>rank</u> of a Brigadier General for Military Peace or equivalent for officials in the Civil Service and Police.

(Continued)

Table 10.1 (Continued)

<i>Job Title</i>	<i>Purpose</i>	<i>The inconsistency of the job description in relation to the function (An excerpt from the local Daily Nation, April 2013)</i>
Chief of Staff	To manage, control and provide direction and general supervision of the Military Component of PLANELM.	Should be at the <u>rank</u> of a Colonel or the Equivalent.
Head of Police	To manage, control and provide direction and general supervision of the Police Component of PLANELM.	Be at <u>rank</u> of Assistant Commissioner of Police or equivalent at the national level.
Head of Civilian Component	To provide leadership, manage and provide general supervision and superintendence to the Civilian Component of PLANELM.	Should have served at a senior level in Government.
Rostering Officer	To develop and maintain a mechanism of identifying candidates, their initial screening, training and placement on the PSO Roster for EASF.	Should have a training in peace support operations or conflict resolution and conflict management.
Senior Accountant	To be responsible for providing financial support services to EASF.	Professional qualifications and be a fellow in CPA or ACCA.
Human Resource Officer	To implement EASF human resource policy, strategies and regulations.	A Post graduate qualifications in Human Resource Management or Public Administration.

Source: Francis Onditi’s doctoral research (2012–2015) on Civil-Military Relations Influencing Viability for Multidimensional Peace-Support Capacities within the Eastern and West African Standby Forces, 2004–2014.

to enforce the chain of command. All these are identified by organizational theorists (Lipson 2007) as features of OH.

CONCLUSION

The outcome of the plausibility probe conducted in this chapter has pointed to grey areas around the evolution of peace and security institutions, as the stakeholders in the African peace and security continue to envisage *Africanization* of such institutions. Further, we have to complement the dominant focus from the international top-down perspective of regional mechanisms

such as EASF, ECOWAS, or APSA to one of sub-regional African actors and the realities in which they operate. Understanding the *informality* in which ASF operates and the inconsistency of the policy outcome often gets overlooked, but is essential for furthering the debate on the path ASF and similar structures should take in order to be fully operational. It has actually proved worthwhile to analyze ASF structures and processes from the perspective of organized hypocrisy in Africa. This is the only way researchers can observe hypocritical behavior among peacekeepers. In the case of EASF and associated structures such as peacekeeping training centers, organized hypocrisy has deeply entrenched civil-military tensions. Resolving such challenges requires an in-depth understanding of the influence of OH on institutional structures and processes.

In the first instance, there appears to be empirical support for the proposition that the observed dynamics in the ASF structures are driven by acts of organized hypocrisy. Two sets of implications emerge from this analysis. The first has to do with the need for further research necessary to test the hypothesis austerely in order to further illuminate the role of OH on micro-level processes. The second set has to do with the implications for theory and policy if more research produces further support for an OH in understanding the politics of ASF structures in the region. I address each in turn.

Further research should be undertaken to address several gaps. The most suitable case study method is process-tracing an effort to understand how the observed inconsistencies, for example, do facilitate or inhibit realization of the objectives of the regional peace and security architecture. The scope of such a study will widen the actors' vision and assess the spoilers of this process. The issues surrounding the connection between the dysfunctional political economy and political institutionalism of the ASF structures need to be addressed within the context of regional integration.

With regard to the second set of implications for theory and policy, within the ASF norms, doctrines, and policies, it is evident that structures established to guide development of multidimensional ASF capacities have been altered in favor of the military. As a result of this asymmetric relationship between the military and civilians, tensions have become a function of inconsistencies/OH in decisions which do not match actions. This is partly due to a well-orchestrated top-down plan by the EASF member states through military elites as part of political control over security institutions.

Theoretically, this scenario challenges perspectives that portray ASF structures as subject to rational design. In order to achieve a more effective cooperation strategy, there must be an effort to reduce decision-making asymmetries. In this case, the civilians and police are the losers. It then requires further research to understand the “direction” of these asymmetries. If it is the case that the strategic design of coordination is the key source of

the observed OH, then analysis should focus on addressing gaps within the AU policy organ. However, this should be on the basis of understanding that there exists a systematic diffusion of norms and directives from Addis Ababa down to the ASF structures. If this flow of norms and directives is random or the other way round (from sub-regional to the AU level), then analysis in addressing OH should begin with EASF and other associated structures such as Peacekeeping Training Centers of Excellence.

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Chapter 11

Balance of Power and the 2017 African Union Commission Elections

Kizito Sabala

INTRODUCTION

Some elections whether at national, regional, continental, or global level may pass quietly without a travesty and the stakeholders just informed of the outcome through a press release or some other form of communication. Others such as that of the US President or the United Nations Secretary General (UNSG) are so intense that the world almost comes to a standstill until the winner is announced. The election of the African Union Commission (AUC) Chairperson falls in the latter category. This explains why there was a lot of attention to the 2017 election of the AUC Chair in relation to two other agenda items that the 28th AU Summit was considering, that is, the report of Rwanda's President Paul Kagame on the reform of the AUC and Morocco's request for re-admission.

Using the 2017 AUC elections and specifically the candidature of the then Kenyan Cabinet Secretary for Foreign Affairs and International Trade, Ambassador Amina Mohammed for the position of the chairperson, this chapter situates the outcome of the polls within the prism of the balance of power theory as advocated by among others Hans Morgenthau (1972). It examines the interests and factors couched in power theory, which combined in a very intricate way to determine the eventual winner. The chapter makes the argument that several dimensions of the realist strand of international relations partly explains the outcome of the AUC election of the Chairperson.

This is a compelling reflection both academically and strategically. From the academic standpoint, the arguments and explanatory factors why Kenya failed to clinch the position that it determinately worked so hard to get are situated within the state-centric discourse because Amina Mohammed was a government nominee. Even the long-standing Francophone/Anglophone

divide across the African continent can be viewed within the prism of the supremacy competition on the continent that not only sucks in the former colonial masters but also development partners who fund the bulk of the African Union programs.

Some studies (Mouiche 2015) focus on national level, which implies that there hasn't been sufficient intellectual discourse on elections at international organizations such as the AUC. Instead most writings on such appear toward the run-up to the elections and fizzle out quickly once they are over. The realists who are also the traditionalists in international relations form the dominant paradigm in comprehending the complexity that emerges from attempting to understand the huge levels of interactions between actors that make up the contemporary international system. Strategically, the chapter draws lessons for consideration by the AU Member States who in future may wish to present a candidate for the much coveted position at the helm of the continental body.

Before delving into the substantive matter, the following subsection examines reasons why there is such a high premium on some positions in international organizations that states invest so many resources to ensure victory. The Kenyan candidature for the AU chair was not only key in strategic positioning of the country in the region, but also Kenya is an important member of Inter-Governmental Authority on Development (IGAD), hence, a key interlocutor in the affairs of the region as peace broker and a major economic hub in eastern Africa (Sabala and Ukeje 2017).

Generally, there are a number of reasons that make elections to certain key international organizations so intense and vigorous that states commit significant resources including time to ensure victory and that of the AUC Chairperson is one of them. For instance the former Ethiopian Foreign Minister Tedros Ghebreyesus is reported to have engaged a US-based Mercury Public Affairs firm to help him clinch the World Health Organization (WHO) top seat in May 2017 (The Star 2017). These resources are aimed at facilitating intense packaging, lobbying, campaigning and marketing the candidate to win the coveted position.

Moreover, the importance and significance attached to the position and the real or perceived impact that the holder will have to influence decisions, directions, and policies at global or regional levels is another important consideration. For example, given the hegemonic nature of the US in global politics, it automatically follows that whoever holds the presidency in that country wields significant influence on international politics, including on major global issues such as climate change, peace and security, and development. Under these circumstances, the stakes are so high that losing an election for an international position reflects poor diplomacy and strategy and provokes rethinking. In the same vein, the head of the AUC may not

have clout and influence akin to that of the UNSG, partly due to insufficient financial resources and the weak position of the African continent in international affairs, the holder of the office remains influential in as far as collective issues that affect Africa are concerned and relayed to the rest of the world. The holder of the position of the Chairperson of the AUC is the continent's top diplomat not only links Africa with the rest of the world, but also sits at the apex of an organization where issues affecting African states such as governance, rule of law, peace and security, and the development agenda of the continent are discussed and addressed collectively, either through the AU or Regional Economic Communities (RECs).

BALANCE OF POWER

There are usually two dimensions of balance of power; namely, opposition and competition. Realists posit that nation states have conflicting competing national interests, some of which lead to war (Morgenthau and Thompson 1991). This view manifests itself in the international relations theory of Hans Morgenthau (1965, 1985), where men and women are perceived as having “a will to power.” This is evident in international politics, which is characterized by a struggle for power over men and whichever ultimate aim may be; power is its immediate goal and the means of achieving, maintaining, and demonstrating it determine the technique of political action. The capabilities of states are crucial for one's ability to influence states' behavior. Capabilities or power has both military and non-military components, which could include resources, geographical factors, form of government political leadership, and ideology (Dougherty and Pfaltzgraff 1981).

The question that emerges is to what extent and significantly which aspects of the power theory explain the outcome of the 2017 AUC election of the Chairperson. The Balance of Power (BoP) is one of the oldest, consistent, and most fundamental theory in the field of international relations and seemingly the one that either directly or indirectly continues to influence the conduct of political interactions between international actors that include states (represented by governments), international organizations either intergovernmental or non-governmental such as the UN and International Committee for Red Cross, respectively, multinationals, and to some extent wealthy private individuals (Dougherty and Pfaltzgraff 1981).

Although there are many variations of this Machiavellian strand of international relations and even controversial interpretations of the concept, they are premised on the minimum of a tendency and maximum of a law—like the recurrent equilibrium model. The thought that steers international relations theorists such as Thucydides, Machiavelli, Hoist, and

Hobbes is premised on assumptions that there is a pessimistic view of human nature, a conviction that international relations are necessarily conflictual, and international conflicts are ultimately resolved by war, and a high regard for the values of national security and state survival and basic skepticism that there can be progress in international politics which is comparable to that in domestic political life. Although this model mainly applies to concentration in military and material capabilities among nations, the imbalance of power can be checked through decision-making agents of member states such as regional organizations within the international system. Power is in this context the ability to move men in some desired fashion through persuasion purchase, bargaining, and coercion (Spykman 1942).

The classical realism, which emerged in the 1940s, is the most favored by governments in the conduct of their foreign relations. The interactions between states in the international system are viewed as power politics, which is permeated with a pessimistic view of human nature on the world stage. The underlying assumption is that states should not trust each other and therefore are constantly preoccupied with seeking to be number one by extending their own power whenever possible in order to secure themselves. This promotion of self-interest is aptly captured in the term “national interest.”

In the context of Kenya, it should be noted that the country’s previous leadership of Presidents Jomo Kenyatta, Daniel Arab Moi, and Mwai Kibaki never seem to have given the OAU/AU priority in their governance. For example, when the late Gikonyo Kiano vied for United Nations Conference on Trade and Development (UNCTAD) in the 1970s, there was no government backing and he lost to a West African whom Ochieng describes as “well-schooled in diplomacy and international relations” (Ochieng 2017). Due to lack of government backing, he even did not get a proper brief to facilitate his activities and prepare well for the interview. Therefore, it can be concluded that there was a reason or reasons why Kenya’s fourth President Uhuru Kenyatta invested enormous resources to rally the continent and ensure that his Cabinet Secretary clinches the position and probably the basis for the Star Newspaper’s (2017) contention that the President’s direct involvement worked against the candidature of Amina Mohamed. Indeed the aggressive lobbying by the government could have led to concerns over Kenya’s aggressive approach to the regional politics.

THE STRUCTURE OF THE AUC ELECTIONS AND THE 2017 POLLS

The structure and conduct of the AUC elections are couched in the normative core of realism where states are the main actors. This is where state interests

(security and survival) are the values and doctrines that drive foreign policy. The AUC elections are held every four years and one can seek re-election for one extra term only. This applies to both the Chairperson and the eight Commissioners of the various portfolios. The AUC Commission officially informed all Member States and provides detailed timeframes and deadlines for the submission of candidatures for the ten positions at stake. According to the rules of procedure of the Assembly and Executive Council, the Statutes of the Commission as well as Modalities for the Election of Members of the Commission, the candidatures for the posts of the Chairperson, Deputy Chairperson, and the Commissioners are required to be circulated to Member States at least three months before the election. The elections are then held during the upcoming Ordinary Session of the Assembly of Heads of State and Government. The elections are normally suspended as it happened in Kigali, Rwanda, in July 2016, when none of the three contenders for the position of the Chairperson of the Commission obtained the required two-thirds majority, after seven rounds of voting. In this case the process is reopened and both the former candidates, as well as new candidates, are allowed to run for any of the ten positions.

In official communication sent to Member States, the schedule for the process is as follows: Candidates for the positions of Chairperson and Deputy Chairperson: should submit their applications to the Commission (Office of the Legal Counsel, in sealed envelopes) *on* or before a specified date. In the same vein, Member States should submit candidatures for both positions to their respective regions on or before a date that is communicated. This process is followed by regional consultations which must also be finalized before a specified time followed by the regions submitting their candidatures to the office of the legal counsel of the AUC in sealed envelopes on or before a certain date. Thereafter, a Ministerial Panel assisted by the Team of Consultants meets and finalizes its work before the Commission circulates the list of the candidatures received from the Panel to all Member States on or before a specified date in readiness for elections of Commissioners to be undertaken by the Executive Council.

The 2017 elections for the Chairperson of the AUC will go in the annals of history as one of the most hotly contested of the continental body entrusted with matters of peace, security, governance, rule of law, and development. While there were other positions such as the Deputy AUC Chairperson, Commissioner for Peace and Security, Commissioner for Political Affairs, and Commissioner for Infrastructure and Energy that African states were contesting (African Union 2000), that of the chairperson to replace the South African Nkosazana Dlamini-Zuma elicited the most intense campaigns and lobbying.

In 2017 the position of the Chairperson attracted candidates from Southern Africa, West Africa, Central Africa, and Eastern Africa; a divide that became

key in determining the winner, the Chadian national Moussa Faki Mahamat. Among the candidates was Amina Mohammed, Kenya's Cabinet Secretary for Foreign Affairs, a position equivalent to Minister of Foreign Affairs and International Trade or Secretary of State in countries that prefer that categorization. Kenya's campaign entailed heavy diplomatic investment that included the direct involvement of the country's presidency that not only set up a team to lobby and campaign for Amina, but more important got actively involved. The intensity and vigor with which the Kenyan authorities mounted an impassioned and costly campaign for its candidate, the eventual loss and claims of betrayal by her erstwhile allies that had promised to back Amina reignites the existence of the balance of power theory in the present-day conduct of international relations, particularly the use of the soft power component.

Other candidates were Senegalese Abdoulaye Bathily, the Special Representative of the UN Secretary General for Central Africa Republic and who from the onset seemed to be a front-runner due to his impressive curriculum vitae as an accomplished diplomat and academician, but surprisingly his campaign fizzled out on the eve of the elections; a move that may have been carefully thought out to ensure that Faki clinched the position given the fact that Senegal Bathily's country of origin and Chad the country that produced the eventual winner are all Francophone. This was despite allegations that Bathily had the disadvantage of an unfavorable perception toward his country (Dersso 2017). Others were Pelonomi Venson-Moitoi and Agapito Mba Mokuy, the Foreign Ministers of Botswana and Equatorial Guinea, respectively.

Amina led the first round with 16 votes followed by Mahamat's 14, but in the second round Mahamat garnered 21 votes against Mohamed's 15 votes. At this stage, Bathily and Venson tied at 8 votes each; Mokuy received only two votes. In the third round Bathily lost five votes from the previous round to both Mahamat and Amina. Mahamat increased his tally by three more votes from the second round, Amina received two more, while Mokuy's position remained unchanged. With none of the candidates getting the mandatory two-thirds majority after the third round, the rules require that candidates with the least votes be eliminated, leaving Mahamat and Amina to proceed to the next round.

In the fourth round, Amina led with 26 votes against Mahamat's 25 votes with three abstentions. In the fifth round both Amina and Mahamat received an additional vote each from those who abstained during the fourth round. The election reached another elimination point during the sixth round. In what turned to be a critical phase of the election, Mahamat once again took the lead from Amina when two countries switched their votes from Amina leading to her elimination from the race. The question of the two countries who switched their votes became a matter of both conjecture

and contention in the East African region with some countries, particularly Uganda, forced to issue a statement denying reports that it did not back Amina. However, unless there is a way to establish how each of the East African countries voted, it is difficult to tell which of the countries switched their votes away from Amina. In the final round Mahamat won the election with 39 votes, thereby clinching the position of the chairperson of the AUC.

Why Amina Lost and Lessons for Future

Despite immense resources that Kenya invested in Amina Mohammed's campaign, the country failed to clinch the position of the AUC chairperson during the 2017 elections. That can be attributed to a number of factors. President Uhuru Kenyatta and his Deputy had just gone through a harrowing experience with the International Criminal Court (ICC) over alleged crimes against humanity during the 2007 post-election violence. Although they were discharged, the ICC judges ruled that it was a "mistrial," which means the case was not completely terminated, but it leaves a window of opportunity for a retrial in the event of new compelling evidence. According to some analysts, therefore, against the background of the pivotal role the AU had played in ensuring that the cases were terminated, Kenya needed to get someone at the helm of the organization who would ensure that, either through norms and institutions, the matter is permanently put to rest. This is where the line between self-interest and national interest becomes blurred. It should be recalled that Amina in her capacity as the country's Cabinet Secretary for Foreign Affairs and International Trade was instrumental in mobilizing and galvanizing support at the AU to oppose the trial of sitting presidents, including the use of threats for massive AU members' withdrawal, though the latter was rejected during the 2016 AU Summit in Kigali, Rwanda.

What was lost or ignored by the Kenyan campaign team was the fact that the ICC, just like the AU, is heavily funded by the same development partners ostensibly to advance their interests at the global level. Hence, it was either naïve, ignorant, or arrogant to assume that they will directly or indirectly support an AU head who in their view vehemently "undermined" and "vilified" the integrity and status of the ICC and by extension their interests.

Inter-Regional Cooperation

Although Chad has some oil, it cannot be regarded as one of the continent's heavyweights having emerged recently from several years of civil war. While Faki has an impressive curriculum vitae, which is important, but sometimes it rarely counts at this level and it seems prudent to conclude that there were other factors that worked in his favor to deny the other contestants the position.

One factor is that presently Chad hosts the Regional Military Command of the West African multinational force fighting the Boko Haram, a responsibility that was given to it by Nigeria, the West African powerhouse where the terror group sprung up. This is a deeply significant development, however, this goes against the conventional belief that states will always side with a member who belongs to their regional grouping from two perspectives. It simply shows that when national and regional interests are at stake, in this case the security of Nigeria and the entire West African region, states are willing to transcend regional considerations in support of other states, thereby debunking themselves from the traditional REC. This behavior resonates with the realists' view that states are engrossed with their own welfare in their competitive relations with each other. They want to be in the driver's seat and do not desire to be taken advantage off. They therefore endeavor to have the authority in dealings with other people, including relations with other countries.

At the African level those considered as regional powers and project some hegemonic tendencies in their respective regions such as Nigeria in West Africa and South Africa in Southern Africa have several mechanisms that they have exploited or utilized on numerous occasions to project their superiority. This can take the form of internal military buildup, open threats, or maintaining their lead voices at the continent's or regional highest decision-making bodies; that is, the African Union Commission or the Economic Commission of West African States (ECOWAS) or South Africa Development Community (SADC). In this sense, the formation of alliances or projections of behaviors and actions to counterbalance (passing the buck of balancing to another state, partition and compensation in post-election maneuvers, emulation, and horse trading) take precedence during such critical decision making processes.

Therefore in the context of elections at the continental level, the influence of South Africa and Nigeria, the two African powerhouses, cannot be ignored. From this perspective, the likelihood that Nigeria may have used its close relations with Chad and its standing within ECOWAS to influence the bloc in favor of Faki cannot be ignored. This could be the context in which the West Africa vote went to Faki. Sudan President Hassan Omar al Bashir is said to be close to the Chadian President, a fact that may have swung the Sudanese vote in favor of Faki, hence denying Kenya the crucial vote at the critical moment in the elections. However, this is debatable. Tanzania is even said to be more inclined toward SADC than AU and sometimes even EAC (Dersso 2017), therefore the likelihood that it voted for a SADC candidate cannot be ruled out.

The other significant issue is, though it is not clear how it affected the voting pattern and the eventual outcome, the readmission of Morocco to AU, which was pushing for the suspension of the Sahrawi Arab Democratic

Republic (SADR). Morocco withdrew from the continental body in 1984 over the admission of SADR, which it continues to occupy and whose autonomy has long been backed by the Union. This may have had a thinly veiled link to Somalia, particularly with regard to the question of Puntland and Somaliland. The question of whether Kenya supported Morocco re-admission was put to the Kenyan delegation that accompanied President Kenyatta on the eve of the elections and the response was ambiguous. Diplomatic views from SADC countries who are keen on the SADR issue say it is the reason why they decided to withdraw. Southern African countries are against continued occupation of Sahrawi by Morocco. This also revived the concerns that Kenya did not openly if not clearly support South Africans' fight against apartheid, notwithstanding its support to Namibia and some other southern Africa countries in the fight for independence. Accordingly, Somali may have interpreted Kenya's non-committal response on Morocco to mean that the country may support the clamor for secession of Somaliland and Puntland from Somalia. Therefore, lack of affirmative positive response on Morocco may have likely influenced the way Somalia viewed the elevation of a Kenyan at the helm of AU, but this is a point of conjecture.

According to one African diplomat, several development partners, including the Chinese and British, sought to meet Kenya's lobbying team, the candidate herself, and even the President on the eve of the election but without success. This can only be interpreted to mean that either the Kenyan team was utterly ignorant of the influence of external actors or it was overly confident that it would win the seat on the presumption that its candidate had garnered sufficient support from the African states.

Historical Factors

Furthermore, the historical African divide of Anglophone, Francophone, and Lusophone—the alliance of English, French and Portuguese speaking states in Africa, respectively—should be taken into account. In particular, the UK and France have never shied away from influencing affairs on the continent through their former colonies, and it is highly possible they kept abreast with developments on AU elections. Firstly, this is due to strategic interest the continent offers in world affairs. Secondly, as members of the EU (notwithstanding the BREXIT), they are the biggest funders of the organization. And lastly, among them they control a substantial share of states with these historical colonial ties. The alliances of the French-speaking states in Africa are mainly concentrated in West, Central, and partly North Africa; apart from Chad being one of them, they also have the numbers. It is therefore not surprising that France was blamed for being against the Kenyan candidature. But the same can be viewed within the lenses of the power theory, which

confirms the desire for the Francophone African states to take advantage of their numerical strength and avoid domination by the Anglophone counterparts.

However, African states should not bemoan the colonial divide because it is not going anywhere soon. But a robust innovative leadership must emerge from the continent that should ensure that this cleavage does not undermine Africa's interests and progress after almost over five decades of striving for continental unity. Instead African states should explore how to exploit the historical divide to promote their interests. Statistics indicate that West African nationals have dominated the AU and its predecessor OAU since its inception in 1963 (Warigi 2017). Four out of the five AU Commission Chairpersons have been from the Francophone countries. So there must have been a sense of "we lost" to the South African Dr. Dlamini-Zuma due to continental influence and we must reclaim it back. Out of the 2017 elections, apart from Faki, his deputy is Ghanaian Thomas Kwesi Quartey, the incoming AU Chairperson is Guinea's President Alpha Conde, another Francophone took the baton from Chad's President Idriss Deby. The election of Kwesi may also have been a compromise deal between the Anglophones and Francophones in West Africa. The election of Faki was not influenced by the fact that Deby was the chair and therefore the argument that Kenya had held the position of the Deputy and therefore it affected the election of a Kenyan to the highest position is not a convincing one.

It should not be lost that the majority of the AU members supported a Kenyan national to serve two terms as deputy chair of the Commission against the backdrop of a big number of them having never served in the organization. The same members also continue to remit their contributions to the continental body therefore they may have seen this as their opportunity to present a candidate and serve. In short, the domination of West Africans at the AU makes it extremely challenging for candidates from other regions to convince them to vote for candidates from other regions. In many cases, the division among the Eastern and Southern African states works in favor of the West Africans when it comes to elections at the AU. This domination can be seen within the context of power politics, a field of rivalry and competition between the regional organizations in Africa and ensuring the dominance of their region in African affairs.

Intra-State and Regional Relations

It remains unclear how the neighbors of Kenya, in particular the EAC partner states of Tanzania, Uganda, Rwanda, and Burundi, and IGAD members voted, amid claims of betrayal from some Kenyan political elites. Although the Ugandan Foreign Minister, Sam Kutesa, denied the claim his closing remarks were telling. He had indicated that "Uganda is a sovereign state" and

secondly “voting is by secret ballot,” which means as a sovereign state it can decide who to vote for and against, and the fact the voting is secret it’s not easy to point with certainty how Member States voted. However, it is also not lost to some that initially Uganda had a candidate for the same position: the former vice president, Specioza Kazibwe, who, in 2016, failed to garner enough support to continue her candidature, and Kenya did not come out strongly to support Uganda’s candidate. The rest of the countries never issued statements on the same, but it seems that after sensing defeat by the combined efforts of Francophones and Anglophones from West Africa, they decided to abstain, a position that is accepted within such fora but which elicits different interpretations.

Not only does Djibouti have a French connection, having being a former French colony, but it also has the Arab League connection due to Islam as the main religion in the country. As for Burundi, it is believed that due to a certain diplomatic issue that happened sometime back, it wasn’t going to side with Kenya although it also has the French connection. However, the whole scenario could be analyzed within the framework of the inter-state struggle for supremacy and where states do not want to be seen to be taken advantage of. In the pursuit of the foreign policy that advances their own national interests, states believe that other countries can never be completely trusted.

The International Criminal Court Factor

There are two opinions on whether the question of ICC was a contributory factor to the loss by Amina. One school of thought contends that the majority of African states silently or quietly detest the ICC but they fear coming out openly to say so because that will injure and strain their relations with their former colonizers and development partners who support and fund the court (Warigi 2017). The other school of thought maintains that the seemingly hostile posture of Kenya against the ICC is a non-issue. This is because before the Kenyan case, the ICC was already in Africa (in Democratic Republic of Congo [DRC] in Sierra Leone, Liberia, Cote d’Ivoire, and Sudan). However, in some of them the circumstances may be different because there wasn’t a spirited move and campaign to pull out of the institution *en masse*.

Therefore, the mere fact that Kenya ensured that the ICC question became a continental issue even prompting some countries, namely Burundi, Gambia, and South Africa, to begin the process of withdrawal is not convincing. Following these campaigns, South Africa moved to withdraw from the court though it later rescinded the decision. In the same vain, the new leadership of Adama Barrow in Gambia is likely to stop the process in order to enhance his international image and try to deal with the atrocities committed by Yaya Jammeh. Barrow is acutely aware that proceeding with the withdrawal

process will not only undermine his international image but also will not augur well with the supporters of the court. However, Burundi in its present state is likely to take the process to its logical conclusion.

Domestic Environment

Ochieng (2017) contends that Amina lost partly because the government failed to put up a solid campaign machinery to spearhead her candidature. However, this is not completely true because President Uhuru Kenyatta and his deputy William Ruto visited and lobbied vigorously 52 African countries and even reports claimed that they spent about two billion Kenyan shillings (an equivalent of \$20 million), a clear testimony that the presidency was fully behind the candidature of Amina (East African 2017). There was even a team led by the then Cabinet Secretary for education, Fred Matiang'i, to steer the campaign. However, the caveat is that Matiangi who was the chair/coordinator of the campaign team is not only a green horn in diplomacy, but more importantly the duties and responsibilities of the docket he held did allow him sufficient time to devote to a serious campaign of the magnitude required to enable one win such a post. Yet the presidency could have appointed distinguished retired or less busy diplomats to lead the campaign.

International positions of this nature are highly competitive; and politics attracts highly qualified individuals from different countries, and therefore, it requires extremely shrewd and highly organized campaigns to win. The Kenyan team that had among others the leader of the majority in parliament Adan Duale and Mwangi Kiunjuri, a cabinet secretary cum politician extraordinaire that accompanied the President during the election in Addis Ababa, seems not to meet that threshold.

Even at the technical level in the Ministry, most of the officers who were directly associated with the campaign were not the most experienced, instead they were “more of brief/report writers not strategic advisors.” The structure of the campaign itself was at times insensitive to other countries that had candidates. For example, some countries (Botswana, Chad, Uganda, and Senegal) felt Kenya was a bully, intimidating and displaying lack of respect to other candidates by campaigning in their home turf. In addition some felt it was a show-off of financial might to have the Deputy President and a team of public servants to shuttle the continent in a privately hired airplane. This was not considered necessary. In many instances, the campaigns are normally calm, strategic, and not extravagant as this one was not in tandem with the increasing role of soft and track II diplomacy that is increasingly replacing the use of open hard diplomacy in modern state interactions.

Ali Zubeidi (2017) describes them as “green horns” in diplomacy and rightly suggests that the team should have included former Ministers of

Foreign Affairs and retired ambassadors, particularly those who had served in Addis Ababa and were aware of the continental politics at the AU headquarters but also have built useful strategic networks with high ranking officials across the continent. It seems the country's campaign was not well thought out and managed, lacking as it did even the engagement of a professional public relations firm. It is instructive, for example, that Tedros Adhanom Ghebreyesus of Ethiopia went for a US-based Mercury Public Affairs Company to help him in his bid to become the head of the WHO (The Star 2017). The strategy even failed to use Kenya's strategic position in Eastern Africa as an important peacemaker, but also an economic hub. However, this would have been difficult to sell against the background of diplomatic spat with the UN in late 2017 over the sacking of the UNMISS Kenyan Force Commander in addition to ultimatums to repatriate the Somalia refugees from the country. In short, it would have been difficult for Kenya to leverage or build on its active role and strategic and geographical position in the region to win the seat because the country's international relations with critical actors, such as the UN, were the far from cordial. Some commentators think the loss of Amina may be as a result of either a reality check on the influence of Kenya as East African powerhouse or just a bad strategy or both (Achuka 2017). According to a World Bank report, Kenya is the third most improved country globally and the best in Africa with a manufacturing sector having grown tremendously; developments suggest that the country may return and dominate the region and therefore be a point of envy by some of its neighbors.

Except for the country's involvement in peace and security, there is still more to be done if Kenya has to be recognized and respected as a regional economic giant. For example, most investments from Kenya in the region are by private individuals. Morocco, however, has taken a deliberate decision to invest in or support programs in a number of poor West African countries including Chad, Senegal, Mali, and so forth. It is believed that through these initiatives, Morocco was able to convince many of the West African countries to vote for Chad despite having promised the Kenya shuttle diplomacy-campaign team led by the Deputy President that they will vote for Amina.

Furthermore, Achuka (2017) observes that signs of Kenya's waning influence in the region have been popping up in the form of border disputes, diplomatic embarrassment, and back stabbing over trade and infrastructure developments that would otherwise have been resolved diplomatically. Although the maritime border dispute between Kenya and Somalia was ruled in favor of the former, the one over Migingo Island in Lake Victoria with Uganda is still on. Uganda snubbed Kenya in favor of Tanzania as a preferred route for its pipeline just a few days after it had signed a deal with Kenya. The same situation prevailed when Ethiopia reneged and signed a deal with

Djibouti pulling out of the deal that had envisaged to provide a link between Lamu Port, Ethiopia, and South Sudan under the Lamu Port Southern Sudan-Ethiopia Transport (LAPSSET) corridor project.

The LAPSSET is an ambitious infrastructure program to link the South Sudan and southern Ethiopia to the Indian Ocean through Lamu port in the north coast of Kenya in order to reduce Juba's reliance on Khartoum and provide an alternative to the port of Djibouti for Ethiopia. This is also meant to ease the usual problem faced by those landlocked countries. At the same time, Rwanda announced that its Standard Gauge Railway (SGR) would pass through Tanzania to link it to the Indian Ocean despite having been part of the "Coalition of the Willing" (COW) that had left Tanzania out of the deal (Sabala 2015). The COW was a loose, convenient, and unviable framework that consisted of Kenya, Uganda, and Rwanda but left out Tanzania and Burundi, a grouping that emerged when Tanzania was viewed as slowing down the EAC integration process by requesting for more time to reflect on some of the issues. At the time, the then Tanzanian President Jakaya Kikwete raised serious governance issues about Kigali's role in Burundi in tandem with the 2016 UN report that accused Rwanda of aiding the rebels in Burundi.

In addition to this, the Ugandan President has been sending mixed signals on the question of ICC. While in public he castigates, shuns, joins, and supports the chorus for mass withdrawal from the court, however, he hands over Dominic Ongwen and even fronts a Ugandan for appointment at the international court established to promote international justice. These developments, though seemingly minor, might have influenced what transpired at the AU 2017 elections. Despite these setbacks, Kenya is still a powerhouse in Eastern Africa but this must be safeguarded and protected at all costs as the post-election violence of 2007/2008 showed that the gains can be easily eroded within a very short time.

On the domestic front, Amina was packaged as the most capable candidate to solve the myriad African woes. Ali (2017) adds that she was "outrageously" packaged as having been instrumental in restructuring Kenya's missions abroad and had a degree from the Kenya School of Law (KSL), despite the fact it does not award degrees. However, with all these impressive credentials that revealed a personality with international reputation, one diplomat asserted that the problem with Amina's packaging was that there are some untrue achievements that those who know found it difficult to support, but more so the diplomat pointed out that it seems the Kenyan media failed to scrutinize her credentials to help the campaign team respond to any criticisms convincingly. Therefore, on the domestic level very limited information on the weakness of Amina came out through the media except occasional talk shows on major media channels and particularly from the opposition and those who did not believe she was the right candidate.

The perceived or real fears of hegemonic tendencies and pushy attitude of the country's political elite may have undercut Kenya's campaign. There is a real concern that after the triumph of the President and his deputy from the ICC cases, the country seems to have overestimated the solidarity and support it received from the majority of the AU members and imagined that it was its aggressiveness that was important. This explains partly why the issue of ICC did not feature prominently on the AU agenda items during the Kigali Summit. Finally, one diplomat intimated that though Kenya wants to project itself as a true defender and protector of Pan-Africanism, there are aspects of its past conduct that speak to the contrary. For instance, when the OAU collective decision was against the admission of Israel to have the observer status due to its cooperation with the former South African apartheid regime, Kenya's position was in Israel's favor. Therefore, to ardent supporters and believers in Pan-Africanism on the continent, the country doesn't rank very high.

The Role of Civil Society

Although traditionally, non-state actors were regarded less prominent players in international relations, in recent times they are increasingly asserting themselves as important. In this regard, the Kenyan civil society was blamed for having campaigned against Amina, firstly, because she led a spirited campaign against the ICC suspects and never bothered about the 2007/2008 post-election violence victims. Secondly, she failed to deal decisively with issues pertaining to Kenyans imprisoned in neighboring countries such as South Sudan and also the mistreatment of Kenyan domestic workers in the Middle East.

CONCLUSION

This chapter utilized the balance of power theory to advance the understanding of the internal and external forces that determines the outcome of the elections of the AUC chairperson. It notes that states place a high premium on international positions due to real or perceived importance and influence that the holder will have on international issues to meet self-interest, sometimes camouflaged as national interests. The chapter concludes that the balance of power, in particular, the notion of national interest of both the African Member States and that of the external partners, seems to have to a greater extent influenced the 2017 AUC elections of the Chairperson. This makes the opposition and especially the competition tenets of the power theory more applicable in the AUC elections. However, this is not sufficient because there

are certain elements such as perceptions which are beyond the theory, but which are equally important.

Furthermore, it seems prudent to conclude that, winning the AUC chairperson position is a function of both known character and behavior of states within the rubric of the balance of power theory. The behavior of African states during the 2017 AUC elections seems to undermine their ability and capacity to influence their position in global affairs. This is because external actors continue to utilize the long-standing division on the continent, such as the Francophone and Anglophone divide to influence whoever is elected to lead the continental organization either through funding or colonial power. More succinctly, the historical language divide provides an opportunity to the key external players such as France to influence the continent's top body elections and by extension African international relations.

Given the more prominent or visible presence of France in the continent's conflicts, through military intervention in countries such as Chad, Côte d'Ivoire, and Mali, it seems prudent to conclude that the former France colonies are providing greater avenue for their past colonial master to maintain its influence in African politics than its Anglophone counterparts. The two factors, namely, the historical and the Francophone dichotomy, not only undermine the African emancipation agenda but also imply the continent's independence and the much-hyped "African Solutions to African Problems" notion will remain an illusion in the unforeseeable future.

With a few exceptions, the voting patterns of the African states at the level of the AU show that the continent's behavior is largely still stuck in the traditional factors that have for decades influenced international relations. These include historical factors, previous elections, past arrangements or understanding, and behind-the-scene actors, such as former colonial masters who have defined the long-standing Francophone/Anglophone dichotomy on the continent and who wield significant influence in Africa's collective international relations. Also to be lobbied are eminent personalities by virtue of their previous positions who may be equally important at a particular point in time.

However, the chapter observes that in most cases a renewed spirit and impetus to project African influence globally through reforms of international institutions such as the International Criminal Court the way Kenya did is normally short-lived. This lack of sustainability is one of the major undoings of the African states and will continue to undermine the continent's collective action and influence of global affairs. But this can only succeed if the African states avoid fronting selfish national interests camouflaged as African interests and instead focus on maintaining continent-wide cohesion and common position. The reduction in sustained push for reforms at the ICC only serves to demonstrate that individual African interests take precedence over any continental or regional ones.

In the same vein, though the process of norm and institution building is taking root at the continental level, the major dilemma that the African states find themselves in is to utilize these untested and young structures. Furthermore, even the capacity and resources to support their implementation is insufficient.

While not underestimating resources, impeccable resumes of the candidate and state visits, the outcome of the elections of the AUC Chairperson is largely a function of the interplay of individual state interests and the applicability of the basic realist ideas and assumptions. State and personal interests override other considerations that combine with other factors in a very intricate way to influence the outcome. In addition to individual state tact and strategy, regional interests and overall global environment must be taken into account when contesting for the position of the continent's chief diplomat. This calls for dynamism and flexibility in the entire electioneering process.

Finally, the study observes that since the controversial and hotly contested campaign of the previous AU Commission Nkosazana Dlamini-Zuma in 2012, the continental body's campaign and election seem to divide it more than fostering unity of purpose if the accusations and counter-accusations of betrayal by the Kenyan delegations are anything to go by. This will not only undermine the African ability to speak with one voice on common matters that affect the continent, but, more fundamentally, its capacity to influence global affairs in its interest. The AUC elections must be treated and undertaken with the utmost professionalism and maturity to embody the very ideals and principles that the continental body stands for.

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Chapter 12

Hydropolitics of Resource Exploration in Eastern Africa

Edmond Were

INTRODUCTION

The push for rapid and long-term social change and economic transformation has motivated states in the Eastern African region to seek for high impact drivers of change in zones that were erstwhile not an obvious choice for direct investments. The implications of this push in the search for alternative drivers of change materialize to distinguish the region as a candidate that does not adhere to the principles of transboundary natural resource management. As a result regional states have struck huge stocks of valuable and high impact natural resources in and around shared water bodies within a non-cooperative natural resource management context. In particular, the discovery of hydrocarbons has ignited an exploration chain reaction in virtually all the countries in the region to the extent of introducing a resource exploration and exploitation race and generous commitments in infrastructure development connecting the resource sites. The exploration and exploitation of the resources, however, occur in a speculative political regime that largely detests established principles of international natural resource management. This has ushered in a dour competitive environment for resources around shared water bodies in the region.

This chapter posits that most shared water bodies in the Eastern African region are resource use conflict spaces characterized by asymmetrical riparian state behavior that eschews cooperation in the control and utilization of resources in transboundary water bodies. The discourse on exploration and utilization of the resources has largely been aggressive in tone, and in a few cases coercive means have been used or threatened to be deployed. A couple of these water bodies are governed by internationally recognized regional protocols while the rest are subject to the commission and omission

of hegemonic states. Furthermore, minor transboundary shared water bodies in the region, which have not featured prominently in the hydro-hegemonic discourse, are gradually entering the fray of competitive natural resource exploitation and utilization.

The arguments in this chapter are located in a political realist narrative to explain the vibrancy of regional hydropolitics on shared water bodies. It uses illustrations from major and minor shared lakes in the region including the Somalia-Kenya portion of the Indian Ocean to underscore the existence of a resource race that facilitates the emergence of strategic local and national hegemony on shared water bodies. It proposes that hegemonic conflict in these spaces can be managed by integrating national interests and concerns in interstate protocols that address transboundary natural resource management.

HYDROPOLITICS ON SHARED WATERS

Natural resources in shared water bodies are increasingly falling under the aegis of negotiated and joint management by riparian states. Such management manifests in the proliferation of interstate protocols among co-riparian states whose implementation embraces sustainability, justice, and equity in the utilization of the shared resources. Cooperation in the management of the shared water bodies by the riparian states, especially in Europe and North America, has to a larger extent assured the enjoyment of economic and environmental benefits by the citizens. Whereas cooperative management is the norm in resource utilization, the African continent tends to register minimal cooperation and more conflict especially in the race to disentangle itself from the endemic poverty trap. This is evident even in those spheres where riparian states have committed to cooperative management of shared natural resources. The Eastern Africa region exemplifies the incessant struggles amongst riparian states and especially between states and their citizens. In this region, large stocks of natural wealth have been discovered or are in the process of discovery. The promise of instant wealth from the shared commons has thus inadvertently ignited struggles over territorial ownership, sovereignty, and, in peculiar cases, citizenship. These struggles form a variant of hydropolitics that is increasingly becoming the norm on the African continent.

The controversies, arguments, and disputes surrounding the control and utilization of water resources are more prominent in river basins outside Europe and more particularly in South East Asia, Middle East, and the Nile Valley (Waterbury 1979). This does not rule out the existence of conflicts in the river basins in Western countries, but that the conflicts in the river basins in developing countries are more active due to the developmental

contexts in those countries (Tawfik 2015). Whereas the international world order prefers the management of such conflicts through established structures and processes especially under the international water course agreements, the converse happens in the water courses in Asia, Africa, and the Middle East (Aguilar and Iza 2011). The ensuing politics in the shared water basins have facilitated the emergence of hegemons in each basin whose behavior has over time engendered counter-hegemonic defiance in pursuit of the exercise of the right of access to the shared resources (Teshome 2009). This is due to the fact that hydro-hegemons in the river basins overtly portray a sense of entitlement to the shared resources to the exclusion of the co-riparian states in the respective basins. In most cases, such behavior has not only been coercive but also soft and ideational (Zeitoun and Warner 2006). Such analysis has, nevertheless, presumed that hydro-hegemons are a special product of the hydropolitics subsisting only in shared river basins. This is, indeed far from the reality. Emerging studies indicate existence of active political competition on and around shared lakes in the Eastern African region (Were 2013).

Hydropolitics is conceived as the systematic study of conflict and cooperation between states over water resources that transcend international borders (Waterbury 1979). The study of both phenomena is captured in the TWINS analysis advanced by Mirumachi and Chan (2014) in which it is argued that they should be studied concurrently and not in isolation. The analysis portrays a matrix depicting low conflict coinciding with high cooperation and vice-versa. Indeed, most of the shared water bodies on the globe experience conflict that could be resolved through cooperative strategies. In basins where cooperation is built in interstate relations, there is a structured mechanism for conflict resolution in cases where vested interests tend to overwhelm coexistence.

Cooper, Elhance, and Ascher (2000) hold the view that future wars will be fought over water resources though cooperation amongst riparian states could forestall it. This view is based on the dynamics of water use and control principally in river basins. And indeed the world is replete with cases where conflicts have escalated as a result of competition over the utilization of water resources in the river basins. The Eastern African region emerges in the hydropolitics literature from the perspective of the utilization of the waters of River Nile and the current search for cooperation in the Nile Valley through the Nile Initiative (Hillhorst 2016). This has been documented in the research done mostly by prominent Western, in essence British, scholars including Mark Zeitoun, Jeroen Warner, Ana Cascao, K. Chan, and Naho Mirumachi. A handful of African scholars led by Check Nicassius and Korwa Adar have similarly ventured into the discourse on hydropolitics and generally advanced the argument that the resource race over the River Nile portends potential conflict pitting Egypt and the upstream countries. The countries have

organized themselves in a counter-hegemonic outfit, the Nile Basin Initiative (Adar and Check 2011).

The peripheralization of shared regional lakes perhaps emerges from an apparent lack of established historical hegemony that are capable of tipping the regional political stability scales in their own interest. This lacuna has seen a dearth of application of the basic principles of transboundary natural resource management in preference to shared rivers around the globe (Mirumachi and Chan 2014). The lakes have thus been vulnerable to various anthropocentric influences including overfishing, inlet water diversion, and pollution—influences that could adequately be managed through established cooperative frameworks. It is thus necessary to locate this analysis in a political realist framework that would provide insight into the behavior of various actors on the shared lakes in the region.

REALPOLITIK ON SHARED WATERS

The linkage between water and politics has incidentally been of more intense interest to political geographers and environmentalists than to political scientists or experts and researchers in the sub-discipline of international relations. More depressing is the virtual disinterest exhibited by sub-Saharan political scientists in interrogating the dynamics that characterize the meeting point between water and politics in transboundary contexts. Scholars in the Western hemisphere have taken a lead role in engaging in the discourse on the politics of water in shared river basins in Africa, Asia, the Middle East, and Latin America. The most prominent schools in this endeavor are the London Water Research Group, the Copenhagen School, and the Aberystwyth School.

Scholars in the London Water Research Group and University of Wales have developed a political realist “Framework for Hydro-hegemony.” The prominent scholars in this school of thought include Warner and Zeitoun (2008), Mirumachi and Allan (2007), and Selby (2005). Ole Wæver (1995), Barry Buzan (1998), and Ali Diskaya (2013) of the Copenhagen School and Aberystwyth School have also approached water politics from the standpoint of “Securitisation, Counter-securitization and Desecuritisation” but from a constructivist perspective. They have identified notions of non-negotiability from established hegemony and “deliberate construction of scarcity” as a basis of resource conflicts. There is also an emerging counter-securitization narrative by subaltern states that are framing new frameworks of cooperation in river basins (Warner and Zeitoun 2008).

The above schools of thought have in essence linked the politics of shared waters to the argumentation embedded in political realism and constructivism and more importantly in the conceptualization of hydro-hegemony and

hydropolitics. The establishment of interstate mechanisms has been explained by resort to neoliberalism especially with a view to seeking interstate cooperation in the management of transboundary shared water resources. Whereas these analyses have attempted to explain water politics in river valleys, it is disheartening to note that analytical literature hardly exists to explain the emerging political dynamics on inland shared lakes on the African continent.

The political dynamics regarding the utilization of shared waters tend to lean toward the conceptualization and experiences that states have had in the actualization of political realism. Almost all case studies of state behavior on shared waters can be explained by resort to the explanations inherent in political realism. This has also been expressed by the different authors who have written on the politics of water sharing and utilization in the major river valleys in Africa, Asia, and South and Central America. Existing literature links political realism to control and use of the waters of River Nile and its major tributaries, River Omo, the Amazon, the Mekong, the River Jordan, and the Euphrates, among others. The ensuing hydropolitics depict a resource race that explains the conflict magnitude among riparian states. The race plays a significant part in the creation of hydro-hegemony on shared water bodies and ensures the application of hard or soft power or a combination of both in the interest of the dominant riparian state. The competition over resource utilization in river valleys has seen the emergence of hydro-hegemony such as Egypt, Israel, China, and Syria.

Political realism also provides a framework that helps explain the dynamics present on shared lakes. Though the emergence of hydro-hegemony on lakes does not as much involve the equitable sharing of the waters, it is the available natural resources in the shared lakes and the need to constrain exploitation by co-riparian states that introduces new patterns of competition and cooperation. The riparian states with adequate economic and political capabilities on shared lakes tend to have the latitude to exercise either hard or soft power. This is mainly done in the interest of fulfilling the vital national interest of the respective state. Effective realization of a nation's interests and especially, those of developing countries on the African Continent is feasible through exploitation of high valued natural resources to the exclusion of the other riparian states. Incidentally these resources tend to be found on contested transboundary shared water bodies.

Political realism advances the notion that the international system is anarchic due to absence of an authority superseding the state. Hence, states will act unitarily in the pursuit of their vested national interests. National interest is basically described in the form of power that is expressed in amassing material resources that can be used to dominate other states. States will, therefore, be more inclined to maintain their security and survival in the international system.

REGIONAL RACE FOR NATURAL RESOURCES

Shared water bodies in the Eastern Africa region are potential conflict spaces that are generally characterized by asymmetrical riparian state behavior that eschews cooperation in exploration, control, and utilization of the shared water resources. The conflict arises from perceived benefits that would or do accrue from the abundant resources found on major lakes in the region. Whereas cooperation in their exploitation would make adequate sense to the riparian states, the immediate route that the states have taken is one of competition and the urge to exploit the resources to meet the self-interest of the respective states.

In the natural realm of Eastern Africa, seismic and geospatial surveys have pointed to invaluable potential of exploitable natural resources necessary for rapid economic transformation. In and around strategic shared water bodies in the region, exploitable quantities of hydrocarbons and hydropower have been identified and confirmed. This, however, did not start recently.

The exploration of hydrocarbons in East Africa, according to Purcell (2014), commenced early last century, arguably with Anglo-American's Dudley Expedition to Abyssinia in 1920. In the 1930s and 1940s, there was shallow drilling around oil seeps in Uganda and the Eritrean Red Sea, but systematic exploration did not commence until the 1950s. There was a lull in exploration in the 1960s, 1970s, and 1980s. Intensified exploration in the 1990s identified oil deposits in Kenya and Uganda with "no-shows" in Tanzania, Ethiopia, and Eritrea. The surveys conducted in the 2000s, however, proved that the region could emerge as a significant frontier in the hydrocarbon industry. Though most of the wells in Kenya and Ethiopia were found to be dry, Uganda's Lake Albert basin promised large oil stocks that would change the international perception of East Africa as a new oil frontier. Indeed, the East African rift valley became a zone of particular interest among oil explorers (Russell et al. 2012).

The Tanzanian coastal basin produced modest gas discoveries that further provided impetus in investments in both on- and offshore hydro-carbon industry. From 2010 to date there has been a surge in the issuance of exploration permits on the Indian Ocean belt fronting Eastern Africa. Cumulatively, almost one hundred wells were drilled by the end of 2013 in which large gas deposits were discovered in the deep ocean waters off the coast of Tanzania just as several oil discoveries were made in the Lokichar Basin in Kenya and the Albertine region in Uganda. Ethiopia and Somalia have since also joined the league of oil exploring countries (Purcell 2014). The race in the search for hydrocarbons and the reported findings in onshore fields in Uganda and Kenya and offshore field in Tanzania and the Puntland region of Somalia have motivated more states to stake their luck. The probability of

striking the high-valued resources has incidentally been higher in major shared waters of the Indian Ocean, Lake Malawi, Lake Tanganyika, Lake Albert, Lake Victoria, and Lake Kivu.

The 1984 seismic survey on the Lake Tanganyika identified sufficient sediment thickness for hydrocarbon generation and an inter-layered sequence of sands and shale, which could provide source, reservoir and seal for oil and gas (Roberts and FitzPatrick 2016). Indeed the 2012 survey confirmed the lake as a potential zone for discovery of over 200 million barrels of oil at a depth of one and half kilometers with particular focus on the Congolese side of the lake. Studies established a “working petroleum system on the Congolese side” with visible “oil slick and a large natural oil seep that sits on the lake on the DRC side” (Society for International Development 2013).

Whereas Lake Tanganyika is a shared water body between Tanzania and the Democratic Republic of Congo (DRC), the DRC has been sluggish in implementing a joint exploration agreement with Tanzania. Political undercurrents point to a festering dispute between the two countries with regard to the issuing of exploration licenses. The dispute manifests growing state suspicions over the intentions of the other state with regard to the exploration of hydrocarbons in the lake. The Tanzanian Petroleum Development Corporation sought permission from the DRC for the firm to enter the Congolese side of the lake to facilitate its exploration on the Tanzanian side. The request was effectively turned down though the company affirmed that “it was possible to carry out its survey without entering Congolese waters” (Voice of America 2012).

The ongoing exploration on Lake Tanganyika has, however, exposed the apparent problem with border demarcations on the lake as it is with other major lakes in the region. The border dynamics between the DRC and its neighbors, more so Uganda and Angola, remain contentious, and there is growing reluctance on the DRC’s part to engage in serious demarcation work let alone its lackluster attitude in oil exploration let alone exploitation. Furthermore, simmering suspicion between the DRC and Tanzania has put to doubt efforts aimed at interstate cooperation to facilitate the exploitation of the resource in their own interest.

A dispute whose origin has been traced to the colonial times in the nineteenth century exists on Lake Malawi, also known as Lake Nyasa (Mayall 1973). The lake is a shared body of water between the Malawi, Tanzania, and Mozambique. The partition of the lake between the three states followed colonial treaties entered between Germany, Portugal, and Great Britain, which determined the spheres of influence on the lake between the three colonial powers (Maluwa 2016). The border line on the lake between Mozambique and Malawi has not been in contention. However, the Tanzanian and Malawian portions of the lake have attracted controversy and escalated into a potential military and international border dispute especially after Malawi

decided to commission hydrocarbon exploration on the lake ostensibly in the belief that the whole northern portion of the lake belonged to her.

Until 1922 when Great Britain assumed the trusteeship role over Tanganyika, the boundary between the two countries was governed by the 1890 Heligoland Agreement. During this time it was held that the eastern shores of the lake formed the borderline between the two countries. Between 1922 and 1961 the boundary line between the two countries was basically an internal administrative matter that could not have aroused much interest since Great Britain was the sovereign power over the two territories. During this period the British government redrew the borderline between the two territories to show the median line on the lake (Mahony et al. 2014).

The borderline between the two states was re-internationalized after the independence of Tanganyika. Today, the dispute on the lake between the two countries superficially relates to whether the boundary line on the northern part of the lake runs along the middle of the lake or along the lake's eastern shoreline of the territory of Tanzania and thus which state should exercise sovereignty over the eastern half of the northern part of the lake separating the two countries. Each state's claim of sovereignty is reinforced by geo-maps that are passionately disputed by bureaucrats in the other state. This has generated intense jingoism-laden counter-accusations that are a recipe for military confrontations (Msafiri 2011).

At the heart of the intensified sovereign claims and the ensuing boundary dispute on the lake is the reality of declining fishery resources and the apparent presence of hydrocarbons in the contested northern waters of the lake. This has solidified each state's determination to assert sovereignty on their perceived portions of the lake (Simbeye 2012). In 2012, the Malawian government awarded a prospecting license to Surestream, an act that Tanzania disputed since the borderline on the lake was still not agreed upon by the two states. The potential for a flare-up of tension between the two states was recognized by the Southern Africa Development Community and the Forum for Former African Heads of State and Government (Africa Forum) that have since then attempted to intervene at their respective levels (The Editors 2014). Regional intervention efforts have, however, been lackluster leading to a higher probability of reference of the dispute to the International Court Justice (Nyasa Times Reporter 2016). This dispute has put to question the continental and the regional capacity and ability to utilize existing diplomatic and dispute settlement mechanisms (*The Herald* 2017).

The entire length of the Indian Ocean coastline belonging to Somalia, Kenya, Tanzania, Mozambique, and South Africa has been surveyed for hydrocarbons (Brownfield 2016). The Somali section of the coastline does not feature prominently in the 2012 US Geological Survey's (USGS) National and Global Petroleum Assessment Project whose objective was "to

assess the potential for undiscovered, technically recoverable oil and natural gas resources of the United States and the world.” Whereas the fishery industry is not as much in contest amongst the coastal states, the hydrocarbon industry is slowly emerging as a sector that could pit states against one another, especially with regard to the fluid coastal boundary demarcations.

Somalia sued Kenya at the International Court of Justice for selling exploration rights in the Indian Ocean zone allegedly belonging to her. Despite the existence of a 2009 Memorandum of Understanding regarding the boundary demarcations between the two countries in the ocean there has re-emerged a dispute whereby Somalia insists that “the maritime border should follow the contours of the land border in the southeast direction, according to Articles 15, 74, and 83 of the 1982 United Nations Convention on the Law of Sea” (Rateng 2013). On its part, Kenya has argued that “the line should go straight east, following the line of latitude, which would allow Nairobi additional sea territory. The country insists that it has enjoyed legal jurisdiction over the disputed area since 1979—three years before the U.N. convention—when it declared an Exclusive Economic Zone over the waters it is now defending as its own in court.” The disputed area comprises more than 100,000km² on which either country perceives lie large deposits of oil and gas. Indeed, Somalia has accused Kenya of scheming to exploit both living and non-living natural resources in an area that seemingly belongs to her.

The disputed area is part of the wider Lamu Basin on which Kenya has issued a number of exploration blocks. Kenya would lose around 64000 km² of territory if Somalia were to win the case. Nonetheless, Kenya has conducted its own seismic surveys using several international firms including Pancontinental, Total, Eni, Anadarko, SOHI Oil and Gas, BG Group, Apache Corporation, and Origin Energy. Data surveys from Pancontinental indicate that Block L6 alone could have 3.7 billion barrels of oil and 10.2 trillion cubic feet of gas (Bamberger and Skovstead 2016). A senior state official in Kenya is reported to have stated that “as a country, we cannot bear to lose an inch of all that territory . . . the Somali government had better co-operate with us” (Mbaria 2014). Though the issue has not escalated to the level of an interstate dispute, the tone of reaction by the bureaucrats, in both countries, points to a potential dispute that may escalate to an interstate conflict. The underlying reason for the state of affairs over the triangle in the ocean is the perceived economic benefits to be derived from the potential large deposits of hydrocarbons and not necessarily the sovereign entitlement to the area by either country. Until the discovery of the hydrocarbons in the area, no country laid serious claim to that piece of ocean territory though Somalia had completed a survey of its continental shelf and affirmed it in July 1989. Kenya is alleged to have utilized the area for its own benefit until it reached a later-to-be-renege Memorandum of Understanding with the Somalia government in 2009.

Lake Victoria is an inland water body whose surface area is shared among three riparian states but whose basin is shared by five countries. Kenya controls 6% of the surface area of the lake but has a catchment area amounting to 22% and a shoreline of 17km. Tanzania controls the larger share of the surface area at 49% with a catchment area of 44% and a shoreline of 33%. Uganda owns 45% of the surface area but with a catchment area of only 16% and a larger shoreline of 50%. Rwanda and Burundi control neither surface area nor shoreline but possess a catchment area of 11% and 7%, respectively. Interestingly, the average discharge of water into Lake Victoria from the river basins in the catchment area is further skewed, whereby Kenya discharges 37.6%, Tanzania 61.2%, and Uganda 1.3%. This paints an asymmetrical scenario in which the state with a 45% surface area control and 50% share of the shoreline contributes a meager 1.3% of the lake waters, while the state with a 6% surface area control and 17% of the lakes shoreline contributes 22% of the lake water. Tanzania's case is definitely more equitable than the rest. Yet Kenya and Uganda have tested each other's resolve on the magnitude of control of the resources of the lake.

As early as the 1920s, transboundary disputes on Lake Victoria had been experienced between Kenya and Uganda. In 1925, western provincial officials in the Kenya Colony accused the security forces in the Uganda Protectorate of violating the territorial sovereign rights of the locals who were fishing around Sumba Island—an island that was part of the Kenya Colony since 24 August 1904 (Were 2013). This incident epitomizes the interstate relationship that has existed between the two countries especially over resource exploitation on Lake Victoria. The interstate boundary has, nevertheless, been characterized by brisk cross-border fishing and fish trade, which were briefly interrupted by the more lucrative coffee smuggling trade in the latter part of the 1970s (Abila 2003). The fish trade enabled the establishment of a vibrant fish industry on the Kenyan shores of Lake Victoria. Whereas most of the fishing activities occurred on the Uganda portion of the lake there was little fish-based industrialization on the Ugandan shores, which led to huge losses in Ugandan internal revenue collections. In the late 1980s Uganda installed a ban on whole fresh fish exports from Lake Victoria to the regional market as a way of managing the Illegal Unreported Undocumented (IUU) phenomenon (Indian Ocean Commission 2015). The ban was underpinned by a deployment of a marine military and revenue policing force that reinforced the fishery control department.

The Ugandan security forces ensure that all the fish caught on its waters is rerouted to their territorial landing beaches. The strict implementation of the ban led to dwindling fortunes for the Kenya-based fish industry in favor of Uganda. A number of fish factories later relocated to Uganda to take advantage of the stringent fishing regulations. In particular, the use of coercive tactics in the management of the fishery resources on the lake has,

nevertheless, led to frequent disputes between the two countries involving security forces and Kenyan fishermen. A number of Kenyan fishers have been arrested or tortured and their fish and fishnets confiscated on accusations of illegal fishing as well as illegal entry into Ugandan territory. The race for the fishery resources on Lake Victoria has over time motivated Uganda to freely patrol the lake's waters and even occupy strategic islands on the lake that conspicuously do not belong to her.

The classic case of forceful territorial occupation has been experienced on Mbingo Island, a strategically located island in the deep fish breeding waters of Lake Victoria. Colonial and postcolonial records show that the island lies 500 meters to the east of the interstate boundary line. Notwithstanding this, Uganda declared sovereignty over the island by erecting its flag and deploying security forces there. The waters around the island are rich in Nile Perch and tilapia fish species, which are in great demand on the local and international markets. The stationing of Ugandan troops on the island was meant to consolidate the country's hold on the fishery resources in the area and eliminate their unfettered exploitation by Kenyan fishers on the island. This has resulted into denial of access to Ugandan waters by Kenyan fishers, a ban on catching of undersize fish, and a general embargo on fish trade with Kenyan landing beaches and frequent harassment of Kenyan fishers and fishmongers by Ugandan security forces. Bilateral diplomatic contacts have often been engaged to defuse the dispute but a long-term solution has not been reached. The protracted dispute is an indicator of a lack of a definite and effective marine dispute resolution mechanism in the region.

Transboundary relations between Uganda and the Democratic Republic of Congo have not been cordial since the discovery of large hydrocarbon deposits in the Albertine Graben. The oil deposits in the region that includes Lake Albert are so huge that their eventual exploitation is bound to propel Uganda into a developing economy within a short span of time (Lay and Minio-Paluello 2010). Impressive progress has largely been made on the Ugandan side and billions of barrels of oil are scheduled to be extracted beginning in 2018. However, on the DRC side, the hinterland is characterized by instability and a general lack of state presence. The thin state machinery there has been preoccupied with controlling the activities of Ugandan fishermen and fishmongers with a view to restricting Ugandan perceived expansionism on the lake.

The driving force behind the non-cooperative behavior of Congolese state agents is the potential of extraction of over two billion barrels of oil around Lake Albert with a peak of 150,000 barrels per day. These are huge resources whose rational utilization can drastically change the development indicators in the DRC in the medium term. Sporadic clashes between security forces belonging to the two countries have been experienced with fatalities recorded

on both sides. Since the discovery of oil in the area, the relations of the two states have changed from coexistence to more aggressive encounters that point to the intention to eliminate the other party from direct exploitation of the oil resources on Lake Albert. The direct arbitration by Tanzania has not helped the situation either (Katschung 2007).

CONFLICTS ON MINOR TRANSBOUNDARY WATER BODIES

The Eastern Africa region is further characterized by a number of smaller and shared inland lakes that support livelihoods for basin residents. Whereas the large shared lakes depict high resource competition among the riparian states, the politics surrounding small shared lakes is somewhat muted or largely ignored. Looked at closely, the lakes similarly provide interesting perspectives on grassroots level conflict and cooperation whose analysis would benefit from the TWINS analytical framework (Mirumachi and Allan 2007). There is virtual lack of dedicated analysis on the smaller water bodies, hence relegating the utilization of their resources to the mundane struggles for survival in the expansive African countryside. Minor transboundary water bodies must, however, feature in hydro-hegemonic discourse since lack of consideration into this domain would further subject them to unsustainable utilization.

Lake Mweru has suffered from intense exploitation from both Zambia and the DRC to the extent that there are fears of resource exhaustion or extinction. The lake is almost equally shared between the two countries, and frame surveys have identified the unsustainable fishing practices that have been exacerbated by the industrial fisheries practiced on the DRC side of the lake (Ngula 1990). The management styles in the two countries are asymmetrical as there is virtual *laissez faire* in Zambia while the DRC side strictly controls mesh size, closed seasons, and number of fishers on their side of the lake. The Zambian sector has mainly been characterized by artisanal fishing whose activities have negatively impacted the fish stocks and sizes. Local district councils in the two countries, responsible for the management of the fishery resources, nevertheless have been compromised by the increasing number of fishers and fishing boats on the lake. There are no overt conflicts between the fishers or agents of the two states. However, internal disputes have been experienced over fishing methods in the Zambian waters especially over the unsustainable fishing methods.

The Lake Mweru ecosystem lacks effective cooperative management that would ensure sustainable utilization. The fishermen in the two countries are accustomed to open access and the marine border is virtually not recognized.

There is lack of adherence to the joint management regime underpinned by the principles of transboundary resource management that would assure the basin residents of sustainable supply of fish.

Lake Edward is shared between Uganda and DRC. Its basin is similarly attracting intense interest from oil explorers and conservationists, let alone the fishers and fish traders with an eye on the lake's fishery resources. The lake is sandwiched between two world heritage sites, that is, the Virunga National Park and Queen Elizabeth National Park. The governments of Uganda and the DRC licensed European and Nigerian oil exploration firms to undertake seismic and exploration activities to confirm the existence of hydrocarbons in the lake and the surrounding areas (Abelvick-Lawson 2016). However, the fragility of the lake has been of concern to the conservationists and the European Union who have opposed the oil exploration activities in the area (Global Witness 2016). This has pitted them against the state in both countries whose primary aim remains the exploitation of the hydrocarbons on the lake and the surrounding protected areas. Interstate relations with regard to the exploration on the lake have been muted if not complementary.

CONCLUSION

The discourse on exploitation of the shared water resources in the Eastern Africa region has largely been more aggressive even in prevailing contexts of regional integration and global protocols governing shared resource utilization. A couple of the water bodies in the region fall under the umbrella of regional protocols while the rest are subject to the whims of hegemonic states. The management of natural resources in the Lake Victoria basin falls under the Lake Victoria Basin Commission and the Protocol for Sustainable Development of Lake Victoria Basin. Its fishery resources are specifically governed by the protocol establishing the Lake Victoria Fisheries Organization and largely according to the principles of transboundary natural resource management (East African Community 2003). Whereas joint management of the resources of the shared lake was envisaged in the respective protocols, disputes have arisen between member states that imply the adoption of a more protective and nationalist stance.

The unfolding scenario on shared lakes can adequately be analyzed through a political realist framework that explains state behavior in the context of a highly competitive resource race. Competition amongst riparian states over natural resources in shared water basins in the Eastern Africa region is a reflection of state capacity to exploit as much as possible to serve long-term self-interests. As a result, mutual suspicions have spiraled into interstate disputes. The major shared lakes in the region manifest a fair share of these

disputes. This is happening among states that have agreed to subject their actions to a nominal global natural resource conservation regime that binds states to a predictable mode of behavior. The reality on the ground, however, portends a water war scenario that is borne of self-interest as a driving force in interstate relations.

The shared lakes in the region require dedicated bilateral or multilateral protocols that would address resource utilization and conservation in a win-win context. Lake Victoria has benefitted from the protocol establishing the Lake Basin Commission, Lake Victoria Fisheries Organization. These protocols provide the limits for the behavior of riparian states in terms of pursuing resource utilization. Despite this, states have nevertheless pursued their national interest in disregard of the prime regional interests encapsulated in the sustainable utilization of the resources of the lake. The primacy of national interests is derived from the article on National Measures that provide the leeway to regional states to make policies that promote the regional agenda but subject to national laws. This has emboldened regional states to promulgate national policies that are nevertheless at variance with the regional agenda.

Lake Tanganyika, similarly, benefits from an existing protocol—the Convention on the Sustainable Management of Lake Tanganyika—which obligates the riparian states, that is, Burundi, Democratic Republic of Congo, Tanzania, and Zambia, to ensure the protection and conservation of the biological diversity and the sustainable use of the natural resources of Lake Tanganyika and its basin (Lake Tanganyika Authority 2003). This protocol does address the current hydrocarbon exploration activities that are being carried out by Tanzania and the DRC. Yet the protocol is deficient in resolving conflicts over resource exploration and eventual exploitation.

The fact that the two lakes are nominally managed by agreed-to protocols is a sign for the much-needed cooperative regimes between riparian states. Such regimes would address emerging issues on resource exploration and exploitation for mutual benefit. The rest of the shared lakes in the region and especially Lake Albert and Lake Edward must enter into cooperative arrangements to ensure that the much-sought-after resources are used for mutual benefit and in accordance to international natural resource standards.

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Chapter 13

Politics of Oil in Eastern Africa

Does It Present Another Geopolitical Pivot?

Paul Opondo

INTRODUCTION

This chapter employs the concept of balance of power to examine the implications of (national or global) politics in the era of oil resource exploitation and subsequent infrastructural development in Eastern Africa. For instance, the recent discoveries of oil in Hoima in Uganda and Turkana in Kenya have caused political and economic hope, but also tensions in the mineral-rich areas (Mkutu 2014). Although the emergence of active oil fields in the region portends adding value to the rising Africa's economic prospect, the question of how to utilize the resource endowment while at the same time ensuring peaceful co-existence of host communities and those involved in the exploitation (the state, miners, etc.) is unresolved.

At the core of these political turbulences are how oil resources will be shared between the National government and the County government, and the construction of an oil pipeline that will transport the oil from Hoima and Turkana to the Oil Refineries in Mombasa or whether to route it to Mombasa. These conflicts over the sharing and management of oil have created new interest in East Africa by the British and Chinese oil companies. This is what we need to interrogate: How have both Kenya and Uganda resolved these issues, for instance, Uganda has relied on Kenya for the transport of her oil for ages? Anderson and Brown (2011) noted that the port of Mombasa has been the hub for fuel imports that are distributed to DR Congo, Rwanda, and Burundi. Mombasa port controls 120,000 barrels per day, giving Kenya a virtual control and dominance over its neighboring economies, such that the post-election violence in Kenya in 2008 caused a huge shortage of fuel in Kampala, which has been beholden to Kenya's aging oil refinery at Mombasa

for its petroleum imports, at high cost. Oil exploration in East Africa had started in the 1950s, but continued culminating in increased interests by multinational companies (MNs) following the rise of oil prices from 2003, which facilitates the creation of smaller companies to enhance the exploration budgets in the lesser known and high-risk business areas such as Uganda and Kenya.

In the recent past, Kenya, Uganda, and Tanzania have developed joint strategies to enhance exploration of oil resources. In the same vein, the trio are partnering to develop enabling infrastructural projects such as a new refinery in Uganda and Standard Gauge Railway (SGR). Kenya has promised to own 2.5% share in the refinery, Tanzania to own 8%; and the facility will process 60,000 barrels of oil per day when Ugandan production begins in 2018. According to Anderson and Browne (2011), the discovery of large reserves of oil and gas in the East African regions of Hoima and Turkana is becoming a double-edged sword for Kenya's diplomatic relations with Uganda.

As a result, the politics of constructing the pipeline to transport Kenya's and Uganda's oil to the international market is challenging Kenya's interests and influence and is changing its fortunes in regional geopolitics. As a corollary, Kenya's diplomatic destiny with the East African Community (EAC) is inextricably linked to that of other EAC members. The situation was made worse by the diplomatic differences over earlier proposed Uganda-Kenya Crude Oil Pipeline (UKCOP), which has threatened Kenya's interests in promoting the nascent oil industry. According to the agreement between Kenya, Uganda, and Rwanda, dubbed Coalition of the Willing (COW), signed in June 2014, the pioneer plan was to transport crude oil from Hoima, Uganda, to Lamu (Augé 2015). In a move to contradict this plan, Presidents Magufuli of Tanzania and Museveni of Uganda, in an informal agreement, agreed to build Uganda-Tanzania crude Oil Pipeline (UTCOP), estimated to be 1401 km long, which will run from Hoima to the Port of Tanga in Tanzania, set to commence in 2016. This new agreement was a diplomatic disappointment to Kenya.

In order to ameliorate the disagreement, another EAC meeting held in Kampala on April 26, 2016, announced that two oil pipelines would be constructed, one from Hoima to Tanga and another from Lokichar in Turkana to the Port of Lamu in Kenyan Indian Ocean Coast. This seemed to have marked a conclusion to a highly divisive and politicized debate over how Uganda's oil reserves would reach the export markets. Despite this amicable agreement over the two ports, many issues arose. One was Uganda's ability to pay back the debts associated with the new pipeline, the debunking of Kenya's earlier plan to share the cost with Uganda, and the plan by Tanzania to develop her port services in Tanga and Dar es Salaam. This chapter examines the East African interstate relations emanating from the exploitation of oil and

development of infrastructure such as the oil pipeline to facilitate markets for the anticipated oil resources. Since discovery of oil resources, the region continues to experience both community level and regional tensions. The chapter is divided into four sections, which include introduction, conceptual framing, evolving oil exploration and infrastructural development, and, finally, conclusion.

BALANCE OF POWER AND OIL MARKET PLACE

Looking at the interstate relations in east Africa with regard to politics of oil, is it surprising that a decade since the discovery of oil, a pipeline stretching from South Sudan to the Coast is yet to be built, yet little progress has been made on the development of the pipeline with both Uganda and Kenya's oil yet to hit the international market. The best paradigm to examine this conflict of interest and lack of a common approach to oil management is the balance of power theory, which helps to focus on the interstate relations between Kenya, Uganda, and Tanzania in this era of oil resource exploitation and subsequent infrastructural development and related issues.

In view of the theory, the international society is seen as unequal, but this basic inequality among states can be kept in check with regard to each other's position vis-à-vis the other. This can prevent the rise of hegemony, allowing states to preserve their identity and independence and thus deter aggression or even war. So, states like Kenya, Uganda, and even Tanzania are ever acting to maintain an equilibrium between themselves to prevent any one nation becoming too strong, and thus gain the ability to enforce its will upon the rest. Morgenthau (1978), a leading proponent of the balance of power paradigm, declared that aspirations for power on the part of nations with each trying to maintain the status quo. In this case both Uganda and Tanzania could come together to challenge Kenya's economic dominance within East Africa. In light of oil discoveries, Kenya and Uganda have been engaged in a struggle for power, with each one trying to accumulate more power to control the politics and economy of East Africa. In the recent past, Kenya felt marginalized when Uganda chose the oil pipeline route to Tanzania. Within the region, therefore, there is a recurring struggle for controlling oil wealth and power among these East African states. In their search for security, states are seen as seeking to acquire, retain, and increase their national power, the principal means by which each can achieve security, wealth, and hegemony.

A major critique of this theory is that it relies on the states as the main actors, yet we also have the cultural, international, and individual differences between these states, which determine their actions and interests. Quincy Wright distinguishes between a static balance of power and a dynamic one

(Sheehan 2004, 20). He described a static balance of power as “the condition which accounts for the continued co-existence of independent governments in contact with one another, while a dynamic balance characterizes the policies adopted by governments to maintain that condition” (Wright 1942, 445). In case of this chapter, it is significant to note that Tanzania and Uganda have had a dynamic balance of power manifested in their policies of developing an infrastructure that can compete with Kenya’s railway and even roads.

EVOLUTION OF OIL EXPLORATION AND INFRASTRUCTURAL DEVELOPMENT IN EAST AFRICA

The oil exploration in East Africa has attracted both controversy and interest among the international natural resource players. Following the rise of oil prices from 2003, which facilitated the creation of smaller companies to enhance the exploration budgets in the lesser known and high-risk business areas such as Uganda and Kenya (Augé 2015). By 2004 some of the most active companies involved in oil exploration in East Africa were Tullow Oil (British) and Heritage Oil (Canada) who were allowed to explore the shores of Lake Alberta. They then discovered four deposits.

Then in 2010 Tullow Oil bought the shares of Heritage Oils in Uganda for almost \$1.45 billion (Auge 2015, 8). Tullow Oil did not stop there. Come 2012 it signed an agreement with China National Offshore Oil Corporation (CNOOC) and Total of France. By 2015 each of the three companies owned one block, each controlling 33.33% of the given permits. Another agreement signed in February 2014 between Uganda and the three companies provided a golden opportunity for construction of a huge oil refinery in the Hoima District in Western Uganda and another pipeline toward Kenya (Patey 2017; Manyak 2015). The relative exploration success and the big number of discoveries in Uganda from 2006 created a lot of business interest in Kenya, Tanzania, and Ethiopia. One of the most vital players active in Kenya was the Canadian- based company, Africa Oil Corporation, which acquired several blocks around Lake Turkana from a small company named Turkana Petroleum. From 2010 Africa Oil Corporation attracted bigger companies such as Tullow Oil so that by 2012 the Africa Oil in collaboration with Tullow Oil had made eight discoveries surpassing the minimum volume needed before production could begin. The aim was to get a deposit of 600 million barrels just around Lokichar Basin (Anderson and Browne 2011). However, the immediate cause of tension in the oil exploitation areas of Uganda and even Kenya is not only poverty. The problem is inadequate mechanisms of how oil proceeds will be shared between the local and national governments, how to manage the displaced citizens and their compensation, and the formula

of sharing revenue between the national and county government. The local Turkana inhabitants began to demand jobs and other benefits forcing Tullow to suspend its operations. Worse still, during the August 2017 election campaigns, President Uhuru Kenyatta sparred with Turkana Governor Joseph Nanok over the president's refusal or delay to sign a bill that would grant the county a higher share of oil revenue. It is also true that Turkana county residents felt economically marginalized for decades in the postindependence era, and the hope of oil revenue may rekindle hope for a better future for them. These grievances between the national and county government over jobs, revenue, and general economic development will continue to threaten peace unless an amicable compromise is reached between the two levels of government.

Other offshore permits were awarded by Kenyan authorities around Mandera and Auza basins near the Somali border where other small companies such as Afren and Taipan and Total were working (Mkutu 2014). Due to the high potential confirmed by the geological finds in Lokichar, Africa Oil and Tullow Oil decided to intensify explorations in Southern Ethiopia around Omo River Basin. The challenge is that the Uganda and Kenya oil reserves are rather isolated and far from the coast. In fact, Turkana is almost 2,000km from Mombasa, making it a logistical nightmare for any refinery at the Coast (Auge 2015). Following the closure of Mombasa Oil Refinery in December 2014, there is no major refinery in the East African region. Kenya's consumption is 80,000 b/d, Uganda's is 30,000 b/d, while South Sudan stands at 13,500 b/d. So, the question is the viability of a local refinery at Hoima, Lamu, or Bwagamoyo in Tanzania or Mombasa (Mkutu 2016).

Another threat to Kenya and Uganda oil reserves is the established oil producers like Saudi Arabia. Yet consumption from imported oil from Saudi Arabia is real. Crude oil from Saudi and Kuwait, which is refined in India at Jamnagar at 1.24 million b/d, is already competitive compared to the local refineries yet to be constructed—even by the time it reaches the East African Coast at the ports of Mombasa or Dar es Salaam (Auge 2015, 19). For Uganda, a victim of delayed supply due the uncertain long journey from Mombasa, the idea of having their own independent refinery makes a lot of sense. As we stated, Uganda wants to divorce herself from continued reliance on the aging refinery at Mombasa, and the high cost of transportation by road to Kampala, not to mention the threats of insecurity due to piracy and internal political tensions in Kenya during presidential elections in 2007/2008 and even 2017. Thus, in order to achieve economic self-sufficiency, President Museveni of Uganda is determined to cure all this malaise by giving Uganda its own refinery and then proceed to have an oil pipeline passing through Tanzania (Anderson and Browne 2011, 369).

President Yoweri Museveni shares the opinion of having Uganda's own refinery since oil was discovered in Uganda in 2006 with a view to making the country self-sufficient in oil production. Following Museveni's diplomacy, in February 2014 Tullow Oil, Total, and the Chinese CNOOC signed an understanding to build a refinery in Uganda with a capacity of handling 30,000 b/d and huge potential to attain 60,000 b/d (Auge 2015, 18). This refinery if all went well was to be built in Hoima in the Kabaale District in Western Uganda close to Lake Albert oil deposits.

Having agreed on the need for the Ugandan refinery, the process of selecting the company to build the factory is ongoing. The building is set to begin in 2018. This is a step in the right direction because it will make the country self-sufficient in providing its national energy demands between 200,000 b/d and 250,000 b/d when it will have reached its maximum level.

The other big question on Uganda's oil production is the issue of how to export its crude oil through a pipeline. The three oil companies have three options on this front. Will Uganda use the yet-to-be-built Lamu Port, Mombasa Port, or Dar es Salaam in Tanzania? Fortunately, the successful exploration of oil in Turkana makes a lot of economic sense for Uganda and Kenya, both launched a call for an expression of interest in August 2014 to appoint a consultant to find out the viability of the joint project to be started in Hoima District, then pass through Lokichar in Turkana oil fields and join up with Lamu port yet to be constructed at the coast. This may leave both Dar Es Salaam and Mombasa ports out of the plan. The only threat to this route could be the escalating Al-Shabaab attacks in Lamu where 48 people were killed in Mpeketoni town in July 2014 (Auge 2015, 19). However, recently with the support of the US marines and technology and investigations, together with African Union Mission in Somalia (AMISOM) forces, the Islamic threats have been controlled. The Lamu option may not succeed due to insecurity and political instability in Somalia, a threat to the project.

What security risks exist on the Turkana to Lamu route? Apart from the insecurity posed by Al-Shabaab, another problem is the skirmishes that break out spontaneously in Karamoja in Uganda and also in Turkana County in Kenya, where cattle rustlers occasionally wreak havoc especially between Pokot and Turkana and also Ethiopian pastoralists. Both Turkana and Karamoja suffer historical injustices, are marginalized economically, and are far away from big towns. In the future they could hold the government at ransom by threatening to blow up the pipeline. Probably Mombasa would be a better choice compared to the Lamu option. If Lamu is chosen, the residents of the town who include Muslims and Kikuyu would benefit economically. But the political tension between Kikuyu and Muslims in Lamu could also be a threat to the pipeline going to the town.

The tensions in the coastal region are caused by the land question in Kenyan history. With all these threats, it is pretty difficult to predict with certainty when the oil pipeline would be built. Then there is the problem of population displacement and compensation yet to be considered in Turkana and Karamoja and Lamu County as well.

Yet another project for the EAC is the Lamu Port-South Sudan-Ethiopia-Transport (LAPSSET) corridor project, which would be transformative, enormously expensive, and very invasive, linking a major new port development in Kenya's Indian Ocean to South Sudan and Ethiopia with an oil pipeline, railway, and highway (Browne 2015). Current circumstances make it unlikely that the pipeline will reach South Sudan or that the railway will ever be completed within this decade. The Kenyan and Ugandan crude oil find makes a lot of rationale for the project. In the future Kenya's crude oil will be carried from Lokichar for export through Lamu port, but the rivalry between Kenya and Uganda over the route of the pipeline and the reluctant East African Cooperation remains a potential stumbling block.

In the opinion of David Anderson and Adrian J. Browne (2011), the discovery of large oil deposits in the Lake Albert region of Uganda has encouraged the industry to review the region more positively, bringing in an influx of new and established companies to cover Ethiopia, South Sudan, Uganda, DRC, Kenya, Tanzania, and Mozambique. On the same note, Otuki points out that the British oil explorer, Tullow, on March 14, 2017, signed a production agreement with the government of Kenya paving the way for the first consignment of crude oil from Turkana fields to be transported to Mombasa in readiness to export. The pact draws the road map for Kenya's early oil export plan, which is expected to pump out 2,000 b/d for transportation by trucks as storage at the defunct Kenya Petroleum Refinery's storage tanks in Mombasa (Otuki 2017). This means that Kenya would like to maintain her position and hegemony as the most dominant nation in the region, given that most oil imports to Uganda pass through Mombasa. With this agreement, which covers legal and technical issues, there were sentiments from the then Kenyan Cabinet Secretary for Energy, Charles Keter, alluding to the fact that plans were underway to transport oil from Lokichar to Mombasa.

Kenya's oil has been classified as "light & sweet," which means it has less sulfur, hence likely to fetch higher prices in the international market because dealers find it easier to refine it and it produces high value products in terms of petrol, diesel, and kerosene (Otuki 2017). The implication is that Kenya's place in the balance of power will remain unchallenged due to high quality oil that may get higher revenues for the nation. The early export scheme seeks to test the receptivity of Kenyan oil in the global market, pending full field development that includes pipeline construction connecting the Turkana oil fields to port of Lamu.

Cabinet Secretary Keter added that the refurbished Kenya Petroleum Refineries Limited facilities had 45 tanks, nearly half of which will store the crude from Turkana for shipment while the rest is for refined products (Otuki 2017). Kenya expects to embark on large-scale production by 2020 and will export the oil through the 865 km pipeline linking Turkana oil fields to the Lamu Port to be built at the cost of Ksh. 210 billion; the pipeline will enable Kenya to pump out about 100,000 b/d (Otuki 2017).

The Turkana Civil Society Platform on Oil and Gas has warned about the government's rush to start the exports even before constructing the pipeline. The trucks will benefit. Kenya will make a profit from oil sales at \$34–50 per barrel. At \$34 Kenya's breakeven level is higher compared with top producers like Saudi Arabia (\$9), which pumps out 10 million barrels a day and Venezuela (\$23.50), Nigeria (\$31.60), Angola (\$35.40), and the United States (\$31.60), according to Norway-based consultancy firm, Rystad Energy. With such revenue, Kenya's high economic stature will be maintained within the region.

Discovered in March 2012, Kenya's oil industry is still in its infancy. All the same, it has been affected by the recent fall in global oil prices, failed plans for joint regional pipeline with Uganda, Rwanda, and Tanzania, competition from Uganda's huge oil potential, and security threats by Al-Shabaab. Despite the fall in global oil prices, there have been marginal gains, with the completion of the Standard Gauge Railway, the attempt to transport oil to Mombasa by broad, and more explorations in the North. Kenya's total oil estimates of gross recoverable barrels are estimated at 750 million in Blocks 10BB and 13 T within South Lokichar (Patey 2017, 7). Yet this is lower than the potential that Uganda's oil has. Luke Patey (2017) argues that Uganda is likely to be that backbone of East Africa's Oil in future. This is because Uganda has some of the largest onshore discoveries on the continent in the next two decades with an estimated 6.5 billion barrels of oil deposits. Based on the current potential, oil production is expected to reach a ten-year plateau of between 200,000 and 250,000 b/d over a three-decade lifespan of output. These levels compare well with present-day mid-level African producers, South Sudan, Equatorial Guinea, and Gabon, which will most likely decline in production in the coming years, making Uganda the third largest oil producer in sub-Saharan Africa (Patey 2017, 5).

Uganda and Oil Politics

Wolfgang Fengler (2013), points out that in 2011 Kenya spent \$4.1 billion on oil imports, equivalent to approximately 100,000 barrels per day. He avowed that in case Kenya and Uganda exploited oil reserves, will the two countries benefit in the long-run? He decried the fact that despite having oil, countries

such as Libya, Chad, Angola, Nigeria, Equatorial Guinea, and many other resource-rich counties have suffered the resource curse due to corruption and inefficiency (Fengler 2013). Uganda's 6.5 billion barrels make her potentially the fourth largest oil producer in Africa south of Sahara after Nigeria, Angola, and South Sudan (Mwesigwa and Mubangizi 2016). Museveni's preference for the Hoima-Tanga route is partly ideological and also strategically intended to "tame" Kenya. Museveni studied at University of Dar es salaam under the tutelage of the late Dr Julius Nyerere, from where he launched a rebellion that propelled him to power in Uganda. Apart from the personal relationship with Nyerere, Museveni is said to like Magufuli's no-nonsense, walk-the-talk leadership, only akin to President Paul Kagame in Rwanda. In the opinion of the Oxford Institute for Energy, there should be compromise between Kenya and Uganda on their competing political goals (Oxford Institute for Energy Studies 2017). It feels that politics between Kenya and Uganda may delay the exploitation and transportation of oil industry in the region. The dearth of democracy especially in Ugandan politics also points to a bleak future.

Mwesigwa and Mubangizi (2016) reported on Uganda's decision to route its oil exports through Tanzania after a report found that the country was a cheaper and a more secure option than Kenya. Uganda was to use Tanga, a seaport city about 200 km north of Dar es Salaam, to export its crude oil rather than Lamu in Kenya. Uganda leaders argued that a pipeline between Kabaale in Hoima District and Tanga of about 1,400 km will be most cost-effective route when Uganda begins exporting oil by 2020 (Mwesigwa and Mubangizi 2016).

In response, Kenya planned to build a pipeline from Lokichar in its oil-rich Turkana region to Lamu where it will build a port close to the border with Somalia. The expert's report in 2016 argued that Kabaale-Tanga route is the least costly route for transportation of crude oil (Mwesigwa and Mubangizi 2016). The report argued that a Hoima to Lamu pipeline could be more ecologically sensitive and that the terrain was more rugged compared with Tanzania, which is flatter. It is hard to clear land in Kenya, whereby it may take about two years to compensate land owners in Kenya; while in Tanzania the government owns the land making it easier to access it.

Security is another big issue. Due to the fact that Lamu is close to Somalia on the Indian Ocean, there are genuine concerns that a pipeline could be a target for Al-Shabaab militants, and the Lamu port is to be built by 2022 but Tanga Port already exists. However, quite inevitably Kenya's leaders saw this as blackmail.

In addition, Kenya has oil reserves of up to 750 million barrels, dwarfed by Uganda's recoverable reserves of 1.8 B–2.2b barrels (Auge 2015). As a result, Kenya could begin talks with South Sudan about possible partnership on the northern route.

Total from France, a major player in Uganda's oil sector is believed to have preferred the route and has secured \$4 billion needed to fund the Hoima-Tanga route but Kenya says the International Monetary Fund (IMF) and the African Development Bank (AfDB) were interested in funding its pipeline (Mwesigwa and Mubangizi 2016). Kenya relies, for almost all her imports, on Mombasa port, which was badly affected by the post-election violence in 2008 when Uganda business was paralyzed.

Uganda government seeks to install an oil refinery ahead of any further deals. The refinery project preparations managed by a Canadian firm is complete and should be presented to the government in a few weeks (Izama 2012). However, given the drudgery of procurement, one can expect that with such a huge project its completion will be delayed by a complex resettlement project of villagers and the multiple negotiations, expected kickbacks, and fees from the oil companies.

According to Quartz Africa (2016), Kenya may be sitting on more oil than previously believed. Following a new discovery, the Canadian energy group, Africa Oil, added 150 million more barrels of oil to its reserves in the Lokichar Basin in the country's north—24% more than previously noted estimates. The total now stands at 7,600 million barrels. If proven, more discoveries of oil in Kenya would enhance her image as an economic powerhouse in East Africa. But the most significant diplomatic breakthrough would be the harmonization of Kenyan and Ugandan interest so as to bridge the political differences and gaps currently bedeviling the future of the oil industry in the region.

CONCLUSION

From the foregoing, it is tacitly clear that the politics of oil in East Africa is influenced by a plethora of factors, both domestic and international. The main factor is the balance of power concerns between Uganda and Kenya on one hand, and between Tanzania and Kenya on the other. The individual capacities of each state are fundamentally significant given the fact that Kenya's relative peace has allowed her economy to surpass both Uganda and Tanzania, attracting envy from the neighboring states. Kenya's superior diplomatic stature and infrastructure also gives her an edge, when it comes to the ability to handle the pipeline from Lokichar to Lamu or Mombasa. Both Tanzania under the indefatigable President Magufuli and Uganda led by Museveni would like to ally with the international players in order to outcompete Kenya and emerge as the biggest economies in the region. So, Kenya, faced with two fast growing neighbors, has to appear to be the pillar and giant in economic and political diplomacy. Equally at play, is the very

significant role played by the international interests led by Tullow and Total, on behalf of Britain and France, respectively, not to ignore the new powerful tiger, China, whose economic influence threatens the very Western interests that Kenya has always protected in the turbulent Horn of Africa and within the East African region.

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Chapter 14

State-Led Development in Ethiopia

A Failing Legacy or an Existential Threat to the Nation?

Frew Yirgalem

INTRODUCTION

With the tectonic crisis of the neoliberal development doctrine, the subject of state-led development is drawing so much attention particularly in state-centric political regimes such as Ethiopia. The chapter examines Ethiopia's model of state-led development with the aim to interrogate what alternative, if any, this model can offer to address sub-Saharan Africa triple quest in agrarian transformation; the need to improve social welfare and inclusion of competing political forces in governance. So to speak of Africa is not that simple for the continent is as diverse as it is complex (Noman and Stiglitz 2012). Yet, there are some shared features and discernable trends particularly in the study of the politics of development across the continent. Africa's relentless search for a suitable model of socio-political transformation has passed through different episodes at least since the 1960s Africa. The latest of these episodes pertains to the debate on the politics of state-led development. Particularly, with the failure of Africa's aggressive implementation of neoliberal policies (Kimanuka 2009; Steger and Roy 2010; Harrison 2010), there is an intense scholarly debate regarding an alternative approach of development in the continent. At the core of this debate lays the role of the state in development; and whether an African state can drive socio-economic transformation, similar to the one newly industrialized countries (NICs) in Asia did (Ohno and Ohno 2012; Routley 2014).

For optimists, neither Africa's past experience nor the actual practices of state-led development elsewhere rules out the capacity of states leading development agenda in the continent (Mkandawire 2001, 289). Drawing from

history and the success of state-led development in Botswana and Mauritius, Mkandawire argues that African states are capable of driving development in the continent with capacity enhancement policies. Peter Evans argues though that transforming “actually existing African states” into developmental state is a difficult task, but for which “the potential returns are huge” (Evans 2010, 11). However, analytic pessimists argue the state in Africa is inimical to rather than a driver of development since there is “lack of social cohesion and stability” in the making of African states (Andreasson 2007); or they are “fragile states” (Stewart and Brown 2009); or Africa’s political leadership is leaned toward self-aggrandizement and predation over enhancing public welfare (Ake 1996, 7–8; Goldsmith 2004).

The debate on the state and development in Africa appears to be appealing, but it is problematic too. A mere focus on state simplifies the unit of analysis and relegates development to a mere technical and managerial affair. In the optimists approach in particular, there is an implicit presupposition that the state is an “autonomous and independent organization” insulated from individualistic interests (Tesfaye 2017, 8). But this is highly contested in Africa because state institutions are punctured by informal and pervasive patrimonial practices (Bayart 2009; Chabal and Daloz 1999; Posner and Young 2007). In many cases, public policies reflect the preferences of dominant groups. This means by sticking to formal institutional analysis much of the debate fails to capture the essence of the politics of Africa’s development. We argue that any attempt to overcome this challenge needs to go beyond the mere focus on state institutions and bureaucratic procedures to include the wider distribution and exercise of political power and social contexts under which various actors interact. It is also important to understand how these interactions shape the behavior of state institutions in facilitating or constraining peaceful development.

This chapter aims to address the gap in the ongoing debate on the politics of development in Africa by drawing from Ethiopia’s experience in state-led development over the last two decades. So to speak of Ethiopia, which has different statehood trajectory from the rest of Africa, may appear problematic. However, there are certain similarities between the Ethiopian state and other African states that warrant a degree of comparison. Despite the fact that Ethiopia has an indigenous system of statehood, like in other African countries, the organizational apparatus and the bureaucratic ordering of the Ethiopian state is akin to imported institutional fix. The cycle of emulating different foreign models of development since the mid-nineteenth century played significant role in this regard (Clapham 2006). In addition, like many African states, the state in Ethiopia faces similar problems of projecting and imposing its authority democratically and the level of intolerance toward dissent is well-embedded in the state system. This is not, however, to

question the “stateness” of both Ethiopian and African states; but we claim at least from political-economics perspectives, Ethiopia’s experiences of state-led development can be a useful framework to understand the rest of Africa.

THE POLITICS OF AFRICA’S DEVELOPMENT

The concept of development does not command a single and universally accepted meaning. In the context of Africa, however, development can be defined as the socio-political project of achieving agrarian transformation and industrial catch-up; enhancing social welfare through service provisioning and poverty reduction; and improving government accountability and political inclusion of competing political forces (Mkandawire 2010; Ake 1996). African scholars and practitioners often consider these elements, especially the first two as mere technical and managerial concerns whose principal driver is nothing more than the systematic constellation of factors of production and profit making. This makes considering the impact of politics on development less relevant; and the analysis of political elements of marginal interest.

However, politics does matter in development (Hudson and Leftwich 2014). Development is a notoriously political process. It often precipitates significant demographic and production shifts toward the modern and urban sector, thereby (re)configuring power relations, social exclusion, as well as inclusion and privilege. It generates new social classes and interests that can either facilitate or constrain national peace and stability (Mkandawire 2010, 71). In addition, development policies are embedded in the complex matrix of political choices and institutions (Ascher and Mirovitskaya 2016, xi). Political decisions can promote or frustrate several domains of development: from growth to the distribution of wealth and which group should receive which services and how (Hickey, Sen, and Bukenya 2015; Unsworth 2009; Acemoglu and Robinson 2012; North, Wallis, and Weingast 2009). This means development is a complex socio-political project involving many factors and actors including the state.

As for the role of the state in Africa’s development, there are two contending views. The state-centered view sees the state as an arena of competing societal interests. According to this view, public policy reflects the interests of the dominant social class, ethnic, or religious groups (Tesfaye 2017). This view is mainly reflected by neoliberals and public-choice scholars, who, for instance, the likes of Friedrich A. Hayek and Milton Friedman, argue that state involvement in development is a “road to serfdom” (Hayek 2001). This is because the state serves a particularistic rent-seeking interest over the interest of the wider public. This means those who hold key

state positions enrich themselves and augment their wealth, essentially at the expense of the rest of society. Non-government actors may lobby officials to siphon resources to benefit their private interests or constituencies (Acemoglu and Robinson 2012, 76).

Rent-seeking may take the form of black markets, smuggling, bribery, or corruption. This means rent-seeking creates favor and monopoly. Politically, rent-seeking may stifle political inclusion of competitors (Kelsall 2013; Khan 2017). Economically, it retards innovation, increases the prices of goods and services, or bumps up adoption of inefficient technology; hence it reduces the overall wealth of society (Tullock 2005, xiii). The best way to transcend anti-productive rent-seeking is for the state to behave in minimalist framework in lieu of free market competition because rent-seeking hardly survives market competition (Zenawi 2012, 143).

In Africa, the concern over rent-seeking was echoed by a number of scholars who espouse the inherent weakness of the African state as “fragile state” (Stewart and Brown 2009); or deeply informal, pervasively corrupt, and patrimonial states (Chabal and Daloz 1999; Posner and Young 2007; Bayart 2009). African politicians are also depicted as self-aggrandizing agents of patronage and predation rather than agents of public welfare (Goldsmith 2004). Ake argued for many African politicians development is just a token gesture without taking genuine responsibility of improving the conditions of citizens (Ake 1996, 7–8).

It was under this background that neoliberalism introduced itself into Africa. As early as the 1980s, leading international organizations, notably the World Bank (WB) and the International Monetary Fund (IMF), linked their financial and technical assistance to African countries to conditions that the later must implement, in the so-called Washington Consensus policy packages or “structural adjustment programs” (SAPs) (Steger and Roy 2010, 98). SAPs subsumed a range of neoliberal policy prescriptions to significantly reduce dirigisme and state involvement in the economy, while undertaking sweeping market liberalization and “getting prices right” through privatization, deregulation, tax reforms, and reduction in public spending among others (Steger and Roy 2010; Kimanuka 2009; Amahazion 2015). With the end of the Cold War, which according to Fukuyama (2014) heralded the “triumphant” entry of Western liberal ideology, SAPs were supported by political conditions to undertake reforms of the western type of democracy, human rights, and “good governance” aiming at “getting institutions right” (Mkandawire 2012). Consequently, Africa has seen aggressive implementation of neoliberal reforms targeting state institutions and the structural adjustments of African economies (Kimanuka 2009; Steger and Roy 2010).

Nevertheless, this relentless preoccupation with neoliberalism is marked by a monumental failure leaving regrettable legacies behind. The promotion of good institutions through “institutional monocropping” (exporting model Anglo-Saxon institutions to Africa) and “institutional monotasking” (restricting the state’s role to “night watchman” task), African states suffered from maladjustment. Exhausted by “reform fatigue,” African states resemble neither Western nor African (like Botswana and Mauritius) for they are unable to play a meaningful role in development (Mkandawire 2012, 2010, 59). Moreover, with privatization, retrenchment, and squeezing public sector, unemployment became rampant leading to deteriorated living conditions (Kimanuka 2009). Substantial reduction in public spending means social provisions became extremely unaffordable for the poor, women, and children (Bond and Dor 2003; Amahazion 2015). Graham Harrison argues except for tangible destabilization, neoliberalism failed to address Africa’s quest for socio-economic progress (Harrison 2010, 75). For some scholars the neoliberal era amounts to “lost decades” in Africa (Kimanuka 2009, 3).

The catastrophic failure of neoliberalism paved a way for the articulation of state-led development. In this approach the state, structurally embedded in social relations, is an “independent organization that has a monopoly of coercive power” (Tefaye 2017, 8). This view emphasizes the transformative capacity of the state by initiating development policies for its advantageous position. The state can organize society and legitimacy, and command obedience and social control. In this regard the state is considered to play a significant role either through development-enhancing policies or market-enhancing strategies. In the first category, the state plays an active role in directing and investing in sectors that enhance national socio-economic transformation and enhancement of social welfare. In the second strategy, the state creates an enabling environment for the private sector by investing in social and physical infrastructures, regulatory frameworks, and other areas that the latter cannot be efficient (Tefaye 2017; Khan 2010; Noman and Stiglitz 2012; Meyns and Musamba 2010).

Mkandawire argues that African states have the capacity to lead both types of development agenda. In his view, neither Africa’s past experience nor the actual practices of state-led development elsewhere rules out the possibility of African state capable of doing so (Mkandawire 2001, 289). Drawing from the success stories of state-led development in countries such as Botswana and Mauritius and some successful development in the 1960s and 1970s, Mkandawire argues that the necessity of constructing a state whose drive is development in Africa. To achieve this, he suggests the focus must be on what the state should do rather than how it should behave. Resources mobilization, reconstruction of the bureaucracy, reconciling development with democracy, and designing development pacts and coalitions among key political-economy

agents are key strategies for a successful state-led development to re-emerge in Africa (Mkandawire 2010).

Peter Evans supports Mkandawire's idea in the sense that success in state-led development in the twenty-first century depends on continuous efforts of institutional building, the delivery of human capability-expanding service, articulation of shared interests, and political inclusiveness through deliberative frameworks. Though transforming "actually existing states" into "capability-expanding states" is an extremely difficult task, Evans notes "the potential returns are huge" (Evans 2010, 11). Evans's postulate overlaps with the findings of Acemoglu and Robinson, and North and co-authors. In their view, nothing better explains the divergence in the level of success in prosperity or grappling with poverty than the nature political institutions. Acemoglu and Robinson distinguish between extractive and inclusive political institutions (which according to North and co-authors imply limited and open access order, respectively). Extractive political institutions promote resources predation and rent-seeking behaviors. This means those who hold key state positions set up institutions to enrich themselves and augment their wealth, essentially at the expense of the rest of society (Acemoglu and Robinson 2012, 76). In extractive states, power is vested in the hands of the few elites with no or little constraints. This helps the elite to set up the kind of policies and programs in order to expropriate resources by excluding opposing forces or designing entry barriers, and ultimately suppressing the way competitive market functions (Acemoglu and Robinson 2012, 77–78).

In contrast, inclusive political institutions exhibit orderly centralization of violence, openness, accountability, and responsiveness in the political system. This is because political power is impersonal and subject to competition and institutional constraints. This makes it tougher for a small group of elites to siphon public resources to benefit themselves and their cronies at the expense of the mass. In other words, the presence of state institutions whose power is also constrained by law and organizations capable of enforcing impersonal rules guarantees that the competition is free, fair, and credible. Consequently, for political forces and groups to capture or stay in power they must compete and secure the support of wider economic and social interests. Everyone who meets a set of impersonal parameters can possess political rights and can enter into contractual relationships in the economic sphere. The legal system also grants a range of organizational opportunities including formation of political parties, media freedom, and civic activism. In this way the social order ensures centralization of violence and political stability and fairer distribution of resources. This also prevents the political system from manipulating resources and economic advantages to benefit the few. If the political system abuses its power it loses office (North et al. 2009; Acemoglu and Robinson 2012).

In the preface to their seminal work, “Why Nations Fail,” Acemoglu and Robinson observed that Egyptians filled Tahrir Square to bring down Hosni Mubarak in 2011 because the political system in Egypt was not capability-enhancing. Rather, it was extractive and organized to amass greater wealth for the few elite at the expense the wider public, who were suffering from corruption, oppression, and bad social services. Acemoglu and Robinson have noted “Egyptians saw their economic problems as being fundamentally caused by their lack of political rights” (Acemoglu and Robinson 2012, 14). This means any attempt to capture the essence of Africa’s development needs to look into the type of political institutions in place and their functional logic. Extractive institutions are inimical to development, but inclusive institutions promote the same.

THE POLITICS OF DEVELOPMENT IN ETHIOPIA

Ethiopia is a country of contrasting images. On one hand, it is one of the oldest nations with a splendid civilization and system of indigenous statehood in the world. It holds key diplomatic position in Africa. It is the seat of leading international organization in the United Nations Economic Commission for Africa (UNECA), the African Union (AU), and many other diplomatic missions. Over recent years the country joined the lists of the fastest growing economies in the world. Nevertheless, Ethiopia is still one of the poorest countries, often lamented as basket case for famine, recurrent drought, and food insecurity in Africa. Over 80 percent of Ethiopia’s 100 million people are dependent on agriculture. The sector constitutes more than means of livelihoods as it is a way of life too (Berhanu and Poulton 2014). With fledgling democratic institutions and intolerance of dissent, Ethiopia has always been in the lowest spectrum of human rights.

In order to address the nation’s multifaceted political and socio-economic challenges, each succeeding Ethiopian ruler has initiated different strategies at least since the creation of modern Ethiopia by Emperor Menelik II toward the end of nineteenth century. In fact, Emperor Menelik II (1889–1913), who is reckoned as the “father of modern Ethiopia,” made relentless efforts to introduce modern education, health, administration and bureaucracy, technology, and other infrastructure (Zewde 2001, 2002). Nevertheless, it was during the reign of Emperor Haile Selassie in the 1950s and 1960s that the Ethiopia state began to consciously plan the course of national development by designing and implementing three successive five-year plans. The plans which stretched between 1957 and 1974 were meant to drive agrarian transformation and industrial catch-up through import substitution industrialization and foster social welfare (Gebre-Kiros 1993; Getachew

2006). During this time efforts were made to modernize the agriculture sector initially through large-scale commercial farming, but later on through small-holder peasant agriculture. Farmers in selected areas were provided with modern high-yield varieties, chemical nutrients, pesticides, irrigation, and extension services, which also include expansion of health, education, other infrastructures, and market linkages (Getachew 2006; Gebre-Kiros 1993). Similarly the government encouraged industrial investment through incentives and tax holidays. Industries such as food processing, textile industries, beverages, tobacco, and leather and shoe grew 16% per year (Chole 2004). As a result, from 1950 to 1974, GDP per capita grew by 4.4% per year, and the manufacturing industry grew by 4.4% per year from 1960 to 1971. During the same period service grew by 15.6% per year (Chole 2004).

However, due to factors such as system of tenancy, absolutism, and archaic political system in absolute monarchy, these achievements were so little to significantly bring fundamental socio-economic transformation in Ethiopia. With increasing political unrest, which was aggravated by the devastating famine in 1973, rising cost of living, unemployment, and revolutionary uprising, the military intervened and captured state power in 1974. Once in power, the military regime, known as Derg, took sweeping political and economic measures. It declared socialism as state ideology, proclaimed command economic system. Rural land, private enterprises, and commercial farms were all nationalized. The regime undertook massive rural mass organizations for socialist agrarian transformation and industrialization (Gebre-Kiros 1993; Getachew 2006). However, apart from technical and institutional capacity limits, these policies were met with strong resistance which fed into 17 years of bloody civil war. The country was once again rocked by devastating famine in 1984. The famine actually prompted celebrities such as Bob Geldof and Midge Ure to organize the so-called Live Aid concert to raise relief funds in 1985. All in all, due to the collapse of the Socialist bloc in Europe, military defeats in the battlefield coupled with absence of viable strategies to contain mounting domestic socio-economic crisis, the socialist-military regime of Derg finally came to an end in 1991 (Zewde 2001).

The Political Economy of Post–Cold War Transition in Ethiopia

With the end of the Cold War, a number of glaring political-economic changes have taken place in Ethiopia. The socialist-military dictatorial regime of Derge was overthrown in 1991. After seizing state power, the ruling Ethiopian People's Revolutionary Democratic Front (EPRDF) made a settlement pact with major political actors of the time such as Oromo

Liberation Front (OLF) to establish the Transitional Government of Ethiopia. Subsequently a new constitution, the Constitution of the Federal Democratic Republic of Ethiopia (FDRE), was adopted in 1995 (Tegenu 2006; Gudina n.a, 2007).

The constitution stipulated the establishment of an Ethiopian republic based on the principles of nation, nationalities and people's sovereignty, accountability, and parliamentary government whose authority shall be bounded by the rule of law. It also enshrined a range of political rights and civil liberties. Ethiopia has also ratified a number of international agreements including the International Covenant on Civil and Political Rights (ICCPR) and the Covenant on Economic, Social and Cultural Rights (ICESCR) in 1993. The country also adopted a federal system on the basis of regional autonomy and the right of regional states for self-determination and including up to secession. Each regional state is guaranteed a range of political, administrative, and fiscal power to undertake issues of regional matters. This federal arrangement was further consolidated by adopting a capacity building and good governance promotion at the local level through a program called District Level Decentralization Program (DLDP) in 2001. DLDP aimed to bring more decision making and implementation including fiscal power to district-level government. Since 2005, the bureaucracy, both at federal and regional levels, has also undergone civil service and capacity reform programs of various forms to install good governance and provide efficient services.

The government also embraced free-market economy when it subscribed to SAPs in 1992. This was followed by privatization of socialist-state owned enterprises, partial deregulation and liberalization of trade, investment, and finance. The country also implemented ten-year poverty reduction programs in the frame of Poverty Reduction Strategy Paper (PRSP) and Plans for Accelerated and Sustainable Development to End Poverty (PASDEP) from 2000 to 2010. The government also pledged to encourage both small and large-scale investment in industry and agriculture and create enabling business environments. The government has also invested in mega projects in sugar, textile industries, and public infrastructure as in roads, railway, power generation, and expansion of education, health, and other social services (World Bank 2016).

With these measures, the expectation was for Ethiopia to gradually consolidate its transition to democracy and market-economy. However, Ethiopia has abandoned the transition and returned to a state-led development. In fact, inspired by East Asia's model of authoritarian development, Ethiopia has orchestrated a vanguard party system whose control structure extends from the capital to the tiny peripheral village while monopolizing national and sub-national legislatures (Arriola and Lyons 2016).

State Led-Development in Ethiopia

At least officially, the origin of state-led development in post-Cold War Ethiopia can be traced to the ruling EPRDF and its prominent leadership decisions to move away from neoliberalism. In this regard, as early as the 2000s Ethiopia's late prime minister, Meles Zenawi, argued that neoliberalism is a "dead-end" calling for the urgency to bring the state back in development especially by emulating the developmental model of countries such as South Korea and Taiwan. Subsequently, Zenawi published a chapter articulating his arguments against neoliberalism. He noted that neoliberal's assumption that equates government intervention with government failure is fundamentally wrong. Moreover he notes that developing countries have huge market failures and a weak private sector; development requires political commitment and state-willingness; neoliberal policy makes the state weak and subservient to private capitalist interests (Zenawi 2012). Clapham reported how zealous Meles was about state-led development and its official adoption in Ethiopia noting that Zenawi "proved exceptionally capable of articulating an ideology of development that drew heavily on the East Asian model, while adapting it to Ethiopian circumstances" (Clapham 2017, 3).

In fact, state-led development has served as the ideological framework of EPRDF's policy of large-scale intervention in the economy. The central motive appears to be to engender a new political-economic order that would bring rural transformation and socio-economic benefits to the various ethnic groups in the nation. However, with intra-party splits and staggering discontent with the nation's ethnic-based federal system, the EPRDF intensified its commitment to state-led developmental ideology as sources self-reinvention, legitimacy, and regime security. Consequently, conscious efforts were made to install a favorable structure along with economic, politico-legal, and organizational lines. In a parallel vein, constant efforts were made to draw lessons, organize training, and increase technical assistance and exchange with countries such as South Korea, China, and Taiwan, which had "miraculously" developed their economies through the developmental state model (Muller 2015). There are three key features of state-led development in Ethiopia: (1) agricultural development led-industrialization (ADLI); (2) government's investment priority in social and physical infrastructures; and (3) promoting the rights of nation's nationalities and peoples through federal arrangements.

ADLI is the lead development strategy whose focus is smallholder agriculture as opposed to large-scale commercial agriculture. The justification is that smallholder agriculture is the mainstay of the Ethiopian economy absorbing about 80% of the labor force, contributing about 40% of the nation's GDP, 80% export earnings, as well as supply of food and raw

materials to local industries (Berhanu and Poulton 2014; Getachew 2006). ADLI envisages forward and backward linkages between the rural and urban sectors. In the forward linkage, agriculture is meant to provide food and supply of raw materials to the industrial sectors while releasing extra labor. In the backward linkage, agriculture is meant to offer huge market access to industrial products.

To this end, Ethiopia designed one of the most sophisticated national extension service systems and allocated a substantial amount of public budget to the agricultural sector. For example, over the decade 2002/2003–2011/2012, agriculture was allocated an average of 15% of the government development budget (Berhanu and Poulton 2014). This was significantly higher than the amount of budget allocated to agriculture in the rest of Africa, which in fact fell from 5.5% in 1990 to 3.8% in 2000. The number of extension works, who are tasked to assist farmers in introducing modern technology, seed varieties, and other production and productivity enhancing mechanisms increased from 2,500 in 1995 to 15,000 in 2002 and to over 45,000 in 2009 and with a target of 66,000 in 2014 (Berhanu and Poulton 2014, 198). As a result, the development agent to farmer ratio also improved from 1:5,000 to 1:800 (Berhanu and Poulton 2014). This was also supported by expansion in public education, health services, access to roads, and telecommunication, among others.

These policy efforts enabled Ethiopia to register remarkable development performance over the last two decades. On average, the economy grew by 10.9% per year in particular for the last two decades. The country's GDP grew from \$6.9 billion in 1994 to \$72.4 billion in 2016. GNI per capita has increased from \$160 to 660 for the same period withstanding the rapid population growth, which has exploded from 55.4 million in 1994 to 102 million in 2016. Life expectancy has risen from 48 years in 1994 to 65 in 2016 (World Bank 2016). Poverty has also declined from 55.3% in 2000 to 35.5% in 2011. The country has also made substantial achievements in attaining the Millennium Development Goals particularly in reducing infant and maternal mortality, gender parity in education, and ensuring access to basic services. Though Ethiopia still has a low human development status, it has made decent progress from 0.283 in 2000 to 0.448 in 2015. The results have prompted leading international organizations such as the World Bank to applaud the performance as "Ethiopia's Great Run" (World Bank 2016).

Key-informant interviews, however, reveal that this great run is not so great in the eyes of everybody. For proponents of the governments' state-led development ideology, the great run signifies that greater achievement poverty and low level of living conditions are Ethiopia's primary existential threats. For opponents, however, this great run came not only at the cost of democratic deficit but also concentration of economic wealth, informalization

of state institutions, and crony capitalism and patronage. In fact, Ethiopia's "great run" has unfolded in tandem with the country making what might be called a "regression in democratic governance" over the last two decades. According to Freedom House mid-1990 reports (for instance from 1996 to 1999), Ethiopia was a partly-free country. Due to the initial attempts at democratic transition, expectation was high that the country would join the free-world gradually. In the last two decades, however, Ethiopia went against the odds, stepping backward only in 2016 to fall under a "not-free" category (Freedom House 2017). Its rating, 7 in political rights and 6 in civil liberties makes Ethiopia not just an authoritarian but a notorious one.

It is true that as opposed to initial democratic promises, EPRDF-led government has constantly narrowed down the political space. Legal restriction on advocacy civil society organizations and the issuance of anti-terrorism law have created an environment of impunity on the part of the government to criminalize freedom of expression and dissent (Human Rights Watch 2010; Arriola and Lyons 2016). EPRDF has officially declared itself as a vanguard party. The party, which has an estimated 7 million registered members, has a complete monopoly of national and sub-national legislatures in the four regions inhabited by over 80% of the 100 million population of Ethiopia. In addition, EPRDF administers the four developing regions of the federation indirectly through its affiliated parties (Arriola and Lyons 2016). The regime made it clear that it will not permit any significant opposition especially since the 2005 national election (Clapham 2017; Lefort 2007, 2013, 2015). In fact, in the elections that followed in 2010 and 2015, the National Electoral Board declared EPRDF as the winner of 95% and 100% of the seats, respectively (Arriola and Lyons 2016).

According to the key-informant interview results, the party-state militaristic penetration of society and state institutions precipitated the expansion of corrupt and inefficient bureaucracy (Matfess 2015). Party-affiliation, loyalty, nepotism, and ethnic background play a more critical role than merit and competency for one to join the bureaucracy. In principle, state-led development entails stamping out partiality, personalization of state institutions, and patronage politics; but what is happening in Ethiopia is just the opposite (Nigusie 2018). The political executive is so dominant that it can undermine the legislature and especially the judiciary suppressing political accountability, transparency, and responsiveness (Clapham 2017).

The government's agricultural policy is also criticized for lack of consistency and for the phenomenon of land-grabbing due to a shift in policy toward Large-Scale Agricultural Investment (Matfess 2015). With the new policy the government transferred about 3.6 million hectares of land at a throw-away price (Oakland Institute 2015). This has brought huge displacement,

environmental cost, and serious human rights violation against local communities and activists, excluding dissidents from public services including basic health, education, and emergency food aid (Human Rights Watch 2010).

In addition, Ethiopia's state-led development approach suffers from the problem of concentration of economic power in the hands of the party-state and its cronies. The state still monopolizes key economic enterprises in Ethio-telecom, Ethiopian-airlines, electricity, and huge infrastructure provisions such as railways (Weis 2016). Moreover, the government monopolizes both rural and urban land, which according to key informant interviews, is causing land fragmentation, diminishing agricultural productivity in rural areas, and the rising cost of housing in urban areas.

Furthermore, the military Run, Metals and Engineering Corporation (MetEC), which is an Ethiopian version of South Korea's business conglomerate *chaebol*, is offered to undertake high-level national projects such as sugar industries and takes part in the construction of Grand Ethiopian Renaissance Dam (GERD) (Yewondwessen 2018). But MetEC proved to be inefficient, allegedly corrupt, and causing substantial wastage. EPRDF-affiliated endowment companies such as the Endowment Fund for the Rehabilitation of Tigray (EFFORT) in Tigray; *Tiret* in Amhara National Regional State; *Dinsho* in Oromia Region; and *Wendo* in the Southern region, by virtue of being close to the ruling coalition, appeared advantageous (Vaughan and Gebremichael 2011). Similarly, MIDROC group, a private company owned by an Ethiopian-born Saudi national, has dominated investment from services to finance, banking, construction, agro-industry, commercial farming, real estate, mining, and export. In fact, according to key informant interviews 75% of the privatization of privatized public enterprises in 1995–2000 went to the MIDROC group.

Overall, the cumulative effect of the nation's narrow political space coupled with concentration of political power has generated a democratic deficit. Moreover, the manner the state runs the economy has caused a sense of "disownment." Over recent years, this has fed into a wave of popular uprising demanding for democratic reforms, including respect for human rights and inclusive development (Lyons 2017; Shinn 2016). To quell the situation, to-date the government response has been largely repressive. However, as the situation is already rocking the nation with impending challenges of peace and stability, Ethiopia's authoritarian regime appears to be breaking down as demonstrated by the recent announcements of a series political and economic reforms of greater magnitude. As it stands, these ongoing reform measures appear to be shaking the foundations of Ethiopia's hitherto state-led development (de Waal 2018). But it is too early to make any conclusive proposition.

CONCLUSION

This chapter attempted to examine the experience of state-led development in Ethiopia and whether this can be taken as viable alternative to the tectonic crisis of neoliberalism in Africa. In this regard, on one hand there is intense debate among scholars on whether African states can emulate the type of developmental role played by their counterparts in Botswana, Mauritius, or South Korea and Taiwan. Perspectives are divided between optimism, pessimism, and prescriptivism. On the other hand, there are countries epitomized by Ethiopia, which while disarticulating neoliberalism have made palpable efforts to institute state-led development over last two decades. The Ethiopian case is very interesting. First, the government has made it clear that lack of development is an existential threat to the nation and that it is best redressed only if the state plays a key role in guiding agrarian, industrial, and infrastructural projects. Because of this political commitment and tangible practices, Ethiopia has delivered significant socio-economic advancement in the last two decades.

Secondly, Ethiopia's state-led development has condoned dictatorship with its concomitant human rights violations, narrowing down of the political space, and intolerance of dissent, and has created a serious democratic deficit and a threat of violence and instability. Likewise, heavy state interventions in the economy and the dominance of the ruling EPRDF-affiliated endowment business conglomerates have precipitated not only a concentration of economic power in the hands of the few, but also state capture and informalization of its institutions. In a way this became one of the driving agendas of the recent political crisis. As it stands, Ethiopia's model of state-led development is in a critical juncture that does not rule out a potential collapse.

Analysis in this chapter confirms the pessimistic view regarding the role of state in development in Africa; but only partially. While the Ethiopian state has managed to deliver encouraging socio-economic outcomes, the challenges proved to be how to reconcile socio-economic development with political pluralism and inclusion of competing forces. This is crucial because in ethnically divided societies to articulate socio-economic development devoid of political inclusion can easily take the "ethnic fault-lines" (Gudina 2007); and the capture of state institutions by ethnic entrepreneurs at the expense of long-term social welfare and improvement in the conditions of citizens. In this regard, the key challenges facing scholars and policy makers in Africa today is to design a development approach that is sound enough to draw historical and international lessons but strong enough to adapt and respond to extremely complex local socio-economic realities and political inclusivity.

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Part III

**AFRICA'S INNOVATIVE
STRATEGIES TOWARD
FORESEEABLE FOREIGN POLICIES**

Chapter 15

Regime Construction and Sustainable Stability in the Nile Basin

The East African Community Multilateral Diplomacy in a Theoretical Context

Korwa Adar and Mercy Kaburu

INTRODUCTION

For many decades after independence, particularly since the 1980s, the African countries within the Nile River Basin have engaged in numerous bilateral and multilateral diplomatic initiatives in an attempt to resolve the long-standing dispute over the Nile River (Adar and Check 2011; Kimenyi and Mbaku 2015; Azarva 2011; Degefu 2003). The East African Community (EAC) through its parliamentary body, the East African Legislative Assembly (EALA), for example, has stated its position on the issue by suggesting that the 1929 Egypt-British treaty should be revoked to accommodate the interests of the other riparian states (East African Community 2004). These developments as well as the evolving intra- and inter-state socio-economic and political needs of the eleven riparian countries of the River Nile Basin region—Burundi, Democratic Republic of Congo (DRC), Egypt, Eritrea, Ethiopia, Kenya, South Sudan, Sudan, Tanzania, Rwanda, and Uganda—have led to many initiatives to resolve the long-standing disputes. The initiatives have eventually culminated into a recent broadly based Cooperative Framework Agreement (CFA) also known as the *Entebbe Treaty* or *Entebbe Agreement* concluded in 2010 (Mekonnen 2010; Kimenyi and Mbaku 2015). The riparian states concluded the treaty in Entebbe, Uganda, where it was opened for signature. This study proceeds from the premise that regional organizations through their multilateral diplomacy can play useful contributory roles on international regime construction with potential

ramifications thereof on regional stability. The role of the EAC in the Nile Basin is examined within this epistemological context.

The analysis that follows hereinafter is divided threefold. The Introduction is followed by a section on international regime, a theoretical framework that examines the interface between regimes directed normative principles, sustainable stability in the Nile Basin, and the EAC. It explores the nature of regime theory putting into perspective its complementary and contradictory dimensions in the context of the Nile Basin region approach to sustainable stability and utilization of the waters of the Nile River. This lays the basis for the next section, which broadly examines the East African Community (EAC)-Nile Basin Initiative (NBI) nexus in relation to the emerging normative principles enshrined in the CFA international regime. The last section provides a summary and conclusion of the study as well as recommendations for strengthening sustainability and stability in the Nile Basin region.

INTERNATIONAL REGIME: A THEORETICAL FRAMEWORK FOR ANALYSIS

The Nile River Basin is a region replete with centrifugal and centripetal forces driven by the riparian states' competing-cum-interlocking geostrategic and geopolitical national and collective interests attached to the water resources and the attendant factors thereof (Adar 2011). An institutionalized agreement acceptable to the riparian states and which moderates and conditions their individual and collective behavior and interests *vis-vis* the equitable utilization of the water resources, we argue, is not only a *sine qua non* but long overdue. This has never been so critical given the perpetual historical disagreements over the utilization of the waters of the Nile and the resources thereof.

A durable international regime acceptable to the riparian states is needed to promote and institutionalize sustainable stability in the region, which protects the national and collective interests of the riparian states. In our view, the EAC has the potential, that is, the institutional capacity and responsibility, to play a contributory role toward the enlargement of the CFA regime. Suffice it to say, the conclusion of the River Nile Basin Cooperative Framework Agreement in 2010 in which the EAC member states not only made useful individual and collective contributions through their active participation is tangible evidence toward this end, particularly with respect to *equitable and reasonable utilization* of the waters of the Nile and the resources thereof.

An *international regime* has been defined to mean, "a governance system intended to deal with a . . . limited set of issues or a single-issue area" (Young

1994, 26). It is an overarching framework associated with a specific issue area (Hasenclever, Mayer, and Rittberger 1997; Peterson 2006; Krasner 1983). For an international regime to be of relevance and recognized by the parties it must have a legal basis and capacity to guide the actors (Bodansky 1999; Pulkowski 2014). International regimes have been defined to mean “*principles, norms, rules, and decision-making procedures* around which actor expectations converge in a given issue area” (Krasner 1983, 1; our emphasis). Putting the meaning of these concepts into proper context, one scholar has observed that, “*principles* are beliefs of fact, causation, and rectitude; *norms* are standards of behavior defining the rights and obligations of actors; *rules* allow and disallow specific actions; and *decision making procedures* refer to the practices for making and implementing collective choices” (Krasner 1983, 2). In other words, norms foster shared expectations in relation to collective cooperation on specified issue areas (Hasenclever, Mayer, and Rittberger 1996). Equitable and reasonable utilization of the waters of the Nile and its concomitant implication, that is, sustainable stability with the EAC as one of its key actors, we argue, is needed in the region. More specifically, the partner states have officially exercised their sovereign rights and interests by signing the CFA and by implication ensuring that the legal regime becomes institutionalized and succeeds in operationalizing its intended objectives and mandate.

Fundamentally and in relation to the Nile River Basin, in particular, “regimes can help solve collective goods’ problems by increasing transparency,” one of the main objectives and foundations of multilateral diplomacy (Goldstein 2004, 120). The EAC can play a useful *complementary* multilateral diplomatic role toward this end. The word *complementary* is used here in recognition of the intended roles the EAC and the NBI are supposed to play in the advancement of the objectives enshrined in the 2010 CFA regime. The NBI’s scope of legitimacy and authority will be broadened once the Nile River Basin Commission (NRBC) is established and the CFA is ratified by at least six partner states and becomes fully operational. All the member states of the EAC, Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda, have signed the CFA.

On the same note, Rwanda and Tanzania have ratified the agreement, demonstrating their political goodwill and commitment toward institutionalization and legitimization of sustainable Nile Basin CFA international legal regime.

It is incumbent upon the EAC to recognize its responsibility of taking the initiative to elevate the CFA agreement to another level. This is the only way the CFA legal regime driven by the EAC, but more particularly the NBI and later, once established, the NRBC can succeed in operationalizing its objectives and

mandate. The EAC has the duty and obligation to contribute toward this end, including, for example, urging the member states to ratify the CFA.

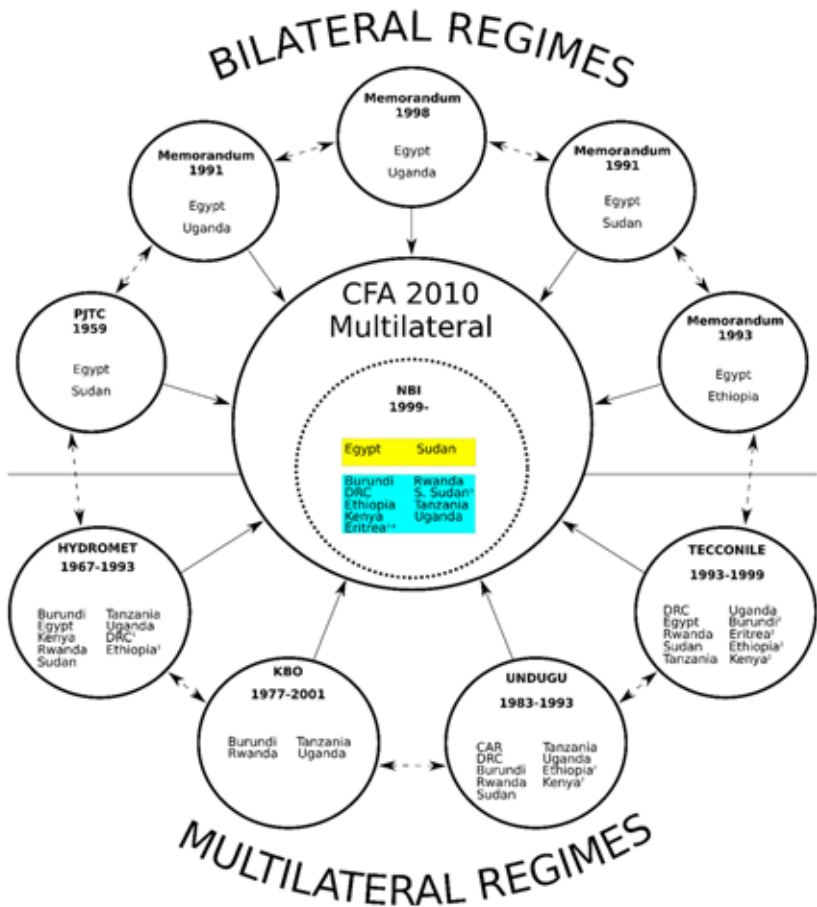
THE EAC-NBI REGIME CONSTRUCTION NEXUS IN THE RIVER NILE BASIN REGION

Before examining the EAC-NBI regime construction nexus, it is necessary to put into context a brief historical trajectory of the bilateral and multilateral River Nile Basin regimes that, in many respects, influenced the conclusion of the CFA. Even though the bilateral and multilateral treaties and agreements depicted in Figure 15.1 are not comprehensive, they demonstrate clear evidence of concerted efforts by the riparian states toward the conclusion of an acceptable legal regime in the River Nile Basin region.

Bilateral Regimes

The 1959 Egypto-Sudanese Nile Waters Agreement concluded by the two countries in Cairo in November became operational the same month following its ratification by the partner states. One of the key contentious issues surrounding the disagreement between the downstream and upstream states (see Figure 15.1) in relation to the 1959 agreement is that it allocated “the entire flow of the Nile as measured at Aswan” to Egypt and Sudan (Salman 2013). Indeed, the title of the 1959 agreement as it was framed, that is, *Agreement between the United Arab Republic and the Republic of Sudan for the Full Utilization of the Nile Waters*, purportedly gave the two downstream states exclusive rights or right of ownership over the waters of the River Nile. This agreement is akin to the outdated 1895 *Harmon doctrine* (named after the US Attorney General Judson Harmon) in which the US was given absolute sovereignty over the River Rio Grande against the interests of Mexico. As Brunnée and Toope (2002, 126) observe, the agreement ignored the concepts of “good faith and reasonableness” and instead employed “prior appropriation” approach. Specifically, of the total annual flow of the Nile River measured as 84 BCM at Aswan (Egypt), the 1959 treaty allocated 55.5 BCM and 18.5 BCM to Egypt and Sudan, respectively, with 10 BCM representing evaporation losses. This basically meant that the upstream states were, *ipso facto*, excluded from the waters of the Nile (see Figure 15.1).

There are other Nile River Basin bilateral agreements, which have since been entered into, particularly between Egypt and some of the riparian states, for example, Egypto-Ethiopian (1993), Egypto-Sudanese (1991), and Egypto-Ugandan (1991 and 1998). The norm of *cause no harm*, though not dealt with specifically in the 1966 Helsinki Rules, thereafter began to emerge as an accepted global principle. It was in the 1997 United Nations Watercourses Convention,



- Key:
- Upstream Country; Downstream Country
1. Did not participate in negotiations
 2. Observer
 3. Joined after independence, 2011 (NBI)
 4. Not a member of NBI

Figure 15.1 Postindependence Bilateral and Multilateral River Nile Basin Regimes.

Source: Constructed by the author from various sources including Korwa G. Adar and Nicasius A. Check, eds. (2011). *Cooperative Diplomacy, Regional Stability and National Interests: The Nile River and Riparian States* (Pretoria: Africa Institute South Africa).

which specifically provided for the principle of *cause no harm* directly in Article 7 of the treaty. Article 7 (1) of the Convention states that “Watercourses States shall, in utilizing an international water courses in their territories, take all appropriate measures to prevent the causing of significant harm to other watercourses States” (UN, UNGA Doc. No. 49 (A/51/49)). The UN Watercourses Convention

came into force in August 2014 after the 35th Partner State, Vietnam, deposited its ratification instruments with the United Nations. The Nile Basin riparian states recognized the importance of establishing an inclusive and integrative regime as opposed to what has been referred to as “dominant interest-based theory of regime formation” reminiscent of the 1929 and 1959 treaties involving Egypt and Sudan (Tesfaye 2012, 279). It should be noted that at the time of writing this chapter in September 2017, none of the River Nile Basin riparian states has ratified the UN Watercourses Convention. Whereas Rwanda objected the Convention on the ground that it ignored state sovereignty, Tanzania abstained while Burundi rejected the treaty *in toto*. Though it has not ratified the treaty, Kenya is the only current EAC member state that (together with Sudan) voted in favor of the 1997 UN Watercourses Convention (Bulto 2008, 224-225).

Multilateral Regimes

The efforts to comprehensively address the enduring and interlocking River Nile Basin riparian states’ differences also took multilateral diplomatic dimensions since the 1960s. The first major water-related multilateral regime construction was initiated in 1967 when the Hydrometeorological Survey of the Catchments of Victoria, Kyoga, and Albert (HYDORMET, 1967–1993) was established to harmonize the utilization of catchment areas of the lakes by the riparian states. The Kagera Basin Organization (KBO, 1977–2001), however, dealt with the issues associated with the Kagera River catchment basin, an area believed to be the original source of River Nile. The paradigm shift from bilateral to multilateral regime construction, we would argue, has been influenced mainly by the unwillingness of the downstream states to accommodate and adhere to the views of the upstream states centered on the principle of equitable and reasonable utilization of the waters of the Nile. In an attempt to diffuse its long-standing differences with the upstream states, Egypt initiated the establishment of UNDUGU (Swahili for brotherhood), a multilateral body which included all the riparian states, except for Ethiopia and Kenya who participated only as observers. The UNDUGU became the main institutional locus at the time that dealt with the Nile Basin issues as a regional problem as opposed to self-centered national interests (Brunnée and Toope 2002, 133).

However, the most comprehensive agreement that attempted to harmonize the competing Nile River basin riparian states’ interests was the Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE, 1993–1999) signed by Egypt, Sudan, Rwanda, Tanzania, Uganda, and Zaire (now the DRC), with Burundi, Eritrea, Ethiopia, and Kenya participating as observers (Adar and Check 2011, 170). The TECCONILE focused largely on

cooperation in the areas of environment and water quality. With respect to its vision on cooperation, the TECCONILE lacked inclusivity and more particularly institutional setting amenable for promoting equitable and reasonable utilization of the waters of the Nile. The establishment of the NBI in 1999 was therefore an attempt to fill the institutional gap that would comprehensively address the pending Nile River Basin issues. The key pending issue is centered on the doctrine of equitable and reasonable utilization of the waters of the River Nile.

THE DOCTRINE OF EQUITABLE AND REASONABLE UTILIZATION

The doctrine of equitable and reasonable utilization has its roots in the deliberations of the International Law Association (ILA). The 1911 Madrid Declaration by the ILA, in which *cause no harm* principle in relation to international waters was mooted, marked the beginning of tangible operationalization of the doctrine of equitable and reasonable utilization. This was followed by the 1956 Dubrovnik (Yugoslavia, now within Croatian territory) Statement; the 1958 New York Declaration; and the 1964 Tokyo Declaration by the ILA, all of which reinforced the application of the doctrine. However, it was in the 1966 *Helsinki Rules on the Uses of the Waters of International Rivers Declaration* that the doctrine *ipso facto* received its *expressis verbis*, that is, clear language in relation to its envisaged operationalization by riparian states. Article V of the 1966 Helsinki Rules spells out the meaning of the doctrine of equitable and reasonable utilization in relation to downstream and upstream riparian states. The 1997 UN Watercourses Convention, after coming into force in 2014, has now concretely codified the doctrine.

The doctrine of equitable and reasonable utilization draws its meaning from the Latin maxim *sic utere tuo ut alienum non laedas* (use your own so as not to cause injury to another) (Adar 2011, 170). The debate surrounding the doctrine has centered on competing legal theories. Apart from the *theory of absolute sovereignty* employed by Judson Harmon in 1895, the interpretations have centered on territorial integrity, community of co-riparian states, and limited territorial sovereignty.

The *theory of territorial integrity* confers rights on sovereign states to defend their territories and also gives “downstream states the right to a full flow of waters of natural quality” (Hunter, Salzman, and Zaelke 2007, 876). In relation to the upstream states, this theory confers on them sovereign and natural water rights (Adar 2011, 170). These competing rights have the potential of instigating conflict between the downstream and upstream riparian states.

The *theory of community of co-riparian*, however, is centered on collective rights of downstream and upstream riparian states particularly with respect to the utilization of international river waters and drainage systems. This collaborative and collective conception of the utilization of river waters and drainage systems appreciates the role of integrated management of the issues thereof as a viable tool for conflict resolution, a situation that has eluded the River Nile Basin riparian states for decades.

The *limited territorial sovereignty theory*, in many respects, is akin to the community of co-riparian theory. Specifically, upstream and downstream states have the sovereign right to use river waters flowing through their territories provided they do not hamper co-riparian states' interests (Rahaman 2009, 210). This theory is based on the principle of reciprocity and is also known as theory of sovereign equality and territorial integrity (Zhong et al. 2016). These competing epistemological debates are examined in relation to the EAC and the NBI, particularly with respect to the two institution's contribution toward regime construction in the Nile River Basin region.

The competing and recurring differences between the downstream and the upstream riparian states notwithstanding, the formation of the NBI in 1999, we would argue, laid the foundation for inclusivity and a comprehensive approach to the contentious Nile Basin questions. The establishment of the NBI tangibly marked the beginning of the process toward the institutionalization and consolidation of River Nile Basin multilateral regime construction (used herein interchangeably with international regime) based on shared vision and specifically meant to address the 1997 UN Watercourses Convention principle of equitable and reasonable utilization (enshrined in Articles 5 and 6 of the Convention) in the context of the waters of the River Nile. This process laid the foundation for a paradigm shift from the *exclusive right* or *rightful owner* inherent in the historical conceptions of the downstream states to shared resource largely driven by the upstream riparian states. This shared vision complements, reinforces, and is consistent with the EAC's mandate on regional cooperation, integration enlargement, and balanced development. With respect to resources in the region, Article 5 (2) of the treaty confers responsibilities on the EAC to promote "harmonious and balanced development and sustained expansion of economic activities, the benefit of which shall be equitably shared" (EAC 2002, Article 5 (2)).

The duty to establish shared sustainable regional regime in relation to resources is provided for in Article 5, the Objectives of the Community. Article 5 (3) (c) stipulates that "the Community shall ensure the promotion of sustainable utilization of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States" (EAC 2002, Article 5 (3) (c)). Articles 111 and 114 of the treaty reinforce *a fortiori*, the role of the EAC in promoting regional

regime construction centered on the principle of equitable and reasonable utilization of the resources in the region. This vision is consistent with the broader mandate of the EAC in which the treaty, in Article 130 (3), confers responsibility on the Community to “foster co-operation arrangements with other regional and international organizations whose activities have a bearing on the objectives of the Community” (EAC 2002, Article 130 (3)). A joint and collaborative EAC-NBI regime construction amenable for cooperation and equitable and reasonable utilization of the waters of River Nile can be understood in this context. This collaboration can be facilitated by the institutional structure of the EAC, that is, the EALA and the NBI governance support systems namely the Nile-Council of Ministers (Nile-COM) and the Nile-Technical Advisory Committee (Nile-TAC). The Nile-COM, comprising ministers of water affairs from the riparian states, is the supreme policy organ of the NBI. Nile-TAC, however, is a technical body responsible for advising the ministers.

This potential regime construction nexus has the potential of institutionalizing the groundwork for the operationalization of the waters of the Nile as envisioned in the CFA. One of the key principles enshrined in the CFA is equitable and reasonable utilization of the waters of the Nile. Article 4 of the CFA gives precedence to equitable sharing of the water resources. Each Basin State is entitled to an equitable and reasonable share in the beneficial uses of the water resources of the Nile River system and the Nile River Basin. This EAC-NBI symbiotic relationship with respect to shared vision has the potential of incrementally consolidating the CFA regime.

THE EAC AND THE NILE RIVER BASIN INTERNATIONAL REGIME CONSTRUCTION: TOWARD INCREMENTAL MULTILATERAL DIPLOMACY

Since coming into force in 2002, the EAC has made progressive strides toward the accomplishment of a number of its objectives, one of which is “to establish among themselves and in accordance with the provisions of this Treaty, a Customs Union, a Common Market and subsequently a Monetary Union and ultimately a Political Federation” (EAC 2002, Article 5 (2)). The Customs Union and Common Market protocols were concluded and ratified by the partner states in 2005 and 2010, respectively. These integration efforts by the partner states provide opportunities for cooperation in other areas of collective interests. Article 5(1), for example, “aims at widening and deepening cooperation among the partner states in political, economic, social and cultural fields . . . for their mutual benefit” (EAC 2002, Article 5(1)). In this

regard the EAC remains the key Nile River Basin regional organization that has the capacity to mitigate intra-partner states' conflict and "forge unity on water policies" (Cascao 2009, 253). This, in our view, is critical given that the Nile Basin region and the contiguous areas thereof are volatile and conflict-prone as has been witnessed in, among other countries, Burundi, the DRC, South Sudan, Sudan, and Uganda (Adar 2011, 180).

In our view, the EAC and the NBI are uniquely placed and have the requisite institutional capacity to play tangible complementary multilateral diplomatic roles in promoting unity and cooperation in relation to the institutionalization, legitimization, and enlargement of the CFA regime. Multilateralism, according to one scholar, "is an institutional form that coordinates relations among three or more states on the basis of generalized principles of conduct: that is principles which specify appropriate conduct for a class of actions, without regard to the particularistic interests of the parties or the strategic exigencies that may exist in any specific occurrence" (Ruggie 1993, 11). Pontian Okoth, the scholar to whom this book is dedicated, has opined that, "the EAC member states stand to gain immensely from the Nile, but only if they cooperate and unlock the potential in their part of the River" (Okoth 2011, 225). Multilateral institutions such the EAC are created to solve problems (short- or long-term, narrow or broad) that require collective action to find solutions. This is the essence of multilateral diplomacy, a role that the EAC in collaboration with the NBI needs to play in order to contribute toward the promotion of the objectives of the CFA regime.

The incorporation of the concept of "water security" in the CFA is one of the main sources of differences, which have slackened the ratification process, with Egypt and Sudan registering their reservations over the issue (Mekonnen 2010; Tesfaye 2014). The continued dispute in the Nile River Basin driven largely by the downstream states is a reflection of what has been called a colonial mindset (Bulto 2008). Bulto (2008, 206) argues that "some of the colonial mentalities and traits of colonial motives have remained behind . . . and it is still apparent in the inter-state negotiations over the use of the Nile waters such that these traits continue to hamper joint conclusion of a basin-wide treaty regime." The reservations registered by Egypt and Sudan during the CFA negotiations centred on Article 14(b), which was introduced by the two countries. Article 14 states:

Having due regard for provisions of Articles 4 and 5, Nile Basin States recognize the vital importance of water security to each of them. The States also recognize that the cooperation management and development of waters of Nile River System will facilitate achievement of water security and other benefits. Nile Basin States therefore agree, a spirit of cooperation: (a) to work together to ensure that all states achieve and sustain water security; (b) . . . *not to*

significantly affect the water security of any other Nile Basin State. (our emphasis) (CFA Article 14 Part b)

According to Bulto (2008, 223), the principle of *equitable and reasonable utilization* takes precedence over *no significant harm* rule being recognized under international water law. The no significant harm clause was introduced by the downstream states, Egypt and Sudan. More specifically, the downstream states have not signed the CFA treaty because they claim that it violates the 1959 Egypto-Sudanese treaty (Yihdego, Khalil, and Salem 2017, 11). The Grand Ethiopian Renaissance Dam (GERD) also known as Millennium Dam, launched in 2011, has also added a new dimension in the Nile River Basin debate particularly in relation to equitable and reasonable utilization, water security, and no significant harm principles.

In Article 2 (b), Nile River System is defined to mean “the Nile River and the surface waters and groundwaters which are related to the Nile River, this term is used where there is reference to utilization of water.” In fact on the issue of no significant harm rule, the CFA, borrowing from the UN Watercourses Convention treaty, provides a clear operational guidance stipulating in Article 5 (2) in part that “where significant harm nevertheless is caused to another Nile Basin State, the States, whose use causes such harm shall, in the absence of agreement to such use, take all appropriate measures . . . to eliminate or mitigate such harm and, where appropriate, to discuss the question of compensation.” As we have observed, the downstream states favor the no-harm rule, which protects their historical exclusive rights (Salman 2010, 2013).

The EAC member states can provide leadership on the Nile River Basin by enhancing the legitimacy of the agreement through ratification of the CFA. This building block process of regime-centered cooperative multilateral diplomacy and ratification of the CFA by the EAC partner states would lay the foundation for incremental stability with potential ramifications across the Nile River Basin partner states. Ethiopia and the DRC are potential partners in this regime-driven building block process.

The incessant historical differences between the upstream and downstream states (Egypt and Sudan) have become more of what we would call a *political déjà vu*, with the CFA regime facing what has been called a *cul-de-sac* (something which is leading nowhere) (Mekonnen 2010, 423). The increasing cooperation among the EAC member states with Ethiopia would have positive ramifications on security of the region. More specifically, the fact that the EAC member states and Ethiopia, in many ways, share similar views on the legitimacy of the CFA legal regime, by implication would have a basis for incremental multilateral diplomacy in the Nile Basin region (Mohammed 2015).

A number of issues need to be isolated in relation to the negotiations that culminated into the conclusion of the CFA legal regime. Notwithstanding Eritrea's participation as an observer, for the first time the negotiations brought together all the Nile Basin riparian states, an accomplishment which has eluded them for decades. The fact that the riparian states agreed to engage in multilateral regime construction aimed at resolving the centuries-old, conflict-prone-issue areas was a clear indication of a paradigm shift and *entente cordiale* among them in recognition of the need to establish durable international regime in the Nile Basin region with a view to promoting and consolidating multilateralism against unilateralism and bilateralism, particularly in relation to equitable and reasonable utilization doctrine envisaged in the CFA as well as the EAC-NBI mandates and responsibilities.

Secondly, the participation by the riparian states in the negotiations laid the foundation for the recognition of the role, authority, and legitimacy of an NBI-driven multilateral regime construction vision. There are scenarios in addressing the question of decision making and attribution of benefits and liabilities in the cooperation framework. For instance, transferring decision-making rights to a treaty-based mechanism remains a way of restricting sovereignty for the benefit of cooperation. An additional beneficial role treaty-based institutions or joint mechanism play in the cooperation process is the creation of space to incrementally increase the scope and breadth of issue areas of cooperation.

In this regard, both the EAC and the NBI remain the key regional partners in the Nile Basin with the institutional capacity and potential to play tangible incremental roles in promoting cooperation in the Nile Basin region. Cooperation simply means the process whereby actors harmonize and coordinate their activities for purposes of achieving common and mutual benefit (Leb 2013). The EAC member states have exhibited political will to promote cooperation in the Nile Basin by signing the CFA. This is a useful incremental step toward the final stage, that is, ratification by the other EAC member states, a process that as we have indicated has been duly completed by Rwanda and Tanzania. It is not clear to me as to why the other EAC member states—Burundi, Kenya, South Sudan, and Uganda—as of September 2017, nearly a decade after the conclusion of the CFA, have not ratified the treaty. One can only speculate that it is probably as a result of Egyptian bilateral quiet diplomacy, arm-twisting, and financial inducements of the partner states. It is through the ratification of the CFA treaty by the EAC member states that the foundation for mutual benefits-centered reciprocity and good faith enlargement within the Nile Basin region can tangibly be realized, consolidated, and institutionalized.

Thirdly, the negotiations put into question the colonial and post-colonial agreements and treaties entered into by the Nile Basin riparian states. Most importantly, it can correctly be argued that there was explicit and implicit recognition by the riparian states that the existing agreements and treaties stand to be modified if not abrogated to pave the way for the operationalization of the CFA international legal regime. Article 34 (1) of the CFA, for example, provides in part that the “Nile Basin States may adopt bilateral or multilateral instruments that *supplement the present Framework.*” Article 34 (3), however, stipulates, “any other instruments or arrangements entered into by the Nile Basin States *shall not be inconsistent* with the provisions of the present Framework” (our emphasis).

In fact, the CFA regime can best be described as *upstream-downstream* riparian states driven negotiation process and outcome. Until the 2010 CFA was concluded, a Nile Basin international regime that addresses a public good collectively and agreed upon by the riparian states had been an elusive concept. It is also important to note that at the time of their independence, the East African countries adopted what became known as the *Nyerere Doctrine* of state succession (Makonnen 1984). The Nyerere Doctrine called for provisional application of colonial treaties for a period of two years within which to determine the compatibility of such treaties based on reciprocity. Notwithstanding the different versions applied by the countries in the region, we would argue, the Nyerere Doctrine played an important role in influencing their positions in the CFA negotiation process.

CONCLUSION

The stalemate over the equitable and reasonable utilization of the Nile River Basin waters and the attendant recourses thereof must eventually be resolved in order to avoid potential military conflict historically muted by some of the riparian states. In this chapter, we take the view that initially an international regime-driven step-by-step building block process is needed to lay the foundation for equitable and reasonable utilization of the Nile River waters. An opportunity exists within the EAC region for this approach to be tested, with the regional organization taking the lead in driving the issue area. More specifically, once the EAC member states ratify the CFA, the treaty would not only become operational but also pave the way for the establishment of the NRBC replacing the NBI as provided for in Article 42 of the CFA. The six EAC members alone are enough to make the NRBC become operational once they ratify the treaty. Given that the views of Ethiopia over the issue area is broadly in tandem with the EAC partner states, attempts should be made to tangibly lay the foundation for

collaboration with Addis Ababa in this process. This new identity will provide an avenue for new perceptions on the Nile River Basin international water law. In other words, such group identity and shared perceptions will “lend legitimacy to [the] frameworks and accords. They help produce joint initiatives, often confidence-building mechanisms . . . buttressing multilateral relationships” (Tesfaye 2014, 128).

Direct involvement of the EAC in the operationalization of the CFA regime has the potential of benefiting the East African citizens. First, it would help in sensitizing the East African citizens on the Nile Basin issue areas. The initiative can take the form of inter-EALA-National Assemblies joint activities on the Nile Basin question. Article 49 (2) (a) provides that the EALA “shall liaise with the National Assemblies of the Partner States on matters relating to the Community” (EAC 2002: Article 49 (2) (a)). Both the EAC and the National Assemblies of the Partner States have not historically directly involved the citizens of the region in the integration through electoral process. This can be one of the options toward tangible actualization of the spirit of the CFA regime.

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Chapter 16

The Future of Kiswahili Is Bright

The Potential of East Africa's Lingua Franca in the Emerging World Order

Ken Walibora

INTRODUCTION

One Friday in November 2015 a strange case of a hate crime ostensibly precipitated by the victim's use of Kiswahili took place in Minnesota, in the United States. This case was reported widely across the globe. For instance, CNN (Cable News Network) reported:

A Somali immigrant speaking Swahili while visiting a Minnesota Applebee's last year was left stunned and bleeding when another female customer hit her with a beer mug. This week that customer pleaded guilty to the attack, which police said was racially motivated. . . . Jodie Marie Burchard-Risch was accused of attacking Asma Jama, a Somali immigrant, at the Coon Rapids Applebee's in October 2015. Asma Jama said as her family was seated at the restaurant, the adults were speaking in Swahili, a language the adults often use when children are around so the kids do not know what the adults are saying. As the group walked past Burchard-Risch's table, she said, "In America, we speak English." Jama said she initially ignored the comments but the situation escalated quickly, she said, when Burchard-Risch yelled at her to go back to her country.

Jodie Marie Burchard-Risch pleaded guilty to the 2015 attack.

"She was yelling at me in my face, and I will admit I stood toe to toe with her. I wasn't screaming, I was talking to her calmly," Jama told CNN, recounting the incident.

That is when Burchard-Risch took a beer mug and threw it at Jama's face and then fled the restaurant, according to authorities. Jama needed stitches for her face and lip. She said that now, a year later, she has scars she covers with makeup. (CNN online October 16, 2016)

It is almost axiomatic that the failure to deal with difference is the force behind racial prejudice and hate crime in the world. The plight of Asma Jama, the African woman attacked in America for speaking Kiswahili, illustrates how far failure to deal with difference can be pernicious. Jama's only "crime" in the purview of the attacker, Jodie Marie Burchard-Risch, was to speak Kiswahili and not English. Is speaking Kiswahili a form of anglophobia? This seems far from the truth as Jama's subsequent interviews in the media show her to be quite articulate and at home in English. It is significant, though, that the attacker wanted Jama to return to her own country, as the CNN report indicates. Jama and her Kiswahili language were unwelcome visitors in Burchard-Risch's Anglophone America. Is the attacker's wish to expel Jama from the United States related to the vexed question of immigration of foreigners into the so-called land of opportunity, the notion that immigrants diminish opportunities for real Americans in this land? Or it is simply an index of Burchard-Risch's zealous anglophilia coupled with angst for anything threatening the superiority of English?

The fact that three years later in 2018, US President Donald Trump would issue a controversial statement regarding immigrants and their countries of origin would seem to lend credence to the conclusion that there is more to it than a question of linguistic choices. *The Guardian* newspaper reported:

"Why are we having all these people from shithole countries come here?" Trump said, after being presented with a proposal to restore protections for immigrants from those countries as part of a bipartisan immigration deal. The *Washington Post* reported the remarks citing aides briefed on the meeting. (*The Guardian* online, January 11, 2018)

Trump's disdainful attitude toward immigrants as evidenced in his pejorative remarks above and discriminatory government policies, in general, is not very dissimilar to Burchard-Risch's. The bottom line in the message from both Trump and Burchard-Risch is that immigrants are generally unwanted in the US. This attitude may not be representative of the entire US citizenry, but it reveals something about global geopolitics. In this age and stage, despite our pretensions to modernity and broad embrace of diversity, where you came from and the language you speak matter. Indeed, foreign students who come to the United States for studies have to sit for English competence tests such as GRE and TOEFL sometimes at great cost by their national economic standards. It seems to make sense that these students exhibit competence in the language of instruction in American institutions of learning, not to mention the language's ubiquitous presence in the interactions above and beyond the laboratory and lecture hall. Moreover, those wishing to be American citizens must speak English as a requirement. In an interesting turn of events recently,

Facebook Chief Executive Officer Mark Zuckerberg had a US Senator reprimand him for writing an incomprehensible user agreement. The *Nairobi News* reported, “A US Republican senator on Tuesday told Facebook CEO Mark Zuckerberg to use English and not Swahili during a Senate hearing.”

Senator John Kennedy, a Republican from Louisiana, was questioning Zuckerberg on Facebook’s user agreement, which he said is too complicated and meant to legally protect Facebook and not to inform users of their rights. He asked Zuckerberg to instruct the company’s lawyers to write a user agreement that is not in Swahili—that can be understood by everyone. “I am going to suggest to you that you go back home and you rewrite it and tell your \$1,200-an-hour lawyers, no disrespect, they’re good, but tell them that you want it written in English and not Swahili, so the average American can understand it. That would be a start,” Senator Kennedy told Zuckerberg (*Nairobi News*, 2016).

Again, the contestation between English, America’s *lingua franca* on one hand, and Kiswahili, East Africa’s *lingua franca* on the other, is thrown into sharp relief. The East African responses to Senator Kennedy’s analogy were fast and furious among Kiswahili enthusiasts as evidenced by the posts and debates on social media such as WhatsApp, Twitter, and Facebook itself. Some understood the remark to mean the Facebook contract was literally written in Kiswahili and were infuriated by the Senator’s denigration and disavowal of their language. Actually, Senator Kennedy was just concerned about the opaque nature of the Facebook agreement in English making it as inaccessible as Kiswahili to the uninitiated in the same way someone would say, “That is Greek to me” to imply their lack of knowledge or understanding of something. It’s Greek’s conventional ignominy of being used as a stand in for incomprehensibility that was thrust on Kiswahili by the Senator. Whichever way the statement was taken, it may have invited a new expression in the English language, “This is Kiswahili to me,” meaning “I don’t understand this.” Moreover, the statement goes to underscore the centrality of English in the American imagination in contrast to the marginal position of other languages, particularly African, of which Kiswahili is an instance. It is presumably very nearly a case of, it is English or nothing in the United States, for the foreigners and citizens alike.

Yet questions still remain about creating global balance in these linguistic demands on foreigners. Do the African nation states where Asma Jama emanated from stake a strong claim to Kiswahili? Can they too declare affirmatively: “In East Africa we speak Kiswahili”? Is the situation in East Africa that of Kiswahili or nothing? Do East African nation states demand that anyone coming to the region reckons with this reality? What are the normative agendas for the East African states to influence the world globally through Kiswahili? Can these states have the will and gumption to stand up for the

language that Jama was attacked physically for speaking? Are they doing anything to make it more alluring for non-East Africans, such Europeans, Asians, and Americans including Jody Marie Burchard-Risch to use it? Do they have a sort of Kiswahiliphilia to counter the likely or apparent Kiswahiliphobia emerging locally, regionally, and globally? All these questions are tied up with a bigger question: What does exponential increase in Kiswahili studies portend for the future of East Africa's *lingua franca*?

KISWAHILI AND PAN-AFRICANISM

The development of Kiswahili language has in the past depended on the attitudes and actions from within and without its East African cradle that relate to Africa's conception of itself in general. As preeminent Swahili scholar Mugyabuso Mulokozi (1985) aptly states in "*Kiswahili na Umajumui wa Kiafrika*," the promotion of Kiswahili is inextricably bound up with the Pan Africanist zeitgeist in the African Diaspora of the nineteenth century. The African's own conception—at home and away—of what it means to be African, the invention of the idea of an authentic "African personality," laid the foundation for future recognition and promotion of African languages, Kiswahili included. Suffice it to note here that "African personality" is the creation of emancipated slave and pioneering Pan Africanist Edward Wilmot Blyden (1832–1912), which stressed the need for the Africans to "return to sources of their authentic selfhood" (Korang 2003, 15). Born a slave in West Indies, Blyden advocated for a return of diasporic Africans to the continent as a means of reclaiming their selfhood and their pride in who there were and what was theirs. As far as language is concerned, a return to the sources of their authentic selfhood would mean that Africans would cherish and adore their indigenous languages, their inalienable linguistic heritage. That would include Kiswahili, the focus of this chapter.

That is not to say, the issue of linguistic choices or demands was the centerpiece of the Pan Africanist movement at its inception in the diaspora. Mulokozi (1985) laments that most Pan Africanist debates were preoccupied with the overall economic and political emancipation of the African peoples. Whenever the issue of language arose, even tangentially, it, however, revealed two opposing positions: one advocating for the embrace of African languages, the other the wholesale acceptance of the language of the oppressor. Alexander Crummell and Blyden exemplify the contrasting and conflicting opinions at the seminal stage of the Pan African movement. Crummell thought Christianity and the English language, the language that Jody Marie Burchard-Risch would centuries attack an African for not speaking, were the two most redeeming values of the African slave experience:

the exile of our fathers from their African homeland to America, had given us, their children, at least this one item of compensation, namely the possession of the Anglo-Saxon tongue; that this language put us in a position which none other on the globe could give us; and that it was impossible to estimate too highly, the prerogatives and the elevation the Almighty has bestowed upon us, in our having as our own, the speech of Chaucer and Shakspeare, of Milton and Wordsworth, of Bacon and Burke, of Franklin and Webster. (Crummell 1862, 9)

To Crummell then:

African languages are, to use the words of Dr. Leighton Wilson, “harsh, abrupt, energetic, indistinct in enunciation, meagre in point of words, abound with inarticulate nasal and guttural sounds, possess but few inflections and grammatical forms, and are withal exceedingly difficult of acquisition.” (Crummell 1862, 9)

Crummell has to be forgiven for concluding rather prematurely and more importantly erroneously, that African languages were essentially difficult to apprehend and articulate and were less suited for communication. He was, after all, a child of the African diaspora in the United States, torn too far and too long from the ebb and flow of the African linguistic umbilical cord to appreciate them. He was too far removed from the African world physically, temporally, and philosophically to recognize the depth of what he lost linguistically through slavery. Unlike Jama who emigrated to the United States only 15 years prior to her being assaulted for speaking Kiswahili, Crummell was too removed from the sources of his authentic selfhood. His sense of African languages was therefore nebulous and without memory.

As one would expect, Blyden’s (1908) position was dialectically opposed to Crummell’s. Blyden actually traversed the length and breadth of Africa, researching on Africa, the result of which was his text, *African Life and Customs* (1908). Consequently, he was convinced of the value and validity of the African way of life, including a vast array of languages and distinctly identifiable world view. On the whole, Blyden envisioned a nativized and united Africa which looked up to itself to grow and soar and to hold its own in the global scheme of things. His thoughts seem to have influenced Ghana’s pioneer educationist J. E. Casely-Hayford (1866–1930) and Angolan scholar Joaquim Dias Cordeiro da Matta (1857–1894). Da Matta would later reflect Blyden’s view when he stated: “The more people learn European languages, the more they suffer a denationalization . . . that is why polyglots make poor patriots” (quoted in Corrado 2009, 151).

Da Matta’s assertion is Blydenian in substance and spirit and underlines the fact that for Africans to successfully determine and confront their own destiny, they would have to wholly embrace and cherish their own languages

first. In this regard, East Africans would have to exhibit Kiswahiliphilia if they stand any chance to hold their own on the global scene. Kiswahili is widely spoken in Kenya, Tanzania, Uganda, Somalia, Zambia, Rwanda, Burundi, The Comoro Islands, The Democratic Republic of Congo, Northern Mozambique, and Zambia.

DIMENSIONS OF KISWAHILI IN THE INTERNATIONAL RELATIONS

The role of the language in bringing about political emancipation from the colonial yoke cannot be gainsaid. During the struggle for independence, it served as the vehicle for mutual intelligibility between ethnic or linguistic polities who would otherwise never have effectively communicated with one another. And yet communication was pivotal in the bid to unite against the colonial forces. In the contemporary Africa, African languages such as Kiswahili are pivotal in creating opportunities for various aspects of international relations—trade, technology exchange, military operation, and foreign policy advancement. This chapter reflects on various prospects for Kiswahili language to position Africa in the foreseeable world order.

Kiswahili and Scholarship

Perhaps it is with regard to Swahili scholarship that one finds the most compelling evidence of a normative agenda to entrench Kiswahili into the psyche of East Africans and to spread the Kiswahili gospel globally. Toward this end both native East Africans and non-natives have played and continue to play a significant role.

Indeed, there were, have been, and will always be diverse attitudes and approaches within Swahili Studies. In tracing the path Swahili Studies as a field of enquiry has trodden over the years (Allen 1974), I will demonstrate these divergent views and opinions. In short, Swahili studies may be said to have traveled through three main historical and discursive phases, namely: (1) the colonial phase; (2) the nationalist phase; and (3) the post nationalist phase. Categorizing Swahili studies into phases does not occlude or ignore the propensity for overlap between these phases.

The colonial phase encompasses the period between the mid-nineteenth century and the 1960s. Kiswahili did not always enjoy pride of place, at least not in the Western world. Irish novelist Joyce Cary's devaluing and demeaning of the language in 1944 is illustrative of the distance the language has had to travel to gain some modicum of respect away from home over the years. He wrote: "For many great men books have been the only university.

Suppose such men had been confined to Swahili or Hausa, how many books would they read, and how much would they have learnt?" (quoted in Whitley 1969, 10). Joyce Cary's statement appears in the heyday of the colonial phase. But it bears mentioning that although not being at least a trained linguist or at best a Swahilist, Joyce Cary's view on Swahili is propounded from a position of privilege, poised to be embraced heartily by admirers in Europe, as was most opinion that denigrated Africa and everything African at the time. If his viewpoint enjoyed pride of place, it exemplifies the epistemic violence perpetuated by what Paul Zeleza has termed as "academic tourists" in the broader arena of Africa Studies of which Swahili studies is a player. The obvious superficiality of his knowledge did not seem to have bothered Joyce Cary. There was a danger in the case of his intriguing remark of confusing authorship with authority.

In 1844, exactly a century before Joyce Cary's devaluing and dismissal of Kiswahili, the Church Missionary Society (CMS) established a station at Rabai on the Kenyan coast. German missionary Dr. Ludwick Krapf was quick to underscore the importance of the Kiswahili language to anyone interested in fully apprehending the interior and coastal region of the East and Central Africa region. Krapf saw Kiswahili as an important instrument in scholarly investigation of any kind in the region—whether in the hard sciences or soft sciences or humanities. Any and all investigators would have to have a working comprehension of Kiswahili to facilitate their interaction with the peoples inhabiting the region and therefore to carry out their scholarly enterprises. But Krapf's validation of the Kiswahili language marks and typifies the spirit of the earliest scholarly interest in Swahili Studies. As a missionary of the CMS in East Africa, Krapf did not simply view the language with disinterested and detached scholarly curiosity, he envisioned Kiswahili as a veritable evangelizing tool. That is not to suggest that all missions in East Africa concurred on the need to use Kiswahili as an evangelizing tool. As Marcia Wright explains the German Lutherans who operated in southwestern Tanganyika did not buy the idea of Kiswahili as a tool for winning the souls of the indigenous population for Christ: "The African must be reached first emotionally, through his tribal existence. . . . Tribal languages were the key to this evangelism and the enemies were the detribalizing influences and subversive religious tied up with Swahili" (quoted in Whitley 1969, 11).

The earliest formal scholarship in Swahili studies, therefore, may have begun with the activities of Christian missionaries with the evangelizing mission as their centerpiece. Following extensive research and with the help of locals, Krapf produced the first systematic grammar of Swahili (1850). Moreover, with the help of locals again and his missionary colleague Johannes Rebmann, Krapf completed writing in 1848 and published in 1882, what has

been touted as the first Kiswahili dictionary albeit with some heavily value-laden commentaries on Swahili culture. I will be returning to this presently. But I should mention here that, and what has not often been said enough is, Krapf's publication was essentially a translation into the Roman script of an already existing dictionary in the Arabic script. Rev. Edward Steere of the University Mission to Central Africa (UMCA) collected *Swahili Tales of the people of Zanzibar* and published the first edition of *A Handbook of Swahili Language as Spoken at Zanzibar* (1884). That was later enlarged and updated by A. C. Madan.

Given the evangelizing mission of the missionary scholarship then, the recognition of Swahili as a crucial vehicle for disseminating the message of the gospel did not go hand in hand with warm and unreserved appreciation of the culture from which the language emerged. The perceived paganism of the indigenous African dimension of Swahili culture, together with the pervasive influence of the distinctly Islamic religious heritage, meant that missionary scholarship of the Swahili world was bound to be necessarily filtered through a highly judgmental prism. This explains, for example, Krapf's value-laden commentaries. To illustrate Krapf includes Swahili songs of initiation but yet resolutely refuses to translate them into English on grounds that they were too pagan, too repugnant for the sensibilities of his European Christian audience.

Krapf was probably entrapped by the prison chains of the ideological baggage underwriting his outlook toward the study of Swahili. Like many of his ilk, he had seen Kiswahili language as the only redeemable element of the Swahili culture; otherwise the culture in its totality was at best questionable and at worst repugnant and reprehensible. The language that would be a usable or useful tool for winning souls for Christ was the sole reason for not throwing away the Kiswahili baby with the bathwater.

If Christian missionaries are credited with inaugurating serious and sustained study of Swahili language and culture, they also had the support and sponsorship of their imperial metropolis. We shall not attempt to split hairs here between the imperial desire that motivated the interest of the European imperium in the Swahili world and the evangelizing/civilizing mission that was seemingly the driving force behind missionary interest in that world. Suffice it to say here that both the missionaries and the colonial administering played a complementary and pivotal role in formulating administrative, political, and educational policies that determined the direction seminal Swahili Studies were to take. As Whitely (1969) aptly points out, "during the hundred years prior to independence, the three most important factors affecting the official use of Swahili—and indirectly its unofficial use—[were] the attitudes of the administrators, educators, and missionaries" (12). Indeed, in most if not all cases, the missionaries were also the educators. We might add that attitudes and actions combined to give research in the Swahili world the

impetus that it needed. As Whitely further states, Europe and its missionary and administrative representatives in the colonies undertook the most zealous foray into Swahili Studies.

Building on the seminal dictionary and grammar efforts of Krapf, Steere, and Madan, researchers of European extraction continued to make their contributions to “the vast body of knowledge” of Swahili studies, “augmenting it, adapting, and refining it” (Whitely 1969, 13). Italian cleric Father Pick wrote Kiswahili grammar (1953) and a dictionary (1964). By the middle of the twentieth century interest in Kiswahili had sprung up beyond the dominant colonial countries. India, itself recently a colonized country, began offering courses in Delhi (now New Delhi) in 1955. Secular interest in Kiswahili, that is unrelated to winning souls for Christ, emerged in Scandinavian countries, the Soviet Union, and Eastern Europe, including Czechoslovakia. Russian scholar D. A. Olderogge’s *Swahili-Russian, Russian-Swahili Dictionary* (1961) was particularly a significant achievement. Olderogge’s students and colleagues at Leningrad made significant research in Kiswahili phonology, morphology, and syntax. Interest spread to China too, with Chinese intensive Kiswahili instructions and widespread translation of key Chinese texts such as Chairman Mao’s sayings and Chinese folktales into Swahili.

Research by British scholars began with Steere and Madan and was followed by the contributions of W. E. Taylor. The direct role of colonial administrators would soon wane as the University of London in general and the School of Oriental and African Studies in particular, now assumed the position of the nerve-center of British research in Swahili Studies. Nonetheless the role of missionaries continued to be huge until the mid-twentieth century. The British Swahili roll of honor would include names such as Burt (1910), the Werner sisters (1927), Ashton, Broomfield, Allen, Bull, Snoxall, Lambert, Hollingsworth, Haddon, and secretaries of the Inter-territorial Language (Swahili) Committee, Frederick Johnson, and B. J. Ratcliffe. Johnson would also have his Swahili-English and English-Swahili dictionary, a work that relied heavily on Krapf’s and Madan’s earlier works, published posthumously in 1939. The point is, despite the cynical and scornful disposition expressed by the Joyce Carys of the colonial phase, interest and research in Swahili continued unabated, even in the United States, as I will soon elaborate.

The Inter-Territorial Language Committee

Evidently, by the mid-twentieth century African scholars were still missing from the Swahili Hall of Fame remaining largely unnamed, unknown, and unrecognized. The formation of the Inter-territorial (Swahili) language committee in East Africa in the second quarter of last century was quite a pivotal

milestone in Swahili research. The British colonial administration established the committee with the express mandate of harmonizing and standardizing Kiswahili use in Eastern Africa. It was largely made up of colonial administrators and Christian missionaries. Nevertheless, even then, there was for decades no indigenous Swahili or African representation. This absence of African representation was absurd for a body that would soon make decisions on Kiswahili with far-reaching ramifications to the indigenous population. The committee first supposedly elevated the Zanzibar Kiswahili to standard Kiswahili out of more than fifteen other Swahili dialects. Secondly, it established the first Swahili research institute in Dar es Salaam. A leading center for Swahili research for nearly a century, the institute has undergone several name changes, including a more recent one from Taasisi ya Uchunguzi wa Kiswahili (Institute of Swahili Research) to Taasisi ya Taaluma za Kiswahili (Institute of Swahili Studies). The semi-autonomous Zanzibar would also subsequently set up its own Swahili Center. But it is not until the twenty-first century that Kenya would have its own research institute devoted to Swahili Studies, first a short-lived Swahili institute at Kenyatta University and the emergence of Research Institute of Swahili Studies (RISSEA) on the Kenyan coast. The University of Nairobi, Kenyatta University, and Moi University have meanwhile been starting and stopping in their bid to establish Swahili institutes of their own due to fluctuating and nebulous political and institutional will.

Kiswahili and the Cold War

But Trump's and Burchard-Risch's United States of America has not escaped this exponential spread of the Kiswahili in the academy. America's entry into the Swahili bandwagon is curious because it was really driven by rivalry with the Soviet Union. The Soviet Union with which United States was vying for global supremacy had shown considerable interest in the study of Kiswahili as exemplified by efforts of the Leningrad scholars led by Olderogge and the establishment of the Swahili service Moscow radio. Swahili Studies in America, therefore, directly profited from grants and endowments from the National Defense Education Act. By the 1960s, the expansion of Swahili Studies in the United States would be described as "the most remarkable" (Whitely 1969, 16). Having no Swahilists of its own at the time, America initially relied heavily on British and European scholars for running their Swahili research and teaching agendas. Over the years America has minted its PhDs with expertise in Swahili, culture, and literature. What remains to be said is whether the expansion of the last century is still being sustained now or whether the "remarkable expansion" then and now has to be gauged in terms of quantity alone or quantity and quality as well.

Nonetheless, it ought to be mentioned that African American nationalism, which demanded a connection to Africa in the academy and was expressed through the Black Power movement of the 1960s, provided tremendous impetus for the introduction of Swahili Studies in the US. This Black Nationalism and its attendant connection or reconnection with Africa, aided by the fierce rivalry of the Communist Block, was, therefore, principally responsible for the Swahili zeitgeist of the time. But things have changed tremendously since the 1960s. It would seem, now that the cold war is over, the continued presence of Swahili Studies in the US is now heavily reliant on the African American nationalism and its identification with Swahili as the veritable language of the home continent. It may well be also that the Black Nationalist fervor and ferment has apparently waned in vigor. But Swahili remains the symbolic bridge in the African American imagination, linking the African American with a receding Africa essence or presence. This is a fact we hold self-evident from the naming of some of their ceremonies with Swahili names such as Kwanzaa and the widespread adoption of Swahili personal names in this diasporic polity. It is therefore cogent to conclude that the nationalist phase of Swahili Studies emerged in East Africa and in the United States at about the same time in the post-World War II era.

The Nationalist Phase of Swahili Studies

Writing in 1973 Ibrahim Noor Shariff remarked: “Who is a Mswahili? To which race does he belong? What nationality is he? Where does he live? Which dialect does he speak? These questions could only be asked by someone ignorant of their implications and of the complexity and extent of the subject” (75). If Shariff’s assertion opens a can of worms, it is because it suggests that in Swahili Studies wrong people have been asking the wrong questions and hence eliciting the wrong answers. Unlike Joyce Cary’s question on the disconnect or incongruity between Swahili and knowledge, the questions that Shariff (1973) finds obnoxious are not directly related to the language; at the core of these troubling questions is the very identity of the Swahili people. In other words, the identity of ethnic Swahili speakers itself has been a bone of contention among Swahilists for as long as Swahili Studies has existed as a field of enquiry.

The question of Swahili identity remained a hot-button issue in the nationalist phase of Swahili Studies. Even the etymology of the term Swahili remained (and perhaps still remains) contentious. One group claims Swahili derives from the Arabic term “*Suahi*” meaning “people of the coast,” while others claim it is derived from the Swahili expression “*Siwa hili*,” meaning “this island.” But two things remain immutable over the path Swahili Studies has trodden regarding this identity: (1) Almost all scholars are agreed that

the people now called the Swahili did not always call themselves that, and it is not only after the British colonial presence that we have documentary evidence of people calling themselves Swahili (as in H. Salt's 1814 travelogue *A Voyage to Abyssinia and Travels* in which he claims he met people calling themselves Soahili); (2) studies on Swahili culture continue being undertaken by universities across the globe in varying degrees and diverse approaches.

As would be expected, the muddle regarding Swahili identity, the definition of Swahili culture in general, and Swahili literature in particular has equally often culminated in contentious and endless debates. Regarding literature, the debate has often revolved around whether or not to include literature in Swahili by non-ethnic Swahili into the corpus or canon of Swahili literature. Farouk Topan (1968) poses a series of related questions:

Is Swahili literature that literature written only by the Waswahili? If, so who is a Mswahili?—itself a controversial question. Is Swahili literature that literature that deals with the Swahili or the East African way of life? Or is it literature written by East Africans? (161)

Topan's (1968) question extends the politics of identity and identity politics beyond the people to include Swahili culture in its entirety, of which literature is an integral part. In response to these questions, Alamin Mazrui and Ibrahim Noor Shariff (1994) contend that it would be untenable to base the definition of Swahili literature only on linguistic or nationalistic terms. They hold the view that what has long been perceived as Swahili literature is properly speaking literature in Kiswahili. Mazrui and Shariff (1994) therefore dismiss Tigiti Sengo and Seif Kiango who claim a Mswahili is a Tanzanian and so Swahili literature consists of the entire corpus of Tanzanian literature (Kiango and Sengo 1972, 10). Interestingly, Sengo and Kiango's definition of Swahili literature excludes those writing in the language outside Tanzanian national borders. Another Tanzanian scholar Senkoro seems to offer a corrective to Sengo and Kiango's apparent nationalist myopia by asserting that Swahili literature encompasses the entire East African literature region and is not confined to Tanzania alone (Senkoro 1988, 11).

Post-Nationalist Phase of Swahili Studies

Generally speaking the post-nationalist phase of Swahili Studies seems to have begun at the dawn of the twenty-first century and continues until now. The tensions, contentions, and questions of the colonial and nationalist phases may not have completely disappeared, but they have somewhat dissipated. This is in part because of new forces in operation on the ground, particularly globalization that has opened new ways of perceiving hybridity and purity as

socio-cultural realities. Questions such who is an Mswahili no longer generate as much steam and heat as they did back in the days nor is there as much debate between prosodists and proponents of free verse in Swahili poetry. Present scholarship on Swahili culture is not as inhibited by moralistic considerations as the seminal work of Dr. Ludwig Krapf. A. C. Caplan (1976) has quite recently translated ostensibly *unyago* (girls' initiation) songs, characterized by overt mention of sexual body parts and sexual activity. In the national phase of Swahili Studies this would naturally have been read by Swahili nationalists as an anthropological insistence on the sexual, the Eurocentric portrayal of Swahili culture as essentially erotic and sensual. In other words, they would have viewed as unwarranted and decontextualized exposure smacking of the Western obsession with the prurient, leading to distortion, misreading, and misrepresentation of Swahili cultural texts.

But the wind of change that has been blowing over Eastern Africa, as it has done in the rest of the world, has brought with it new, complex, and shifting dynamics of modernity in the Swahili world. The frequent demolition of traditional Swahili houses on the Coast to replace them with modern ones, the relentless influx of upcountry peoples to the Coast, the transformation of Swahili *taarab* music into more openly erotic forms, and the ubiquitous presence of modern technology (cell phones, internet, cable TV)—all these are forcing Swahilists to ask new questions. There is today increasing focus on, for instance, not only what Swahili culture was, but also what it is now. Pat Caplan and Farouk Topan's (2004) edited volume, *Swahili Modernities*, Mohamed El-Mohammady Rizk's *Women and Taarab*, as well as the plethora of studies on Bongo Flava, an emerging popular music genre in Tanzania, exemplify this awareness.

CONCLUSION

Kiswahili has always enjoyed pride of place as the *lingua franca* of well over 200 million East Africans at home and who, whenever they travel or reside in the diaspora like Asma Jama, refuse to let off of their linguistic heritage. Kiswahili has not only become the national and official language Tanzania, Rwanda, and Kenya, and the de facto official language of the revived East African community whose new members include Rwanda, Burundi and possibly Sudan and South Sudan soon. It is now one of the official languages of the African Union beside English, Portuguese, French, and Arabic. The level of scholarship in Swahili Studies has increased with more and more experts being minted from year to year, particularly in Kenya and Tanzania. For the peoples of East Africa, in books, universities, and social arena, Kiswahili

is carrying the full range of knowledge above and beyond what Joyce Cary would have imagined in 1944. For East Africa-based scholars there are financial and institutional challenges to overcome. Kenyan Swahili scholars have, for example, to contend with the flip-flopping of their universities on the matter of establishing viable and vibrant institutes of Swahili research. Also, like their counterparts in Asia, Europe, and America, scholars based in Eastern Africa have to learn overcoming occasional or frequent silent turf wars between the disciplines claiming a stake in Swahili Studies. The turf wars may pit linguists against literary scholars, historians against anthropologists, sociologists against linguists and literary scholars, home-based-scholars against those overseas, native Swahili scholars against their non-native counterparts, and Tanzanians against Kenyans, between the Arabizing and de-Arabizing Swahili factions, and so forth.

But East African scholars have the one indispensable advantage of proximity to Swahili, their object of study whose pulse they can feel day by day. Even more importantly, the renewal of pride toward Kiswahili language in Eastern Africa, coupled with tremendous transformation in institutional and governmental policy may translate into more rigor and expansion of Swahili Studies in the region. The recent elevation of Kiswahili to official status in Kenya, the making of Swahili a compulsory subject in primary schools in Uganda, and its promotion in South Sudan are cases in point. In laying strategies to create abiding Swahili study programs in North America, as elsewhere, there is need to acknowledge the role of these scholars in the equation, to collaborate with them, to engage with them. Tanzanian Swahili scholar Sheikh Mohamed Ali put it more eloquently and succinctly in 1990 when he said:

What we are trying to emphasize is that it would be better for the non-Swahili experts of the language to work closely with the native Swahili, to find out how particular concepts and constructions are expressed in the language. This is the state of Swahili today. But the future looks bright. Both the Swahili themselves and the non-Swahili take interest in its study. I am sure Swahili will advance and I see its advancement as positive. (Quoted in Mazrui and Shariff 1994, 83)

Ali expresses cautious optimism and raises legitimate concerns about the future of Swahili Studies, in view of the past and present. Sidelining the native speakers and native organic experts such as the late Hamisi Akida, Sheikh Ahmed Nabhany, and Hassan Mwalimu Mbega who had little more than basic formal education, but are or were outstanding scholars in their own right, is suicidal for Swahili Studies. Tigiti Sengo (1999) has also echoed this concern in his essay “Usongo katika Taaluma ya Kiswahili.” Tanzania was prudent in tapping for decades the expertise of Akida at the Institute of

Swahili Research (TUKI). Kenya has been less enthusiastic about embracing the insight of these organic Swahilist intellectuals. For example, Nabhany was granted a string of honorary degrees from universities the world over except his native Kenya. When Nabhany was co-opted in the translation of Microsoft internet programs into Swahili, he lamented about how his suggestions which took into account Swahili cultural considerations were almost always rejected, and as Mazrui has hinted, that could be the reason behind the failure of the project to significantly attract the use of Swahili internet-users. When Mbega, who was born in Tanzania but lived most of his life in Kenya, died in abject poverty in 2007, a massive library or museum of Swahili epistemology died and was interred with him, because Kenya and the world paid little or no attention at all. It is as Amadou Hampate Ba, an eminent scholar of African folklore once remarked, "In Africa, each time an old person dies, it's a library that burns down" (quoted in Irele 2001, 82). Mbega's passing as an unsung hero was emblematic of the Swahili scholarly world's apathetic attitude toward such vast depositories of organic knowledge as it was a tragic reminder of opportunities lost.

Given the new forces on the ground, there cannot be more need for collaboration and cooperation in perhaps reframing research questions or revising and refining the answers. And more rigorous local and global stock-taking too, as Mugyabuso Mulokozi (1985) and Paul M. Musau (1997) have attempted with regard to Swahili literature and the teaching of Kiswahili in Tanzanian and Kenyan universities, respectively. This introspection must entail examining and reexamining the researchers' positionality, and how this impacts the questions we ask and the answers at which we arrive. Granted academia may have little influence on the choices governments make regarding languages, whether to endorse or fund the study of this or that language and its related culture. But Swahili is a field that continues to scream for attention, screaming for questions and answers now even more than ever before. It therefore behooves Swahilists everywhere to be constantly auto-critical of their own individual and institutional investment in the study of Swahili. How, for instance, does one balance or reconcile between the European appropriation of Swahili-ness and the Swahili-ness of the cultural nationalism of those calling themselves the Swahili or are called so by others? What does the continued disappearance of Swahili architectural structures on the Kenyan coast and their replacement with Western-style buildings mean for the future of Swahili culture? How will Swahili fare in the wake of the totalizing forces of globalization? What are the odds that Kiswahili will become, as Soyinka dreams for it, a truly continental language or even a global language? This and other pending issues remain to be addressed.

For sure the potential for a bright future for Swahili Studies in view of the past and present is great. Sheikh Mohamed Ali's remark: "the future looks bright" is as cogent today as when it was first made in the 1990s. It is little wonder that every so often big and small businesses take steps to invest in the lucrative Swahili market. The unprecedented number of publishing houses issuing Kiswahili titles in all genres, the proliferation of Kiswahili and television stations broadcasting in Kiswahili, albeit abortive launch of a Kiswahili news channel in East Africa, and Microsoft's translation of its portals into Kiswahili exemplify the recognition of the commercial value of this language. What this means, however, is that the work of Swahilists, present and future, emic and etic, is cut out for them because Kiswahili, their inexhaustible object and subject of study, continually expands, defines, and redefines itself in intriguing ways. What tends to remain constant is the ability of Kiswahili to retain its incredible epistemic range and cultural resilience. I dare say, because of its growing importance studying Kiswahili and everything that helps apprehend the Swahili world enriches the totality of our human experience, and is one way of building bridges across linguistic and cultural barriers. It is another way of creating a more inclusive world.

Perhaps the single most significant recent development in the promotion of Kiswahili is the creation of the East African Kiswahili Commission (EAKC) through a protocol between the six East African Community member states. The EAKC is in a sense the reincarnation of the 1928 Inter-territorial Language Committee of the colonial era. Article 4 of the protocol clearly spells out the objective of the language commission: The objective of the protocol is to establish the East African Kiswahili Commission as a tool for providing advice to Partner states on all matters related to Kiswahili research, teaching, learning and development through policy formulation, knowledge generation, curriculum review, standardization of terminology, and promotion of Kiswahili as the *lingua franca* of Partner states.

Indeed, EAKC is the most compelling evidence of the engendering of a normative agenda by East African Community Partner states to foster the development of the region's *lingua franca*. The commission has since its inception been vigorously and enthusiastically carrying out its mandate under the inaugural and visionary Executive Secretary Professor Kenneth Inyani Simala. EAKC continues to advise individual Partner states and the East African Community as a collective on matters Kiswahili. Not surprisingly, key linguistic decisions have been made, including the East African legislative assembly's passing of a motion in 2016, to make Kiswahili an official language of the East African community. Between September 6 and 7, the commission held its first international Kiswahili conference in Zanzibar, where it is headquartered. As at this writing, the commission is undertaking

an ambitious and extensive research to assess capacity building for Kiswahili experts in the entire region in order to have more solid basis to advise the region's governments.

East Africans do not need to proclaim to the world: "In East African we speak Kiswahili." They merely speak it and have laid the strategies for survival of its *lingua franca* despite trappings of Kiswahiliphobia at home and away. One is reminded of Wole Soyinka's famous statement which appeared in the November 17, 1967, issue of *Time* magazine: "A tiger does not proclaim his tigrity—*he pounces.*" Put differently, East Africans do not declare they speak Kiswahili, they speak it. Kiswahili remains not only a central object of study but the glue that binds East Africans together. As a language of regional and international cohesion, its future is bright.

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Chapter 17

Kenya's National Security and International Refugee Law in the Dynamic World Order

Ken Oluoch

INTRODUCTION

Africa's refugee problem can be traced back to the struggle for independence and political instabilities and civil wars in the 1950s and 1960s. By the end of 1960s, the problem was quite pronounced that the Organization of African Unity had to come up with the OAU Convention Governing Specific Aspects of Refugee Problem in Africa (1969). The OAU Convention came into force in 1974. The continuation of conflicts in newly independent states such as Mozambique and Angola in the 1970s and 1980s pressed the continent's refugee problem further. In the early 1990s, there was a new wave of influxes of refugees following the conflicts that were linked to the post-Cold War politics.

Kenya started hosting some of the early refugees during the colonial days, including Nubians from Sudan and Makonde from Mozambique. The descendants of these groups have remained in the country to date. In the 1960s, the influxes into the country were linked to violent regime changes in the Sudan and Somalia. The brutal nature of Idi Amin also led to influxes by a number of refugees from Uganda (Gorman 1993). By the time of the International Conference on Africa's Refugees (ICARA) II in 1984, Kenya hosted about 6,000 refugees (Oluoch 2012). Many of these refugees were urban refugees and were professionals who could be absorbed into the country's economy. There was a major shift with regard to refugees' influxes into Kenya from the early 1990s onward. By 1992, Kenya hosted about 400,000 refugees.

Besides the mass influxes, the population comprised many ordinary émigrés, most of whom lacked formal education; the latter was particularly true of refugees from Sudan and Somalia where educational infrastructures had either collapsed or were not in existence. Besides, there was also a significant component of militancy among these refugees. The dynamics

of conflicts in Somalia that involved the Islamic Courts Union (ICU) against the Transitional Federal Government (TFG) of Somalia supported by Ethiopian forces from 2006, the emergence of Al-Shabaab, a terrorist organization in 2009, and their attacks on Kenya have linked the issue of refugees to national security. This essentially jeopardizes the extent to which Kenya observes international refugee law. Matters are not made better when the Government of Kenya realizes that, despite playing its fair share in refugee hosting and protection, the international community falls short of providing adequate support. As such, some of the measures taken by the state are contrary to international refugee law, and besides being informed by security concerns, they also form Africa's normative agenda. Thus, this chapter ponders on two fundamental questions: (1) Does Africa's refugee problem inform the continent's normative power agenda? (2) Does Kenya observe international refugee law, specifically the right to asylum and the principle of non-refoulement? From the ongoing discussions, it's therefore imperative to first discuss the relevant provisions of international refugee law.

RELEVANT PROVISIONS OF INTERNATIONAL LAW

There are a number of instruments of international law that are relevant in addressing the issue of refugees. These include refugee-specific instruments and human rights instruments. The Universal Declaration of Human Rights (UDHR) of 1948 that acts as the cornerstone of international human rights instruments under the UN system, for instance, makes significant contribution to refugee law under the UN regime. The Declaration, for instance, guarantees the rights of all individuals to seek asylum from persecution in another country. The right to asylum is fundamental in international refugee law. The principle of asylum recognizes that when all forms of human rights protection have failed, then individuals must be allowed to leave their country of nationality and freely seek asylum elsewhere across international borders. The drafters of UDHR had intended to have other conventions shortly thereafter with details for specific categories of human rights. These however were not realized until 1966 in the International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights (Brownlie and Goodwin-Gill, 1998). The two instruments also make specific human rights provisions that are important in refugee protection. Since it is violent conflicts that often result in refugee situations, the 1949 Geneva conventions that form the basis of international humanitarian laws are also important in refugeeism.

The 1951 UN Convention Relating to the Status of Refugees is the main specific instrument in regard to international refugee law. It was a result of a series of attempts to come up with refugee law since the early 1920s, first under the League of Nations, then under the United Nations system. By the late 1940s, European nations and North America were overwhelmed by the problem of refugees, a result of both World War Two and the Nazi Holocaust. The 1951 Refugee Convention was significant in a number of ways. First, it recognized refugees as those who were considered refugees under the 1926, 1928, 1933, 1938, and 1946 arrangements. Second, it provided the legal definition of a refugee to be one, who due to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a social group, or due to political opinion is outside his country of nationality and is unable or unwilling to avail himself for the protection of that country. The convention also includes as a refugee a stateless person who is outside the state of his former habitual residence and is unable or unwilling to avail himself to the protection of that state for fear of persecution.

Third, the 1951 convention laid down the basic minimum standards to be applied by states in handling refugees. The convention makes provision that its terms are to be applied without any discrimination as to race, religion, or country of origin. Of major significance in this study is the barring of states from forcefully repatriating refugees, the principle of non-refoulement.

Fourth, the convention provided a comprehensive catalogue of refugee rights. These include the right to recognition of refugee legal status, the right to asylum, the right to recognition by the law of the domicile state, the right of association, the right of access to a court of law, artistic rights, and judicial property, as well as the right to engage in gainful employment among others.

In Africa, the refugee phenomenon exhibited certain features that could not be contextualized in the terms of the UN Convention and its 1967 Protocol. First, most of those fleeing their home countries were doing so not only as targets of persecution, but also due to generalized violence. Second, the five-prong approach used in refugee definition would not apply in many of Africa's refugee cases. Third, Africa's refugee scenario exhibited more of group victims as opposed to the individual cases of persecution that the UN Convention and Protocol emphasized in its definition. As such, the OAU Convention on Specific Problems of Refugees (1969) besides adopting the 1951 UN definition also included those displaced as a result of generalized violence. It also defines a refugee as "every person who, owing to external aggression, occupation, foreign domination, or events seriously disturbing public order in either part or whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality."

Due to the recognition of Africa's refugee problem more so due to generalized violence and conflicts, the OAU Convention besides using conventional and mandate refugee recognition also used *prima facie* status in refugee determination. Analysis of implementation of international refugee law in Kenya is therefore primarily informed by the both the global and regional bodies instruments. In the next section, the chapter discusses security issues that are linked to mass influxes of refugees.

Refugee Influxes in National Security Context

Refugee influxes pose significant national security concerns to many countries (Oluoch 2012). In Africa, the mass influxes across territorial boundaries cause concerns not only to the host countries, but also to the refugee home countries. Since refugees flee from countries of violent conflicts, militants from various warring factions often infiltrate moving bands of genuine asylum seekers. Further, there are cases where some asylum seekers belong to military of deposed regimes. Refugee hosting potentially causes political and diplomatic attrition. In the 1990s, Khartoum, for instance, accused Nairobi of supporting the Sudanese Peoples Liberation Army (SPLA) against it.

Major refugee influxes cause concerns of potential threat of the use of host state territory to launch counterattacks. It is due to these concerns that the OAU Refugee Convention made it illegal for the host states to support insurgents who have taken refuge in their territory. The Convention also makes it illegal for such refugees to use territory of the host state to launch offensives against their home states, or any other state for that matter. Further, the Convention states that the use of the host state's territory to launch such offensives may be a ground for cessation of refugee status.

As an example, Lemarchand's (1996) analysis of Burundi conflicts and genocide demonstrates the extent to which the problem of refugees can cause instability in a region. The two major ethnic groups are the Tutsi and the Hutu who happen to be found not only in Burundi, but also in Rwanda and DR Congo. Any conflict pitting each of these groups against another one usually extends to the neighboring countries due to that complexity. He points out that Hutu refugees in Tanzania and DR Congo entered Burundi and took part in the slaughter of Tutsi.

A study sought to find out from refugees in Kenya their relations with other people. Forty percent of the respondents pointed out that they have experienced some hostility. Sixty percent of those who have faced some hostility point to the host society as the source, while about 15 percent point out that the hostility toward them are from refugees who are from the same country as they (Oluoch 2012). Hostility is a problem faced by both camp and urban refugees. With regard to the host society being hostile, there are

a number of issues that include xenophobia and the hosts' feeling that the government and humanitarian agencies favor refugees at the expense of the locals, the latter factor being rife at the camp areas. In the camp areas, conflict over resources such as firewood is common not only between refugees and locals but also between refugee communities. The finding about hostility from refugees of the same nationalities suggests possible extension of conflicts. The study found that in Kakuma, when there are conflicts in South Sudan, members of the warring groups also fight against each other. It is for this reason that South Sudanese residential areas at the camp are separated by areas occupied by refugees of other nationalities such as Ugandans and (DR) Congolese. Hostility breeds conflicts not only among refugees but also between refugees and the local society; thus, this is a major security concern.

Another major security concern that is linked to massive refugee influxes is proliferation of small arms and light weapons. The refugee crisis of the early 1990s coincided with the collapse of the former Soviet Union and the subsequent end of the Cold War. In a number of African states, proxy wars were fought as part of the Cold War. Apparently, some of the countries that were involved in fighting these proxy wars were also facing the problem of political authoritarianism. This accelerated conflicts. In the context of explaining Kenya's refugee problem, these included Mengitsu Haile Mariam's Ethiopia and Siad Barre's Somalia, which had been involved in the protracted Ogaden war against each other. Besides, a number of countries in the Great Lakes and Horn of Africa regions spent a substantial part of their budgets in arming themselves to stem off opposition. As such, when internal violent conflicts broke out in the regions, the problem of proliferation of small arms and light weapons was accelerated. Proliferation of small arms and light weapons has continued to date with the continued conflicts in Somalia and South Sudan.

There are three interacting factors that accelerate proliferation of these weapons, namely, the supply, agent, and demand (Oluoch 2012). This is a development that was accelerated by the realities of the Cold War international politics. Second, the agent of movement—arms dealers and militants capitalized in the refugee movements, mingled with them, disguising themselves also as refugees. *Prima facie* status accorded under the OAU Refugee Convention requires that asylum seekers are given admission *en masse* as they await refugee status determination process to commence. This made it possible for non-genuine refugees to enter Kenya. Further, Kenya lacked the experience of dealing with a large number of refugees. Until recently, the management of refugees, including the admission process, was a responsibility of the United Nations High Commissioner for Refugees (UNHCR). Issues of state security are better handled by the state.

Demand for arms in the host territory is a major factor in the proliferation of arms. The demand is varied, ranging from those by cattle rustlers to criminal gangs and poachers. Proliferation of small arms and light weapons is a fundamental security problem and is a potential source to political instability. As such it informs the Kenyan government's response to the refugee problem.

Growth of global extremism has complicated refugee protection further. In Somalia, the militant wing of the ICU became visible from 2007 when the Ethiopian forces intervened in the country to support the Transitional Government against them (Oluoch 2017a). Al-Shabaab resorted to use of terrorism to fight TFG forces and their supporters. Kenya, having played a critical role in the Somalia peace process and subsequent formation of the TFG, would become a target of attacks by the extremist group. Besides direct attacks in Nairobi, Mombasa, and the northeastern towns of Mandera and Garissa, the extremist group also became involved in recruiting young Kenyans to be trained in Somalia and Afghanistan. The Afghanistan factor introduced the linkage between Al-Shabaab and Al-Qaeda. These developments were major national security concerns to the government of Kenya. There was therefore inter-linkage between the influx of refugees from Somalia and infiltrations by the Al-Shabaab and its sympathizers. This definitely informed the dynamics of Kenya government's policy responses toward refugee protection. That is the focus of the discussions in the next section.

POLICY RESPONSES TO SECURITY CONCERNS

Following the major influxes of refugees into Kenya, the government adopted strict encampment policy through executive order, which was not codified into law. Besides humanitarian considerations and the need to justify commitment from the international community by demonstrating presence of large number of refugees, security consideration was a key factor behind encampment policy. Encampment was found necessary in monitoring and controlling such sudden influxes into the country (Oluoch 2012). It is important to point out that while encampment performs some of the intended purposes, such as the provision of humanitarian assistance, it has its flipside aspects. Besides confining individuals in particular areas, it denies them the chance to develop and exploit their talents. Further, long-term periods of humanitarian assistance breeds dependency among refugees. It is also a source of harassment and corruption, particularly in situations where refugees are found in urban centers without the necessary permit.

The 2006 Refugee Act empowered the minister responsible for refugee affairs to designate specific areas for accommodating refugees. In Kenya, this is seen as legitimization of camps in refugee protection.

Although international refugee law does not specify where refugees reside, a number of developing nations prefer encampment policy. However, encampment raises many social and economic challenges and curtails fundamental refugees' human rights.

In 2007, following the resurgence of conflicts in Somalia between the Transitional Federal Government army, backed by Ethiopian soldiers, and the Al-shabaab, the militant wing of the Islamic Courts Union, Kenya closed its border with Somalia (Amnesty International 2010). This is quite significant in implementation of international refugee law, particularly with regard to the principle of non-refoulement. The principle of non-refoulement prohibits extradition, deportation, non-voluntary return or removal of any person whatsoever to a country or territory where he or she may would face a real risk of persecution or serious harm. Immediately after the official closure of the Kenya-Somalia border, 4,000 Somali asylum seekers were trapped at the border town of Dobley. Three hundred fifty Somalis who were waiting at the border town of Liboi to be transferred to Dadaab refugee camps immediately refouled to Somalia. Overall, thousands of asylum seekers were forcibly returned to Somalia.

In 2007, the Kenya government deported about three thousand asylum seekers from Ethiopia at Moyale. The Ethiopia asylum seekers were primarily from the Gabra community. The Kenya government argued that they were returned to their country because order had been restored there, a position corroborated by the Ethiopia government (Oluoch 2012). However, independent sources claimed that there were still violent conflicts in their home areas by that time. The decisions undertaken with regard to Ethiopian asylum seekers were informed both by security and diplomatic considerations. The asylum seekers were themselves from the rebel held territory in Ethiopia, and therefore to the Kenya decision makers, some of them could be the rebels themselves or rebel sympathizers. Such could jeopardize not only the security of Kenya, but also its relations with Ethiopia. Kenya largely has maintained cordial relations with Ethiopia since independence. This is not only informed by Kenya's foreign policy principle of good neighborliness, but also informed by the defense pact signed between the two countries shortly after Kenya's independence. The pact was informed by Somalia's regional policy, which was perceived by both Kenya and Ethiopia to be expansionist and, thus, threatened their national security.

The closure of the Kenya–Somalia border in 2007 had put many Somali asylum seekers in the country at the risk of refoulement. Thousands of asylum seekers were subsequently forcibly returned from the border towns of Mandera and Liboi during the renewed conflicts in Somalia. Many Somali nationals were arrested, detained, and deported back to their country. The intervention of African Union and Ethiopian forces in 2007 contributed to

the complexity of Somalia conflicts. The extensive drought and famine that hit Somalia in 2011 led to increased influxes of Somali refugees into Kenya, Ethiopia, Yemen, Djibouti, and beyond. The renewed refugee influxes into Kenya, compounded with the security threats posed by Al-Shabaab contributed to Kenya military intervention in Somalia in 2011 in what was dubbed, operation “linda nchi” (protect the nation) (Oluoch 2017a).

The involvement of Kenya defense forces since 2011 have been in two phases, first as unilateral military intervention, and later as part of African Union Mission in Somalia (AMISOM) (Oluoch 2017b). Following these interventions, the Al-Shabaab militants intensified their attacks on Kenyan territory and bases in Somalia. The Al-Shabaab attacks saw the state take tougher measures, which directly had impact on refugee protection and rights (RCK 2012). Following the West Gate Mall’s, Nairobi, terrorist attacks in 2013, security forces rounded up over four thousand undocumented mostly Somalis and quarantined them at Kasarani Stadium, with the aim of deporting those who were in the country illegally. However, it turned out that some of those arrested were actually genuine asylum seekers or those who had been given refugee status, while many others were Kenyan Somalis. Few were actually repatriated.

The steps taken by the national legislature in response to terrorist attacks on Kenya and its interests equally demonstrates the tougher measures that a state may undertake when its security is at state due to human migrations. In 2013, a joint Committee on Administration and National Security, and Defense and Foreign Relations on the inquiry into Westgate terrorist attacks and other terrorist attacks in Mandera and Kilifi blamed nationwide systematic failure on the part of the Department of Immigration Services, Department of Refugee Affairs, and Department of Registration of Persons, citing corruption at border control points and registration centers particularly in Nairobi, Coast, and North Eastern. Apparently, these are also the same areas that have been key targets for terrorist attacks in the country. Second, it recommended the repeal of the Refugee Act of 2006, arguing that it was redundant and inadequate in dealing with the emerging issues of terrorism.

The domestic refugee law was enacted after a prolonged period of Kenya handling hundreds of thousands of refugees without a law and any meaningful policy. It was therefore aimed at creating order, consistency, and coherency, in line with international refugee law, in handling refugee affairs. Yet due to security concerns, the two powerful parliamentary committees were calling for its repeal. The report of the joint parliamentary committee was, however, not adopted by the house.

In a drastic measure, the national government introduced strict encampment policy, with the Department of Refugee Affairs stating that it had stopped reception and registration of refugees in urban centers, directing

asylum seekers from Somalia to report to Dadaab while those from elsewhere were to report to Kakuma camp (Njogu 2016). UNHCR and other service providers were directed to stop providing services to refugees and asylum seekers in urban centers and to transfer these services to the camps, and eventually repatriate them. The government policy was adopted following grenade attacks in Nairobi and was to be effected within a week. Kenya had adopted an encampment policy in the early 1990s following the first wave of refugee influxes in the town. However, as pointed out earlier, refugees who arrived before the 1990 waves were actually urban refugees. Even when the major influxes began, a number of new arrivals settled in urban centers. The new government directive was petitioned in High Court on constitutional grounds by Kituo Cha Sheria enjoined by seven refugees, many of whom had arrived in the country over twenty years earlier. The Court rejected the government's argument that refugees were security risks in the urban centers.

The Security Law Amendment Act of 2014 epitomized government reaction in the wake of terror attacks. The Act was quickly passed after an acrimonious debate between the governing Jubilee Coalition legislators and the opposition Coalition for Reform and Democracy (CORD) legislators. The passing of the Act was not based on its merit, but it represented the politics of the day that was informed by "tyranny of the numbers." The law, also known as Act No. 19 of 2014 effectively amended twenty-two Acts of Parliament, thus affecting various categories of people. Of significance in this discussion was the impact of the Act on refugee protection and rights. The Security Act placed refugees in serious risk of violation of their rights as well as breach of their protection accorded by both international and municipal refugee laws. For instance, section 48 of the Security Act amended Refugee Act of 2006 through introduction of Section 16A. The new section limited the number of refugees and asylum seekers to 150,000, numbers beyond which would have to be repatriated.

Somali refugees and asylum seekers constitute 73 percent of the population. A study reveals that out of 219,271 camp refugees in Kenya by 2006, 136,959 were from Somalia. Therefore, they formed about 62 percent of refugees. It is important to note that in both cases these are registered refugees. However, the number of Somali refugees and asylum seekers has tripled during this period, a development that can be attributed to the continued conflicts, drought, and the resultant famine in the country.

With 89,474 refugees and asylum seekers in Kenya, South Sudan ranked second. It's noteworthy that in August 2014, the government of Kenya granted all Southern Sudanese asylum seekers refugee status on prima facie basis and, as such, individual status determination is not required for South Sudanese refugees. That explains why of 89,477 South Sudanese, 89,226 are refugees as compared to 248 asylum seekers from the same country. Most

of the refugees and asylum seekers were in the camp, with 178,079 hosted at Kakuma and 363,014 at Dadaab camps, and another 51,270 being urban refugees.

Analysis of refugees and asylum seekers in Kenya means that implementing the Security Amendment Act of 2014 would require that three-quarters of the registered refugees be repatriated. The constitutionality of the Act, particularly Section 48 was petitioned by Coalition for Reform and Democracy, joined by a number of other institutions. The petitioners argued that some refugees would have to be repatriated; the criteria of doing so was not clear and therefore would be discriminatory. Second, the section would introduce another ground for cessation of refugee status that is alien to international conventions and the Refugee Act of 2006. Third, it would be against the principle of non-refoulement. Kituo Cha Sheria argued that expulsion of refugees would be a total breach of the principles set out in the international covenants on the rights of refugees. A three-judge bench declared Section 48 of the Security (amendment) Act unconstitutional for violating non-refoulement under the UN Refugee Convention of 1951. This was particularly in considering articles of the Kenya Constitution (2010), which provides for monism of international treaties. The constitution incorporates into Kenya law all treaties ratified by Kenya.

The right to asylum and the principle of non-refoulement are pillars in refugee protection. The right to asylum is guaranteed not only by the UN Refugee Convention and its 1967 Protocol, but also by the 1948 Universal Declaration of Human Rights. The above discussions illustrate cases where the state attempts to initiate measures that are primarily informed by security considerations. Such would contravene international refugee law and the Refugee Act. However, the court rulings that are discussed above in essence checked on measures that would violate the refugee rights as provided for by international conventions. In the next section, the chapter examines the refugee question as an important normative agenda for Africa in the emerging world order.

AFRICA'S NORMATIVE POWER AGENDA AND REFUGEE PROTECTION

The above sections analyze security problems linked to refugee hosting and how this has impacted on the protection of refugees in Kenya. While this writer recognizes the fact that Kenya applies international refugee law in refugee hosting, security issues that are linked to influxes and hosting of refugees undermine the effective implementation of these laws. The right to asylum, for instance, is consistently under threat due to such concerns.

There are cases where the principles of non-refoulement have been blatantly violated, thus eroding the very pillars behind refugee protection. Globally, refugees are faced with discrimination and are often victims of xenophobia. The sporadic attacks of foreigners in South Africa in recent years are cases in point. Their socio-economic status makes them quite vulnerable in such situations.

Normative Power and Refugee Protection

In this section, this chapter discusses Africa's normative power agenda and refugee protection. As such, the discussions shed light on Kenya's relations particularly with the UN refugee agency.

It was not until in 2006 when Kenya enacted the refugee law and thus took more serious measures in the refugee protection. The implementation of the municipal refugee law saw the creation of Department of Refugee Affairs (DRA), hence increased role of the government in refugee protection. The department would play roles in reception of asylum seekers, protection, as well as cessation of refugee status. However, the UN refugee agency and humanitarian agencies still played critical role in that regard. According to the UN Refugee Convention of 1951, refugee protection is a function of the international community. As such in Kenya's case, besides the state and UNHCR, there are hosts of implementing partners that are involved in humanitarian assistance. These include Lutheran World Federation, Windle Trust International, Windle Trust Kenya, International Rescue Committee (IRC), World Food Program, CARE-Kenya, GTZ, and World Vision, among others. These agencies specialize in a series of activities that are generally aimed at assisting and empowering refugees. Agencies such as Windle Trust specialize in provision of refugee education. GTZ, IRC, and World Vision, working together with UNHCR, are involved in initiating development projects in camp areas that benefit both refugees and members of the local communities.

Although refugee protection is a collaborative approach that involves various partners, the host state plays a critical role. It is the critical role of the state and the actual and potential burden that arise from that result in the concept of normative power agenda. At this stage, it is important to state the meaning of both refugee protection and the concept of normative power agenda. Refugees are generally a vulnerable population. Refugee vulnerability refers to weaknesses that make refugees susceptible to various dangers such as poverty, disease, assault, being discriminated against, or being forcibly conscripted into an armed force. Among the most vulnerable within the refugee population are children, the elderly, women, and refugees living with various forms of vulnerability. Due to such vulnerabilities, international refugee conventions place refugee protection as a role of international community. Refugee protection

is the act of ensuring the well-being of refugees as provided by international refugee law. Refugee protection includes ensuring their security, promotion and protection of their human rights, finding durable solutions, as well as to ensure that refugees are treated in accordance to international refugee law.

For about forty years of Kenya's independence, the management of refugee affairs was handled by the Refugee Secretariat under the Office of the Vice President and Ministry of Home Affairs. Due to monumental tasks involved in the handling of refugee matters, the NARC administration, in 2003, upgraded this to the Department of Refugee Affairs, housed in the Ministry of Immigrations and Registrations of Persons (Oluoch 2012). The department had a number of duties that included first maintaining appropriate documentation and registration system of refugees and asylum seekers in Kenya. The department identified and registered undocumented refugees in Kenya. Second, the identification and registration of undocumented refugees in Kenya. Third, it issued identification documents to refugees for travel purposes. Fourth, it certified that beneficiaries of resettlement were bona fide refugees. In collaboration with relevant embassies, it also recommended travel clearance for refugees. The department further coordinated the functions of UNHCR and implementing agencies in the refugee regime. Through the DRA, the state played a crucial role in refugee protection.

Analysis of normative power in the context of refugee protection requires some statistics. In 2015, food assistance programs, for instance, was \$126 million, 70 percent of this was required for the Dadaab camps while 30 percent was for the Kakuma camp. By the start of that year, WFP had secured only 35 percent or \$42.4 million of that amount. A further \$34.6 million was required for UNHCR protection and program staff and administrative support, while the projected operations cost was \$188 million. Although UNHCR and the partners have taken strides in raising funds for assistance and operations, funding has been dwindling over the years. Funding to the World Food Programme (WFP), for instance, declined from \$142 million in 2012 to \$113 million. This was despite the increasing number of refugees to be taken care of. As such, food rations were significantly reduced. The dwindling financial situations can be attributed to a number of factors. Policy makers initially believed that refugee situations would cease to exist after a period, particularly believing that durable solutions would work. However, Kenya's experience particularly with refugees from Somalia and South Sudan proves to the contrary. Kenya does not have a local integration program. Extremely few refugees would qualify to become Kenyan citizens using the citizenship legal requirements. Increasingly fewer refugees get the opportunity for resettlement, a situation that is complicated with increased global terrorism. And finally, continued conflicts in Somalia and South Sudan make voluntary repatriation less feasible.

A country by country number analysis points to the failure of durable solutions, especially voluntary repatriations, to the refugee problem in Kenya. The registered number of Somali refugees was over half a million in 2012. The Somalia conflicts had intensified since 2006 particularly with the intensified efforts by the Al-Shabaab, supported by Al-Qaeda and other players to depose the Federal Transitional Government. This led to the entry of a number of regional players into Somalia. Intergovernmental Authority and Development (IGAD) was initially tasked by the African Union to establish a peace keeping force. That the UN Security Council disallowed involvement of Somalia's immediate neighbors such as Kenya and Ethiopia from participating in such made it impractical to come up with such a force. The theatre of operations therefore shifted to African Union. Though AU member states pledged peace keeping forces, it was only Uganda, followed by Burundi, that contributed forces. The peace keepers could not effectively guarantee the security of TFG, thus prompting Ethiopia to quietly deploy its forces in Somalia in 2007. Kenya, however, officially militarily intervened in Somalia under what was dubbed as "operation *linda nchi*" (Kiswahili for "defend the country").

The presence of foreign forces in Somalia led to more conflicts between the TFG forces supported with these groups on the one hand and the Al-Shabaab on the other hand. These conflicts compounded with the severe droughts and famine of 2011–2012 led to increased human movement from Somalia, with many of those refugees arriving in Kenya. Due to continued conflicts in that country, the number of its refugees has remained high in Kenya to this day. Somalia remains one of the leading refugee generating countries today.

The influx of refugees from South Sudan entering Kenya during the period shows a steady trend. When South Sudan seceded from The Sudan, many international and regional players were optimistic about the future of the world's youngest nation. However, that was not to be. Power rivalry between President Salva Kiir and his deputy Riek Machar degenerated to violent conflict that pitted their respective forces against each other. Due to the South Sudan conflicts there were new waves of influxes of South Sudanese refugees into Kenya. The numbers are not far off from the total number of refugees from entire Sudan before the secession. By 2006 for instance, there were 74,546 Sudanese refugees in Kenya.

The number of refugees from Ethiopia during the period remained more stable. This may be partly attributed to Kenya-Ethiopia relations as well as relative stability in Ethiopia. The two East African nations have remained key allies, particularly in a strategic security context. Due to the common threat emanating from Somalia's expansionist foreign policy, Kenya and Ethiopia signed a defense entente in 1965. The accord is binding between them to date. As such, Kenya is often reluctant to admit asylum seekers fleeing from

areas perceived to be home grounds of rebel groups. Kenya has in the past involuntarily repatriated those fleeing conflicts between the Ethiopian forces and Oromo Liberation Front (Oluoch 2017).

The above illustrations represent a radical departure by Kenya in the handling of refugees' affairs from an open door policy to a restrictive policy. At the core of this are security concerns in which the conduct of the state fits the concept Africa's normative power agenda. Normative power agenda in international relations lays out ways in which a state or states would like international relations to be conducted. To that end normative power is essential for such transformation. In Africa's context, it is a move from the international status quo in which the world's major powers determine international actions. States intend to influence world order through the various elements of power that include the values and rules that it argues should inform behavior of state and other actors in international relations.

In November 2013, Kenya, Somalia, and UNHCR signed a tripartite agreement on voluntary repatriation of Somali refugees. Since then the government of Kenya, particularly under the Jubilee administration, has anchored its decisions on Somali refugees on this instrument. This at times causes attrition between the state and the UN refugee agency, the latter viewing some of the government of Kenya's actions as being in violation of international refugee law. It is the argument of this writer that some of the actions taken by the government are protest against what it views as disproportionate roles in refugee protections. Senior government officials are often quoted as blaming the international community as having left the bulk of the responsibilities of refugee protection to the host countries. This is in spite of the fact that international refugee conventions place the responsibility of refugee protection to the international community. More so, most refugee hosting nations are in the developing world, which also generates the bulk of refugees. Such countries are faced with numerous socioeconomic and political problems. As such, they expect the international community and relevant institutions to play their rightful role in refugee protection.

As indicated above, refugee repatriation has to be done on a voluntary basis. In the case of the tripartite agreement, Kenya, Somalia, and the UN would make sure that Somali refugees return voluntarily and safely and get the necessary assistance to resettle. The UN refugee agency would later point out that the situation in Somalia was still volatile, with protracted conflicts having devastating effects. Within Somalia, such conflicts led to more human displacement and serious human rights violations at the hands of the Al-Shabaab militants. There was, therefore, a need to put in place logistics that would encourage voluntary repatriation. On its part, Kenya felt that it was time for Somali refugees to return to their country, arguing that they should be resettled within their territory and be assisted by the UN and

Western powers. In the context of international refugee law, this is likely to create more problems.

First, once refugees cross over to their home country, they cease to be refugees, based on both the UN and OAU definitions of a refugee. As such, they would not be explicitly covered under those instruments. Second, once they cross into their country and find that situation has not improved, they can attempt to cross back to Kenya due to proximity and their having accustomed to the Kenyan socio-cultural environment. Alternatively, they could become internally displaced persons (IDPs). Although the tripartite agreement included assisting returnees, it's important to point out that there is no specific international law on IDPs. Instead it is the United Nations Office in Charge of Humanitarian Affairs (UN-OCHA) that drafted the guidelines on how IDPs are to be handled.

Although UNHCR has increasingly been involved in providing humanitarian assistance to IDPs the world over, that is not its primary mandate. As such, transforming refugees into IDPs will only end up increasing their vulnerability. Sources reveal that the IDPs in Somalia have been subjected to various forms of abuses by the militants. The proposed physical wall that acts as a barrier between Kenya and Somalia is another policy measure that is likely to adversely impact on Somali asylum seekers. The proposed measure is a security measure that is aimed at controlling human movement generally; refugees are no exception. It is likely to curtail admission of refugees from that country on *prima facie* basis.

The second proposed measure was that Somali asylum seekers would no longer automatically be granted refugee status. Both the UN and the OAU Refugee Conventions provide grounds on which one can be granted refugee status. The UN Convention adopts a four-prong approach linked to persecution, which are religion, nationality, being a member of a social group, and political opinion. Besides adopting the UN definition, the OAU Convention provides generalized violence as a basis for granting of refugee status. Somali asylum seekers generally qualify to be recognized as refugees by the terms of both conventions. The proposed measure is discriminatory and thus, contradicts both the terms of international refugee instruments as well as the constitution of Kenya.

The third proposed measure was the disbandment of the Department of Refugee Affairs (DRA). As pointed out above, initially UNHCR played a critical role in refugee protection in Kenya. The DRA was established following the enactment of refugee legislation in 2006. The main aim was to bring refugee affairs under effective management by the government. Its disbandment may be interpreted as relegation of the significance of refugee issues in government list of priorities. The department was actually disbanded and replaced with directorate of refugee affairs.

The fourth was the proposed closure of Dadaab refugee camps. Kenya has strictly followed encampment policy. Refugee camps are not only important in the administration of humanitarian assistance; they are also significant in security terms. Besides, such huge influxes such as the ones Kenya experienced could be more practically handled using encampment policy.

The above illustrations point to antagonism between national politics and international refugee law. Such affects the working relations particularly with the UN refugee agency. Although many times the agency expresses that it understands Kenya's security concern, it has often come out to castigate policies that it believes contravene international refugee law. Analysis of the security considerations in a refugee regime using the case of Kenya can best be understood from the realist theoretical approach in which state behavior is primarily informed by its own interests that is defined as power.

CONCLUSION

This chapter has analyzed the politics of refugee hosting in Kenya in the context of Africa's normative power agenda. Based on the objectives of the study, it draws the following conclusions. First, refugee hosting in Africa today is faced with the complex security challenges that include the threat of terrorism. Second, the security challenges posed in refugee hosting at times force the host states to adopt measures that contravene international refugee law. Third, as demonstrated in the case of Kenya, since refugee protection is supposed to be the responsibility of the international community, the tough measures taken by the host reveal the underlying disaffection of the host with what they perceive as failure of the international community to play its rightful role. Fourth, what the hosts view as diminished contributions of the international community in playing its rightful role in refugee protection is a result of the magnitude of the refugee problem in Africa and the fatigue that it imposes, as well as the emerging challenges and their pressure on the limited resources. And finally, refugee hosting has helped shape Kenya's security and foreign policy.

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Chapter 18

Can “African Centered Journalism” Contain the Terror Threats in the New World Order?

Fredrick Ogenga

INTRODUCTION

Africa is increasingly paying attention to more concrete approaches of positioning its emerging potential in the global political-economy, and as Africa does that, it is critical to examine some of the challenges it faces going forward. Recently, over fifty African States signed a continental free trade area that is touted as the biggest trade deal globally thus far. However, this “Africa Rising” honeymoon, is increasingly faced with several challenges, conspicuous among them is the uncertain peace and security environment. It is well documented of how peace and security are prerequisites for trade and investment in modern economies.

As Africa rises with more interlinked financial markets and modern economies, there are emerging patterns of insecurity that are partly a consequence of poor synergy of the often-diverse cultures that are currently increasingly on the clash. One notable manifestation of this clash is evidenced in how societies are dogged by division characterized by sectarian violence, ethnic conflicts, religious and political fundamentalism, and crime and violence as a result of surging youth demographics with limited matching opportunities leading to violent extremism and terrorism.

With Africa’s growing population (youth demographic dividend), Africa has the potential of nurturing the most effective workforce in the globe that would drive growth and development going forward; yet, this has become more of a curse or burden than a blessing. This chapter explores innovative ways in which the youth can be engaged from extremism and consequently position Africa in a more advantageous space in the competitive global world in a manner that does not lose sight of the Pan-African context inspired by the “Africa Rising” narrative.

The continent has to rid itself of the hopelessness that makes a number of youth able to be lured into violent extremism in groups such as Al-Shabaab, Isis, and Boko Haram among others. Therefore, the natural question would be: What kind of interventions does Africa need to make in order to address (in)security challenges? However, this chapter would want to ask a different kind of question and use it to build a thread of argument for sophisticated philosophical approaches to conflict resolution in the context of violent extremism and terrorism. The latter being political communication, it is important to rationalize the role of mass media and journalism in presenting and representing terrorism and violent extremism in Africa.

It is from this rationalization that a comparison can be made on how media covers news events generally (including terrorism), what motivates such coverage, and how to depart from it with a more creative approach that speaks truth to the local context. In a world order mired with threats of terrorism, the media systems and systems of communication need to be aligned with the local context that would eventually evolve into a new journalism norm—Hybrid Peace Journalism (HPJ). It is envisaged that the new norm will transform the journalism industry based on African values, ethics, and systems. Africa Peace Journalism borrows from Western Peace Journalism. While the latter means news coverage for conflict resolution geared to bring different voices to the negotiating table for peacebuilding, the former simply blends this operationalization with African cultural realities found in ancient philosophies of Utu (Humanity), Umoja (Unity), and Harambee (Collective responsibility) that are used as news values as opposed to Western conceptualization of values of news that can be summarized through “man bites dog; bad news is good news” aphorisms. We then look at the role of technology and training institutions in implementing the methodology as being practiced at the Rongo University’s Center for Media, Democracy, Peace and Security. Even though insecurity is a general threat spreading across sub-Saharan Africa, this chapter looks at Kenya as a case for geo-political reasons and for the fact that the country is the arena where this new Pan-African methodology is being institutionalized.

TERRORISM AS POLITICAL COMMUNICATION

Given the emerging conspicuous forms of violent extremism manifested in acts of terrorism in East and West Africa, it is important to underscore the need to examine de-radicalization within the framework of radicalization and terrorism as forms of political communication. It is also important to rationalize the extent at which violent extremism and terrorism are signs of hidden grievances and the inherent difficulties in identifying acts of

radicalization until an act of terror is committed. At what point can we say that someone is radicalized in order for us to begin formulating de-radicalization strategies? Is it before or after acts of violence or both? Since radicalization often leads to terrorism, it is equally important to explore what constitutes terrorism. The master narrative of what constitutes terrorism has been that it is political communication and a construction of the media and, therefore, the media ought to play a central role in youth de-radicalization.

There is no one single definition for terrorism (Crenshaw 1981; Crenshaw 2000; Abrahms 2008; Bergesen & Lizardo 2004; Sandler 2011). The problem of defining terrorism has hindered its analysis since the inception of terrorism studies in the early 1970s (Crenshaw 2000). In his definition of terrorism, Abrahms (2008) takes the strategic model position in the dominant paradigm in terrorism studies—that terrorists are rational actors who attack civilians for political ends and sometimes religious goals. However, there is no denying that the media has often constructed what appears to be the definition of terrorism (Thussu 1997; Donohue 2003). Today's freedom fighters are tomorrow's terrorists with examples from the Irish Republican Army, the *Mau Mau* Freedom fighters in Kenya, the *Mkhondo We Sizwe* (Africa National Congress military wing in South Africa), The Islamic Resistance Movement (Hamas), Palestinian National Liberation Movement (Fatah), and others. Traditional case studies on media and terrorism, though few, have focused on the symbiotic relationship between media and terrorism from the presupposition that media often increases the risk of terrorism arguing that terrorism is used as a communication mechanism by political extremists (Frey 1988; Hoffman 2006; Wilkinson 2001; Frey 2004).

FRAMING TERRORISM AND INSECURITY

Guatsi and Mansfeldova (2013) pose three very important questions that can help us understand the centrality of the media in terrorism: How do media actually frame terrorism and organized crime? Has the media coverage of terrorism and organized crime made the public more sensitive to the issue of security? And if so, how are the (security) threats perceived and discussed by the media? The wide publication of information about threats to national security and the reaction of government and steps taken to prosecute offenders clearly demonstrate that enhanced security or security presence does not make society happier since happiness is not only connected to the feeling of safety and absence of fear, but the absence of far-reaching security mechanisms that infringe on the privacy and freedom of citizens explaining the tensions between security and freedom and the moral cost of security in terms of sacrificing individual privacy (Guatsi and Mansfeldova 2013, 2).

Media being in the front of shaping perceptions and attitudes can provide outlets for whistle-blowers and act as watchdog of civil freedom, privacy, and civic liberties in the global war on terrorism. Media reports issues of terrorism because it deserves security; the government, under the Hobbesian natural contract, is the custodian of security and therefore freedom. The question citizens must ask is how much security do they want and at what price? The media therefore plays a critical role as an arena where information is made available and negotiated and where opinions, such as competing groups, such as terrorism, are formed and worn. The media has a role to play when it comes to risk perception, political communication, and the tensions between freedom and security, which would affect terrorism and responses to it in one way or the other (Guatsi and Mansfeldova 2013). Unfortunately, the media has been sensationalizing terrorist incidents creating hysteria in the minds of audiences and consequently undermining security interventions by advancing the terrorist's agenda.

The primary focus of terrorism is political communication intended to persuade the target (audience) into some form of action intended to achieve some political ends. This is why audiences are critical in terrorism, and media is the central tool of mediating those political messages whether they are symbolic communication or the use of paralinguistic signs. How effectively audiences will be influenced through terrorism as a form of political communication will therefore depend on how media frames that communication and the level that framing will synchronize with the degree of security risk perception (both individual or collective/national) and the level of fear vis-à-vis individual citizens' self-willingness to surrender their freedom as the ultimate price for security. This is why it has been argued that the global war on terror is just another excuse for espionage where the elite strive to control the masses who surrender their own liberty/privacy at the altar of security surveillance, CCTVs, and 3D scanners, which will never make a society happier and peaceful (Guatsi and Mansfeldova 2013).

Other recent studies have focused on theoretically testing whether or not media coverage increases the risk of terrorism using more modern data such as those of Rohner and Frey (2007), while others have focused on the relations between terrorism, religion, and ethnicity (Rathbone and Rowley 2002), the economics of terrorism or the common interest game (Sandler 2011; Rohner and Frey 2007; Whitaker 2007; Gaibullov and Sandler 2011), and the psychological impacts of terrorism (Slone 2000). In addition, most studies focusing on terrorism in Africa such as that of Kamau (2006) "Kenya and the War on Terrorism" and have emphasized the sociocultural and political implication of counter terrorism with minimal literature on those specifically focusing on media and terrorism found in studies such as those of Ogenga (2012) that goes further to interrogate the conduct of the media driven by the

ideological and philosophical approaches of news production that sanction representation and therein radicalization and terrorism. This chapter seeks to explore the study of media and terrorism by not only inspecting ideologies of journalism, which are a Western creation, but also presenting an opportunity to reinvent journalism in Africa inspired by Africanism in the context of the new threat of terror in Africa and the need for African-centered solutions in discourses of peace-building on the continent.

MEDIA AS A TOOL FOR COUNTERING VIOLENT EXTREMISM

In this context, rationalization and practical solutions are explored as ways of utilizing the media as a powerful tool for preventing radicalization and as a possible de-radicalization mechanism. Collins (2005) in “Media and the Path to Peace” discusses how the media affects the process of negotiation and peacebuilding as opposed to high-profile issues such as war coverage. The argument is that even in traditional journalism, there are factors that feed into the media-politics cycle that can help the media shape the political environment when peace is up for public debate. These factors are: news values, elite consensus behind the process, the number and severity of crises, the level of media sensationalism, and the extent of shared media among the parties to the conflict that can help (Collins 2005). An illustration that can help demonstrate the political nature of terrorism can be found in the heated debates in Kenya regarding withdrawal of Kenyan troops from Somalia or an exit strategy in the operation against terrorism called Operation *Linda Nchi* that has been characterized by political bickering and partisanship, and, in the end, the public is presented with a distorted elitist consensus that gives more credence to government position premised on the need to continue with the operation as opposed to opposing views that seek to withdraw Kenyan troops from Somalia—missing the opportunity to find a peaceful solution to terrorism in the country.

Much of what the media has relied upon is the idea of negativity and sensationalism, a representation strategy that has been exported to Africa when covering incidences of terrorism reminiscent of the manner in which Africa has generally been negatively represented by the Western media (Hawk 1992). This kind of representation is informed by media liberalism; a form of capitalism and market-driven media as opposed to informative and educative media, which this chapter argues for. In the market-driven approach to reporting, Africa has suffered negative representation. The narrative about the continent has been that Africa is home to diseases, failed states, poverty,

and conflicts. However, the question is: Who is responsible for the invention of this narrative about Africa?

The idea of poverty and disease might largely be an African problem, however, that of terrorism is complicated. This is because while the historical trajectory of the African continent reminds us of colonialism and slavery, which are arguably some of the worst forms of terrorism in history. Africa is historically littered with narratives where Africans terrorized their own from ancient territorial and ethnic conflicts and conquests to modern identity conflicts sanctioned by the state and civilians with the 2007 and 2017 post-election violence in Kenya and genocide in Rwanda serving as excellent examples. However, the idea of terrorism as an emerging industry in Africa is largely foreign and can be quickly traced from colonial struggles that gave birth to a nationalistic movement and therein a nationalistic media agitating for freedom. Movements such as *Mau Mau* of Kenya, *Maji Maji* of Tanzania, *Umkhondo we Sizwe* in South Africa all were labelled “terrorists” by colonialists coming to the fore. Is there a way Africa can use the media to reclaim its historicity in the context of dominant negative representations?

The Kenyan press across the board has often presented an alarming overview of the terrorism situation in bold headlines and using red colors indicating terror hot spots mapped by graphic images of the extent of terror threats, immediately after terrorist attacks. Well captured chronologically by the *Daily Nation* on 9 July 2015 were statistical details of casualties of terrorism in Kenya sensationalized using bold front page headlines and graphic illustrations of victims carried in body bags by the Red Cross rescue team. This kind of media coverage is important because Kenyans largely rely on mainstream newspapers for authentic information that would make them come to terms with serious events affecting the country such as terrorism; and therefore for the media, it is business as usual. This is not to argue that if the media stops covering terrorism, terrorists will not attack. It is more of an argument advanced at the audience level since audiences are often psychological victims of terror. In reality, terrorists may still attack despite media blackout just to prove a point. Media blackout, it can be argued, can be more dangerous given that terrorists can unleash more sophisticated, organized, and devastating attacks just so that they can be visible. It is important for journalists to be careful and cautious when covering terrorism regarding decisions they make on, say, what pictures to use and the kind of angles and approach they use to frame stories to avoid instilling fear in the minds of audiences who should otherwise be encouraged to remain resilient in order to overcome terror. In a study on Jihadi Brides in Kenya (Ogenga 2016), it was established through media coverage that young girls were lured into terrorism using social media. Social media is, therefore, actively used for recruitment and exchange of extremist content and video.

Thinking about African-Centered Media, Journalism, and Peace Education

In order to explore how the media in Africa has been covering terrorism, it is important to locate the historical trajectory in which it has traversed. Media in Africa has a very heavy Western influence. Kenya media, for example, has been commercially structured, often serving the interest of the audiences, owners, and advertisers (Kariithi 1994). Historically, the Kenyan media has not sat in a comfortable space regarding political, economic, technological, and social environment (Mbeke 2008). From the 1990s, the Kenyan media simply acted as the mouthpiece of the government. Therefore, when we think of an African-centered media in the new age and how Africa is represented by the media in the context of her peace and security challenges, especially terrorism, we must first explore a number of works that have made significant contribution to the literature about the Western media representation of Africa generally.

Worth exploring are the works of Mudimbe (1988), Mudimbe (1994), Mazrui (2005), Nyamjoh (2010) and Allimadi (2002). Mudimbe's (1988, 1994) compelling theses titled *The Invention of Africa: Gnosis, Philosophy, and the Order of Knowledge* and *The Idea of Africa*, respectively, have made significant contributions to the critique about the construction of otherness in Western discourses and the assumption that Western episteme about ideas of Africa and its people is the universal blueprint. Mudimbe's (1988) contribution hypothesizes the possibility of authentic African systems of knowledge that are not necessarily bound by the normative conventions of Western science defined through a certain episteme. Mudimbe brings about the idea of *gnosis* derived from the Greek word *gnosko*, which means seeking to know, inquiry, methods of knowing, investigations, or acquaintance with someone. He distinguishes *gnosis* that is bound by African traditionalism and ways of reasoning, which are different and unique, from the Western episteme. He argues that:

Often the word [*gnosis*] is used in a more specialized sense, that of higher and esoteric knowledge, but one strictly under the control of specific procedures for its use as well as transmission. *Gnosis* is, consequently, different from *doxa* or opinion, and, on the other hand, cannot be confused by episteme understood as both science and general intellectual configuration. (Mudimbe 1988, ix)

Mudimbe's title "*The Invention of Africa*" is therefore a methodological tool, "it embraces the question of what is and what is not African philosophy and also orients the debate in another direction by focusing on the possibility of philosophy as part of the larger body of knowledge of Africa called "Africanism"

(Mudimbe 1988, ix). In conceptualizing such a possibility Mudimbe questions the authenticity of the subjects of such discourses that can be regarded “real African” and are informed from African *gnosis*. Who has the moral authority to represent or talk about an African discourse? Who has the rights and credentials to produce it, describe it, or comment about it? Is it African scholars of philosophy or scholars of African philosophy? And what does their contribution mean to African philosophy? The former have been instrumental for the rejection of the Hobbesian “man in the bush” myth by separating the “real” African from the westernized African and to strictly rely upon the first.

However, they have often been insufficient in themselves for they have failed to explain African philosophy beyond the parameters of Western conventional epistemology or normative conventions. Consequently, Mudimbe looks upstream with caution for results on precisely what makes such an objective African reality possible regarding discourses of African societies, cultures, and people as signs of something else. So, if the media is reporting about terrorism in Africa, what kind of discourses, angles, and frames should they use? Mudimbe’s approach is a revelation of the level of caution required before making conclusions or predictions on the possibility of genuine African philosophy, as far as journalism in Africa is concerned and regarding reporting terrorism, as distinct from how the West reports it (Mudimbe 1988, x). Mudimbe analyzes the emerging trends concerned with the idea of reconstructing and reinventing narratives and experiences about Africa and “the idea of Africa,” which the Africa rising narrative is actually part of, as opposed to the understanding rubber-stamped by colonialists and missionaries whose views have broadly framed Western episteme when representing the continent (Mudimbe 1994).

Countries that constitute the “axis of evil,” for example, are at the core of Trump’s controversial new immigration executive orders that suspended immigration of citizens of some of these nations into the US for up to 90 days. This reality, currently viewed by many observers as a blanket Muslim US ban, has framed global thinking on immigrants and terrorism, and it appears like Muslims from Africa and the Middle East are on the receiving end. Such thoughts are informed from rationales defined through the Western empirical episteme that do not do justice to contextual realities in Africa. This is why Trump’s executive order was countered with a stay order by an Appellate Court after a judge temporarily suspended it for lack of evidence of how those caught traveling to the US when the order was issued posed a “national security threat to the US,” demonstrating how easily local parochial politics can widely shape global public opinion. So where are the African voices and engagement in this ideological struggle revolving around global peace and security amidst threats of terrorism? Does this absence reflect the weakness of African philosophical ways of thinking and conversations about security issues affecting them in all disciplines thereof, including journalism?

Paulin Hountondji's (1996) thesis *African Philosophy, Myth and Reality* seems to echo the weakness of African philosophy, a term which he boldly refers to as a myth. After mentioning several scholars of African philosophy in the continent, those inspired through Christianity such as Placide Tempels, Alexis Kagame, Mgr Makarakiza, and Antoine Mabona, and several lay authors such as Kwame Nkurumah, Leopold Sengoh, Adesanya and William Abraham, he concludes that these scholars have made use of African traditions and oral literature in such a way that they have "projected onto them their own philosophical beliefs hoping to enhance their credibility thereby" (Hountondji 1996, 62). Hountondji is convinced that the brand of philosophy masquerading as authentic, collective, and homogeneous African philosophy is actually a personal philosophy. He argues that:

That is how the functioning of this thesis of a collective African philosophy works: It is a smoke screen behind which each author is able to manipulate his own philosophical views. It has nothing beyond this ideological function: It is indeterminate discourse with no object . . . it is therefore clear [for example] that the Bantu philosophy of the one is not the philosophy of the Bantu but that of Tempels, that the Bantu-Rwandais philosophy of the other is not that of the Rwandais but that of Kagame. (Hountondji 1996, 62)

Nevertheless, the most interesting issue is how Hountondji (1996) conceptualizes African philosophy. Even though he contends that African philosophy may be lazily sheltering behind the authority of a tradition and projects its own theses and belief onto that tradition, he accepts the potency of the emergence of African philosophy, and therefore its existence, by qualifying the importance of the origin of the authors of such discourses. He introduces the idea of speaking of African philosophy in a new sense arguing that:

We must draw a line between African and non-African writers [journalists], not because one category is better than the other, or because both might not, in the last analysis say the same thing, but because the subject being African philosophy, we cannot exclude a geographical variable taken here as empirical, contingent, extrinsic to the content or significance to the discourse and as quite apart from any questions of theoretical connections. (Hountondji 1996, 64)

From the above perspective, although the works of authors such as Placide Tempels (mentioned earlier) deal with an African subject and have played a significant or "decisive role in African ethnophilosophy," they belong to European scientific literature "in the same way as anthropology in general, although it deals with non-Western societies, is an embodiment of Western science, no more and no less" (Hountondji 1996, 64). So what makes works of authors like Mudimbe (1988; 1994) critical is the fact that

they have emanated from the perspective of an African writer as stated by Hountondji. Their geographical value and contingency has boosted their authority making them important in the advancement of African philosophy. However, they have themselves not escaped criticisms. They have been accused of anthropological and philosophical deconstructionism, reductionism, and obscurity regarding the history of African history and culture and their representation in discourses of Western scholarship. They have also been criticized for assuming that there is an “inherent centrism of the Western episteme in all representations of Africa (even African ones)” (Kresse 2005, 7). However, the works have often been credited for curving out possible pathways for African philosophy “beyond the impasse between ethnophilosophy and adaptation of Western philosophy to Africa.”

Mudimbe (1988; 1994) “raises hopes for authentic African systems of thought which can be revealed through anthropology of knowledge” and can be, in this case, extended to journalism as a field through carefully thought out conceptualizations like Hybrid Peace Journalism discussed herein (Masolo in Kresse 2005, 7). Mudimbe’s (1988; 1994) works are important because they analyze the representation of Africa in the Western discourse and by African scholars. What narratives do media in Africa (geographically situated on the continent) construct when reporting terrorism in Africa and what intellectual positions do African scholars posit when researching terrorism including how terrorism is reported by the media in Africa and African media?

Mudimbe (1998) “outlines the epistemological ideology behind Western discourse and the resulting double consciousness that it has created in African intellectuals concerned with the idea of how Africa has been represented in the Western discourse.” These are important issues of consideration when inspecting media coverage of terrorism in the continent since, in their deconstructive sense, they raise questions of otherness, directed first toward a group of people (immigrants or Muslims), its construction by Western discourse, and second, toward otherness as understood by African intellectuals who, “working largely within the epistemological legacy of the West,” are attempting to either reclaim or reject a marginalized otherness, that of cultural authenticity (Mudimbe in Bongmba 2001, 57).

Mudimbe in Bongmba (2001) further argues that following colonial occupation, the colonizer constructed a dichotomizing discourse that, first and foremost, separated the “traditional” and “modern” in literature, “oral” versus “written”; and about communities, “urban” versus “rural” while neocolonialists set up the boundaries of “good versus evil” in the global “War on Terror” defining what and who constitutes this axis (axis of evil). The media is one potential institution actively cementing these dichotomies. These institutions created a marginality space for the imagination of peace and security and the projection of global security threats to perceived audiences.

Kenya has basically used the amnesty approach to disengaged combatants, which began with a small number of young men and women but currently the numbers have surged. The government basically does rehabilitation but still faces challenges in the reintegration aspect of the program due to the stigma associated with returnees both from the State security side and the community side. Further, the fact that rehabilitation takes place in a confined and restricted prison-like environment or institution diminishes the level of trust among prospective candidates for de-radicalization who choose to remain silent and consequently risking further radicalization. This reality that has undermined the security situation in the country and increased the level of perceived threat among citizens is based on how the local media sensationally covers violent extremism and terrorism characterized by major attacks in Kenya and ensuing counter-terrorism security operations.

Nyamnjoh (2010) argues that assumptions underpinning African journalistic practices are not informed by the fact that Africans should currently be involved in Africanizing their modernity and modernizing their *Africanity* in line with the shifting narrative about the continent characterized as "Africa Rising." A complex dichotomy that is far beyond the simplistic Western one regarding Africa pushed by the latter is necessary, and this is not to assume that there is homogeneity about the best ways of being and doing to which all Africans aspire as they walk into modernity and civilization and that Africa is without challenges (Nyamnjoh 2010). The disjuncture about what constitutes African and Western is at the heart of the dilemma currently facing journalism in Africa whose efforts are geared toward creatively approaching African affairs with great sensitivity and nuance in order to embrace African humanity as they march toward modernity and the New Order. Such constraints should therefore free the African journalists from playing second fiddle, applying a journalism of mimicry and bandwagonism (Nyamnjoh 2010). Nyamnjoh (2010, 14) further argues that:

Because journalism has tended to be treated as an attribute of the "modern" societies, it is only proper that African journalism and the societies it serves, are taught the principles and professional practices by those who know what it means to be civilized . . . aspiring journalists must, like containers, be dewatered from the mud and dirt of culture as tradition and custom, and filled a fresh with the tested sparkles of culture as modernity and civilization. (Nyamnjoh 2010, 14)

African journalists must refuse to operate in a world where everything has been prescribed for them by others where they only implement things without the opportunity to think and rethink (Nyamnjoh 2010). Nyamnjoh (2010, 15) hypothesizes that "if journalism privileges a hierarchy of humanity

and human creativity and that the latter in Africa is presumed to be in abyss, then such journalism is bound to be prescriptive, condescending, contrived, caricatured, and hardly in tune with the quest by Africa for equality, recognition and representation.” The same argument can be applied to the “War on Terror” in Africa where a closer inspection shows how journalism has been articulating and appreciating reality through the prescriptive lenses of those who are convinced that their ideas of humanity and creativity are incontestably rich for uncritical adoption by emerging others (Nyamnjoh 2010).

Amselle presents a rationality that “refuses to reduce African culture and the body of its social practices and negotiations to an immobile essence” and, at the same time, gives a “critical appraisal of the politics of universality” (Amselle in Mudimbe 1994, 53). Mudimbe (1994) quotes Herskovits who states “when one pays attention to the declension of the concept of civilization and culture in the singular and the plural; the singular always postulates the unity of humankind, the plural its diversity and cultural variation” (Herkovits in Mudimbe 1994, 49). Tensions that often manifest themselves in brutal acts of terrorism are a result of the global clash of identity and tensions between cultural homogeneity and heterogeneity. Herskovits criticized Henry E. Garret, a psychology professor who argued that racial differences and inequalities are empirical facts that were being opposed by a conspiracy of apostles of the “equalitarian dogma” (Herskovits in Mudimbe 1994, 49). Herskovits’s criticisms outline two different and complementary orders of reflection:

On the one hand, there is an explicit ethical argument contending in the name of science and reason, that there is a historicity proper to each human group and even each individual. This historicity can account for differences between cultures and between individuals, but no scientific valid evidence has ever been produced to show that these differences, either in general intelligence or particular aptitudes, are related to race. On the other hand, a more discrete order, strongly pressed, yet implicit, alludes to a major epistemological issue. (Herskovits in Mudimbe 1994, 49)

Herskovits in Mudimbe (1994, 49) quotes Foucault to illustrate how “Western culture has contributed in the name of man, a being who, by one and the same interplay of reasons, must be a positive domain of knowledge and cannot be an object of science.” Such views are central in questioning ethnocentrism in order to give room for cultural diversity. Culture approached in its diversity presents humanity with perhaps the best possibility of finding closure to the overarching question of “objective truth” that would speak well to the collective predicament of mankind and bury terrorism in the dump of history. The argument by Herskovits in Mudimbe (1994, 49) equally captures

the discourse guiding the HPJ philosophical approach discussed in the next sub-section. Herskovits argues that:

The very core of cultural relativism is the social discipline that comes out of respect for differences—of mutual respect. Emphasis of the worth of many ways of life not one, is the affirmation of values in each culture. Such values seek to understand and to harmonize goals, not to judge and destroy those that do not dovetail with our own. Cultural history teaches that, important as it is to discern and study the parallelism in human civilizations, it is no less important to discern and study the different ways man has devised to fulfill his needs. (Herskovits 1994, 49)

African Peace Journalism

The conceptual framework utilized in this chapter is a complementary approach that utilizes Peace Journalism concepts in order to philosophize the possibility of African Peace Journalism or Hybrid Peace Journalism. Peace journalism (PJ) is about using journalism for conflict resolution and peacebuilding (Galtung and Ruge 1965). Therefore, in the spirit of cultural relativism, the approach locates PJ within conventional Western journalism with the aim of identifying the fractures and ideological erosions that can be used as opportunities for implementing a new form of journalism for peace and security in Africa (HPJ) (Lynch 2006; Hanitzsch 2007; Kempf 2003; Kempf 2007). HPJ is an Africanized version of Galtung and Ruge’s (1965) concept of PJ (professional, ethical, and good journalism) that seeks to look at conflicts in Africa with African lenses/wisdom or *gnosis* for peace and security to avoid the escalation of conflicts. PJ is when editors and reporters make good choices that improve the prospects for peace. These choices, including how to frame stories and carefully choosing which words are used, create an atmosphere conducive for peace and supportive of peace initiatives and peacemakers, without compromising the basic principles of good or ethical journalism (Lynch and McGoldrick 2007).

Peace Journalism gives peacemakers a voice while making peace initiatives and non-violent solutions more visible and viable. HPJ therefore combines the idea of good journalism for peace and development in Africa. The core elements of Hybrid Peace Journalism are research, training, and practice (RTP). The research component entails focusing on Pan-African methodologies and conceptualizations that consider both contextual differentiation and conceptual precision, which involves answering questions such as how do we apply peace journalism in Africa given the contextual realities in Africa and whether or not journalistic values such as “if it bleeds it leads” should be precisely applied in conflict reporting and reports on terrorism in Africa.

The training component addresses the concern of how it is difficult to transform mainstream media institutions from within because of their long tradition of commercializing news content. News to them are stories that sell in order for the media to survive and sustain its operations. This means that the crop of journalists that currently practice in the media industry are “old dogs that cannot be taught new tricks” but can equally be trained through workshops. For a more sustainable approach, this implies that a younger generation of journalists ought to be trained from institutions of higher learning offering journalism and media studies programs so that they can master these newly formulated Pan-African traditions of news reporting proposed in HPJ that embody Pan-African philosophies of *Utu* (humanity), *Umoja* (unity), and *Harambee* (collective responsibility) as important news values in conflict reporting.

Further, trained journalists and media practitioners are expected to practically apply them, leading to the third component (practice). In the latter, since it is difficult to immediately transform the industry in the short term by merely training experienced journalists in workshops and due to the fact that it may take some time before fresh graduates are integrated in the industry for this transformation to take shape, the approach calls for the use of “Campus Community Radio for Peacebuilding” managed and run by student or “Campus Peace Ambassadors” discussed in the next sub-section.

The community radio station will play two roles. Firstly, they will act as a training facility for upcoming journalists, and secondly, they will be used as peacebuilding spaces for addressing peace and security issues that often lead to conflict, youth radicalization, and violent extremism. This will enable the youth, a very important group in exiting violence to learn and explore various ways of peacebuilding and nurture resilient communities through action learning. This underscores the salience of institutional training in universities on news reporting and peace-centered news coverage in Africa. It is therefore an African centered solution (AfSol) to peace and conflicts in Africa premised on the fact that peace is a prerequisite for development, and that Africa is in dire need for peace in order to develop and be at par or even surpass other continents, thus “Africa Rising.” Considering the frequency of conflicts in Africa, peace and development journalism is necessary (a post-independent 1980s development journalism approach practiced in Africa dismissed by Afro-pessimists as sunshine journalism and left out of discourses of media systems theories in the world).

It is from the foregoing that the Center for Media, Democracy, Peace and Security (CMDPS) at Rongo University is studying the conduct of the media through research for peace and security. The new graduate program in Media, Democracy, Peace and Security appreciates PJ as conceptualized by its proponents but institutionalizes a new philosophical approach to Peace Journalism Research in Africa inspired by Africanism (Hybrid Peace Journalism).



Figure 18.1 Represents Hybrid Peace Journalism (HPJ) Institutional Model. *Source:* F. Ogenga. 2019. “Africa Peace Journalism: A Manual for Media Practitioners in East Africa.” Rongo University’s Center for Media, Democracy, Peace and Security.

Elsewhere, I have argued that HPJ means journalism with “African Lenses” (Ogenga 2015a).

CONCLUSION

In this chapter, it is evident that the Peace Journalism Approach (PJA) cautions journalists in Africa against sensationalizing terror stories to imbibe African wisdom, *gnosis*, or ways of seeing in order to report news in a manner that would de-escalate terrorism and promote peace, security, and development in the continent. The approach is developmentally driven by African ideals of community belonging (collectivism) or *Harambee* unity or *Umoja* and Humanity or *Utu/Ubuntu/Ujamaa*. In HPJ the media has a moral obligation to be true to the local context and nuance, to participate and stand up for peace (Ogenga 2012; Ogenga 2015; Ogenga 2016). The development of PJA will require institutional restructuring and innovation.

First, it should be acknowledged that Rongo University’s Center for Media, Democracy, Peace and Security (RU CMDPS) is deconstructing ideologies of journalism in conflict reporting and PJ to come up with HPJ that consider local wisdom, contexts, and nuances to transform journalism from within mainstream media institutions in Kenya, East Africa, and Africa. The RU CMDPS program rationalizes the possibilities of African journalism that is unique, different, and capable of solving terror-related conflicts through cautious reporting. If

journalism is to succeed in Africa, then journalism ought to trace its spirit and footsteps in Africa, found in great African narratives championed by the likes of Kwame Nkrumah and Tom Mboya's Pan-African ideas, echoed by Nyerere's *Ujamaa*, Kenyatta's *Harambee*, and Mandela's *Ubuntu* all fused up together (*Utu/Ubuntu* or Humanity; *Umoja* or Unity and *Harambee/Ujamaa* or togetherness) defining Africanism, belonging, and therefore HPJ (Ogenga 2015).

This kind of journalism calls for peace, love, and unity, imbibing the character of these great African forefathers and their dreams about the future of the continent. A future blessed by positive peace, tranquility, and prosperity for all. The focus is on peace because it is a prerequisite for development, something that Africa needs most (Ogenga 2015). To practically introduce HPJ, the Center conducted a Peace and Reconciliation Journalism Project in partnership with Park University Center for Global Peace Journalism, United States, and *Ugwe FM* now *Radio Rameny* (Community Radio) in 2014 to train regional practicing radio journalists on peace reporting.

The final institutional development should involve partnership with the community and the civil society. Currently, the RU CMDPS is partnering with the Peacemaker Corps Foundation Kenya and the Peacemaker Association, USA, to invest in youth innovative peacebuilding ideas captured through armature filming in the streets and communities through a festival/competition recognized by the United Nations called: Global Peace in the Streets Film Festival. The aim is to involve the youth in creating safer neighborhoods across the world. The festival gives the youth from various parts of the world the opportunity for their voices to be heard in world affairs. It gives them the opportunity to speak and tell their story on how they would make a peaceful world from the streets on different topics, especially violent extremism, terrorism, and ordinary crime and violence. It gets the youth thinking and speaking and ultimately acting toward a peaceful world in their homes, communities, neighborhood, or world. It is through this festival that de-radicalization thematic messages are targeted. At the same time plans are underway to establish internet community radio run by the youth (Campus Peace Ambassadors) piloted at Rongo University and spread to several other local universities that would be used as spaces where the youth can share ideas through dialogue with different grassroots stakeholders to solve their challenges that include youth radicalization and ways of existing violence (de-radicalization).

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Chapter 19

African Foreign Policy Making in the African Union

Peace and Security

Solomon Dersso

INTRODUCTION

One of the characteristic features of the post–Cold War global order has been the steady rise of regionalism (Grant and Soderbaum 2004). This rising interest in regionalism covers not only economic cooperation (and/or regional integration) but also regional governance issues, notably peace and security. Arguably, Africa is one of the regions that has experienced the rise of regionalization of peace and security the most. Following the transformation of the Organization of African Unity (OAU) to the African Union (AU), Africa witnessed a sea change not only in the norms and institutions relating to peace and security but also in the role of the AU in the maintenance of peace and security in Africa. In the context of the more than one decade quest of the AU to be major player for peace and security on the continent, a notable related development has been AU's emergence as the foremost African foreign policy making forum on peace and security.

The process of African policy making in the AU is reflected not only in the articulation of norms and establishment of relevant mechanisms but also in the expanding role of the AU in responding to peace and security challenges affecting various parts of the continent. This chapter aims at interrogating the ways in which African foreign policy is pursued within the AU and the actors and factors shaping African foreign policy making on peace and security in the AU. It outlines the background for African foreign policy making in the AU, the normative and institutional framework of African foreign policy making in the AU, and the major role players in African foreign policy making in the AU.

Apart from this introductory section, this chapter consists of five sections. The first of these four sections puts African foreign policy making in the AU

in context by locating it in the transformation of the OAU to the AU. In the second section, the chapter analyses the normative and institutional framework of African foreign policy making in the AU. The third section examines the mechanisms for African foreign policy making in the AU. The chapter identifies and offers an overview of the role players in African foreign policy making on peace and security in the AU in section four. Finally, the chapter closes with a conclusion.

THE CONTEXT: AFRICAN FOREIGN POLICY MAKING ON PEACE AND SECURITY IN THE AU

It is in the context of the transformation of the OAU to the AU that African multilateral foreign policy making on peace and security acquired particular prominence. Most notably, this transformation led to the institutionalization of African multilateral foreign policy making within and via the AU. The transformation of the OAU to the AU is a product of both internal and external factors. The internal factors relate to the threats that affected Africa in the aftermath of the demise of the Cold War. In his advocacy for heeding his vision of African unity, Nkrumah warned Africa that the failure to unify had serious consequences.

The 1990s were a period when Nkrumah's worst prophetic warning of the disintegration of African states individually was literally born by actual events in many parts of the continent. Thus, the immediate post-Cold War period became one of the darkest, bloodiest, and bleakest of times for Africa. Outside of the slave trade and colonial era, at no other time has violence been more horrific and devastating than during this period. From Liberia to Sierra Leone from Somalia to Rwanda, OAU member states were "disintegrating individually" and it was as though Africa has gone "from the frying pan into the fire."

The OAU with its scrupulous adherence to state-centric principles of sovereignty and non-intervention was ill-placed and ill-equipped to serve as an effective forum for African foreign policy making on peace and security. In the context of the slaughter of more than 800,000 mostly Tutsi Rwandese in a matter of one hundred days in 1994, the serious limits of the OAU for effective African multilateral foreign policy making on peace and security came into sharp relief. Against this background, the need for an effective continental foreign policy making platform on matters of peace and security had come to make the transformation of the OAU an urgent imperative. At the OAU summit in July 1994 in Tunis, President Nelson Mandela of South Africa urged member states to build an African means for responding to the peace and security challenges of the continent.

The external factors that contributed to the transformation of the OAU were Africa's loss of its strategic importance and the reluctance of international actors including the UN to respond to the security challenges of Africa. Following the end of the Cold War, major powers withdraw their engagement on the continent. When many countries of the continent experienced major challenges threatening their survival, none of the powers that scrambled for domination extended a supporting hand. Instead Africa received the treatment of a toy in which major powers had little interest. Steven A. Holmes noted, "having been carved up and colonized by European powers and turned into pawns, knights and rooks on a cold war chessboard by the superpowers, Africa now faces a devastating new problem: indifference" (Holmes 1993). Following the debacle of its two missions in Somalia and Rwanda, the UN showed little appetite to substantially respond to the conflicts in Africa.

Africa was left on its own to deal with all the distortions and mess that the Cold War rivalry left behind in the wake of its demise. As former Secretary General of the UN, Kofi Annan put it, "Across Africa, undemocratic and oppressive regimes were supported and sustained by the competing super-Powers in the name of their broader goals but, when the cold war ended, Africa was suddenly left to fend for itself" (Annan 1998). Apart from leaving Africa on its own to pick up the pieces, the coincidence of this disengagement from and neglect of Africa with the deepening of the globalization process carried the danger of the further marginalization of Africa. African countries individually remained weak both politically and economically. Their lack of capacity to defend themselves and protect their interests in the international system individually also necessitated a more effective multilateral framework for African policy making on peace and security in Africa.

THE NORMATIVE AND INSTITUTIONAL FRAMEWORK OF AFRICAN FOREIGN POLICY MAKING ON SECURITY IN THE AU

In response to the challenges that these internal and external conditions presented, an ad hoc coalition of African leaders led OAU member states in charting the transformation of the OAU into the AU. In the context of this transformation, member states committed to a more effective multilateral foreign policy making forum on African peace and security. Significantly, one of the manifestations of this transformation in African foreign policy making on peace and security involved the normative shift from non-interference to non-indifference (Djinnit 2005).

This normative shift is encapsulated in the ground-breaking principle of the right of the AU to intervention (Aneme 2008; Cilliers and Sturman 2002). The Constitutive Act of the AU stipulates in Article 4(h) that the AU has the right to intervene in a member state “pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity” (AU 2000). This provision together with the emphasis on ending conflicts and promoting peace and security reverses the primacy that the OAU accorded to the state and its state-centric principles over people and the rights and interests of citizens. Most notably, it revises the understanding and scope of application of the principles of state sovereignty and non-interference. Henceforth, these principles no longer justify inaction on the part of the continental body and its member states in the face of such threats.

Two other inter-related principles underpin the normative framework of African foreign policy on peace and security in the AU. One of these, which is related to the above, entails a further redefinition of the principles of sovereignty and non-interference as shared responsibility of African actors for the peace and security of each member state of the AU. This is expressed through the affirmation by AU member states of “the fact that the defense and security of one African country is directly linked to that of other African countries” (African Union 2004). The other consists in the principle of African solutions to African problems. Not only that these principles insist that African states assume increasing responsibility in dealing with the peace and security challenges of the continent but also lead the process of the diagnosis and prognosis of the peace and security ills facing the continent.

Another important aspect of the normative framework for African foreign policy making on peace and security in the AU manifesting another normative shift from the OAU to the AU involved the redefinition of the concept of security. Unlike the OAU, which organized itself around the traditional paradigm of state security, the AU is premised on a more comprehensive security agenda covering the internal conditions of the state including human security. This new broader normative concept of security, which underpins the AU’s peace and security regime, is more explicitly stated in the AU’s Solemn Declaration on a Common African Defence and Security Policy (CADSP). The Policy makes as its point of departure a definition of security “which encompasses both traditional, state-centric, notion of the survival of the state and its protection by military means from external aggression, as well as the non-military notion which is informed by the new international environment and the high incidence of intra-state conflicts.”

Accordingly, apart from violent conflicts, conditions that the CADSP defined as threats to peace and security in Africa include: lack of respect for sanctity of human life, impunity, political assassination, acts of terrorism and

subversion, plural coups d'état, and unconstitutional change of government, as well as situations which prevent and undermine the promotion of democratic institutions and structures, including the absence of rule of law, equitable social order, population participation and electoral processes, improper conduct of electoral process, absence of the promotion and protection of human and peoples' rights, individual and collective freedoms, equitable opportunity for all, including women, children, and ethnic minorities, poverty and inequitable distribution of natural resources, and corruption.

The institutional framework of African foreign policy making in the AU consists in the African Peace and Security Architecture (APSA). While the APSA is made up of the various operational structures and mechanisms for conflict prevention, management, and resolution specified under Article 2 of the Protocol establishing the Peace and Security Council (PSC); the engine around which the APSA is organized is the PSC. The APSA is anchored on the PSC. According to the PSC Protocol the PSC is a standing decision-making authority and serves as "a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa." The powers of the PSC are defined under Article 7 of the PSC Protocol and cover a wide range of issues from conflict prevention to military intervention.

THE MECHANISMS FOR AFRICAN FOREIGN POLICY MAKING IN THE AU: THE PSC AND THE AU ASSEMBLY

Composed of 15 member states of which 10 are elected for two-year terms and the remaining five for three-year terms, the PSC is the principal forum for African foreign policy making on peace and security in the AU. The mandate of the PSC is expressed through the powers and functions assigned to the PSC, which are defined under Article 7 of the PSC Protocol. An analysis of Article 7 shows that the PSC is conferred with expansive powers that make it the main authority on matters of peace and security on the continent. With respect to conflict prevention, management, and resolution, the PSC has the power: (a) to anticipate and prevent disputes, (b) to undertake peace-making and peace-building initiatives to resolve conflicts, and (c) to authorize the mounting and deployment of peace support missions.

Since its establishment, the PSC has launched a number of mediation and peace-making efforts, both as a preventive measure and to end conflicts. These include the mediation efforts undertaken in Kenya, Sudan (Darfur), and Sudan and South Sudan. The PSC also deployed a number of peace support (military) operations, including to Burundi, Darfur, Somalia, Comoros,

and, most recently, in central Africa against the Lord Resistance Army (LRA). Regarding “grave circumstances” identified under Article 4 (h) of the Constitutive Act, the PSC is vested with the power: (a) to anticipate and prevent policies that may lead to genocide and crimes against humanity and (b) to recommend to the AU Assembly intervention in a member state in respect of grave circumstances (Zyberi 2014). Although at no time has the PSC invoked its power relating to intervention, there was one instance in which the PSC made reference to cases falling under Article 4 (h) of the Constitutive Act (Dersso 2013).

Reflecting the broader conception of security on which the AU peace and security framework is premised (AU 2004), apart from the above the PSC is conferred with a rich mandate on matters of governance, democracy, and human rights. With respect to governance and human rights issues (Dersso 2014), the PSC accordingly enjoys the power: (a) to institute sanctions whenever an unconstitutional change of government takes place in a member state and (b) to follow up on the progress toward the promotion of democratic practices, good governance, the rule of law, protection of human rights and fundamental freedoms, and respect for the sanctity of human life and international humanitarian law by member states. However, in practice while the PSC possesses a reasonably effective framework for enforcing the norm against unconstitutional changes of government, it lacks a similar framework in terms of addressing serious human rights and democratic deficits (Dersso 2012a).

Other powers that are conferred on the PSC include those relating to its mandate to “promote and develop a strong partnership for peace and security between the AU and the United Nations and its agencies, as well as with other relevant international organizations” and to “develop policies and action required to ensure that any external initiative in the field of peace and security on the continent takes place within the framework of the Union’s objectives and priorities.” These are meant to ensure that decisions and initiatives that non-African actors take are consistent with the concerns and needs of people of the continent. While some progress has been made toward realizing these provisions, the PSC continues to face major challenges stemming from both the weaknesses of the AU member states and the nature of the existing international order (Dersso 2012b).

The PSC is vested with wide and, in some respects, intrusive powers. The exercise of these powers and the fulfilment of the PSC’s responsibilities have tremendous effect on the politics of AU member states, the relations between them, and, ultimately, Africa’s relations with and position in the international community. For AU member states, this provides the legal and political framework for a collective security system for them to play an increasing role and take leading responsibility for tackling the human security challenges of the continent.

Both the scope and nature of the powers of the PSC demand some level of coherent security and foreign policy approaches on the part of AU member states. Most significantly, the PSC requires a large number of diplomatic, financial, military, and human resources but the contribution by African states of such resources to the PSC remains very low. While troop contribution by African countries has shown a significant increase over the years, peace operations continue to depend for their finance and equipment almost entirely on external support. Most AU member states (and hence the PSC) do not thus possess the wherewithal for assuming the full scope of the responsibilities that the powers vested in the PSC entail. This has serious consequences in terms of the capacity of the PSC to implement its mandate fully.

The formulation of the provisional agenda of the PSC is one avenue of African foreign policy making on peace and security in the AU. Preparation of the monthly program of work commences two weeks before the beginning of the month. First, the incoming chairperson of the PSC holds consultations with the AU Commission's Peace and Security Department to develop a draft program of work. Then, the draft program of work agreed on between the two is circulated to other members of the PSC for their input. The provisional program of work of the PSC is adopted on the PSC's first meeting of the month.

As a matter of rule, the provisional agenda of the Peace and Security Council is determined by the Chairperson of the Council on the basis of proposals submitted by the AU Commission and member states. In investing the rotating country chairs with the authority of presiding over the setting of the agenda of the PSC, this principle serves as potentially important vehicle for country chairs to infuse the agenda and decision-making of the PSC with their foreign policy considerations and interpretations. Indeed, the trend thus far shows that while foreign policy considerations of the country chair of the month shapes some of the agenda items, the level of national interest involved and the foreign policy interpretation of a particular agenda item of the PSC often determines the degree of influence of the monthly chair over the outcome of PSC's deliberation over the agenda item.

Chairing the PSC offers huge leverage for a country when the PSC deals with a conflict situation or a theme on which it has strong interest. It allows such a country to play a direct role in the drafting of the policy decisions of the PSC on the conflict situation or the particular theme. Not all country chairs have the capacity or the disposition to be involved in the drafting of PSC policy decisions. Yet, countries having particular national interest relating to an agenda item of the PSC play an active role in the drafting or shaping the drafting of the communiqué or press statement of the PSC.

The AU Assembly, which is the highest decision-making body of the AU, is another platform in the making of African foreign policy on security in the AU. The AU Assembly is the supreme decision-making organ of the Union.

It is composed of the Heads of State and Government of all Member States of the African Union or their accredited representatives. The Assembly meets at least once a year in an ordinary session and convenes for extraordinary meetings at the request of a Member State and at the approval of a two-thirds majority of Member States. In its 2004 summit the AU Assembly decided to meet twice a year in ordinary session, citing its increasing responsibilities in the face of the many challenges of the Continent.

As the supreme organ of the Union, the Assembly determines the policies of the Union. It monitors the implementation of policies and decisions by its organs and takes decisions on reports and recommendations from its organs, such as a recommendation for intervention in Member States from the PSC. In particular, the Assembly directs the Executive Council, the Peace and Security Council, and the Commission on management of conflicts, acts of terrorism, and emergency situations. The Assembly is mandated to impose sanctions on Member States for violation of the principles enshrined in the Constitutive Act.

The AU Assembly takes decisions through its bi-annual summits that are held at the beginning and in the middle of every year. While the PSC is the principal and standing decision-making body on peace and security, the AU Assembly offers further opportunity for decision-making on peace and security particularly where PSC level action proved unsatisfactory or where there is a need a wider continental engagement. Indeed, as it was witnessed in the January 2016 summit of the AU Assembly with respect to the crisis in Burundi, some crisis situations receive higher level and wider engagement at the level of the AU Assembly. Another situation that illustrates this was the treatment that the AU Assembly accorded to the Mali crisis in January 2013.

According to the Constitutive Act of the AU, the ultimate authority to decide on intervention under Article 4(h) lies with the Assembly. The Assembly decides on intervention under Article 4(h) either by consensus, or, if that is not possible, by a two-thirds majority of the fifty-four members of the Union. The process for such a decision commences following a proposal submitted to the Assembly from the Peace and Security Council after the latter has determined pursuant to Article 7(1)(e) of the PSC Protocol that grave circumstances envisaged under Article 4(h) of the AU Act have arisen, or there is an imminent threat of such circumstances arising in a Member State warranting intervention.

THE MAJOR ROLE PLAYERS IN AFRICAN FOREIGN POLICY MAKING IN THE AU ON SECURITY

Analysis of decision-making dynamics both in the PSC and the AU Assembly shows that there are three principal role players in African foreign

policy making in the AU on security. One such major role player is the AU Commission.

The AU Commission, as the policy coordination and implementation machinery, facilitates the body's activities and meetings and pursues the execution of AU policies and prepares its strategic plans. In the area of peace and security the AU Commission, particularly the Chairperson, also has a more substantive role. Article 10, paragraph 1, of the *Protocol Relating to the Establishment of the Peace and Security Council of the African Union* states that "the Chairperson of the Commission shall, under the authority of the Peace and Security Council, and in consultation with all parties involved in a conflict, deploy efforts and take all initiatives deemed appropriate to prevent, manage and resolve conflicts." The Chairperson of the AUC is therefore responsible for ensuring the implementation and follow-up of the decisions of the PSC, including mounting and deploying peace support missions authorized by the Council. The Chairperson of the Commission, working through the Commission for Peace and Security, is obliged to keep the PSC informed of developments relating to these peace support missions. In particular, the Chairperson can issue periodic and comprehensive reports as well as other relevant documents in order to enable the PSC and its subsidiary bodies to perform their functions effectively.

According to the PSC Protocol, the Chairperson of the Commission also has the prerogative to bring to the attention of the Council issues, which may threaten peace, security, and stability in the continent. The Chairperson of the Commission, however, can play and does play an active role particularly in conflict prevention, mediation, and peace-making through the use of his or her good offices in collaboration with the Council. The AU Commission, particularly the Chairperson, has, for example, been active in the mediation efforts in Madagascar, Mauritania, and Guinea, among others.

The AU Commission is the most constant player at the center of African foreign policy making. Often the Commission exercises its influence with either the active support or at the very least acquiescence of member states in the PSC or in the AU Assembly. Apart from its *de jure* sources of influence referred to in the previous paragraphs, it also exercises *de facto* influence in African foreign policy making in the AU. First, the Commission "supports the PSC's decision-making process by providing expertise in various domains of peace and security."

Second, as with the preparation of most documents of the PSC, the AU Commission has in practice borne the burden of drafting the communiqués and statements of the PSC. Given the advantage it has in terms of possession of technical expertise used in drafting the reports, statements, and communiqués of the PSC as well as in shaping the perspective of PSC members, the AU Commission exercises significant leverage on the work of the PSC.

The involvement of the AU Commission in peace and security matters thus far shows that the Commission is much more active in some ways than other more important peace and security actors. The practice also shows that since it controls both the management of the purse and the administrative machinery necessary for the functioning of other actors including most notably the PSC, the Commission has become dominant. Some have argued that the Commission has become so dominant so much so that it has come to usurp the powers assigned to other actors (Makinda and Okumu 2008).

At the center of the role players in African foreign policy making in the AU are obviously the member states of the PSC and heads of state and government of the AU Assembly. The role and influence that member states exert varies from one peace and security issue to another. The emerging trend shows that often member states assume active roles in African foreign policy making in the AU with respect to security issues affecting their neighboring countries or the region to which they belong. Similarly, often only the few interested states are actively involved in the making of African foreign policy on security in the AU while many either assume a passive role or simply acquiesce to the lead that those interested states take unless there is strong disagreement over the policy position to be taken within the PSC or at the AU Assembly.

In terms of the role of member states, one dimension that could not be underestimated is the role of the African “big-five” or regional heavy weights. These include South Africa, Nigeria, Egypt, Algeria (and until recently Libya), and increasingly Ethiopia and Chad from East and Central Africa regions, respectively. These countries shape foreign policy making, not only directly through their membership in the PSC or the AU Assembly, but also through the instrumentality of regional organizations, which are the other role players in African foreign policy making in the AU on security. The past decade has shown that regional mechanisms have come to play an increasingly important role in the maintenance of peace and security in Africa. Many African regional organizations, from the Economic Community of West African States (ECOWAS) and the Southern Africa Development Community (SADC) to the Inter-Governmental Authority on Development (IGAD), the Economic Community of Central African States (ECCAS), and the International Conference of the Great Lakes Region (ICGLR), have in the past few years played increasing roles in efforts to manage and resolve conflicts. There has been almost no conflict situation in whose resolution many of these regional mechanisms did not play a role.

One manifestation of the increasing role of regional mechanisms is the important influence they have begun exerting on the policy making processes of the PSC. In almost all cases that were featured on its agenda during 2012 through 2015, the PSC looked to regional mechanisms when considering

the adoption of a particular policy position, although there were instances in which regional mechanisms acted in a way that defied the authority of the PSC.

In addition, the ability of regional mechanisms to provide regional leadership and build regional consensus has become a critical component of the success or failure of efforts to resolve conflicts on the continent. As ISS's *Annual Review of the African Union Peace and Security Council 2012/2013* established, the failure of regional mechanisms to achieve consensus and provide leadership frustrates the possibility of a timely decisive action, particularly if regional powers feel unease in the AU leading the response in which they lack influence.

The role that regional mechanisms have come to play increasingly covers almost all aspects of conflict prevention, management, and resolution. However, their role has in particular been notable in the efforts to end conflicts through negotiation. In the pursuit of this they have deployed a wide range of tools, including mediation and peace-making (as per ECOWAS in Mali, SADC in Zimbabwe and Madagascar, the ICGLR in the DRC, ECCAS in Central African Republic, IGAD in South Sudan, and the EAC in Burundi), and the use of their good offices, as illustrated by the role of IGAD in Sudan and Somalia.

CONCLUSION

One of the major developments in the evolution of African regionalism has been the multilateralization of African foreign policy making within the framework of the AU. This has emerged in the context of the transformation of the OAU to the AU. This transformation availed the opportunity for putting in place the normative and institutional framework for African foreign policy making in the AU on peace and security in Africa. As reflected in the relevant section of this chapter, the normative and institutional framework put in place within the AU has established a more effective and institutionalized African foreign policy making in the AU on peace and security.

The chapter also showed that the institutional setup and the mechanisms for African foreign policy are principally centered on the PSC and the AU Assembly. This is not only on account of the authority vested in this policy making bodies but also the implementation of the peace and security agenda of the AU during the past decade for which the PSC and the AU Assembly have been central. In terms of the actual process of African foreign policy making in the AU, this chapter identified and examined the respective place of the major role players in African foreign policy making in the AU. These are the AU Commission, member states of the PSC and the AU Assembly, and regional economic communities.

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Chapter 20

Kenya's Foreign Policy (2013–2017) and African Renaissance

Rosemary Anyona

INTRODUCTION

Numerous debates on “African Renaissance” continue to dominate academic and policy dialogues since 1997. The African Renaissance is central to Africa’s Agenda 2063, which is the overall plan for emancipating Africa from the problems that continually haunt it. Contributing to discussions that attempt to demystify the idea of an African Renaissance, this chapter investigates the advancements made (so far) by African countries in their efforts to attain a renaissance. The main concern is how this philosophy has been domesticated by the individual countries of Africa and whether, where there are attempts to apply it, the renaissance can be effortlessly recognized as such. This study attempts to do this by examining the foreign policy behavior of African states since the inception of the renaissance idea. Of particular interest are countries, such as Kenya, that have openly displayed ambitions to lead the continent in its quest for a grander future. The example that personifies Kenya’s continental leadership ambitions is the country’s 2016 candidature for Chairperson of the African Union Commission (AUC).

Bongmba (2004) examines the question of African Renaissance from a post-colonial perspective, and is convinced that the renaissance is a continental thing. Adopting a contrary view, this chapter argues that the African Renaissance is, of necessity, a renaissance of the each of the individual units that make up the African sub-system. After all, the African Union (AU) is really just a conglomeration of 54 states and since each of them is in various stages of embracing the renaissance, it would therefore not make sense to analyze the phenomenon from a continental level. Therefore, when assessing how Africa is fairing with its Renaissance, the judicious

methodology to adopt is that of appraising individually each one of the 54 units. The Renaissance theme follows the consciousness that Africa needs to find its own trajectory in world affairs and therefore needs introspective measures geared at improving the negotiation power of the continent vis-a-vis the rest of the world. The idea is for the region and its people to embrace a change in the way politics is conducted with the rest of the world. It is also a search for “newness” in the way domestic politics is conducted in the individual countries. In addition, the idea is a call for the renewal of intra-African relations.

In line with this conviction, an analysis is made of Kenya’s foreign policy to determine if there is (or has been) any indication of a rebirth. The choice of Kenya as a case study is informed, first and foremost, by the fact that the country has been at the forefront of Pan-Africanism and African affairs, in general, since its independence in 1963. Also, recently, Kenya’s diplomatic conduct has elicited a lot of attention, both continentally and globally due to the country’s vigorous campaigns against the International Criminal Court (ICC). This is a move that has never before been made by the East African country. Although Kenya’s foreign policy has often been considered as one of continuity and change, the recent audacious assertiveness of the country generates questions about the nature of the changes in its foreign policy since 2013. Is Kenya’s recent foreign policy part of a “normal” change or is it a reflection of an ongoing renaissance?

Africa in International Relations: From Hopelessness to the Continent of the Future?

Africa is no doubt the richest continent in the world as is evidenced by the variety of natural resources that can be found in the region. Puzzlingly, it is also the poorest continent given the number of its people suffering from poverty, curable diseases, and a general lack of development. Predictably, several stereotypes have been heaped on Africa as a result of the continent’s inconsistent situation. One of the most frequently quoted stereotypes by scholars of African international relations is Morgenthau’s (2004) persuasion that Africa is a politically empty space, a *tabula rasa*. Reminiscent of the Bible’s “can-anything-good-come-out-of-Nazareth” pessimism, this statement literally means that there is no meaningful politics that can emanate from Africa as it is obvious that an empty space or thing can only receive. It cannot give.

Given that it is only those at the top of the food chain that essentially possess the power to make decisions, Africa has no influence in global matters because of its disadvantaged position in the fringe of world politics (Clapham 1996). Wallerstein (2004) strongly agrees that where states are located in the

whole core-periphery equation is directly proportional to how much influence and decision-making power they wield. For this reason, Africa's position in the periphery only bodes dependence and subservience.

Other stereotypes about Africa that have been propagated by the Western world include the ones labelling Africa as a "Dark Continent" (Andersen 2016) and "The White Man's Burden" (Kipling 1899; Chatterjee 2010, 69). The Dark Continent label further alienates Africa from international politics because it portrays the continent as one that has no light to give and therefore one that should be ignored. As the White Man's Burden, Africa is portrayed as helpless and as one to be rescued, perhaps even from itself. Thus, if the continent cannot help itself, it can have no meaningful influence in the international system. It becomes a dependent and therefore relies on other more powerful units for guidance and direction.

The grim narrative of a docile (wa Thiong'o 2009, 4) and "missing" (Mwagiru, 2008, 2) Africa is, however, yesterday's narrative. Narratives that are more recent include events such as the "Africa Rising" bold titling of the December 2011 cover of the London-based economic journal *The Economist*. This was radically different from the same journal's May 2000 cover cynically reading "The Hopeless Continent." The drastic difference in the two headlines is clear evidence of a changing account of Africa and its fortunes. More importantly, it is a demonstration of the acceptance that Africa is no longer where it was a decade or so ago. Also, the prominent display of a story about Africa in a Western journal is an affirmation that the changes taking place in the continent were being noticed by the erstwhile cynical Westerners. Africa's changing fortune has also been recorded by Africans themselves. For instance, Murithi (2014, 1) posits that the "African continent is emerging as a vocal and . . . influential actor in international relations."

Some of the initiatives that speak to the leitmotif of "Africa Rising" include the calls for an African Renaissance. Inspired by the "African solutions to African problems" refrain, the African Renaissance notion was born as a way of announcing to the world that they will no longer be dealing with the "old" Africa bedeviled by all manner of negativity, but with an Africa ready to "generate meaningful politics" (Dunn, 2001, 4). Indeed, the transformation of the Organization of African Unity (OAU) into the AU in 2000 was a statement of a renaissance of the Pan-African idea (Matthews, 2005). It was a declaration of a new and vibrant brand of Pan-Africanism that would emphasize self-reliance and a greater solidarity of Africa's peoples from the Cape to Cairo.

The term "renaissance" is not new. In the French language, the literal meaning of a renaissance is a "rebirth." When something is reborn, there is an expectation of a certain degree of freshness. The most renowned renaissance is the European Renaissance that took place from about the year 1350

to 1700 (King 2003, viii). For Europe, the renaissance represented a change in the way of life and living including literature, philosophy, art, music, politics, science, religion, and so forth. Owing to the fact that Europe's renaissance took place long before calls for the African one, it can be argued then that the idea of the African Renaissance is one of the many things that Africa has borrowed from the West. A borrowed thing is not a new thing.

KENYA'S FOREIGN POLICY IN THE CONTEXT OF THE AFRICAN RENAISSANCE

Although the term "foreign policy" sounds familiar to many people, its meaning may not be so clear. Newspaper sections have always had columns on world news and, for most people, this is the closest they have ever interacted with the term. Even among the academic community, there is not one consistent definition of the term. For this study, foreign policy will refer to both the broad trends of behavior and the particular actions taken by a state or a non-state actor directed toward other states or non-state actors in the international system. Foreign policy will also refer to the strategies or guidelines which governments (or non-state actors) use to direct their interactions with each other and with non-state actors in the international system. There are a number of things that determine the direction that a country's foreign policy goes; some such things are philosophies, norms, and rules espoused by the non-state actors that a country belongs to.

African Renaissance has grown to be a fundamental philosophy of Africans at the African Union. This therefore means that state members of the African Union and their leaders have to incorporate this philosophy in their national decision-making structures. Kenya has always boasted of being at the forefront of African issues and, therefore, there is an expectation that Pan-Africanist thoughts, philosophies and norms are taken seriously by the country in its foreign policy process. This section will look at how the African Renaissance theme manifests itself in Kenya's pre-2013 and post-2013 foreign policy making and implementation.

AFRICAN RENAISSANCE AND KENYA'S PRE-2013 FOREIGN POLICY

There have been some efforts by a few scholars from Africa and elsewhere to interrogate the dynamics of Kenya's foreign policy. One of them is Rono (1999, 103) who chooses a chronological methodology in his analysis of Kenya foreign policy in the Kenyatta and Moi eras. One of the critical things

he points out about Kenyatta's foreign policy is that it was often thought of as "quiet diplomacy." This type of diplomacy is normally "low-key" where things are done behind the scenes. The desire is normally not to attract attention to oneself or to one's country and its foreign policy (Barston 2014, 86). Guided by the preference for a "quiet diplomacy," Kenyatta did not make radical foreign policies. Whilst terming Kenyatta's foreign policy as "cautious," Makinda (1983) insists that the reason why Kenya was "quiet" in such a manner, was not because the country did not desire to be radical, but rather that there was a need to keep a low profile (especially as far as Western countries were concerned) because of the precarious situation of dependence that the country found itself in.

In support of Makinda's sentiments, Hornsby (2012, 6) posits that "British finance, military support and advice actively contributed to the survival of the Kenyatta government." Some of the critical issues for Kenya were the country's development agenda and its overall plan to pursue economic diplomacy. Kenyatta realized that he needed the former colonizer and other wealthy Western countries in order to boost Kenya's economic growth and development through foreign direct investment (FDI), increased market access for the country's primary products, and increased visitors for the tourism sector. Therefore, Kenyatta's foreign policy had to be relatively restrained.

Following the "quiet" diplomacy descriptor of Kenyatta's foreign policy, others thought of Kenyatta's foreign policy as manifest in a "wait-and-see" type of diplomacy. Mwangi (2000) defines the wait-and-see diplomacy as one where Kenya was unwilling to "articulate peculiarly Kenyan foreign policy." He furthers that the wait-and-see attitude meant that Kenya's foreign policy was "invisible" and "unadventurous." The explanations for this label lie in the fact that Kenyatta shunned controversy and appeared more of a responder than an initiator of many things in the international system.

Jomo Kenyatta was a Pan-Africanist who held Africa and its agenda as an important foundation of Kenya's foreign policy. For example, he accepted Chairmanship of the OAU ad hoc Congo Reconciliation Commission which had the difficult task of finding a solution to the Congo Crisis (1960–1965) (Rono 1999). As OAU chairman (1974 to 1975), Jomo Kenyatta once again tried to resolve some of the problems that Africa was experiencing. For example, he tried to mediate the problem in Angola (Anyona 2013). Despite his concern for Africa and African Affairs, Jomo Kenyatta's foreign policy does not depict an African Renaissance theme. In fact, whenever he encountered problems in Kenya, he would run for Western help and, therefore, served to show the dependency of Africa on Western powers. Cases in point are the 1964-army mutinies in East Africa that saw Kenya ask for British military assistance (Parsons 2003). The problem with Somalia that sparked

secessionist claims from Kenya's Northern Frontier District is also another case in point where Kenyatta made deals with the British to offer military help when needed.

Kenya's foreign policy during President Daniel arap Moi's era (1978-2002) has been described by scholars such as Rono (1999) as "more aggressive and . . . controversial" and was in contrast to Kenyatta's "wait and see" approach. Foreign policy under Moi became more of a presidential prerogative. In the Cold War period, Moi subscribed to the non-alignment policy. In regional politics, Moi emphasized good neighborliness, peace-making, and peacekeeping. For example, Moi was involved in the resolution of conflict in Sudan. Kenya has also been most instrumental in seeking peace for Somalia. Other conflicts in Africa that Moi tried to resolve include Chad, Uganda, Sudan, Mozambique, Ethiopia, Somalia, and the Great Lakes region. In Mozambique especially, Kenya was very influential throughout the process especially in the pre-negotiation stage (Anyona 2013).

Kenya's passion for the African agenda saw Moi present the country's candidature for the United Nations Security Council (UNSC) non-permanent membership. The country was elected as a non-permanent member of the UNSC in 1998 during Moi's time as president of Kenya. Under Moi, Kenya's relations with most Western countries were cordial. However, things started to deteriorate as did the relationship of most Western countries with Africa in 1988. The Cold War was over and the West no longer needed Africa's support for their ideologies. Jona Rono (1999) posits that the reason for the changed relationship between the West and Africa is due to the imposition of certain Western ideals on Africa's politics. For instance, the Western countries began to push for multipartyism, democracy, free and fair elections, privatization, and transparency and accountability. Moi resisted these Western impositions but eventually succumbed when he allowed multiparty elections in the country for the first time in 1992. Again, although there was a rebellion against the West and International Monetary Fund (IMF) in particular, Moi's foreign policy was not anchored on an aggressive belief in the African Renaissance philosophy.

Kenya's Foreign Policy in the Mwai Kibaki era (2002-2007) has elicited a number of debates regarding its nature and orientation. Raphael Tuju, Kibaki's Minister for Foreign Affairs (late 2005-late 2007), in an address to parliament declared that Mwai Kibaki had permitted a "paradigm shift in Kenya's foreign policy from [a] pure[ly] political [one] to a stronger and sharper focus on economic diplomacy." Tuju further explained that one of the main strategies of the Kibaki regime was to look for new markets apart from the traditional Western countries. Thus, Kenya would engage emerging markets in "Asia, Eastern Europe, Middle East, Latin America, and the Caribbean." The leaning toward economic diplomacy was meant to help

the country achieve Vision 2030, a national development plan that seeks to see Kenya industrialized by the year 2030. It is also during Mwai Kibaki's presidency that a certain "marginalization" of the West in Kenya's foreign policy agenda was noted. One thing that led to these sentiments is the country's deliberate choice to work closely with China, Japan, and South Korea among other Asian countries. Some even described this "rapprochement" with Asian countries as a kind of "Look East Policy" (von K'Orinda-Yimbo 2007).

It was also during Kibaki's presidency that a major military incursion into Somalia in "hot pursuit" of Al-Qaeda-linked Al-Shabaab terrorists was sanctioned. This is the first time in the country's history that the military has been used overtly in the pursuit of foreign and security policy. Kibaki's foreign policy also maintained some of the foreign policy priority areas of Daniel Moi, notably conflict management in Africa. For instance, Raila Odinga, then Kenya's Prime Minister, attempted to mediate in the conflict in Cote D'Ivoire (although he was rejected as mediator).

Kenya's Post-2013 Foreign Policy: The ICC Leviathan and Its Implication for African Renaissance

One of the main challenges of Kibaki's foreign policy was the issue of cases lodged against some of the leaders in his government by the Rome-based ICC. The International Criminal Court is an intergovernmental organization formed in the wake of the 1998 United Nations Diplomatic Conference held in Rome, Italy. The ICC was established as a permanent International Criminal Court with power to exercise its jurisdiction over persons for the most serious crimes of international concern such as genocide, crimes against humanity, war crimes, and the crime of aggression. Kenya was a participant in this conference and she voted for the decision to establish the court. At this point in time, Kenya was a non-permanent member of the UN Security Council having been elected for the 1997–1998 term. To show her traditional cooperation with intergovernmental organizations, Kenya ratified the Rome Statute in March 2005. Half of the countries that first ratified the Rome statute were from Africa (Stover et al. 2016).

For this reason, Luis Moreno-Ocampo, the ICC Prosecutor, decided to summon six Kenyans to the Court for their role in perpetuating atrocities against other Kenyans during the country's 2007/2008 post-election conflict that led to the death of approximately 1,113 people and the displacement of about 350,000 individuals (Nichols 2015). Some people in the country were also subjected to sexual crimes as well as other "inhumane acts." The six Kenyan suspects were named on 15 December 2010 and they included Uhuru Muigai Kenyatta (Deputy Prime Minister), Henry Kosgey (Minister

of Industrialization), William Ruto (Higher Education Minister), Francis Muthaura (Secretary to the Cabinet), Joshua Sang (head of operations KASS FM), and Mohammed Hussein Ali (former Police Commissioner). Moreno-Ocampo indicted the six on 8 March 2011 and summoned them to appear before the Court.

Any foreign policy action, by a state or non-state actor, targeting another state or non-state actor usually elicits a response (a counter action) from the targeted entity. It was, therefore, expected that the Kenyan government would respond to the actions of the ICC against its nationals. In Kenya's history, there has not been a confrontation with the international community worth speaking about and therefore, at first, it was assumed that Kenya would continue with the *status quo*; that is, the usual cooperation with international bodies. For a small African state seeking international benevolence to help in the promotion and protection of national objectives in a competitive international system, Kenya's response was, therefore, largely unprecedented. Small states have power deficit and have been generally thought to shun muscle-flexing in the global arena. Small states would rather cooperate with an international institution (such as the ICC) than embark on open confrontation and defiance (Archer 2016).

From the moment the ICC made its move, Kibaki had two main choices available to him (assuming him a rational actor). First option would have been to fully cooperate with the court and indeed the international community. This would have been at the expense of his political career because the six indictees and their constituents would, of course, not be happy with such a decision. This would also be the normal narrative, of another "submissive" African state taking orders from the rest of the world, helpless and dependent. The second choice was, bearing in mind the past history of Africa's treatment by the rest of the world, to make a decision that would free African countries from external interference by challenging the decision of putting Kenya and the continent's fate in the hands of the international community.

Standing up for Africa and Africans against unfairness in the international system is very much in line with the Africa Renaissance theme and therefore Kibaki's choice to challenge the ICC can be interpreted through the African Renaissance lens, which emphasizes the spirit of changing the old order of things where Africa is always last and meaningless. Instead of outrightly refusing to cooperate with the Court, Kibaki's first move was to try to get the cases tried locally instead of internationalizing the situation. In trying to bring back the cases to Africa, Kenya had the choice to have bilateral negotiations with the ICC, but Kibaki chose to rally for continental support for the cases to be deferred back to Kenya.

Kibaki was confident that his plea would resonate with his fellow African presidents especially with the ever-increasing calls for "African solutions to

African problems.” After all, Kenya was one of the pioneers of Pan-Africanism and throughout its existence as an independent state, Africa and African affairs have had a special place in the country’s foreign policy. Drawing on the African Renaissance spirit, Kibaki started his onslaught on the ICC by launching a specific shuttle diplomacy mission targeting African countries and other countries of the world in a bid to find support for the deferral of the Kenyan cases. Having the cases brought back to Kenyan courts was within the ICC rules given that the Court recognises the aspect of complementarity with municipal courts.

Kenya’s Assistant Minister for Foreign Affairs, Richard Onyonka, declared that “the shuttle diplomacy was with a view of bringing the process of justice for the election crimes back home, so that the suspects can be tried locally . . . a local tribunal is better than taking our people to be tried in Europe” (*Mzalendo* 2011, page 1 of Hansard 2.02.11p). This statement is loaded with innuendos of the tag-of-war between what Africans think is good for them and what the rest of the world thinks is good for Africa. It is also a “rebellion” of some sorts against the international system. Onyonka seems to insinuate that Africa is as good as the rest and can therefore offer a home-grown solution to its problems as it is no longer the White Man’s Burden in the twenty-first century. In the spirit of Africa Renaissance that emphasizes self-confidence by Africans, Kenya felt that it had the capacity and capability to handle the problem internally with the able support of the AU, the Intergovernmental Authority on Development (IGAD), and the East African Community (EAC). Self-belief by Africans is crucial on the road to a full re-birth. There is no need to determine African issues abroad if the continent has mechanisms to deal with them on its soil. This is the spirit of African Renaissance.

Therefore, Kenya launched a series of bilateral consultations with other countries in Africa with the purpose of seeking a Pan-African support for Kenya’s deferral agenda. Kalonzo Musyoka, a former Minister of Foreign Affairs of Kenya (2003–2004) and Vice President in the Grand Coalition Government (2008–2012), was appointed by President Mwai Kibaki as the lead person in the shuttle diplomacy exercise. Mwai Kibaki’s shuttle diplomacy was structured in three ways. Firstly, Kalonzo Musyoka was to spearhead visits to individual African countries to engage them in negotiations that would, hopefully, lead to the support of the bid for a deferral of the cases of the ICC six to the African country. Once the individual countries had been convinced to join the crusade, Kenya would then take the deferral motion to the African Union to try to woo the entire continent into forming a common African position on the matter.

Regional bodies help member countries to increase their bargaining capacity vis à vis the rest of the world because through these organizations, they form a formidable force in negotiations as compared to when an individual

country confronts the rest of the world by itself. Kenya understood that because it is a small country it did not stand a chance of challenging the ICC and the rest of the world by itself. It needed a more powerful forum and the African Union represented just that. Lastly, once support from the African Union was procured, Kenya would then proceed to lobby for its case before the United Nations. For the latter mission, Kibaki appointed six “special envoys” to lobby the UNSC. These included Njeru Githae, Sally Kosgei (Cabinet Secretary for Agriculture and a former Permanent Secretary in the Ministry of Foreign Affairs), Hellen Sambili, Chirau Ali Mwakwere, George Saitoti, and assistant minister for Foreign Affairs Richard Onyonka.

Consequently, on the African front, Musyoka visited a number of countries to try to get support for Kenya’s agenda. In September 2010, he kicked off Kenya’s shuttle diplomacy with visits to Uganda, Tanzania, Ethiopia, Gabon, Nigeria, South Africa, Malawi, Libya, Egypt, and Zambia. Malawi was particularly important because President Bingu Mutharika was the one holding the Chairmanship of the African Union that year. Nigeria, Gabon, and South Africa were specifically important to Kenya’s bid because they were at that time part of the non-permanent members of the Security Council and, therefore, they definitely wielded some power both within the African Union and the United Nations (Ssenyonjo 2011). In these countries, Kalonzo Musyoka appealed to the various heads of state to support the campaign to defer the cases back to local courts. The country also hoped that these heads of state would agree to a joint African position on the deferral of the ICC cases back to local courts. Kenya’s confidence in taking on a Pan-African approach to the problem that bedeviled it was drawn from AU’s 2009 resolution not to cooperate with the ICC on the matter of the arrest of Omar al-Bashir of Sudan for the crimes committed in Darfur (Okoth 2014).

Chirau Ali Mwakwere, a former Minister for Foreign Affairs (June 2004 to December 2005) also embarked on a shuttle diplomacy mission to Botswana, Swaziland, and Zimbabwe to try and woo the heads of state of these countries to support Kenya’s proposals regarding the ICC matter. Bilateral consultation between Kenya and other African countries was a necessary step because the country needed to explain to the rest of Africa why the six suspects had to be tried in Africa rather than in Europe. Kenya’s preference for Africa is in line with the philosophy of African Renaissance that advocates strongly for African countries to try as much as possible to determine their own fate.

Taking the deferral agenda outside of Africa, Kalonzo Musyoka was engaged in dialogue with the rest of the world in a bid to garner support for the motion to defer the Kenyan suspects to local courts. Thus, Kalonzo Musyoka had a meeting with the UN Secretary General Ban Ki-moon in New York to try to get the Secretary General’s support on Kenya’s proposals. Sally

Kosgei went to Brazil in February 2011 on a mission to lobby the country's support at the United Nations. Brazil was a non-permanent member of the UNSC in 2010. Another "special envoy," Chirau Ali Mwakwere, was sent to Bosnia and Herzegovina, and Portugal, which were also non-permanent members of the UNSC to lobby them to support Kenya's undertaking. Other non-permanent members outside of Africa that Kenya needed to woo included Germany, India, Colombia, and Lebanon.

Kenya also needed the support of the United Nations Security Council's Permanent Five (P5) members that include China, France, Russia, the United Kingdom, and the United States. The P5 are the most powerful countries in the United Nations because they are the only ones that wield the veto power, and Kenya only needed one of them to support her cause for the motion to pass before the UNSC. However, the UK and the US had outrightly indicated that they would veto Kenya's deferral motion when it came before the UNSC (Materu 2015). Kenya lobbied Russia and China who were among the seven that voted in favour of the motion before the Security Council amidst eight abstentions including UK, France, and the US (Nichols 2015). There needed to be nine votes and no vetoes in order for Kenya's request to go through. Since only seven voted in favor, Kenya therefore lost the case. China's support was crucial because the country was in line for the next president of the UNSC. Judging Kenya's lobbying pattern, it is clear that the country understands the dynamics of the international system very well especially when a matter concerns an African country. Kenya knew that there would be resistance from Western countries and therefore the country put more effort on wooing the support of China and Russia.

LEADING AFRICA OUT OF THE ROME STATUTE?

When Kenya failed to convince the rest of the world in the United Nations to bring back the cases to the local courts, the country's foreign policy decision makers decided to take on a more confrontational approach in order to get the rest of the world to pay attention to their plight. The country decided to push for Africa's withdrawal from the Rome Statute. Domestically, Kenya's confidence in pushing for a departure from ICC is drawn from a vote by its parliament proposing Kenya's withdrawal from the Rome Statute. As a single country with little power, Kenya knew that it could not effectively take on the world but if it could get the 54 units in the African sub-system to walk out of the ICC, then the world would definitely pay attention.

Therefore, Kenya set out to convince the rest of Africa that the international system has continuously perpetuated "historical injustices" against the people of African descent and the ICC was a definitive example of a biased

system. The country packaged its message in such a way that it appeared as if being tried by ICC was the same as losing decision-making power altogether on matters that concern Africa and Africans. Losing control to others is not in line with an Africa on its way to a Renaissance. Kenya seemed to tell the rest of Africa that withdrawing out of the Rome Statute is a sure sign that the continent had reawakened from incessant domination from the unfair structures of the Western-dominated international system. This is what a continent on the path to Renaissance would do. It would not sit and wait for outsiders to decide its fate.

Kenya's strongest point was the fact that all the people that have been investigated and prosecuted by the ICC were from Africa (Mangu 2015). Also, all the cases brought before the ICC as well as the arrest warrants issued are for Africans. Likewise, all the persons in custody or at large have been Africans. All the suspects tried and sentenced as well as those who were summonsed and voluntarily appeared are African citizens. African Renaissance speaks to the age-old unfairness with which Africans have been treated by others in the international system. Therefore, the fact that ICC seems to be targeting Africans only is another classic example of the structural violence that has over the years been committed against Africa and Africans. Cognizant of this, Kenya decided to take on the herculean task of righting some of the wrongs the international system has committed on Africa by refusing outright ICC's biasness. This is evidence that Kenya's foreign policy was undergoing a rebirth. The refusal of the existing structural *status quo* in the international system and the fact that Kenya seeks for Africa to be viewed different is very much in line with the visions of African Renaissance.

Drawing on some of Thabo Mbeki's arguments on the historical marginalization of Africa, Kenya and other African countries began to present the ICC as a partisan organization specifically targeting Africa and its leaders. Incongruously, some of the countries asking for compliance to ICC are actually not even signatories to the Rome Statute. A good example is the United States of America that would not support Kenya's bid for the deferral of the cases. The United States' vote is crucial in the United Nations as one of the Permanent Five members of the Security Council. It is such pretentiousness that the spirit of Africa Renaissance abhors. It does not make sense for the US to enforce other states' adherence to the ICC and yet it is not even a member. Therefore, other than defending the six Kenyans, the quest for Africa's withdrawal from ICC has a deeper meaning in terms of what it says about Africa's determination to disentangle herself from discrimination by other more powerful actors in the international system. Kenya's bid to lead a mass withdrawal of African states is in line with calls for a rebirth and a reawakening of the continent.

In March 2013, the ICC dropped its case against Francis Muthaura, Mohammed Hussein Ali, and Henry Kosgey for lack of evidence. The ICC also withdrew the case against Uhuru Kenyatta in 2014 (Karimi and Leposo n.d.). Joshua Sang and William Ruto's cases were dismissed in 2016. Since the cases against the Kenyans were dropped without prejudice, it means that there is always that possibility that the former indictees may find themselves in ICC facing the same charges again. For this reason, therefore, Kenya would still be interested in withdrawal from the ICC although there is no evidence that it has written to the United Nations to request this. Only two countries in Africa wrote formally to the United Nations to ask to leave the Rome Statute. These countries are Burundi and South Africa. The latter was forced to withdraw its request because there are certain domestic procedures they did not follow. Although Gambia under President Yahya Jammeh vocalized its desire to leave the ICC, it soon returned when Adama Barrow ascended to power. Therefore, apart from Burundi that successfully withdrew from the ICC, the rest of Africa is divided about withdrawal *en masse* from the ICC. Botswana has been the most vocal in opposing the withdrawal.

Other countries of the same opinion include Nigeria, Senegal, Tunisia, and Cote d'Ivoire. Others with reservation include Burkina Fasso, Cape Verde, and DRC. Although there is some confusion on what African countries want to do about withdrawing from the ICC, it is clear that Kenya has managed to reawaken Africa on the need to review its relationship with international institutions. Kenya has sent a message that things cannot remain the same in Africa and that a rebirth should occur. Kenya has shown that it is aware of its own self-worth by standing against international institutions that it considers oppressive to African countries on their way to a Renaissance.

CONCLUSION

The confrontation with ICC was a turning point in Kenya's foreign policy toward Africa and international institutions at large. It has also impacted African international relations as a whole. In the AU and UN forums, Africa demonstrated a new confidence and desire to do things anew. By campaigning for the withdrawal of the ICC by African states, Kenya and other like-minded Africans are making a statement to the effect that Africa will not stand for the marginalization that has always been part of its international interactions with the rest of the world. African states are becoming more and more aware that they must take their rightful places in the mix of things. Docility and submissiveness are some of the narratives of the past that Kenya and other African states have been able to challenge in their quest to exit the Rome Statute. Africa's open defiance of international institutions and regimes

is the beginning of the writing of the narrative of a re-born continent that will not accept the order of things as they are. Having understood their value as Africans and how far they can go, the International Criminal Court and the intrigues it has had with the various African countries serves as a wake-up call that there is a new undertone to the foreign policy of Africa. The institutions have to be equitable if they are to be taken seriously by Africa. Gone are the days when things would be blatantly unfair, for instance, in the UN Security Council and Africans felt compelled to flow with the order of things. There is a renaissance going on in Africa, and Kenya is right in the middle of it.

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Chapter 21

The Making of “Gender Diplomacy” as a Foreign Policy Pillar in Kenya and Namibia

Francis Onditi

INTRODUCTION

Can the “gender equality” norm stand out as a “game-changer” in shaping a country’s foreign policy and diplomatic engagements? African states, like many other nations globally, often influence regional and global processes through foreign policy tools such as trade, politics, governance, law, and defense, as well as international norms such as gender equality (Crapol 1994). Gender-minded international relations theorists interpret international system by drawing from salient issues that influence women-men power relations (Youngs 2004). On this note, feminist scholars have argued that issues such as the international political economy, women rights, and women empowerment can be effective instruments of moderating women-men power relations when they become part and parcel of a country’s foreign policy (Tickner 1992; Peterson 1992). Despite the fact that gender equality norms have existed since 1970s (Stevenson 2016), African nations are still bedeviled with divergent conceptual and methodological problems in an attempt to bridge the gender gap in their foreign policies. Moreover, in most developing societies, foreign policies are often a product of a historically and structurally male-dominated patriarchal system (Porter 2013). This, therefore, explains why there are fewer women diplomats.

The exclusive diplomatic space in Africa is partly attributed to the paucity of scholarship on the link between gender equality and diplomatic theory and practice. It is rare to find a well-articulated idea in the International Relations (IR) scholarship on how effective gender norms could be integrated in diplomacy. Classical liberal icons in the study of IR such as John Locke, Adam Smith, Immanuel Kant, Giuseppe Mizzini, and John Stuart Mill identify four fundamental principles and institutions that characterize liberalism;

individual freedom, political participation, the right to private property, and equality of opportunity (Doyle 1983). Among these norms, the “equality of opportunity” continues to inspire controversy and to stimulate enchantment (or disenchantment), and confusion in the public policy debate. But, the debate remains deficient as to whether the notion of “gender” means bridging the socioeconomic and political gaps or simply refers to creating space for women. Some have narrowed the debate to project “gender” as an extreme view of *feminism* (Offen 1988). Nevertheless, both perspectives present opportunities but also challenges for *rethinking* how states ought to *frame* their diplomacy considering the increasing importance of gender in the ever-changing global system.

Kenya and Namibia are typologies of “representative democracies.” Ironically, even though they hold regular elections (Adejumobi 2000), equality of opportunity is often fractured by the politics of machinations and bigotry, which further exclude traditionally marginalized groups such as women from mainstream decision-making processes. No wonder, the two countries have been classified among those experiencing chronic socio-economic inequalities (Melber 2014; Jerven 2011).

Kenya and Namibia have similar and varied histories of power bargain within dynamic internal, regional, and global geopolitics (Adar 2007; Adar and Check 2011; Okoth 2010). Since independence, both countries had to deal with several political, security, and economic fractures. For example, the Namibia’s Kasikili/Sedudu and Situngu Islands’ dispute (Government of Namibia 1991) with Botswana remains unresolved. In regard to political decolonization, the two countries are twenty-seven years apart. Namibia claimed independence on 21 March 1990, close to three decades after Kenya’s independence on 12 December 1963. Both countries experienced the transforming fabric of international society, as both countries at the end of the Cold War seemed to experience a decline in the importance of ideological considerations, both in domestic and foreign policies.

The political and socio-cultural evolution of both countries has been shaped by various regional and global actors and philosophies. Namibian foreign policy has been influenced by three fundamental actors: South Africa (the official policy’s formulator), the United Nations (advocating for the right of protection of the territory), and the South-West African People’s Organization (SWAPO), which represented peoples’ interest and the Ubuntu philosophy (Castellano da Silva 2016). Both countries apply the “Harambee” philosophy in their diplomatic relations. Although the Kenyan version of “Harambee” has been degazetted as a symbol of national unity and collective responsibility, it drew history from the Indian community’s power of collective bargain during the colonial era (Howell 1968) and sustained in the Kenyan society by the “African Socialism” philosophy of development (Government of Kenya 1965). In the recent past, the Namibian review of the

2004 *white paper* has incorporated the term "Harambee" as part of the country's seven international relations and cooperation pillars (Brown et al. 2016).

In the recent past, the so called *super global influencers'* rivalry has expectantly influenced the outlook of the African defense/foreign policies (Schwab 2013, 124). In Namibia, for example, Russia contributed to sustaining the conflict through its military support for the SWAPO, thus giving SWAPO the capability to engage in, and sustain, armed struggle (Castellano da Silva 2016). Kenya, however, continues to endure unresolved internal and regional conflicts. President Uhuru Kenyatta's regime decided to remain mute on the *Minggo Island's* dispute with Uganda. However, the most critical threat for the country emanates from Al-Shabaab: Since the Kenya Defense Forces' (KDF) incursion into Kismayu, Somalia, in 2011, the militant group has fiercely reacted with deadly attacks against targets in Nairobi and particularly in the capital city Nairobi and north-eastern part of the country. In what David Anderson and Jacob McKnight describe as "the blowback," the KDF's invasion seems to have created another puzzle to Kenyan foreign and defense policy (Anderson and McKnight 2014).

During President Obama's regime, the state visit of the US Secretary of State, John Kerry, to Kenya, on 23 August 2016 demonstrated the enthusiasm of Western powers to continue their fight against terrorism and influence the Horn of Africa's peace and security architecture, with Kenya providing strategic dividends to this *global influencer's race*. Nevertheless, the complexity of Somalia's security could land Kenya into a vicious circle of war with Al Shabaab. In the current peace and security models, the notion of human security has received limited attention in policy. Yet, the effects of war reach far beyond the battle field to family life and other aspects of social relations (Blanchard 2003). Power relations between men and women are an important aspect of family life and social relations.

Social relations are an important epistemology in social sciences, thus, framing gender equality within this framework of ideas is key to a country's diplomacy. Although the gender question was coined in the 1970s (Alahira 2014), the consideration of gender as a foreign policy subject is relatively new in Africa. This chapter, therefore, examines "emptiness" of *gender equality* in diplomacy by framing the discourse within the Yaacov Vertzberge's classification of the *strategic foreign policy framing*: (1) symbolism; (2) beliefs and values; and (3) political cost assessment (Vertzberge 1998). Building on the theoretical framing of foreign policy, the foreign policies of the two countries are examined with respect to the five types of diplomacies (conference, personal diplomacy, parliamentary diplomacy, public diplomacy and economic diplomacy) (Hanegraaff et al. 2016; Romih and Logozar 2014; Fiott 2011; Harrison 1981; Kingston 2016).

Although Kenyan and Namibian foreign policies apply most of the five types of diplomacy, gender equality is yet to gain the status of a "standard

norm” in the two countries. Thus, this chapter employs a gender lens to develop a thoughtful response to the question, *to what extent, if any, does diplomacy in the two countries highlight gender?* In efforts to address this question, I coin the concept *gender-responsive diplomacy (GERD)* as a belief and value system, to effectively support the reconstruction of a gender-responsive foreign policy conception in Kenya and Namibia.

FRAMING GENDER WITHIN THE FOREIGN POLICY PRAXIS

In any country, the art of *framing* a foreign policy affects individual and institutional policy preferences and choices (Garrison 2001). This in turn influences the public perception of a given policy, which in turn affects the implementation of diplomatic imperatives through what Jack Holland (2011) describes as “political possibility.” It is for this reason that IR scholars have pointed out the importance of *framing*, providing political and diplomatic mechanisms to leaders supporting their policy preferences and choices (Barnett 1999). Framing helps decision-makers to make sense of complex issues facing a nation that are far removed from the direct experience of the public (Dekker and Scholten 2017). However, Smith and Cornut (2016) argue that the influence of foreign policy on norms such as gender and women issues is a function of personality and culture of the discipline. Indeed, communicating complex foreign or defense policy information understandable by the general public increases the chances of such policies not only to influence public opinion, but the implementation of such policies (Schneider et al. 2010).

There are various forms of framing. In regard to *social relations* (including gender equality and women empowerment), international norms stipulate that the achievement of democracy presupposes a genuine partnership between men and women in the conduct of social affairs, drawing mutual enrichment from their differences. The Universal Declaration on Democracy draws from various global human rights instruments, such as the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the Convention on the Elimination of all forms of Discrimination against Women (CEDAW), guaranteeing the equality and freedom from discrimination, and the right of women to participate in public life on a basis of equality. Moreover, the Beijing Declaration and Platform for Action (BPfA) specifically calls for the adoption of policies and initiatives that promote women’s participation in decision-making at all levels. At the global level, one of the targets of Sustainable Development Goal (SDGs) focuses on increasing the proportion of parliamentary seats held by women (Pogge and Sengupta 2015).

Another type is *elite framing*. Public understanding of root causes of social relations problems and the exploration of alternative solutions can be shaped by elite framing (Schneider et al. 2010). In a social setting, frames provide political and cultural magnification of ideas and policies that bring together a broad movement. Issues surrounding gender disparity may be framed through various medium of communication: slogans, historical analogies, stereotypes, or visual images. On the contrary, in political contestation, political elites framing can also be narrowly used in favor of individual causes (Galston 2010). After discussing the praxis of framing, this chapter develops a richer understanding of what *strategic framing* is and how it can influence development of gender-responsive foreign policies in Kenya and Namibia. The three dimensions of strategic framing with hefty influence on how policies of a country are shaped include: (1) cultural symbolism; (2) personal beliefs and values; (3) political cost assessment.

Cultural Symbolism

Historical sociologists argue that culture does not necessarily provide values for action, but it shapes habits, skills, beliefs, and styles that people use to construct strategies of action (Swidler 1986). In policy environment, there are two major models of cultural influence. In "settled cultural periods," culture independently influences action only by providing resources for people to draw lines of action. In "unsettled cultural periods," explicit ideologies directly govern action (Keesing 1974). This implies that ideologies are subjected to competition: The most resilient one survives. However, the debate on the effects of natural ideology and biological differences between men and women seems to have collapsed, following the emergence of the *women's empowerment movement* (Alahira 2014). This is because the notion that the biological nature of women forms part of the family bond and should be sustained within the family institution remains controversial in development discourses (Asoka 1994).

Foreign policy, like domestic policy should be framed in the context of broader political, economic, cultural, technological, and legal environment (Kraft and Furlong 2010). In the politics of policy formulation, these institutional arrangements influence approach and methods, promoting or forcing one's own political view among people, during the negotiation with other political subjects, making laws, and exercising force, sometimes engaging in ideological warfare against adversaries (Birkland 2006; Anderson 2006; Weimer 2005).

In spite of these potential threats to policy asset, in theory it is expected that when an issue such as gender is perceived as a national interest and stakes are high, leaders protect such a policy from failure when either subjected to

legislation or national debate (Schofield and Goodwin 2005). For instance, although women have made giant progress in political leadership in some countries such as Rwanda (63.8%) and South Africa (42%) leading on the number of women in national parliaments (Luhiste and Kenny 2016), this gain is, however, threatened by weak institutions and clouds of cultural practices (Caul 1999). Therefore, it is clear that historically the appointment of women to high political positions has been a male-centric realm within a patriarchal structure (Offen 1988).

The outcome of this cultural cleavage is that allowing women in positions of power has traditionally been seen as threatening male-domination and as a sign of self-weakness, as all women were believed to employ “honey-trap methods” to “lure male diplomats to sexual seduction” (McCarthy 2009). This exemplifies the hierarchies within diplomacy where deeply seated attitudes override professional abilities of women to serve as diplomats. Some scholars have observed that family-related issues have far-reaching implications on whether women succeed in foreign relations.

Personal Beliefs and Value Systems

Advocates of this conception contend that the popularity of any belief or value system is attained through familiarization (Schofield and Goodwin 2005). For instance, the United Nations Entity for Gender and Empowerment of Women (UN Women), through its economic empowerment initiatives, puts women at the heart of African economies by investing in their ability to move beyond livelihoods to build and own assets, creating wealth and business leadership in various sectors. As illustrated by various initiatives being implemented by UN Women, it is evident that framing women’s economic empowerment as a significant contributor to economic growth is a positivist construction. Thus, it is plausible that value dimensions are not fixed, but depend on external stimuli and context, and sometimes global development trends shape value systems. This therefore puts framing in relation to cultural issues at the center of beliefs and value systems (Schofield and Goodwin 2005). To this extent, the more broadly a frame appeals to various ideational elements in the belief system (for example, “gender” as opposed to “women”) or life experiences of beneficiaries, the more it will resonate with the need to mainstream gender equality in country’s foreign policies.

If the framing effort is linked to only one belief or value, it is vulnerable and it may be discarded for the lack of solid justification as a development issue. For example, the campaign for women’s empowerment has largely succeeded, because it was framed to project a gender equality lens (both men and women) beyond a *feminine* chauvinistic approach. Indeed, scholars have echoed that the likelihood of a policy meriting political storms is high, if

the frame resonates with deeply and widely held beliefs and societal values (Stone 2002; Birkland 2006). Thus, the conception of this chapter espouses reconstructing diplomacy not narrowly from a feminine optic, but broadly as “gender equality,” hence, *GERD*.

Political Cost Assessment

Strategic decision-making processes result in political interventions and are driven by several factors: the control of financial allocations, the control over key appointments, and the veto power. The weight of strategic decision-making, therefore, demands consistent accountability in policy formulation processes, as part of the broader societal processes—political, cultural, and economic diplomatic pillars (Nye 2008). This implies that likelihood of promoting GERD within the Kenyan and Namibian foreign policy will partly depend on its consistency with existing norms, policies, and legislations (Sabatier 2007; Kingdon 2003). Hence, the success of GERD will not necessarily occur as a natural process, instead deliberate efforts are required through consultations or even symposia, drawing actors from diverse backgrounds. There are examples that epitomize the art of both *public* and *conference diplomacy*: The 1994 global symposium on “culture and gender analysis” is said to have added value to international relations discourses and practices (McEnaney 2012). Linkages between culture and gender had been raised in 1979, by Akira Iriye (1979). In 1990, Emily Rosenberg reiterated that gender analysis could provide even deeper understanding of cultural assumptions from which foreign policies spring (Rosenberg 1990).

Like many other countries in Africa, the Kenyan and Namibian foreign policies have become more assertive due to globalization, which has significantly impacted the country’s defense policy. Globalization processes have produced new transnational non-state security threats. Hence the defense policy has become more forceful to accommodate these new security concerns. In foreign affairs, both countries present various faces to the international community. In global terms, external policy has been markedly radical in nature and characterized by a strong sense of morality and idealism. Rarely does a major Kenyan foreign policy statement fail to contain some allusion to inequalities in the contemporary international order or some reassertion of the desirability and the attainability of a peaceful and just international community of nations. However, the country’s foreign policy has often been governed by rather more conservative and legitimist thinking, notably where any radical departure from the *status quo* is contemplated. It would appear that where foreign policy issues touch directly on primary Kenyan interests—say, national security or territorial integrity—the overt radicalism of Kenya’s broad international policy is subject to considerable restraint.

In this section, the *strategic framing* has shaped the way the problem and issues were identified and linked to the evolution and formulation of public policies. The following section builds on the theoretical principles examined to assess the model of diplomacy applied by the two countries and in turn explores alternative policies for GERD in Kenya and Namibia.

THE GENDER “EMPTINESS” IN THE FOREIGN POLICIES

At the center of the debate whether gender issues matter within the parlance of diplomacy is the “why” question. For both Kenya and Namibia, the question lingers on why such progressive countries that have attained standards of living typical of a mid-level economy (MIC) anchor their foreign policies on some of the emerging global principles and norms that have had such a resilient history of survival through internal and regional fractures, but evade to address the question of gender disparity. The forces gender-responsive diplomacy in the two countries can typically be categorized into macro, micro, structural, systemic, and historical, but at all levels the various factors are contested.

First is the problem of unequal access to developmental opportunities. The independence of Namibia in 1990 did not necessarily usher in equal opportunities for all: The country had inherited a society characterized by segregation, vast urban and rural poverty, a highly skewed distribution of wealth, unequal access to land and natural resources, and dramatic inequalities in the quality of education and health services rendered to its various ethnic groups (Government of Namibia 2004). The country was thus left at independence with a huge skills deficit and a slew of social imbalances to be resolved. Although, in 2004, the government of Namibia launched a national development strategy spanning to 2030, a pervasive atmosphere of intolerance on matters relating to culture, religious practices, political preference, ethnic affiliation, and differences in social background still persists. The country established links with a number of United Nations (UN) bodies, African Union (AU), South African Development Community (SADC), the Non-Aligned Movement (NAM), Frontline States (FLS), and the Ovambo People’s Organization (OPO) (Castellano da Silva 2016). But these structures do not benefit from the unique perspectives, values, and abilities that come with women’s full participation at all levels of decision-making, particularly in diplomatic fields. In Kenya, women’s struggle to occupy diplomatic spaces has been downplayed by the same factors; flawed democracy accompanied by politics of machination, which limits women’s presence in political positions.

Secondly, how to resolve the dichotomy between constitutionalism and inter-state power relations among elites? The article 96 of the Namibian Constitution (1998) highlights the country’s foreign policy objectives as follows: “The State shall endeavor to ensure that in its international relations to: (i) adopts and maintains a policy of non-alignment; (ii) promotes international peace and security; (iii) creates and maintains just and mutually beneficial relations among nations; (iv) fosters respect for international law and treaty obligations; and (v) encourage the settlement of international dispute by peaceful means.” In a rather suspicious regime’s reinforcement of *status quo* through instruments of foreign policy in Namibia, between 1990 and 2005, the high legitimacy of the Namibian state in the post-independency and the initial economic growth were combined with the assured prominence of SWAPO in power, using the symbolic leadership of Sam Nujoma.

The direction of Kenya’s foreign policy is very much consistent with “economic growth” as a key principle of its foreign policy. However, much of it still reflects imperatives that had their origin in the colonial period. Notably, these included close political and economic ties to Britain and institutional and economic links with neighbors within the arrangement of the East African Community (EAC). The protectionist approach to Northern Kenya created circles of confrontation with Somalia over the largely Somali-populated territory in the region. As in other matters, Kenyatta was the controlling voice in the formulation of foreign policy, which reflected his moderation, caution, and pragmatism and emphasized African solidarity and Kenya’s reliance on the West for technical assistance and investment.

Thirdly, like Namibia, Kenya seems to have no comprehensive foreign policy instruments on rogue states such as North Korea. For example, a recent failure to understand the full meaning of various UN Security Council Resolutions against North Korea does not necessarily pose real threats to both countries, but it may project the two countries naïve on matters of importance in international relations. For Namibia, it carries more weight as this tended to indicate that Namibia’s diplomats at the UN were not in a position to advise the government in Windhoek. Also, it could have been that warning signals were ignored for political reasons. If this was the case, such an approach was inadvisable since Namibia’s position with “historical ties” with North Korea was incompatible with positions that the international community, as expressed through the UN Security Council, was taking. Such a scenario—in which Namibia received bad international press—could have been avoided if Namibia had a clear foreign policy toward countries such as North Korea and, in particular, UN resolutions relating to the leader, Kim Jong-un.

A fourth factor relates to the two countries’ stand on the condemnation of the International Criminal Court (ICC), particularly the Court’s power to act against serving presidents. Despite resource and capacity related

limitations to the administration of justice and effective prosecution within the ICC (Gozde 2016), the impunity of African leaders casts serious doubts on whether a replica of ICC in Africa would deliver justice (Moffett 2015). The Namibian third President Hage Geingob expressed “hard” reservations against external institutions dictating how African states should be governed. Strong sentiments were particularly directed toward the International Criminal Court’s intervention in Kenya’s 2007/2008 post-election violence indictments. In a speech at the 2014 AU summit, President Geingob argued, “When one creates something to be an asset but later on it becomes an abomination, you have the right to quit since it has ceased serving its intended purpose” (Brown et al. 2016, 2). At the Namibian Broadcasting Corporation (NBC), the President appeared to suggest that immunity from prosecution should be extended to former African presidents, as well as serving ones: “We should respect African former leaders, why should we humiliate our former presidents, and more so, the sitting ones? A president is still a president” (Brown et al. 2016, 7).

Similarly, both the Kenyan and Namibian Ministers in charge of international relations and cooperation have in separate occasions pointed out that an *African Criminal Court* would be a preferred option for dealing with gross human rights abuses on the continent. This is a good point, but progress toward setting up African human rights tribunals and courts has been woefully slow. Any proposed withdrawal from the *Treaty of Rome*, which set up the ICC, should be considered carefully, particularly in view of the disproportionate exposure of women and girls to effects of war and sexual and gender based abuse. Furthermore, the Namibian “Harambee Plan” espouses commitment to cooperation with international actors, at the same time “remaining a respectable and trusted member of the international community.” But perhaps more fundamentally, the debate over whether or not to stay in the ICC should be seen through the prism of both countries’ Constitution and particularly their commitment to human rights. Withdrawal from the ICC will have wider ramifications on whether the two countries will remain committed to norms and protocols that serve to protect and promote gender equality. The ambivalence in Kenya’s foreign policies, especially during President Uhuru Kenyatta’s regime, can probably be best explained by examining separately the basically domestic pressures toward a hostile radical policy internationally and toward a more cautious conservatism within the EAC.

The fifth litmus test for the two countries is on human rights issues. For example, during Namibia’s two-year stint on the UN Human Rights Council, which ended in 2016, painted the country as passive on issues of human rights. Namibia’s Constitution is precise on human rights, however its diplomatic arm at the UN seems to have built the image of a neutral nation on

such issues as violation of human rights and sexual abuse by security forces. The principle of neutrality is always viewed with suspicion, as it does not necessarily improve diplomatic relations. In response to the criticism of inactivity on the Human Rights Council, the Permanent Secretary in the Ministry of International Relations and Cooperation, Selma Ashipala-Musavyi, explained that: "Namibia, as a matter of principle, does not participate in country-specific United Nations agenda items since we believe that the highly selective and subjective naming and shaming of certain countries is not conducive to international cooperation and collective process." In 2015, during US President Barack Obama's visit to Kenya, his host, President Uhuru Kenyatta, was hesitant on stating the country's policy on human right issues, particularly in regard to how security should handle political dissidence and demonstrations.

In Namibia and Kenya alike, structural constraints sought to be overcome by policies to strengthen the state and by the adoption of a liberal political-economic model that could contribute to the external support. A unitary state was built, with separation of power and a less presidential political system. For Namibia, the foreign policy continued as a combination of the revisionist pro-activity from the time of the national liberation, given the political preeminence of SWAPO (now a political party), the acceptance to the international context, and the use of globalization and political liberalism forces in its favor. The long-serving political structures in most African countries shaped the observed patriarchal nature of diplomacy characteristics associated with "manliness," which advances only the interests of men. The hegemonic masculinity is a representation of society's ideal of how male behavior should be (Connell 2005). In reality, its function is to legitimate the social ascendancy of men over women in all aspects of life.

It is clear that the low representation of women in diplomacy is a global issue. It therefore benefits to have foreign policy drivers set up networks and open conversational programs for women diplomats and other advocates of gender empowerment. This could help create conducive environments for exchanging experience, discussing social issues, encouraging confidence in conducting diplomacy, and coming up with solutions to serve women's interests from a female perspective. In his analysis of "how to succeed as diplomat today," Saskia Knight, notes that the survival of women in diplomacy will depend on their ability to adapt and be resilient, tactful, polite, and yet intentionally ambiguous.

Most importantly however, a diplomat is first and foremost a civil servant and must possess common sense (Knight 2013). Rueyling Tzeng's studies identify some of the reasons given for not involving women in international relations occupation as: (a) they are not motivated to pursue such positions; (b) they are unqualified in terms of rank, specialization, or education;

(c) concerns about the physical safety of female managers, who would be required to travel between and within underdeveloped countries; (d) concerns about women's general ability to cope with isolation and loneliness in a foreign country; (e) spousal career issues; and (f) severe gender prejudices, especially in developing countries (Tzeng 2006). This situation has been used to legitimize the exclusion of women from diplomatic spaces, signifying a problem beyond sexual and social relations to politics and diplomacy, and therefore fixing the problem of gender "emptiness" in diplomacy must cast focus on the five dimensions of diplomacy: (1) conference diplomacy; (2) personal; (3) parliamentary; (4) public; and (5) economic.

MAINSTREAMING "GENDER DIPLOMACY" IN THE FOREIGN POLICY FRAMEWORK

Women's rights are a matter of development as well as international relations (Barr 2004). Feminist scholars have hinted that securing equal rights for women is a long quest for changing hearts and minds in countries where women's second-class citizenship has been a given for centuries (Charlesworth 1992). The US Secretary of State Hillary Clinton in 2009 said that engendering all aspects of life is not just the right thing to do, it is the smart thing to do. The former Secretary of State reiterated that, "No country can get ahead unless its women are accorded their full rights and afforded the opportunities to participate fully in the lives of their societies" (Centre on Public Diplomacy 2009). As demonstrated by this section, the overemphasis of economic diplomacy seems to have "trapped" the two countries in the "middle" of political patronages, bigotry, and erosive effects of gender-biased macro-economic frameworks. I shall discuss five types of diplomacies in the two countries: conference diplomacy, personal, parliamentary, public, and economic. In each case, I shall discuss how they can be employed by the two countries to mainstream gender in their foreign policies.

Conference diplomacy rose from global problems during the nineteenth century (Winham 1998), but aligned to state's interests, mainly great powers, in particular, in an international setting. Within this setting, there are processes that mark diplomacy: initiation, preparation, negotiation for decision-making, and implementation (Riitberger 2006). Although this framework dominated diplomacy until 1970, conference diplomacy has evolved and now diplomats in conferences seek to gain common grounds and interests in a multilateral setting. The reason for this is primarily the growth of global problems, which are exacerbated by globalization (Etang 2009). In turn, global conferences have extended the UN system not only to enfranchise new actors, but also to take a fresh look at old problems. Conference diplomacy can be defined as

that part of the management of relations between government and of relations between government and intergovernmental organizations that takes place in international conferences (Kaufmann 1996). The main actors are the delegation, as a representative of its government; the secretariat and its executive head; the presiding office; and various groups of governments often acting through a single delegation.

While Namibia's foreign policy is strongly bilateral, anchored on regional and economic thrust and focus, the Kenyan foreign policy is narrowly defined, emphasizing economic diplomacy. The Namibian emphasis on the post-Cold War context that shaped much of the country's foreign policies prepares the country for bilateral relations. The Namibian foreign policies' inclination toward external forces, and particularly with the Republic of South Africa, presents opportunities for the country to lobby and advance for structural and political changes, which are necessary not only to overcome subordination, oppression, and coercive power relations but also to instigate transformations in formulation of foreign policies. It is unlikely that the skewed Kenyan foreign policy may not benefit from the opportunities presented by structured conferencing initiatives. Both foreign policies seem to overemphasize "economic diplomacy" as the preferred tool for advancing the interests of the states. The two countries justify this monolithic approach by reiterating the crucial role of socio-economic development in sustaining peace and stability. Although this approach to development of foreign policies has succeeded mainly in countries emerging from conflicts, lessons from progressive economies, particularly MICs that apply integrated approaches, tend to develop resilience by using other facets and tools of diplomacy.

In Kenya and Namibia, even though women have begun to achieve inclusion in political leadership, female diplomats continue to experience prejudice and discrimination based on their gender. During the 2017 African Union's election of the Chair, even though not directly attributed to gender discrimination, the Kenyan and Zambian candidates failed to secure the seat amid patronages and inter-state suspicion. In this context, gender is a structural power relation that rests upon a central set of distinctions between different categories of people, valorizes some over others, and organizes access to opportunities, rights, responsibilities, authority, and life options along the lines demarcating those groups (Offen 1988). In parliamentary democracies, such as Kenya and Namibia, these structural factors are perpetuated by systemic factors that see diplomacy as a product of patronages and clientele, hence denying women opportunities to excel in international relations (Holland 2011).

The idea of parliamentary diplomacy "parlomacy" is not new (Devin 1993; Rusk 1955). The United Nations General Assembly is, in essence, parliamentary diplomacy, but parlamacy is not simply about international congresses.

There is a number of parliamentary actors that do parlomacy: individual parliamentarians, political parties, local parliaments or assemblies, national parliaments, regional parliaments, and international parliaments. In general, there are three major parlomacy categories: (i) parliamentarians; (ii) political parties; and (iii) parliaments (be they local, regional, or international) (Götz 2005). National interests are linked to international relations and global identity. Images of a nation, including its human rights records and adherence to global norms on issues such as gender equality in the world can be drawn upon to mobilize the “national identity dynamic” with government and opposition groups drawing upon, creating, and manipulating images for their own ends in a struggle for political power. The assumption here is that political elites manipulate a socio-psychological dynamic related to a conception of national identity, which is itself determined by the external environment. In other words, the conception of the national self is linked to perceptions of the external other. Foreign policy and diplomacy can be viewed as the means to ensure the objective of defending the national interest, hence, simultaneously strengthening national identity and dignity to different groups including women and girls. Foreign policy also provides, as Philip Muehlenbeck (2016) has put it, “the specific instrument par excellence at the disposal of elites hoping to mobilize the population of a legally-recognized nation state towards legitimation and political integration.”

In respect to societal identities, Adewale Banjo (2009) identifies four reasons explaining the significance of foreign policy in mobilizing the domestic society. First, national interests are universally shared by all members of the society, transcending other cleavages based upon ethnicity, religion, culture, or class. Hence political groups are provided with the most potent force for ensuring the society achieves GERD. Second, foreign policy provides a political discourse to escape from objective verification. Unlike specific economic or social policies, foreign policy, designed to defend national interests, is removed from the same standards of immediate or short-term tests that can easily lead to failure. Third, foreign policy is often more emotional, as an issue affecting the society, but it is often far more remote in terms of its impact on individuals. As an emotive issue, the public will always react favorably to policies enhancing the national interest, and negatively to policies seen as undermining it. Finally, foreign policy of a country facilitate much more readily than domestic policies opportunities for the emergence of strong and charismatic leaders, who, wrapping themselves in the national flag and the rhetoric of national identity, portray themselves as the only effective defenders of the national idea. Traditionally, the parliament role in the conduct of foreign affairs has been limited to the control of the executive power in pursuance of foreign policy (Aust 2007). There are some cases of best

practices in the emerging role of political entities that Kenya and Namibia could reflect over in reshaping their diplomacy to achieve GERD.

Although both countries advocate for "economic diplomacy," like many other developing countries, the realignment of this approach to a gender-responsive macro-economic framework still requires more to be done. The measure of economic growth for most nations globally remains gross domestic growth (GDP), for the good reasons that this is the only way to maintain objectivity of the measure of growth. However, the inequalities and persistent underdevelopment in the south continue to dominate academic debates and policy discourses (Teixeira et al. 2016). The debate to adjust development policies to focus on promoting social well-fare and creating opportunities for the most disadvantaged people-women and children (Sen 1999; Kabeer 2005) is often deconstructed. Yet economic growth conservatives admit that the reliance on surveys and administrative data is imperfect and incomplete (Braun 2011; Moulton 2015). The irony is that amid this controversy, inequalities being witnessed in the face of traditional economic development models continue to impoverish women and girls, excluding them from sustainable income, access to market, and participation in lucrative international trade and other wealth creating opportunities.

Kenya and Namibia are classified as Lower-middle income country (L-MIC) and Upper-middle income country (U-MIC), respectively. However, despite this economic prospect for the two nations, the narrative of "trickle-down economics" seems to be perpetuating inequalities. Some scholars have faulted this approach as being nothing but a corrupt scheme designed to cheat the public for the purpose of enriching a few billionaires (Aghion and Bolton 1997). Perhaps, this explains why despite the signs of "Africa rising" economically and infrastructural development, the gap between the economic growth and poverty reduction continues to widen (Odhiambo 2011). The continued exclusion of a section of the society such as women from growth and distribution opportunities has led scholars and civil society groups to agitate for change in the models of development being applied globally (Ferraro 1996). This debate is more pronounced in the global south, particularly Africa where the situation is acerbated by socio-cultural barriers against women (Rustad 2016).

In progressive democratic societies, the art of diplomacy goes beyond the traditional foreign ministry and its officials in overseas missions. A more useful concept is the "national diplomatic system" (NDS) (Hocking 2007). This concept better captures the diverse and complex nature of coordinated diplomacy. Economic diplomacy may be driven by the foreign ministry, but it involves those with economic responsibilities and interests

inside and outside of government at all levels of governance (Romih and Logozar 2014). In Kenya, for instance, integrating international trade and foreign affairs fits well within the NDS structures, rendering the diplomatic processes an integrator of a compounded diplomacy. That is, making the ministry of foreign affairs and trade work with diverse partners—government departments, business actors, and civil society groups—to deliver on the diplomatic goals.

The Kenyan system has followed some of the emerging best practices from Australia, Canada, Fiji, and Mauritius; these countries have merged their trade and foreign ministries into one department as a bureaucratic way of integrating diplomacy. However, Namibia has followed suit of the United Kingdom and the Czech Republic, who have kept the two ministries distinct but have created new joint bodies to coordinate and facilitate integrated diplomacy. In this chapter I have consistently argued that a holistic approach to diplomacy and empowering women must capture the nuance, subtlety, and complexity of culturally differentiated meanings. Sally Engle Merry has provided a more accurate framework for human rights activism—the normative underpinning for empowerment strategies (Merry 2009).

CONCLUSION

Like any other nations in the world, Kenya and Namibia pursue their national and international interests through various diplomatic tools in order to sustain their foreign policies. Analysis has revealed that *economic diplomacy* is overly emphasized by the two countries. Economic diplomacy as conceived by Kenya and Namibia is a “realist” one, concerned with the absolute economic agenda in diplomacy. Economic realism, however, is not “healthy” for a state seeking to attain equality. In fact, dominance of economic diplomacy is found to entrench patriarchal systems that edge off women from accessing key opportunities and facilities within foreign relation engagement. Nonetheless, if Kenya and Namibia adopt the nuanced approach to diplomacy they will recognize that diplomacy cannot be compartmentalized into separate economic and political activity and that an integrated approach affords them a diplomatic strategy guided by clear structures for coordination. A coordinated diplomacy will enable the two countries to build policy networks drawn from several government ministries, civil society, and other Civil Society Organizations (CSOs) advocating for gender and women empowerment movements, which will eventually lead to advancement of GERD. The need for the two countries to promote GERD is premised on the understanding that, in the twenty-first century, globalization has caused indispensable interdependence; thus, the increased number of national and systemic players within diplomatic

tools and potent integrating (without disrupting) GERD within the existing Kenyan and Namibian foreign policy framework.

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Conclusion

Contemporary Africa and the Foreseeable World Order

Francis Onditi, Gilad Ben-Nun,
Cristina D'Alessandro, and Zach Levey

The three principal dimensions of this extensive volume contribute much toward dispelling the notion that Africa is a “dark” continent that can provide the international system with neither leadership nor inspiration. As articulated in the introduction of this book, the Africa persona was constructed as a Black space, condemned to permanent slavery (Klein 1972). The thrust of this book, both on the historical and conceptual planes, is that such an assumption is unfounded. The African states, as full participants in the world arena, offer not only their own well-formulated views of global affairs. They bring to their neighbors on the continent and regions beyond Africa a greater understanding of the ideas that underpin how a normative approach to interstate relations may be implemented. The Africans’ perspectives and advancement toward the inculcation of such norms (Hyde-Price 2006; Ikenberry 1996; Manners 2011) and their practice on the continent are the focus of the first part of this book.

As Chabal and Daloz (1999) have noted, “much of what is written on . . . Africa . . . reads like a litany of well-worn clichés.” The authors whose work appears in this volume are outspoken about the weaknesses that mark the African states, for indeed, the very “stateness” of many of them is itself flawed. These scholars recognize the reality of the continent which Ali Mazrui forty years ago described; one finds there “a preponderance of the least developed and poorest countries,” hindered by instability and the class systems of African societies (Mazrui 1977; Gambari 1992). The authors of the chapters in this book spare no criticism of the governments in whose hands lie the responsibility to attend, at both the national and regional levels, to the soundness of their own institutions. Thus, Onditi examines the inconsistency of the operations of the ASF (African Standby Forces), which provides an example of what they term organized hypocrisy in Africa.

Onditi illustrates how this structural “lameness” manifested in the form of civil-military tensions is retrogressive to the evolution of the African Peace and Security Architecture (APSA).

So, too, contributors to this volume scrutinize the question of an equitable use and distribution of resources such as water and oil. Nevertheless, as these researchers explain, even in the face of enormous challenges, the strides that such countries have already made, especially in the Pan-African sphere, are considerable. That progress is at the center of our attention in the second part of the volume. Korwa Adar and Mercy Kaburu’s study of the multilateral efforts of the East African Community (EAC) places in a conceptual framework the attempt to create an international regime with the potential to ensure stability in the Nile River Basin. Eleven African governments are part of this initiative, which in 2010 met success in the form of the Cooperative Framework Agreement (CFA), the purpose of which is to regulate the activities of these riparian states. There is, of course, a historical process that led to the rise of accords such as the CFA, and Adar and Kaburu is careful to trace that development from its African beginnings with the (bilateral) 1959 Egyptian-Sudanese Nile Waters Agreement and later the (multilateral) and much more comprehensive Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE) in the 1990s, to which six riparian states were signatory and another four states observers. As Adar and Kaburu elucidate, the norms attendant upon an equitable and reasonable utilization of the waters of the Nile include a concomitant implication; that of sustainable stability. It is in this context that these norms constitute standards of behavior that define the rights and obligations of actors, and Adar and Kaburu’s prescriptive call is for ratification of the CFA on the part of all eleven governments. The process is not complete because Burundi, Kenya, South Sudan, and Uganda have yet to ratify the document, leaving the region open to the threat of military confrontation despite progress achieved.

Rosemary Anyona’s chapter is anchored on the premise that like many other countries in the global system, African states are active partners in the desire to prescribe and play a pivotal role in the ongoing process of formulating the norms, which would define the World Order in the foreseeable future. This is the profound African concern for a World Order in which these states, though sovereign (Reno 1997), most of them at a disadvantage but possessed of vision, can best function and prosper (Volman 1993; Saliu and Lipede 2000; Rawlings 1995). It is a reflection of their wish to create a setting in which all actors benefit from a mutual tolerance that allows them to thrive. The prescriptive formulae that the authors have articulated are blueprints for the creation of such a normative environment. The attempts by African states to implement them constitute the third part of this work. Innovation as a norm is also examined in this work.

As Abdenur and Kuele have written, the idea of African self-help in the resolution and prevention of conflicts emerged only after the UN's failure to deal effectively with the crises of Rwanda and Somalia. The African Union (AU) of 2001, based on the former Organization of African Unity, and the African Peace and Security Architecture (APSA) Roadmap of 2016-2020, hold forth the prospect of institutionalizing preventive norms but face serious challenges. Abdenur and Kuele cite UN initiatives for conflict prevention from which Africa has benefitted; those of secretaries-general Boutros-Ghali, Annan, Ban, and Guterres. Yet, the African countries must now deal with flawed world leadership, notably that of US President Trump. How might Africa cope with this troubling phenomenon? The institutional structure of the AU Peace and Security Department includes a Conflict Prevention and Early Warning Division and also the Panel of the Wise (PoW). That Panel comprises five members, three of whom are women. And indeed, Abdenur and Kuele point out the growing recognition that the meaningful participation of women in formulating strategies against violence is an essential element in the African states' struggle against extremism.

As Cheryl Hendricks posits, it is also necessary to elaborate a gender sensitive Pan-African perspective in order both to assist with the management of conflict on the continent and provide the basis for a new global approach for the mitigation of strife. Hendricks elaborates upon theoretical developments (Seidman 1992) that shed conceptual light on the rise of this new approach, including liberalism, critical security studies, and feminist theory. It is also her view that the principles of Pan-Africanism, among which are unity, solidarity, interdependence, emancipation, dignity, and equality, constitute a robust foundation for an agenda based on peace and security. Onditi, too, addresses the question of gender in African politics (Mansbach 1994), noting that in the twenty-first century the mediation of gender issues within a state impacts upon the formulation of a government's foreign policies. He levels blunt criticism at African states, "bedeviled," as he writes, by the historically and structurally male-dominated patriarchal systems that mark most developing societies.

Thus, while Kenya and Namibia, the two countries that serve as his case studies, are democracies, women there are among the groups both traditionally marginalized and excluded from mainstream development. Both countries apply the "Harambee" (Swahili: "pulling together") philosophy in their diplomatic relations but evade the question of gender equality, distancing women from the diplomatic sphere. This is a loss for both countries; Onditi is content that achieving gender parity in diplomatic profession would require deliberate measures by governments and other concerned actors to build on women's intrinsic values—negotiators, family builders, and peacemakers. On this account, Onditi coins the notion of "gender responsive diplomacy (GERD) as a way of 'socializing' gender norms within the foreign policy

frameworks of African countries.” Illustration of their contributions are encouraging exceptions such as Louise Mushikiwabo (foreign minister of Rwanda), Netumbo Nandi-Ndaitwah (minister of international relations, Namibia), Amina Mohamed (former cabinet secretary for foreign affairs, Kenya), and Hadja Makalé Camara (since 2016 foreign minister of Guinea).

Frew Yirgalem highlights the case of Ethiopia, his work set in the context of the politics of development in Sub-Saharan Africa. In his view, the aggressive implementation of neoliberal policies in Sub-Saharan Africa, marked by privatization and public sector retrenchment, has over a period of four decades created a “monumental failure.” The neoliberal model has burdened the continent with a regrettable legacy, and particularly cogent is the authors’ use of the term “reform fatigue”; the results of misguided efforts that have left impoverished societies and states. Over the past two decades, Ethiopia has (instead) expended great efforts toward instituting state-led development, with outcomes that render it a controversial case. On one hand, Addis Ababa’s policies have brought about significant socio-economic development. On the other hand, the recent political crisis in that country and a wave of popular violence highlight the fact that Ethiopia’s model of state-led development is at a critical juncture, with potential collapse a real possibility.

Gilad Ben-Nun’s study of Africa’s hospitality toward refugees again focuses readers of this volume on Ethiopia, coupled with Morocco as case studies that place in bold relief the difference in both attitudes and practice between African states and Western governments. Ben-Nun has explained why, despite the great gap in resources between the members of the AU and Western countries, it is the African states that welcome refugees while most of the West turns them away. It is worth noting in this context the case of an *Eastern* European country; that of Poland, which has expressed a limited willingness to accept refugees—provided they are Christian.

Ben-Nun cites two powerful cases that support his thesis. The author notes that in recent years, scholars in diverse fields have evinced a growing appreciation of the deeply embedded notions of hospitality across the divergent spectrum of African cultures. Ethiopia and Morocco have accepted peoples who are alien in terms of religion, placing their approaches in stark contrast with the rejectionism of both the occident and the orient. Among the explanations Ben-Nun offers for this continental phenomenon is the Southern African concept of *ubuntu*, which means that one is caring, compassionate, and *hospitable*. He points out that one finds the roots of very similar notions of African hospitality in hunter-gatherer societies of East Africa and the Horn (of Africa). This emphasis on the linguistic/cultural dimension is seminal, and references to it appear in this volume. Indeed, as Walibora Waliaula writes, “in East African we speak Kiswahili.” Thus, that language is an example of

African soft power. Native probably only to five million people, it is spoken by as many as 135 million people as a second tongue and the only African language used by the African Union. According to Walibora Waliaula (in a separate chapter), Kiswahili remains not only a central object of study but “the glue that binds East Africans together.” Walibora explores how the African states could leverage on the Kiswahili language to reinforce their foreign policies, foster cohesion, and build bridges across the continent and in the diaspora.

Ben-Nun’s incorporation of the values reflected in *ubuntu* place him in agreement and thematic tandem with both Thaddeus Metz and Tom Ondicho. Metz counsels those doing normative work on international topics such as globalization, political power, foreign relations, and criminal justice to consider much more seriously than they have hitherto African ideals about communal relationships. This is not, as Metz points out, only a matter of promoting multiculturalism; it is because there is powerful evidence that Afro-communal values promise to have something substantial to contribute to the amelioration of contentious issues. Metz offers a philosophical interpretation of the relational value of communion that is characteristic of Sub-Saharan cultures, applying the Afro-communal ethic to topics in the realm of global ethics such as certain aspects of globalization, political power, foreign relations, and criminal justice.

Ondicho has alerted readers to the hegemony of thought based largely on the traditions of the “first world” countries of the global north. Yet, Eurocentric, Western-based epistemological modes of thinking are often unsuited to the study of contemporary Africa, because often they do not take into account the ethnic, linguistic, cultural, and religious disparities that mark the continent. Ondicho calls for a cross-fertilization of Western and African epistemologies. Such a constructive melding of approaches and philosophies has the potential to play an important role in overcoming the problems that hinder Africa’s development or even enslave the continent’s potential (George 2010; Khadiagala 1992).

Another face to the refugee issue in Africa is that of national security, the subject of Kenneth Oluoch’s chapter elucidating the impact of the implementation of international refugee law in Kenya. How does a country take in one million people while maintaining its adherence to both international law and accepted norms in the treatment of refugees? On the conceptual plane, Oluoch explains the great tension between a country’s politics and the exigency of abiding by international law. At the empirical level, the Kenyan government, perceiving a threat to its national security, has in significant measures failed to meet that challenge, instead instituting restrictive refugee policies. What does this mean?

Refugees are supposed to enjoy the right to asylum, freedom from fear of refoulement (forced repatriation to their country or another country in which they would face danger) and the right to move about freely, as opposed to forced encampment.

But the Nairobi government has forcibly returned thousands of asylum seekers to Somalia (the border between the two countries was closed in 2007) and in 2007 deported to Ethiopia some three thousand people asking for protection in Kenya. In the latter case, the Kenyans acted on the basis of both diplomatic and security considerations, citing their concern regarding the danger that asylum seekers from rebel-held territory in Ethiopia posed to their country. Put simply, Kenya fears that the large influx of refugees could aggravate the threat of terror, the country's experience including the 1998 attack on the US embassy and 2013 bombing at the Westgate shopping mall in Nairobi. Clearly, Kenya must protect itself. Yet it is also the case that in dealing with the dilemma pitting national security against the upholding of international conventions, Kenya has contravened the laws governing the treatment of refugees.

Fred Ogenga places responsibility for the national narrative regarding the presentation of radicalization in the lap of the media, defining the problem in terms of political communication. Put simply, it is that author's view that the media has a central part to play in de-radicalizing Kenya's youth, and he suggests a role that can and ought to be applied elsewhere, too, in order to distance young people from organizations such as Al-Shabaab, Isis, and Boko Haram. Journalism must speak truth in the local context, relying on a nuanced approach that Ogenga calls Hybrid Peace Journalism (HPJ) or African Peace Journalism. The phenomenon that he terms Africa Peace Journalism borrows from Western Peace Journalism, the latter of which is news coverage of conflict resolution intended to bring different voices to the negotiating table for the purpose of peacebuilding. Africa Peace Journalism brings into the picture the realities of African culture, founded on ancient philosophies of *Utu* (humanity), *Umoja* (unity), and *Harambee* (collective responsibility). This is journalism with a message rooted in a value system, as opposed to a strictly Western conceptualization of news that does not necessarily convey to Africans, in their own terms, a fully comprehensible interpretation of the essence of contemporary issues and the most recent events.

The studies in this volume include work on resources such as oil and water, and the authors ask not only how riparian states may preserve peaceful relations but also how countries interdependent with regard to oil can avoid conflict while guarding their own interests. The discovery of large reserves of oil and gas in East Africa's Hoima and Turkana is becoming a double-edged sword for Kenya's diplomatic ties with neighboring Uganda, as the politics of constructing a pipeline to transport Kenyan and Ugandan oil to the

international market poses an intriguing challenge to Kenya's interests. How have Nairobi and Kampala worked to resolve their issues even as Uganda both competes with Kenya and depends on it for the transport of its own oil? As Opondo notes, Kenya faces competition with both Uganda and Tanzania but remains the leader among the three economies. At the same time, these African states are deeply affected by the interests of big actors such as the Tullow and Total oil companies, respectively of Britain and France.

Edmond Were warns of a race over resources that carries the potential to transform entire regions of Africa into conflict zones, with both riparian states and those competing over national development headed toward dangerous confrontations. A critical example is his study of the exploration and utilization of the natural resources on Lakes Victoria, Tanganyika, Malawi, and Albert. There is an agreement obligating the riparian states of Lake Tanganyika (Burundi, the Democratic Republic of Congo, Tanzania, and Zambia) to ensure the protection and conservation of the biological diversity and the sustainable use of the natural resources of that body of water and its Basin. But the Protocol, that of the Convention on the Sustainable Management of Lake Tanganyika, suffers from flaws that will make it difficult to resolve conflicts over resource exploration and prevent eventual exploitation in that sub-region. Moreover, the Indian Ocean, too, is a focal point of contention, especially with regard to onshore exploration for hydrocarbons.

Highly intriguing is the perspective regarding China, the powerful new "tiger" (actually "dragon") on the scene. Chinese economic influence threatens the very Western interests that Kenya has always protected in the turbulent Horn of Africa and within the East African region. Wesley Mwatwara and Ushehwedu Kufakurinani present a frank analysis of the impact in Africa of a now capitalist China, which claims to offer Africa a path to rapid economic development. Their case study is Sino-Zimbabwe relations. The government of Robert Mugabe (deposed in November 2017) lent great credence to the efficacy of Africa's "Look East Policy." The authors take a different and far more critical view of Beijing's involvement, which they point out serves only to perpetuate the exploitation of Africa in general and Zimbabwe in particular. In fact, Mwatwara and Kufakurinani serve up nothing less than an indictment of the Chinese role, which Beijing trumpets as amity between the two countries that began during the local liberation struggle of the 1960s. This "great friendship" has in their assessment yielded no substantial benefits for Zimbabwe. During the past three decades China has dramatically transformed both its own economy and foreign policy. Yet, while Zimbabwe's memory of China as an anti-imperialist power and even the alternative to a stagnant Soviet Union abide, in reality China cloaks as friendly gestures its exploitative activities, manipulating to its own advantage

both the (Zimbabwean) elite's nostalgia for the war of liberation and the country's pariah status.

China, note the authors, claims not to interfere in the domestic politics of other countries but in Zimbabwe has done exactly that. Moreover, China was involved in an underhand transaction, providing small arms in exchange for eight tons of ivory from Zimbabwe. Thus, the authors challenge the claim that "four noes" guide Chinese endeavors, citing Beijing's violations of its own policy of striving for no hegemony, engaging in no power politics, creating no military alliances, and taking part in no arms racing. Instead, China has made deals with venal elites, enriching them with its projects while perpetuating the impoverishment with which most of Zimbabwe's people struggle. Moreover, as the *New York Times* (2018) has recently reported, the Chinese in Black Africa often crudely disparage the people whom they both employ and purport to assist.

What organizations, institutions, and practices would bring Africa closer to the ability to effect self-help, thereby facilitating the normative agenda that the authors of this volume prescribe? Philip Apuuli identifies a new funding mechanism for the AU as a principal means with which to cement the mantra of "African solutions to African problems" and reduce the continent's reliance on others, reminding us that that dependence upon outside assistance has circumscribed Africa's influence in global affairs. Solomon Ayele Dersso is of the view that the AU itself is the key. The AU's efficacy grew out of the great difference between it and the OAU, to which it is the successor. Dersso's work bears quoting at length here. The OAU, he writes, "with its scrupulous adherence to state-centric principles of sovereignty and non-intervention, was ill-placed and ill-equipped to serve as an effective forum for African foreign policy making on peace and security." The slaughter of more than 800,000 mostly Tutsi Rwandese in only one hundred days in 1994 placed in bold relief the serious limits and flaws of that organization. Yet, of paramount importance, too, is the normative and institutional framework of African foreign policy, the latter in the form of the aforementioned African Peace and Security Architecture (APSA) and also the Peace and Security Council (PSC).

Tom Syring has much to say about Sub-Saharan Africa's strained relationship with constitutionalism and calls upon the AU to be more "involved, outspoken, and forward looking." Syring cites states with poor records with regard to governance, among their great shortcomings flawed referenda, resistance to alternating rule through well-ordered democratic processes, hastily enacted constitutional amendments, and the perennial problem of political violence. Among such states are Angola, the Republic of Congo (Brazzaville), the Democratic Republic of the Congo, Burundi, and Rwanda.

These states attempt to “immunise themselves from criticism in the name of human rights, democracy and the rule of law by conveniently deflecting and diminishing . . . criticism as something “Western.” Yet, he insists that they should not be allowed to discredit “the emancipatory ambitions of those who they aspire to rule.”

Instead, the European Union, the United States, and other donors to Africa must hold such regimes accountable for the unconstitutional changes that they impose. Yet it is the AU that has such an important role to play on the continent, and Syring urges that that organization not leave matters to state leaders who pursue policies that subvert and undermine the African agenda.

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