CONFLICT TRENDS

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Editorial focus: Build national and local capacities for peace

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ACCORD
THE AFRICAN CENTRE FOR THE CONSTRUCTIVE RESOLUTION OF DISPUTES
25 YEARS 1992–2017

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Cover photo: Ethiopian Deputy Ambassador, Jamaludiin Mustafa Omar, speaks to traditional leaders Ugas Hassan, Ugas Khalif Hawadle and others in Beletweyne, Somalia (August 2016). AMISOM Public Information.

EDITORIAL

BY **VASU GOUNDEN**

The fall of the Berlin Wall brought an end to one-party states and authoritarian rule in many parts of the world and ushered in a new era of multiparty democracy. Africa was not unaffected by these changing times. Many countries in Africa saw the fall of one-party states and the introduction of multiparty democracy, too. This paradigm shift was welcomed across Africa and the world, and brought a new energy to governance, with respect for human rights, accountability and human-centred development at the forefront. Positive economic growth was posted across the continent, with many calling it the era of the African Renaissance, and declaring that this would be the "African Century".

Africa's potential in natural and human resources makes the assertions of an African Renaissance a real possibility. Africa's development can be driven by its endowment of natural resources. Africa possesses 60% of the world's arable land, and the industrialisation of agriculture can ensure Africa's future food security. Africa has adequate hydroelectric and solar energy potential to drive infrastructure development and complement the creation of industrial economies. The continent has a dominant share of the world's resources that are necessary to drive the information and space revolutions. It will also have the largest youth population in the world – almost one billion youth in the next two decades – ensuring that Africa will have the human resources to drive its development of the agricultural, industrial, information and space industries.

In a May 2017 publication by the global consulting firm PwC, it was reported that of 80 chief executive officers (CEOs) in Africa who were surveyed, "no less than 97% are confident about their own companies' growth prospects in the medium term. Among African CEOs, this is the highest level since our survey started in 2012."[1] In the same report, the CEOs surveyed indicated that social instability and unemployment are among the key threats that undermine their prospects for growth.

Analysis of the current conflict environment in Africa indicates a growing degree of social instability driving conflicts at the local and national levels in countries across the continent. For almost a decade and a half after the fall of the Berlin Wall, we saw the resolution of a number of violent intrastate conflicts. Examples include Mozambique (1992) and Angola (2002) in southern Africa; Burundi (2005) and the Democratic Republic of the Congo (DRC) (2003) in Central Africa; Guinea-Bissau (1999) and Sierra Leone (2002) in West Africa; and Sudan-South Sudan (2005) in East Africa.

However, in the last decade there has been a resurgence of conflict in Africa. South Sudan, Central African Republic (CAR), Mali, Libya and Burundi have all erupted in conflict, while ongoing conflict in Somalia and the Eastern DRC remain unresolved. In addition, social unrest has occurred in South Africa, Zimbabwe, Kenya, Egypt, Tunisia and Burkina Faso. Many countries will face the same fate over the next decade. Exponential population growth and rapid and unplanned urbanisation without the creation of new economies to absorb the millions coming into cities will result in increased poverty, unemployment and inequality. This will result in further competition for scarce resources such as education, housing, land, sanitation and healthcare.

This competition, coupled with political rivalry and the exploitation of ethnic, racial and religious identity, will result in urban social unrest. If left unresolved, this will deteriorate into civil wars that threaten national and regional peace and security. Therefore, it is critical to intervene at the local and national levels to ensure that conflicts are managed through dialogue and mediation by local and national actors – and where this fails, to have a cadre of outside mediators available who can intervene.

Over the last 25 years, we have built an impressive conflict resolution architecture at the United Nations (UN), the African Union (AU) and sub-regional organisations. Our challenge over the next decade is to build national and local capacities for peace.

Vasu Gounden is the Founder and Executive Director of ACCORD.

1 PwC Report (2017) 'The Africa Business Agenda: Changing Gear', Available at: <http://www.pwc.co.za/en/publications/africa-business-agenda.html>

IS THERE A LINK BETWEEN DEMOCRACY AND DEVELOPMENT IN AFRICA?

BY **KIZITO SIKUKA**

UN PHOTO/ALBERT GONZÁLEZ FARRAN

Introduction

The nexus between democracy and development in Africa has been one of the most contested issues in recent years. Those in support of the linkage argue that the two – democracy and development – are intertwined and depend on or lead to the other. However, opposing views claim that the two concepts are independent of each other, and can easily be achieved without necessarily depending or leading to the other. Drawing insights from various African countries, this article critically examines whether there is a link between democracy and development in Africa. Ultimately, the article postulates that Africa should be innovative in its efforts to promote democracy and development, as there is no single prescribed way of achieving democracy or development.

Defining Democracy

The word "democracy" can be loosely translated to mean "a government of the people, by the people and for the people".[1] This literally means that democracy involves the equal participation of citizens in decision-making processes. For example, if a country wants to introduce a new law, the citizens should first be consulted before such a

Above: Democracy involves the equal participation of citizens in decision-making processes.

SOFITEL SO MAURITIUS

According to the Democracy Index, Mauritius is regarded as the most democratic country in Africa.

law is introduced. Furthermore, citizens should also actively participate in the implementation of the law.

However, it is critical to note that in any democratic society there are some people, especially the minority, who will have their views or opinions overridden by the majority. In this regard, for democracy to prevail fully, there is need for tolerance and respect for different and opposing opinions. In fact, the very admission that there are some views which are going to be suppressed means that democracy is relative and, therefore, differs from one place to another.

According to the 2016 Democracy Index[2] compiled by the Economist Intelligence Unit, Mauritius is regarded as the most democratic country in Africa. Mauritius is ranked number 18 in the world, with Norway leading the rankings. On the other hand, the weakest democratic state in Africa is Chad, and the country is ranked number 165 in the world – just two places ahead of the lowest-placed country, North Korea. Table 1 shows the top 10 and weakest 10 democracies in Africa.

The Democracy Index is based on a set of questions that seek to inquire on the electoral process and pluralism, civil liberties, the functioning of government, political participation and the political culture of a particular country. The index has been calculated since 2006 for 167 countries, covering almost the entire population of the world.

ONE OF THE SIMPLEST DEFINITIONS OF DEVELOPMENT CAN BE CONSIDERED AS THE OBJECTIVE OF MOVING TOWARDS A STATE RELATIVELY BETTER THAN WHAT PREVIOUSLY EXISTED

Table 1: Top 10 democracies and weakest 10 democracies in Africa

Top 10 African democracies	
Ranking	**Country**
1	Mauritius
2	Cape Verde
3	Botswana
4	South Africa
5	Ghana
6	Lesotho
7	Tunisia
8	Namibia
9	Zambia
10	Tanzania

10 weakest democracies in Africa	
Ranking	**Country**
1	Chad
2	Central African Republic
3	Equatorial Guinea
4	Democratic Republic of the Congo
5	Guinea-Bissau
6	Libya
7	Eritrea
8	Sudan
9	Burundi
10	Djibouti

Source: Adapted from the 2016 Democracy Index[3]

Understanding Development

One of the simplest definitions of development can be considered as the objective of moving towards a state relatively better than what previously existed.[4] In this regard, development could mean any positive change in life. For example, if one used to own a bicycle and suddenly possesses a car, then that change could be referred to as development, since one will no longer be required to cycle for long hours to get to work, thereby enjoying a

ISSOUF SANOGO/AFP/GETTY IMAGES

Chad is, according to the Democracy Index, the weakest democratic country in Africa.

higher standard of living. The same can be said about one acquiring a bicycle, which one previously did not possess. Based on this definition, the term "development" can also be regarded as relative, since its meaning differs from one person to another.

However, an important point to note is that development is a process and not a once-off event, since it is considered as a progression from what existed previously. As such, development should always occur and be maintained to ensure that people have a positive change in life. Positive change may include access to better health, higher income, greater individual freedom, more opportunities, better education and housing, as well as a richer quality of life.

According to the 2016 Human Development Index (HDI),[5] which is a standard way of measuring the well-being of the people of a country, Seychelles is the most developed country in Africa. Seychelles is ranked number 63 in the world, with Norway leading the rankings. The least developed African country on the HDI is the Central African Republic (CAR), which is also ranked the least developed in the world. In fact, the 2016 HDI shows that the 19 least-developed countries in the world are all from Africa. Table 2 shows the top 10 developed and the 10 least-developed countries in Africa.

The HDI, which is compiled by the United Nations Development Programme, generally measures the life expectancy, education and per-capita income of a country. The HDI mainly emphasises that people and their capabilities should be the ultimate criteria for assessing the development of a country, not economic growth alone.[6]

DAVID STANLEY

Seychelles is the most developed country in Africa.

Table 2: Top 10 developed and the 10 least-developed countries in Africa

Top 10 developed African countries	
Ranking	**Country**
1	Seychelles
2	Mauritius
3	Algeria
4	Tunisia
5	Libya
6	Botswana
7	Gabon
8	Egypt
9	South Africa
10	Cape Verde

10 least developed African countries	
Ranking	**Country**
1	Central African Republic
2	Niger
3	Chad
4	Burkina Faso
5	Burundi
6	Guinea
7	South Sudan
8	Mozambique
9	Sierra Leone
10	Eritrea

Source: Adapted from the 2016 Human Development Index[7]

REUTERS/FEISAL OMAR

Progress in development may include access to better health care and other opportunities that ensure people have a positive change in life.

Arguments in Support of the Democracy-Development Nexus

There are a number of assumptions that have been put forward to explain the relationship between democracy and development. One of the simplest explanations is that once people start to acquire higher levels of economic development and social maturity, they will begin to seek more accountability from their governments, thus achieving better democracy. In other words, an educated and growing middle class is more likely to demand an active role in the running of their country, to the extent that even repressive governments will have but little option to resist such demands and become more democratic.

The appearance of democracy can then be seen as the crowning achievement of a long process of modernisation, or as a luxury that affluent countries can afford.[8] This assumption is maybe more visible in a country such as South Africa, where the fall of apartheid in 1991 and the subsequent attainment of independence in 1994 led to a growing middle class and educated black community, who now demand and expect more responsibility from their government.

Closely linked to the previous point is the fact that almost all of the developed countries in the world are democratic, hence the assumption that democracy and development are intertwined. This approach helps to explain why there is an increased belief by the international community, especially among donors, that democracy is a prerequisite for development. In fact, this belief has seen the donor community come up with an unwritten rule never to release "development" funds to countries that are deemed to lack democracy.

ONE OF THE SIMPLEST EXPLANATIONS IS THAT ONCE PEOPLE START TO ACQUIRE HIGHER LEVELS OF ECONOMIC DEVELOPMENT AND SOCIAL MATURITY, THEY WILL BEGIN TO SEEK MORE ACCOUNTABILITY FROM THEIR GOVERNMENTS, THUS ACHIEVING BETTER DEMOCRACY

Furthermore, the strong correlation between democracy and development is buttressed by the point that a democratic regime has never fallen after a certain income level is reached.[9] This assumption is particularly true in most Western countries, where stability and economic development has been maintained or even strengthened. As such, there has been a deliberate move by most African countries to follow the same route to achieve development through the process of democratisation of political systems.

Arguments Against the Democracy-Development Nexus

Other schools of thought argue that democracy and development are not necessarily dependent on each other. One classic example to support this point is China. Despite being considered as one of the least democratic states in the world, in the last few decades China has managed to experience impressive economic development, at a much faster rate than most democratic countries in the world.

Another key indicator which shows that the link between democracy and development is weak is the fact that there is a growing situation of authoritarian states which are showing that they can reap the benefits of economic development while evading any pressure to relax their political control.[10] East Asian countries such as China, India and Singapore fall in this category, as these countries have managed to perform significantly better economically than democracies in the Western world.

In addition to this, the process of democratisation has not really been associated with, or led to, economic development in most countries. This assessment is particularly true in most African countries, which have taken extensive efforts to democratise their political systems but have achieved very little progress in terms of economic development. Malawi could be a classic example where efforts to democratise have not really produced the expected goals. Even since the introduction of multiparty elections in 1994, Malawi remains one of the poorest countries in Africa.[11]

Analysing the Democracy-Development Link in Africa

An analysis of Table 1 and Table 2, which show the top 10 democracies and 10 weakest democracies in Africa, as well as the top 10 developed and 10 least-developed countries in Africa, reveal some very interesting and intriguing conclusions on the matter at hand – the linkage of democracy and development in Africa. For example, one would naturally expect Mauritius, which is regarded as the most democratic country in Africa, to be the most developed country on the continent.

However, it is Seychelles – a country that is not even among the top 10 democracies in Africa – that leads the most developed countries on the continent. As such, the notion that democracy is linked to development, or the other way around, does not seem to hold any water. In fact, to support this point, Libya – which is listed among the 10 worst

GALLO IMAGES/GETTY IMAGE/ MARTIN PUDDY

Despite being considered one of the least democratic states in the world, China has significant economic development at a much faster rate than most democratic countries in the world.

REUTERS/ESAM OMRAN AL-FETORI

Libya has an abundance of oil reserves to promote development.

democracies in Africa – is regarded as one of the most developed countries in Africa. Furthermore, countries such as Namibia, Tanzania and Zambia, which are among the most democratic states, are not considered to be the most developed countries in Africa.

In this regard, the claim that democracy helps to promote development is rather weak. Various arguments could be employed to explain this disparity – one of which is the availability of natural resources to propel development in a particular country. For example, Libya may be branded as one of the weakest democracies in Africa, yet it is a leader in terms of development on the continent. This is because the country has an abundance of oil reserves to promote development. In fact, Libya has one of the largest proven oil reserves in the world.

Another key observation to note from Table 1 and 2 is that it is the smallest countries in terms of population (such as Cape Verde, Mauritius and Seychelles) that lead the list of both the top African democracies and developed countries. Naturally, it is considered easier to govern a smaller group of people and produce a "government of the people, by the people and for the people" compared to achieving this in a larger population, such as in the Democratic Republic of the Congo, which has a population of about 71 million people.[12]

With regard to development, research[13] has also shown that economic growth is achieved faster by smaller countries than bigger ones. This may help to explain why smaller countries such as Mauritius and Seychelles are considered the most developed in Africa, as services such as health and education are feasible to provide to a smaller community, hence the attainment of better development status.

On the other hand, the linkage between democracy and development is also clearly evident in the African context. Based on tables 1 and 2, most of the African countries that are regarded as democratic are visible in the top 10 list containing the developed countries. Five countries – Mauritius, Cape Verde, Botswana, South Africa and Tunisia – are regarded as the most developed and the most advanced democracies in Africa.

On the other hand, four countries – Chad, CAR, Eritrea and Burundi – are also ranked as the least-developed countries by virtue of being the weakest democracies. Therefore, it may be correct to conclude that the relationship between democracy and development in Africa is more profound.

The mere fact that most African countries are enjoying some economic development since the attainment of independence is also a key indicator that some degree of democracy is critical to promote development. With the

UN PHOTO/ERIC KANALSTEIN

Almost all countries in Africa have a political system for choosing and replacing a government through free and fair elections.

attainment of independence, a number of African countries have strived to abide by the key elements that define democracy. For example, almost all countries in Africa now have a political system for choosing and replacing a government through free and fair elections.

Furthermore, almost all African countries have come up with mechanisms to promote the active participation of citizens in politics and civic life, as well as the protection of human rights. This drive towards democracy is basically a hope that the improvement of democracy on the continent will improve the continent economically – the same way that democracy brought about development in Europe and the United States.

Conclusion, Recommendations and Way Forward

Arguments presented in this article clearly show a strong relationship between democracy and development. However, it may be important to note that this linkage is not completely clear in most African countries, compared to the way it is very clear in other parts of the world; for example, Europe. It is therefore critical for African countries to come up with other innovative means of achieving democracy or development, because there is no one prescribed solution to achieving either or both.

In this regard, the nexus between democracy and development should be applied with caution, as it differs from one from country to another and one continent to another. Asian countries have already shown that it is possible to achieve development without necessarily being democratic.

FURTHERMORE, ALMOST ALL AFRICAN COUNTRIES HAVE COME UP WITH MECHANISMS TO PROMOTE THE ACTIVE PARTICIPATION OF CITIZENS IN POLITICS AND CIVIC LIFE, AS WELL AS THE PROTECTION OF HUMAN RIGHTS

In a nutshell, democracy is indeed a key predictor of development. However, development can still be achieved through other means. As aptly stated by President Edgar Lungu of Zambia at the inauguration of Thomas Thabane as the new prime minister of Lesotho in June 2017: "Democracy is a very expensive game, but I will leave it up to you, the people of Lesotho, to decide how best to make

democracy a bit cheaper so that you can focus resources to develop this country."[14]

There are a number of key policy options and measures that could be considered by African countries to ensure that democracy becomes a major ingredient for development. This is particularly important since democracy is meaningless for the majority of people unless it delivers socio-economic goods and benefits to the citizens.[15]

One policy option for African countries is to put in place strong institutions that are able to implement policies geared towards sustainable development. It is also critical to invest more in human capital, since a well-developed, knowledgeable and skilled human resource base is better equipped to promote a united, prosperous and integrated Africa.

THIS IS PARTICULARLY IMPORTANT SINCE DEMOCRACY IS MEANINGLESS FOR THE MAJORITY OF PEOPLE UNLESS IT DELIVERS SOCIO-ECONOMIC GOODS AND BENEFITS TO THE CITIZENS

Equally important is the need for African countries to maintain the rule of law, as well as protect private property rights to attract investment. Protection of the rule of law is imperative, as existing theories usually implicitly and explicitly assume that citizens actively contribute towards socio-economic development if their rights are respected and protected.

In addition to this, Africa should curb illicit financial flows (IFFs) out of the continent. According to a report by the African Union, it is estimated that the continent has lost more than US$1.8 trillion to the scourge of IFFs between 1970 and 2008 alone, and continues to lose resources valued at up to US$150 billion annually.[16] The challenges of IFFs are due to a variety of factors including corruption; lack of or weak institutions, both at national and continental levels; governance challenges; political instability; and ongoing conflicts.

If we could imagine that the proceeds and natural resources lost through IFFs remained on the continent to finance Africa's development agenda, the story would be totally different – and remarkable. In fact, Africa would be one of the most developed continents in the world, with seamless infrastructure, enough jobs for everyone and, most importantly, a peaceful and stable environment that is critical in promoting sustainable development and democracy.

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COOPERATION AS A TOOL FOR ENHANCING STATE CAPACITY TO FULFIL OBLIGATIONS OF THE LOMÉ CHARTER

BY **OLUSEYI OLADIPO**

GALLO IMAGES/REUTERS/AKINTUNDE AKINLEYE

Introduction

Africa is rich in natural resources, both inland and at sea. There has been a scramble for more or extended sea territories, such as the extension of Exclusive Economic Zones (EEZs), and continental shelves. In addition, recent discoveries of hydrocarbon deposits have generated high interest in the African Maritime Domain (AMD). However, the AMD has been plagued by crimes such as illegal, unreported and unregulated (IUU) fishing; smuggling; armed robbery; piracy; and human, narcotics and small arms trafficking. Due to this, maritime insecurity remains the greatest impediment to Africa's development of a Blue Economy.[1]

There is unanimous agreement that decisive action must be taken to reverse the negative trend of pervasive insecurity in the AMD. The African Charter on Maritime Security, Safety and Development in Africa, also known as the Lomé Charter, was signed on 15 October 2016 by heads of state

Above: Maritime insecurity remains the greatest impediment to Africa's development of a Blue Economy.

GALLO IMAGES/GETTY IMAGES/ANADOLU AGENCY

Heads of state and governments of African Union (AU) member states pose for a photo during the AU Extraordinary Summit on Maritime Security and Safety and Development in Lomé, Togo (15 October 2016).

and governments of African Union (AU) member states. The charter is a follow-up to the AU's 2050 Africa's Integrated Maritime Strategy (2050 AIM Strategy), which forms a blueprint for the advancement of African seapower.[2]

This article identifies the inherent state capacity challenges that might hinder the implementation of the Lomé Charter, and advocates that cooperation is a means of enhancing state capacity in this regard. To achieve this, the article discusses the status and key features of the Lomé Charter, before briefly weighing state responsibilities against state capacity. It further considers some maritime security cooperation models and recommends leveraging cooperative mechanisms to address identified capacity gaps.

Status of the Lomé Charter

The Lomé Charter has the status of an international treaty as encapsulated in the Vienna Convention on the Law of Treaties. The charter was signed at the highest level by African heads of state and government, under the auspices of the AU.

Article 26 of the Vienna Convention, embodying the principle of "*pacta sunt servanda*" ("agreements must be kept"), states that "every treaty in force is binding upon the parties to it and must be performed by them in good faith".[3] As such, states are thereby bound, under international law, to abide by charter obligations. In addition, Article 18 of the Vienna Convention mandates states to refrain from acts that would defeat the object and purpose of a treaty.

A key point that should be noted pertaining to the internal law of states and the observance of treaties is: "A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to Article 46."[4]

THE LOMÉ CHARTER HAS THE STATUS OF AN INTERNATIONAL TREATY AS ENCAPSULATED IN THE VIENNA CONVENTION ON THE LAW OF TREATIES

Article 46(1) goes further to prevent a state from "invoking the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance".

The only provision for impossibility of performance of treaty obligations, given in the Vienna Convention, states: "A party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty. If the impossibility is temporary, it may be invoked only as a ground for suspending the operation of the treaty."[5]

In summary, the implication of the status of the Lomé Charter is that since states willingly consented to be bound by it, each state party remains bound to meet the charter's obligations. Furthermore, internal laws cannot be claimed as a reason for non-performance of such obligations.

Key Features of the Lomé Charter

The Lomé Charter, which is organised into seven chapters and 56 articles, covers:[6]

1. the prevention and control of all transnational crimes at sea, including terrorism, piracy, armed robbery against ships, drug trafficking, smuggling of migrants, trafficking in persons and all other kinds of trafficking, IUU fishing, prevention of pollution at sea and other unlawful acts at sea, under the jurisdiction of a state party in its area of responsibility;
2. all measures to prevent or minimise accidents at sea caused by ships or crew or aimed at facilitating safe navigation; and
3. all measures for the sustainable exploitation of marine resources and optimisation of the development opportunities of sectors related to the sea (Article 4).

This broad coverage is further explained in separate articles of the charter. Some salient features are discussed in the following paragraphs.

Article 5 espouses socio-economic measures, such as poverty reduction and job creation within the maritime sector, as avenues for preventing crimes at sea. Express mention is made of the promotion of artisanal fishing and enhancement of the processing and marketing of fishery products at national, regional and international levels.

Article 6 highlights state party responsibility, while Articles 7 and 8 govern the establishment of national coordinating structures and the harmonising of domestic legislation respectively. These impose national responsibility on the executive and legislative branches of governments.

States are mandated by Article 9 to guarantee resources for investments in maritime security and safety.

THEOPHILOS PAPADOPOULOS

The Lomé Charter mentions the promotion of artisanal fishing.

UNHCR

Maritime governance features critically in the Lomé Charter. States are mandated in Articles 16 and 17 to ensure measures to guard against trafficking in human beings and narcotics.

In addition, cooperation between flag and coastal states[7] is encouraged with respect to the sharing and support of financial obligations (Article 10). Article 11 mandates states to establish a Maritime Security and Safety Fund. These articles acknowledge the likelihood of resource limitations and seek to address them. Hence, the Maritime Security and Safety Fund is an important feature of the charter, as it would evidently provide backing for several of the initiatives advocated by the charter.

Maritime governance features critically in the Lomé Charter. State parties are encouraged to ensure good maritime governance (Article 14) and to delimit their maritime boundaries (Article 15). Furthermore, states are mandated in Articles 16 and 17 to ensure measures to guard against trafficking in human beings and narcotics. In addition, state responsibility for the safety of navigation is highlighted in Article 18. It is pertinent to note the ongoing efforts towards maritime governance improvement across most African states. Nevertheless, more work needs to be done to achieve higher standards of maritime governance, including maritime boundary delimitation, countering human and drug trafficking, and the safety of navigation.

Chapter 4 of the charter is dedicated to the development of a Blue Economy for Africa. This covers exploitation of the AMD, fisheries and aquaculture, wealth and job creation, an integrated human resource strategy and competitiveness improvement. Other aspects include infrastructure development, climate change and environmental protection, protection of marine biology including against toxic waste dumping, the prevention of the illegal exploitation of natural resources, and maritime disaster risk reduction. This chapter reinforces several provisions of

THE COHERENCE BETWEEN THE LOMÉ CHARTER AND THE 2050 AIM STRATEGY INDICATES STRATEGIC COMMITMENT ON THE PART OF GOVERNMENTS TO COMBATING THE NUMEROUS THREATS MILITATING AGAINST AFRICA'S BLUE ECONOMY

U.S. NAVY PHOTO/KENAN O'CONNOR

Nigerian navy officers undergo military training aboard a United States Navy ship at the Lagos harbour (April 2011).

the 2050 AIM Strategy. The coherence between the Lomé Charter and the 2050 AIM Strategy indicates strategic commitment on the part of governments to combating the numerous threats militating against Africa's Blue Economy.

The final chapter of the charter (Chapter 5) comprises of 11 articles dedicated to cooperation. Specifically, cooperation is encouraged in exploitation, fishing and aquaculture, combating crimes at sea, and science and academia (Articles 19–29 and 36). Furthermore, Articles 37, 38 and 39 provide for continental, regional and national structures and frameworks respectively, which would facilitate cooperation. Another critical provision in Articles 33 and 34 is for maritime information and intelligence sharing. These articles are meant to facilitate the exchanges of maritime security information across national, regional and continental structures.

The provisions of the Lomé Charter demonstrate reasonable commitment towards overcoming the obstacles militating against security, safety, awareness and sustainability in the AMD. This commitment can only be translated to action through the demonstration of political will by African states.

Responsibility versus Capacity

The Lomé Charter expressly states the responsibilities of state parties:

> Each State Party undertakes, according to its own realities, where applicable, to:
>
> 1. organise its actions at sea and to develop its capacity to protect its maritime area and provide assistance to other States Parties or third States as may be required;
> 2. strengthen law enforcement at sea, through the training and the professionalisation of navies, coast guards, and agencies responsible for maritime safety and security, custom authorities and port authorities;
> 3. maintain surveillance and reconnaissance patrols, in the anchorage areas, the exclusive economic zone and continental shelf for law enforcement, and search and rescue operations.[8]

State responsibilities in the Lomé Charter, which reinforce provisions of the 2050 AIM Strategy, call for a high level of political will. Beyond that, the necessity for state capacity to rise up to the occasion is a significant requirement. Having consented to be bound by charter obligations,

GALLO IMAGES/REUTERS/ISMAIL ZETOURI

Most African coastal states have inadequate platforms to enforce satisfactory maritime security.

each state must discharge the requisite capacity to enforce the charter's provisions. Nonetheless, there is nothing to suggest that states are not at liberty to subsume existing government projects, policies and programmes under the umbrella of performance of their charter obligations. For example, ongoing projects concerning maritime governance, navigational safety and maritime boundary delimitation could be a starting point.

Capacity Challenges

Several regional and subregional initiatives in Africa have either been stalled or have witnessed slow implementation for various reasons. For example, the African Maritime Transport Charter, signed in 2010 in South Africa, is yet to come to fruition. A realistic view is that implementation of the Lomé Charter within and among African states will not be easy. Lomé Charter obligations translate to national requirements in terms of equipment, logistics, technology, training and doctrine. According to the United Kingdom think tank, Wilton Park, "weaknesses in maritime security capacity are resulting in a multitude of destabilising effects and loss of significant revenue on the part of many developing countries".[9]

It is important to note that while some capacity challenges currently exist in Africa, others will emerge with time. Notwithstanding, this article highlights a few identified challenges, such as bureaucracy, a low level of maritime awareness, inadequate platforms and a low level of maritime domain awareness (MDA).

In some states, entrenched bureaucratic positions and lack of institutional capacity are existing obstacles to Lomé Charter obligations. Therefore, compliance with charter obligations might provide a basis for a review of legal and regulatory frameworks. Whether this is gradual or radical, substantial steps need to be taken with respect to bureaucratic structures and national legislations.

THE AU DEFINES MARITIME AWARENESS AS "THE EFFECTIVE UNDERSTANDING OF ANYTHING ASSOCIATED WITH THE MARITIME DOMAIN THAT COULD IMPACT UPON THE SECURITY, SAFETY, ECONOMY, OR ENVIRONMENT"

These steps might lead to a comprehensive maritime security sector reform (MSSR). Coherence across government, in addition to the requisite political will, is essential to overcoming the challenge of bureaucracy.

A low level of maritime awareness is a common theme across Africa. The AU defines maritime awareness as "the effective understanding of anything associated with the maritime domain that could impact upon the security, safety, economy, or environment".[10] The lack of maritime awareness has also been referred to as "sea blindness". The inability to appreciate the potential benefits within the AMD, due to centuries of territorial dominance of social and cultural life, has the potential to restrict the actualisation of Africa's Blue Economy. It could be argued that this lies more in the philosophical domain rather than that of capacity. However, this article considers sea blindness as a capacity shortfall, which requires substantial capacity-building.

Most African coastal states have inadequate platforms to enforce a satisfactory regime of maritime security. In this case, "platforms" loosely refers to ships, boats, aircraft and drones. Analysis shows that fewer than one quarter of African coastal states – such as South Africa, Nigeria, Algeria and Egypt – have more than 10 operational platforms for maritime security.[11] Fewer platforms translate to limited patrols and, by extension, higher likelihood of maritime crimes (such as piracy and IUU fishing) going undetected. Although maritime security threats are more pronounced in some parts of Africa than others, the need for an adequate number of platforms cannot be overemphasised. More platforms would ensure greater presence at sea, thereby providing reassurance for maritime economic activities.

Another common capacity shortfall is inadequate MDA among African states, such as Guinea, Liberia and Sierra Leone. Most African coastal states are unable to maintain surveillance effectively over their territorial waters and EEZs. With advances in technology, MDA has advanced from traditional sources such as radar to regional maritime awareness capability (RMAC), automatic identification systems (AIS) and long-range identification and tracking (LRIT). However, these are expensive technologies, which are beyond the reach of many African states that have greater priorities to contend with. There is therefore a need for innovative measures to enhance MDA.

Maritime Security Cooperation Models

One key question to ask in the face of the identified capacity challenges is: Is cooperation the answer?

AU-UN IST PHOTO / STUART PRICE

Most African coastal states are unable to maintain surveillance effectively over their territorial waters.

U.S. NAVY PHOTO BY JOURNALIST 1ST CLASS WES EPLEN

The guided missile destroyer USS Gonzalez pulls into the Port of Mombasa, Kenya (2005). The ship is part of an international initiative developed by U.S. Naval Forces Europe-Africa, which aims to work cooperatively with international partners to improve maritime safety and security in Africa as part of U.S. Africa Command's Security Cooperation programme.

National and multinational cooperation is a critical feature of the Lomé Charter. In a bid to seek potential models for adoption by African states, some recent examples of cooperative mechanisms are worthy of consideration. These are at national, bilateral, regional and multilateral levels.

Within African nations, various ministries, departments and agencies would be required to collaborate on governmental responses to charter obligations. Individual member states need to rise above traditional biases and engender interagency cooperation to achieve the best governmental responses in the midst of scarce resources. The national coordinating structure provided for in Article 7 of the charter would be responsible for this. Article 39 goes further to provide for national legal frameworks. This might involve the adoption or amendment of legislation. It is encouraging that some African countries have established templates for interagency cooperation in the maritime security sector. One example of this was witnessed in Ghana, where the Fisheries Department of the Ministry of Agriculture was involved in financing the acquisition of patrol vessels for the Ghana Navy. Another example is in Nigeria, where the Nigerian Navy signed a memorandum of understanding (MOU) with the Nigerian Maritime Administration and Safety Agency (NIMASA).[12]

Between member states, the bilateral mechanism is a viable option. This is most feasible between contiguous nations. One example was Operation Prosperity in 2014 between Nigeria and the Republic of Benin. This operation involved the deployment of a Nigerian warship, *NNS Nwamba*, to Cotonou for combined patrols with the Beninois navy. This drastically reduced the menace of sea robbery along the Benin-Nigeria maritime frontier.[13] Another variant of the bilateral model is the non-contiguous partnership, usually between an African state and an external partner. This is common in Francophone countries, such as Togo and the Republic of Benin, where France maintains a strong working relationship with these countries' maritime forces.

Another model for cooperation is the subregional mechanism. This is based on the regional economic communities such as the Economic Community of West African States (ECOWAS), Economic Community of Central African States (ECCAS) and Southern African Development Community (SADC). Similarly, the Maritime Organisation of

West and Central Africa (MOWCA) and the Gulf of Guinea Commission (GGC) are frameworks for further multinational consideration. The Code of Conduct for the Repression of Piracy, Armed Robbery against Ships and Illicit Maritime Activity in West and Central Africa, also known as the Yaoundé Code of 2013, is a product of ECOWAS/ECCAS cooperation.

One unique framework for maritime security cooperation is the multilateral model. This could feature collaboration between African nations and foreign partners. A prime example of this model is the Africa Partnership Station (APS), promoted by the United States Africa Command (US AFRICOM). This is a multipurpose initiative involving security cooperation, capacity-building and maritime power projection by naval forces of the USA and several African nations. The annual maritime exercise, Obangame Express, is a similar cooperative capacity-building initiative under the auspices of AFRICOM.[14] A different version of the multilateral model exists in Somalia, where the European Union (EU) and the North Atlantic Treaty Organisation (NATO), among other actors, are involved in MSSR.

It is important to state that this article does not propose the exclusive adoption of the aforementioned maritime security cooperation models. Rather, in the event of capacity gaps, the models could provide options for the mitigation of identified shortcomings. Further, it is imperative for states to work towards improving capacity shortfalls in the long term, rather than permanently relying on cooperative structures.

Conclusion

Undoubtedly, the AU has done well on the policy and strategy front to produce the 2050 AIM Strategy and the Lomé Charter. Africa's maximisation of the benefits of its latent Blue Economy is hugely dependent on the capacity of AU member states to effectively discharge their charter obligations.

The AU must acknowledge the challenges confronting several African nations, which may impede responses to obligations. Beyond AU states, assistance from external partners might be required to overcome some challenges, especially regarding capacity. Cooperative mechanisms at national, bilateral, regional and multilateral levels provide avenues to address some identified capacity gaps, while states work on building the requisite capacity to fulfil charter obligations. Therefore, the AU must consider and encourage these mechanisms aimed at achieving the strategic goal of actualising Africa's Blue Economy.

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Endnotes

1 African Union (2016) *African Charter on Maritime Security and Safety and Development in Africa*. Addis Ababa, Article 1. The African Union defines the Blue/Ocean Economy as "sustainable economic development of oceans using such technics as regional development to integrate the use of seas and oceans, coasts, lakes, rivers, and underground water for economic purposes, including, but without being limited to fisheries, mining, energy, aquaculture and maritime transport, while protecting the sea to improve social wellbeing".

2 African Union (2012) *2050 Africa's Integrated Maritime Strategy. Addis Ababa*.

3 United Nations (1969) *Vienna Convention on the Law of Treaties*. Vienna.

4 United Nations (1969) op. cit., Article 27.

5 Ibid., Article 61(1).

6 African Union (2016) op. cit.

7 The term "flag state" refers to the sovereign state in which a sea-going vessel is registered, while the term "coastal state" generally refers to a sovereign state that exercises maritime jurisdiction and territorial rights over an adjoining expanse of sea.

8 African Union (2016) op. cit., Article 6.

9 Wilton Park (2009) *Maritime Security: Strengthening International and Inter-agency Cooperation*. Conference report. London, p. 1.

10 African Union (2016) op. cit., p. 7.

11 Author's analysis of *Jane's Fighting Ships*. See: Saunders, Stephen Commodore (2016/2017), *Jane's Fighting Ships.* London: IHS.

12 Akpolobikemi, Patrick (2015) Enhancing Nigerian Navy Operations through Effective Inter-agency Cooperation. *The Sailor*, 42, pp. 35–37.

13 Ibid.

14 US AFRICOM (2017) 'Africa Partnership Station', Available at: <http://www.africom.mil> [Accessed 15 January 2017].

GALLO IMAGES/REUTERS/MOHAMED NURELDIN ABDALLAH

REGIONAL ORGANISATIONS' SUPPORT TO NATIONAL DIALOGUE PROCESSES: ECOWAS EFFORTS IN GUINEA

BY **BROWN ODIGIE**

Introduction

Over the past three decades, national dialogue has increasingly been recognised as a mechanism for conflict resolution, peacebuilding and a viable framework for expanding the space for political participation and accommodation. Although widely recognised as a nationally owned process, the international community, regional and, more often than not, subregional organisations – depending on the nature and contextual dynamics of conflicts – play an important role in supporting national dialogue processes. This is true with the Economic Community of West African

Above: National dialogue is a mechanism for conflict resolution, peacebuilding and a viable framework for expanding the space for political participation and accommodation.

GALLO IMAGES/AFP/PIUS UTOMI EKPEI

The Economic Community of West African States (ECOWAS) has over two decades' experience in mediating and supporting peace processes in West Africa.

States (ECOWAS), a subregional organisation with over two decades experience in mediating and supporting peace processes in the West African subregion. Whilst regional integration was the singular purpose of ECOWAS's establishment, political conflicts and instability in the 1990s – and the subsequent need to evolve mechanisms and structures that encourage the peaceful resolution of intrastate and interstate conflicts through good offices, conciliation, mediation and other methods of peaceful settlement of disputes[1] – became the impetus for ECOWAS to refocus its attention on developing a regional architecture for peace and security.

PREVENTING CONFLICT MEANS "BUILDING RELATIONSHIPS BETWEEN PEOPLE AND COMMUNITIES SO THAT THEY CAN TALK ABOUT THEIR PROBLEMS, IN ORDER TO PREVENT THOSE PROBLEMS FROM ESCALATING INTO VIOLENCE"

This article[2] provides an overview of ECOWAS's efforts at supporting national political dialogue processes in the subregion through its numerous declarations, statements and field interventions, with a focus on Guinea. It is important to note that as a subregional organisation promoting peace, security and regional stability, ECOWAS constitutes one of the pillars of the African Union's (AU) African Peace and Security Architecture (APSA), and works in partnership, cooperation and collaboration with the AU, United Nations (UN) and other relevant international actors in promoting peace processes in its member states.

Contextualising National Dialogue: Definition and Contending Issues

Preventing conflict means "building relationships between people and communities so that they can talk about their problems, in order to prevent those problems from escalating into violence".[3] Dialogue, an essential tool of communication, has been defined as "an interactive conversation between one or more sides working together towards a common understanding".[4] "It is a process of people coming together to build mutual understanding and trust across their differences, and to create positive

GALLO IMAGES/REUTERS/ ASMAA WAGUIH

Dialogue is an interactive conversation between one or more sides working towards building mutual understanding and trust across differences.

outcomes through conversation."[5] As part of a wide range of peacemaking approaches, "dialogues are not only to resolve conflicts but more importantly to heal wounds, reconcile groups, build confidence and trust in institutions and in people towards social cohesion and national development".[6] Conceived in this sense, it is argued that "dialogue can only have positive effects when both sides are willing to take into account what the other side considers as its vital interest".[7] Dialogue helps to foster relationships and build an inclusive consensus among a wide group of actors.[8]

Dialogue can take place at various levels in a given society – at the local and community level, as well as at the national level. Equally, dialogues can come in various forms, among which are high-level or summit dialogues, involving the top leadership of contending sections of the population, often initiated or mediated by the international community; civil society and community-based organisations' facilitated dialogues; multilevel dialogues, involving various levels of society in an effort to engage citizens in building sufficient national consensus on critical challenges; and political dialogues, which take place as an indispensable aspect of planning for peacebuilding, state-building and development,[9] or as a framework for addressing threats in a society that can cause a lapse or relapse into violent conflict.[10] These four approaches are not mutually exclusive but rather complementary, with each type having its own advantages and limitations.[11]

National dialogues, however, have a distinct format, characterised by their national scope and purpose. They have been defined as "nationally owned political processes aimed at generating consensus among a broad range of national stakeholders in times of deep political crisis, in post-war situations or during far-reaching political transitions".[12] In terms of their scope, national dialogues address issues of national relevance, such as power-sharing during peacebuilding processes, preparations for national elections, and the drafting of new constitutions.[13] With regard to their purpose, national dialogues aim to restore broken state–society relations and to work on a viable social contract that allows for participatory state and nation-building.[14] National dialogues are expected to establish a minimum consensus among all relevant stakeholders at a national level on ending hostilities, and pave the way for creating legitimate state structures of governance and institutions accountable to the public. This means that national dialogues are "expected to be participatory and to include the main

GALLO IMAGES/AFP/AHMED OUOBA

National dialogues are nationally owned political processes aimed at generating consensus among a broad range of national stakeholders.

political stakeholders, the conflicting parties, as well as societal groups such as ethnic and religious minorities, and civil society representatives",[15] including marginalised populations such as women and the youth.

We understand that national dialogues are nationally owned processes. As Giessmann states: "While the inception of a National Dialogue may be brokered or supported by external mediators – such as the UN – the process of a National Dialogue must be convened, owned and driven by its national stakeholders."[16] ECOWAS's initiatives at supporting national dialogue processes do not deviate from this key defining element of national dialogue as a tool for managing complex political changes and political transitions, or deepening inclusive and participatory politics in all of its member states. It is within this defining element of national dialogue that ECOWAS works to facilitate and create spaces for member states to dialogue over a broad range of issues or specific issues, as the case may be, through the tools of preventive diplomacy, mediation and good offices. However, it is important to emphasise that national dialogues are only one way to address political crises and violent conflicts. "Change processes, whether peace processes, political transitions or processes to prevent or manage a political crisis, tend to incorporate a range of different methods and mechanisms, including mediation and negotiation."[17] Practitioners agree that "dialogue is not a substitute for negotiation and mediation in conflict situations".[18] Rather, it is "an essential part of conflict resolution and prevention processes, wherein the goal is to build sustainable peace".[19]

Some of the contentious issues around which individuals and groups agitate for dialogue in ECOWAS member states often relate to access to political power; demands for inclusive and participatory politics; demands for power (re)configurations, based on regional or ethnic balance; demands for equitable and fair distribution of national resources; and political and economic systems restructuring and reforms, including demand for decentralisation of political power and autonomy. Elections and electoral processes equally generate controversies around which national political dialogues are often convened to resolve. Such controversies may revolve around political power tussles between incumbent presidents/prime ministers and opposition leaders; (dis) qualifications of candidates for elections; disagreement on the electoral code, voters' register and timetable for

elections; and questions around the independence and/or composition of the electoral management bodies. There are also demands for national political dialogues over constitutional and institutional issues.

The section that follows examines ECOWAS's support to Guinea's political dialogue processes.

ECOWAS's Support to Political Dialogue Processes in Guinea

Guinea is an important member state of ECOWAS and played an active stabilisation role in the political crisis of the Mano River region in the 1990s and early 2000s. The current president, Alpha Condé, is the ECOWAS-appointed mediator in the ongoing political and institutional crisis in Guinea-Bissau. Guinea has, however, experienced its own internal political crisis from 2007 to 2010, mainly caused by the uncertainty surrounding former president Lansana Conté's succession, culminating in a military seizure of power on 23 December 2008 by the National Council for Democracy and Development (CNDD) under the leadership of Captain Moussa Dadis Camara. Acting in conformity with the provisions of its relevant legal and normative instruments and protocols, ECOWAS rejected the coup, and suspended Guinea from participating in meetings and all decision-making bodies of the community. However, it negotiated with the CNDD for a return to constitutional order by establishing a National Transition Council under a transitional president, which worked towards the realisation of a return to democratic rule through the conducting of presidential elections in November 2010 in which members of the CNDD – including its leader, Camara – were not allowed to stand for elections.[20]

At the onset of the 2007–2010 political crisis in Guinea, ECOWAS initially appointed former president of Nigeria, Ibrahim Babangida, as special envoy for the Guinea crisis, and tasked him to work with Guinean political actors and stakeholders for the promotion of political dialogue towards returning normalcy to the country.[21] At its Extraordinary Summit of Heads of State and Government held on 17 October 2009, ECOWAS officially announced former

GALLO IMAGES/REUTERS/ LUC GNAGO

Blaise Compaoré (left), Burkina Faso's former president and long-time regional crisis mediator, talks to Captain Moussa Dadis Camara, chief of the ruling junta in Guinea, as he arrives at the international airport in Conakry (5 October 2009).

GALLO IMAGES/AFP/SEYLLOU

Guinean President Alpha Condé (left) speaks with the Economic Community of West African States (ECOWAS) Chairman and Senegalese President, Macky Sall, during ECOWAS's 49th session in Dakar, Senegal (4 June 2016).

president of Burkina Faso, Blaise Compaoré, as its facilitator in the Guinea crisis. It expressed its strong support for his mediation efforts, among other things urging him to take all appropriate steps to re-establish dialogue among the Guinean political actors towards the establishment of the then-transitional authority, to ensure a short and peaceful transition to constitutional order through credible, free and fair elections.[22] ECOWAS had mobilised international support for the establishment of the International Contact Group on Guinea (ICG-G), which served as a constructive platform for political dialogue between the CNDD and other stakeholders in Guinea. This led to the holding of elections in 2010, in which Condé, the current president, defeated Cellou Dalein Diallo in the final round on 7 November 2010.

Despite Condé's victory and the country's successful completion of the transition to democracy in 2010, Guinea needed a post-transition national political dialogue to address critical unresolved issues. Therefore, it was not surprising that in the lead-up to the presidential elections of 2015, contentious issues were raised. These issues revolved around the ordering of elections; the composition and independence of the electoral commission, Commission Electorale Nationale Indépendante (CENI); and the unresolved issue of the special delegations that the president had appointed to oversee the administration of local councils/districts following the expiration of their mandate - all became important sources of tension and political deadlock, resulting in violent protests, killings and the destruction of property.

On 11 March 2015, the CENI released the electoral calendar, fixing the holding of presidential elections for 11 October 2015 and local elections by the end of the first quarter of 2016. The electoral calendar was vehemently opposed by the opposition, which preferred the holding of local elections before the presidential elections.[23] Amidst growing political tensions and uncertainty, ECOWAS, at its 47th Ordinary Session of the Authority of Heads of State and Government held on 19 May 2015 in Accra, Ghana, emphasised the "need for dialogue among the political stakeholders in Guinea" and urged them to "systematically use dialogue to achieve the consensus necessary for the electoral process"[24] to move forward. The ECOWAS Authority subsequently directed the ECOWAS Commission "to facilitate the dialogue between the government and

GALLO IMAGES/AFP/ CELLOU BINANI

Guinea's president Alpha Condé (right) shakes hands with opposition leader Cellou Dalein Diallo during their meeting on 1 September 2016 at the presidential palace in Conakry.

opposition" and "welcomed actions taken by the President of the Commission to dispatch a high-level mission to Guinea to aid the achievement of consensus among stakeholders on the conduct of the elections and preservation of peace in the country".[25] On 25 May 2015, Condé directed his prime minister to engage with opposition leaders in dialogue to put an end to the deadlock. However, the president emphasised that the dialogue must be purely an inter-Guinean political dialogue process. This is instructive in the sense that best practice indicates that "while the inception of a National Dialogue may be brokered or supported by external mediators… the process of a National Dialogue must be convened, owned and driven by its national stakeholders".[26]

In June 2015, four months before the scheduled elections, an Inter-Guinean Political Dialogue process was launched, with international partners – notably the UN, ECOWAS, the European Union (EU), the International Organization of the Francophonie (OIF), the United States and France's ambassadors in Guinea – serving as observers of the dialogue process. After about 10 days of initial talks, assisted by the Special Representative of the UN Secretary-General for West Africa and the Sahel (UNOWAS), Mohamed Ibn Chambas, it was clear that parties on both sides had taken entrenched positions, with no signed agreement to move the electoral process forward. The dialogue was subsequently put on hold.

Informal consultations, however, continued among Guineans, with isolated interventions from the observers. Against this backdrop, the ECOWAS Commission, acting on the directive of the ECOWAS Authority, dispatched a high-level mission to Guinea from 20 to 24 July 2015, among others to hold consultations with the government, opposition leaders and other stakeholders in the Guinean electoral process with a view to encouraging them to resume the dialogue. The dialogue subsequently resumed and on 20 August 2015, both the government and opposition signed an agreement paving the way for the electoral process to proceed with presidential elections, slated for 11 October 2015; local elections planned for the first quarter of 2016; the recomposition of the special delegations; and the appointment of two representatives of the opposition into the CENI.

Presidential elections were held on 11 October 2015 and Condé was re-elected. With elections over, the commitment

GALLO IMAGES/AFP/ CELLOU BINANI

Guinean opposition supporters march with banners during an anti-government protest in Conakry (August 2016).

to continuing with the political dialogue process and the implementation of the August 2015 agreement soon waned. However, in August 2016, Conakry, the country's capital city, was caught up in violent protests by supporters of several opposition parties over alleged government corruption.[27] With growing grievances against the government by segments of the population, the prime minister and head of government, Mamady Youla – having constitutional responsibilities for promoting social dialogue and being the guarantor for the implementation of agreements entered into with social partners and political parties – took the initiative to revive the Inter-Guinean Political Dialogue. Consequently, on 1 September 2016, 11 months after being re-elected as president, Condé and Diallo, the leader of the opposition, met for the first time for talks over the "political, economic and social situation" of the country.[28] Both leaders tried to iron out their differences and agreed to have regular meetings to exchange views on how to move the country forward.[29] On 22 September 2016, under the chairmanship of the minister of Territorial Administration and Decentralization, the Inter-Guinean Political Dialogue was resumed. On 12 October 2016, an agreement was signed by the representatives of the majority party, the opposition party and the government, with representatives of the international community and civil society signing as observers to the agreement.[30] Among other elements, the signed agreement touched on the auditing of the voter register; the postponement of communal elections; the amendment by the National Assembly of Act 016 on the CENI's composition, organisation and operation for better management of elections; steps towards the establishment of the high court of justice; measures to release people arrested and convicted during political demonstrations, in accordance with the spirit of the dialogue; and compensation for victims of violent demonstrations during the 2013 legislative elections.

A follow-up committee, tasked with implementation of the agreement, was established as a component of the agreement itself. The committee, chaired by the minister of Territorial Administration and Decentralisation or his representative, is composed of three representatives of the majority party, three representatives of the opposition party and a magistrate of the judiciary. Representatives of civil society and the international community (ECOWAS, OIF, UN, EU and the embassies of the United States and France) participate in the committee as observers. The agreement is in effect until after the 2018 legislative elections. The committee, which has been meeting regularly, held its 13th session on 24 July 2017. The president promulgated a new electoral code on 27 July 2017, after its initial review by the National Assembly and the Constitutional Court.

Conclusion

It is important to note that political dialogue processes should be nationally owned and driven, despite being assisted or advocated by the international community. However, as noted in the United States Institute of Peace (USIP's) 2015 *Peacebrief*,[31] while national ownership of a national dialogue process is fundamental, there are critical points at which the international community can provide important assistance – such as in helping to negotiate the

initial agreement that establishes a national dialogue; making public statements in support of national dialogue processes; advocating for an inclusive and participatory process; and commitment to the dialogue process by national actors and stakeholders. Equally important is that the international community and the regional and subregional organisations can also play a role – at least as observers of the dialogue process and follow-up on the implementation of agreements reached – while ensuring that the main responsibility and decision-making remains in the hands of national actors. The experiences of ECOWAS in supporting national dialogue processes in the region attests to these guiding principles on how the international community can support national political dialogue processes. While regional and subregional organisations can assist in facilitating political dialogues to broker political deadlocks, national leaders and stakeholders must move beyond such "temporary" mediated brokered peace to initiate wider and deeper national dialogue processes, aimed at consolidating and sustaining the peace gained during periods of deep political crisis and political transitions.

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Endnotes

1 See Article 58 of the 1993 ECOWAS Revised Treaty. ECOWAS Commission (1993) *The Revised Treaty of ECOWAS*. Abuja.

2 The author prepared this paper as part of self-reflections in the course of the Third Conference on National Dialogue, organised by the Ministry for Foreign Affairs of Finland and an International Non-governmental Organisation Consortium, 5–6 April 2017, in Helsinki, Finland, where he served as a panellist on the session on Regional Organizations' Support to National Dialogue Processes.

3 The Global Partnership for the Prevention of Armed Conflict (GPPAC) (2015) *Creating Spaces for Dialogue: A Role for Civil Society*. Dialogue and Mediation Series, Issue No. 1. The Hague: GPPAC, p. 8.

4 West Africa Network for Peacebuilding (WANEP) (2012) *Dialogue and Mediation: A Practitioner's Guide*. Accra: WANEP, p. 5.

5 Pruitt, Bettye and Thomas, Philip (2007) *Democratic Dialogue: A Handbook for Practitioners*. Stockholm: International IDEA, p. 9.

6 WANEP (2012) op. cit., p. 2.

7 Folke Bernadotte Academy (2006) *Preventing Violent Conflict through Dialogue and Leadership*. Seminar Report, Conflict Prevention in Practice Project. Stockholm, p. 3.

8 United Nations Development Programme (2014) Guidance note. In *UNDP Supporting Insider Mediation: Strengthening Resilience to Conflict and Turbulence*. New York: UNDP, p. 10.

9 'The Role of Political Dialogue in Peacebuilding and Statebuilding: An Interpretation of Current Experiences'. *International Political Dialogue on Peacebuilding and Statebuilding*, May 2011, p. 2. Available at: <https://www.pbsbdialogue.org/media/filer_public/bd/c8/bdc8e1a2-65b0-4305-94d8-20d02d05323e/the_role_of_political_dialogue_in_peacebuilding_and_statebuilding>.

10 WANEP (2012) op. cit., p. 6.

11 The Role of Political Dialogue in Peacebuilding and Statebuilding', op. cit., p. 2.

12 Berghof Foundation (2017) *National Dialogue Handbook: A Guide for Practitioners*. Berlin: Berghof Foundation, p. 21.

13 Giessmann, Hans J. (2016) *Embedded Peace. Infrastructures for Peace: Approaches and Lessons Learned*. New York: UNDP, p. 35.

14 Ibid.

15 Ibid.

16 Ibid., p. 35.

17 Ibid., p. 26.

18 International IDEA (2007) *Democratic Dialogue: A Handbook for Practitioners*. Stockholm, p. 22.

19 Ibid.

20 For a detailed analysis of this phase in the history of Guinea and ECOWAS mediation efforts, see Yabi, G.O. (2010) *The Role of the ECOWAS in Managing Political Crisis and Conflict: The Cases of Guinea and Guinea-Bissau*. Abuja: Friedrich-Ebert-Stiftung.

21 ECOWAS Commission (2008) Communique of the Thirty-fifth Ordinary Session of the ECOWAS Authority of Heads of State and Government, held in Abuja, Nigeria, 19 December 2008, p. 9.

22 ECOWAS Commission (2009) Communique of the Extraordinary Summit of the ECOWAS Authority of Heads of State and Government, held in Abuja, Nigeria, 17 October 2009.

23 In the view of the opposition, the CENI should have organised local elections before presidential elections, in accordance with the terms of the 3 July 2013 political agreements. The opposition argued that the president dictated the order of elections to the CENI, to enable the special delegates appointed by the government to perpetrate electoral fraud that would facilitate his re-election. On the part of the government and majority party, the political agreement of 3 July 2013, which the opposition referred to, did not address local elections but rather that of legislative elections. They argued that local elections were the subject of an addendum to the agreement and were only signed by the majority and opposition facilitators, and the international facilitator. It was not binding on the government.

24 ECOWAS Commission (2015) Communique of the Forty-seventh Ordinary Session of the ECOWAS Authority of Heads of State and Government, held in Accra, Ghana, 19 May 2015.

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GALLO IMAGES/REUTERS/LUC GNAGO

IMPLICATIONS OF COUNTER-EXTREMISM APPROACHES ON SUSTAINABLE PEACE AND SECURITY IN AFRICA: THE NIGERIA EXPERIENCE

BY **AFENO SUPER ODOMOVO AND DAVID UDOFIA**

Introduction

The current negative impact of violent religious extremist groups in Africa has threatened the immense socio-economic and political strides recorded in Africa in the 21st century. The fear of violent religious extremists stunting Africa's development prospects in the future and complicating global peace and security challenges compels governments to take preventive and mitigating measures. However, the focus has largely been on violent mitigation, with reliance on the military and law enforcement agencies, rather than prevention. With reference to Nigeria, from the Maitatsine uprisings in the 1980s to the 2016 violent confrontations between security forces and the Islamic Movement in

Above: The focus of preventive measures against violent religious extremists has largely been on violent mitigation, with reliance on the military and law enforcement agencies, rather than prevention.

JORDI BERNABEU FARRÚS

Instead of the current military and law enforcement approach reducing attacks and its associated negative consequences, it further threatens sustainable peace and security in Nigeria and Africa.

Nigeria (IMN), the approach has been that of heavy-handed, almost exclusively militarised interventions that accelerated radicalisation.

Instead of the current military and law enforcement approach reducing attacks and its associated negative consequences, it further threatens sustainable peace and security in Nigeria and Africa. Thus, there is need to rethink and overhaul the current government counter-extremism approach. Against this background, this article examines the history of religious extremism in contemporary Africa and Nigeria's approach to countering extremist groups and the potential for radicalisation, with specific reference to approaches adopted in countering Boko Haram and the IMN uprisings. The article recommends a human security-centred counter-extremism approach that views people as the focus of interventions – recognising their human rights, ensuring their safety and safeguarding their livelihoods to aid sustainable peace and security in Africa.

Conceptual Discourse

Extremism can be understood as the state of being fanatical or zealous, or the adoption of radical views and measures in social relations. Thus, extremism exists where and when the individual or group operates beyond or contrary to existing societal standards or normality, to project and promote views and ideas only acknowledged and accepted by a few. However, the concept of "extremism" does not have any specific meaning until we have identified a particular sphere – political, religious or social – and a specific cause or issue to which the concept is applied.[1] According to Irving Hexham, it is difficult to distinguish between ethnic, political, ideological and any other form of extremism.[2] Hexham's assertion indicates that "extremism" as a concept is not only peculiar to religion; rather, its usage is influenced by the perspectives and intention of the user. Religious extremism occurs when ideological beliefs are religious in nature, and ideological behaviours are religiously motivated and rationalised.[3] In other words, faith-based extremism is influenced by the values individuals or groups attach to certain belief systems, and is based on expectations of rewards in their lifetime and the afterlife.

The Evolution of Violent Religious Extremist Movements in Contemporary Africa

There were African traditional religious extremists before the advent of Christianity and Islam on the continent. Extremist African traditional worshippers rejected Christianity, Islam and secular beliefs during their earlier advent as they saw them as impositions on Africa. As such, the zealots were referred to as primitive, savage, fetishist, pagan and animist. Christian and Islamic devotees, on the other hand, were called fanatics, fundamentalists, radicals, conservatives and extremists by the larger populace in African societies, who saw their newfound

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Violent religious extremist movements are on the rise in Africa.

religious practices as extraordinary and beyond societal expectations. Interestingly, in contemporary Africa, a new dimension is the emergence of sects of devotees – especially within Christianity and Islam – who see their old brethren as non-devotees, while the old brethren see them as extremists operating beyond the limit of their religion and showing harshness in their practices. The rivalry between African traditional religious devotees and adherents of Christianity and Islam created puritanical tendencies and religious revivalism among the various religious groups.[4] The puritanical tendencies and revivalism later resulted in religious extremism.

Violent religious extremist movements are on the rise in contemporary Africa, particularly in East Africa, West Africa, the Sahel and the Maghreb, where they continuously intensify their expansions with their nefarious activities as they align with international extremist groups. Some scholars have linked the surge in religious extremism in contemporary Africa to the fallout from the disintegration of the Soviet Union in 1990, the end of the cold war and the increase in dictatorial regimes in Africa in the 1990s.[5] Others situate it within the context of radicalisation of Islamic teachings by extremists.[6]

Some of the major extremist groups on the continent include Al-Shabaab, Al-Qaeda in the Maghreb (AQIM) and Boko Haram. Al-Shabaab is the oldest extremist religious movement of the three noted groups. It emerged between 1996 and 1997 as an offshoot of Al-Ittihad al-Islamiya (AIAI), an Islamic political organisation founded in 1984 from the merger of two Salafi organisations in Somalia – Al-Jama'a Islamiya and Wahdat al-Shabaab al-Islam.[7] In the late 1990s, a militant faction of AIAI, led by Hassan Dahir Aweys, joined the Islamic Courts Union (ICU) and formed Al-Shabaab.[8] In 2013, Al-Shabaab declared allegiance to AQIM.[9] AQIM was founded in Algeria in 2007, and its operations are largely targeted at locations in Algeria, Mali, Niger, Libya, Mauritania and Tunisia.[10] Boko Haram was founded in Nigeria in 2002 by Mohammed Yusuf, and was later affiliated with the Islamic State of Iraq and the Levant (ISIL).[11] Their alliances and affiliations with international networks help these extremist groups in their recruitment process and operations as they share funds, training and intelligence for the actualisation of their seemingly different goals, which are essentially the same.

Government Counter-extremism Approaches and the Radicalisation of Extremist Groups in Nigeria

Beginning from the Maitatsine uprising in the 1970s to the current IMN unrest, the Nigerian government response to violent religious extremist movements has always

GALLO IMAGES/REUTERS/MOWLIID IBDI

Al-Shabaab is one of the the oldest extremist religious groups in Africa.

been repressive, through military and law enforcement approaches. The Maitatsine movement was founded by Muhammadu Marwa, a Cameroonian Islamic preacher who migrated to Nigeria. This group was ideologically opposed to modernisation and Western influences, rejected the established Islamic order, and incited a section of the population against the affluent elites.[12] In December 1980, a clash between the group and the army lead to the death of over 4 000 people, including the movement's founder.[13] Following Marwa's death, the group regrouped under a new leader, Musa Makaniki, and continued with a series of violent riots until 1985, particularly in Maiduguri, Kano and Yola.[14]

The government response to the Boko Haram uprising was similar to that of Maitatsine. In 2009, the army killed about 800 Boko Haram members and arrested several others, including the founder, Mohammed Yusuf, who was later killed in police custody.[15] After Yusuf's death, the group reorganised under a more radical leader, Abubakar Shekau, with sporadic terrorist acts against Nigeria and neighbouring states. The extrajudicial killing of Yusuf and the failure of the government to bring those responsible to justice is widely cited as the reason for the radicalisation of Boko Haram.

The Islamic Movement of Nigeria and Boko Haram: A Comparative Analysis

Boko Haram and IMN have many similarities, especially in their origins and ideology. Both groups are the manifestations of decades-long schisms within Islam in Nigeria, in terms of doctrinal interpretations and legitimacy, rules and values. These schisms are often manifested in the form of theological disagreements between Sunnis and Shias, and as a conflict between radical Salafists and the liberal Sufis, who are the dominant group among Muslim elites.[16] Boko Haram – which translates to "Western education is a sin" – promotes a radical version of Islam, and considers it "haram" (forbidden) for Muslims to be involved in activities associated with Western culture, including political and social activities, and secular education.[17] Since its reorganisation under Shekau in 2010, the sect has been radicalised and has become affiliated with terrorist groups such as AQIM. In 2014, the sect divorced itself from Al-Qaeda and formally pledged allegiance to the Islamic State (IS).[18]

Like Boko Haram, IMN is a religious movement with a unique blend of sectarian and Islamic agendas for the establishment of a Sharia state in Nigeria. But, unlike Boko

GALLO IMAGES/REUTERS/AKINTUNDE AKINLEYE

A poster displaying wanted Boko Haram suspects is seen on a street in Yenagoa, Nigeria (May 2016).

Haram, which is a Sunni movement with Salafist doctrine, IMN is based on Shia theology and ideology. The group was founded in the 1980s by Sheikh Ibrahim El-Zakzaky, initially as a student activist association. It was later transformed into a mass movement that rejects Nigeria's secular government and advocates for the implementation of Sharia law and the establishment of an Iranian-style Islamic state in Nigeria.

This group is a manifestation of the deep-seated sectarian differences between Shi'ites and Sunnis on questions of legitimacy over claims to a more authentic version of Islam. It is thus an ideological and doctrinal battle between people on both sides of the sectarian divide. But the doctrinal battle is often fought in the realm of open society, creating the impression of a confrontation between the sect and the Nigerian state. As a result of the high-handedness of state security forces, Shi'ites feel they are victimised and repressed by the state because they don't belong to the mainstream political class, which is dominated by the Sunnis in northern Nigeria.

The December 2015 violent confrontations between security forces and IMN, and the subsequent proscription of the movement by the state, bears striking similarities to what happened in Borno State in 2009 and the eventual radicalisation of Boko Haram. Although the contexts are different, both the Zaria and Maiduguri clashes involved religious groups and public security forces, and started with disagreements over traffic rules. In both incidents, the headquarters and buildings of followers of the groups were destroyed by government security forces, who also arrested the leaders and killed many of their followers. Both leaders, Yusuf of Boko Haram and El-Zakzaky of IMN, were arrested and their photos were circulated online.

In both instances, the courts' judgments directing the payment of compensations to victims were disobeyed by the government. In 2010, a Maiduguri High Court awarded the payment of ₦100 million to Yusuf's in-law, who was shot dead by suspected Boko Haram insurgents.[19] Similarly, in December 2016, a Federal High Court in Abuja ordered the immediate release of El-Zakzaky and his wife and awarded them a ₦50 million compensation.[20] Both court judgments were, however, disregarded by the state. The state later outlawed these groups – through a State Assembly law in Borno, in the case of Boko Haram, and through a gazette by the Kaduna State government, in the case of IMN.[21]

State repression has been a driver of popular support for and radicalisation of the groups. The killing of Shi'ite members and the continued detention of El-Zakzaky and his wife have led to agitations by sect members, who accuse the state of repression. Continued violence against the group risks creating a radical Shi'ite cell in the country – much like Boko Haram, which became radicalised after its leader and dozens of its members were killed by security forces in 2009.

The Islamic Movement of Nigeria Uprising and the Potential for Radicalisation

Since the 1980s, there have been recurrent clashes between Shi'ite groups and security forces, and El-Zakzaky has been imprisoned. In December 2015, soldiers used extreme force to dismantle a roadblock mounted by IMN members during a street procession in Zaria, Kaduna State, to make way for the convoy of the chief of army staff. The group maintained that the barricade was meant to control traffic and avoid clashes between motorists and worshippers during the procession, while government security forces claimed that IMN members set up the barricade to prevent the movement of the army chief.[22] During the violent crackdown, which lasted for three days, security forces attacked the residence of the IMN leader and the group's headquarters, and shot dead over 300 members of the sect.[23] Among those killed were one of El-Zakzaky's sons and several prominent members of the group. El-Zakzaky and his wife Zeenatudeen were beaten, shot and taken into custody.[24]

THE PROSCRIPTION OF THE GROUP TRIGGERED A SERIES OF SECURITY FORCE AND MOB VIOLENCE AGAINST THE GROUP'S RELIGIOUS PROCESSIONS IN THE COUNTRY

A judicial commission of inquiry later found that the army had used disproportionate force against the protesters, and were responsible for the death and mass burial of 347 members of the group. The commission recommended the prosecution of the soldiers involved in the killings, as well as the liability of IMN members for their lawlessness.[25] In response to the commission's report, the Kaduna State government absolved the military of any responsibility in

GALLO IMAGES/AFP/AMINU ABUBAKAR

Members of the Islamic Movement of Nigeria (IMN) walk on the outskirts of the northern Nigerian city of Kano to their spiritual headquarters in Zaria for an annual religious festival (November 2016).

GALLO IMAGES/AFP/ FLORIAN PLAUCHEUR

The overly militarised counter-extremism approach has had damaging consequences for sustainable peace and security on the continent.

the killings, declared IMN an insurgent group and banned it in the state. The group was subsequently also banned by the police in neighbouring Kano, Katsina, Kebbi, Plateau and Sokoto states. The proscription of the group triggered a series of security force and mob violence against the group's religious processions in the country.[26]

Rethinking Counter-extremism Approaches in Africa: The Case for a Human Security-centred Approach

Sectarianism and the growth of radical religious movements have always posed a threat to a state's sovereignty and the capacity to maintain peace and security in Africa. In their efforts to counter extremism, many African governments have adopted various military and law enforcement measures with adverse effects on civilian populations. However, these military and law enforcement approaches do not address the drivers of violent extremism, often violate civil liberties and human rights, and create anti-government sentiments among at-risk individuals and communities.[27] The high-handedness of government security forces serves to increase social alienation and the radicalisation of at-risk individuals and communities.[28] An effective way of countering extremism, which is largely driven by social grievances – as is generally the case in Africa – is to adopt approaches that simultaneously counter extremist groups and address the social drivers of extremism. Such approaches must focus on the prevention dimensions of counter-extremism by identifying the drivers of extremism, reducing the risk of antagonising specific groups, and fostering stability through targeted rehabilitation programmes.

According to George MacLean, the human security approach recognises that an "individual's personal protection and preservation comes not just from the safeguarding of the State as a political unit, but also from access to individual welfare and quality of life".[29] This human security-centred approach involves concerted efforts to counter the narratives used by extremist groups to win public support and recruit members. Extremists usually use local grievances as motivators to recruit and garner support for their cause. Therefore, governments must identify individuals and groups susceptible to radicalisation, address the material and psychological incentives for radicalisation, and counter narratives using reformed extremists and prominent religious leaders as powerful counter-narrative messengers. These measures will serve to improve the legitimacy of state actors in the long run.

Conclusion

Government response to the surge in violent religious extremism in Africa has largely been repressive, with the majority of victims being civilians caught in the crossfire

between government security forces and extremist groups. The overly militarised counter-extremism approach has had damaging consequences for sustainable peace and security on the continent. This approach, which relies greatly on the use of force, does not address the drivers of violent extremism but exacerbates the creation of anti-government sentiments, which leads to social alienation among the population and increases the potential for radicalisation among individuals, groups and communities. Given the high human casualties and anti-government sentiments associated with militarised counter-extremism approaches, as well as its failure to address the root causes of violent extremism, there is an urgent need to adopt human security-centred approaches that seek to address the structural drivers of violent extremism.

The human security-centred approach situates the well-being of the people at the centre of counter-extremism initiatives, with greater focus on safeguarding human rights and protection from both state and non-state-sponsored violence. The approach recognises the interconnections between sustainable peace and development, as well as the important role of political, social, economic, environmental and cultural structures as key factors in people's security and livelihoods. It entails a holistic view of counter-extremism that seeks to understand the underlying drivers of extremism, the impacts of interventions on people, and what individuals and communities need to feel safe. By addressing the full range of challenges faced by people affected by violent extremism and counter-extremist activities, the human security-centred approach would serve the dual purpose of addressing development issues and countering extremism.

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YOUTH ENGAGEMENT IN CONFLICT TRANSFORMATION IN THE CENTRAL AFRICAN REPUBLIC

BY **FABRICE KITENGE TUNDA**

GALLO IMAGES/STRINGER

Introduction

The Central African Republic (CAR) has had intermittent episodes of *coups d'état* and political instability since its independence from France in 1960. There has only been one peaceful transition of power, when President Ange-Félix Patassé was democratically elected in 1993. The current conflict in CAR began in late 2012, when the Séléka armed rebel group launched several attacks on government forces, resulting in the overthrow of the former president François Bozizé on 23 March 2013. Since then, the country has been subject to protracted instability, mostly in Bangui and the north-eastern regions. After the March 2013 uprising that removed Bozizé from power, Michel Djotodia was declared president. However, his inability to end the violent conflict led to his demise. On 23 January 2014, Catherine Samba-Panza was declared the head of state of the transition. She served in this position until the election of President Faustin-Archange Touadéra in February 2016.

Above: Faustin-Archange Touadéra was elected president of the Central African Republic in February 2016.

GALLO IMAGES/REUTERS/LUC GNAGO

French soldiers of Operation Sangaris take positions at Boy-rabe in Bangui, during a firefight between African peacekeepers and fighters from the Christian anti-Balaka militia in the area (February 2014).

Since the ousting of Bozizé, violent conflicts and atrocities have escalated between the Séléka rebels and the Anti-balaka armed groups. There has been a proliferation of armed rebel groups (there are currently 14)[1] that attack villages and United Nations Multidimensional Integrated Stabilization Mission in Central African Republic (MINUSCA) peacekeepers. However, there have been some positive security developments, due to the presence of the former African-led International Support Mission to the Central African Republic (MISCA), and the mediation process conducted by the Economic Community of Central African States (ECCAS), MINUSCA and the French armed forces. The French mission – codenamed Sangaris Operation – was established in 2013. The mission supported MINUSCA to maintain peace and order, and its presence reduced high levels of violence. But, the French mission failed to disarm militias terrorising the population.[2] Most of the French troops pulled out of CAR in October 2016, after France ended its military mission. However, a few French troops remained in CAR to support MINUSCA.

DESPITE THE FACT THAT PEACE AND SECURITY ARE STILL VOLATILE, THERE HAS BEEN A DECREASE IN VIOLENCE SINCE THE ESTABLISHMENT OF MINUSCA WITH ITS ROBUST MANDATE THAT WAS ISSUED IN 2014

Many civilians have been killed and thousands of people have been displaced since 2012. Despite the fact that peace and security are still volatile, there has been a decrease in violence since the establishment of MINUSCA with its robust mandate that was issued in 2014. While security on the ground has improved, mostly in the capital city, Bangui, armed groups still pose a threat to stability, especially in the Bambari, Bangassou and Bossangoa regions. There are over 412 000 internally displaced persons (IDPs) and 491 000 Central African refugees[3] who live in makeshift camps in Bangui and neighbouring countries. In 2015, CAR ranked first among African countries for the highest number of new displacements associated with conflict and violence, relative to population size.[4] Recurrent clashes between armed rebel groups in the towns of Bambari, Ganama, Kouango, Kaga-Bandoro, Koui and Domete (north of the capital) have forced thousands to seek refuge in neighbouring countries.

UN PHOTO/CATIANNE TIJERINA

Peacekeepers serving the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) patrol the streets of the capital city, Bangui (May 2015).

Touadéra has consequently prioritised peace, security and development across the country. The president's priorities in terms of peace and security, however, have not yet fully materialised into sustainable stability and economic development, and have had little impact on the everyday lives of ordinary Central Africans. On the one hand, the departure of the French Sangaris forces increased pressure on the government to implement the necessary security sector reforms (SSR) effectively, and to encourage armed rebel groups to participate in the country's dialogue process. On the other hand, continued fighting between rival rebel groups and attacks on United Nations (UN) peacekeepers has undermined the prospect of peace and stability in CAR.

CAR's violence and turmoil has affected vulnerable people – women, children and the youth. Most young people are unemployed, and this has made them an easy target to be recruited by armed rebel groups. Youth unemployment (percentage of total labour force between the ages of 15 and 24) is estimated to be 12%,[5] whereas 75% of CAR's population (4.5 million) are under 35 years old.[6] CAR youth have been part of the conflict, either as members of armed rebel groups or agents of peace. Given their active roles during conflicts, young people have also been playing an important role in negotiation, conflict analysis, social cohesion, inclusive national dialogue, reconciliation, entrepreneurship, peace promotion and mediation. Since the beginning of the conflict, concerns have been raised by the youth about local and national policy frameworks that would promote the inclusion of youth in peacebuilding and post-conflict reconstruction.[7] Many youth organisations, such as *Bird of Peace,*[8] strive to enhance the respect of human rights, good governance, rule of law and capacity-building through peace education programmes. Some youth organisations in CAR are already engaged in designing, planning and implementing programmes and activities to resolve conflicts and promote peace. *ONG Prospérité,* for example, is involved in peace clubs, community dialogue and youth capacity-building. ONG Prospérité offers skills programmes that encourage young people to train their communities and foster peace education among the CAR population. Youth organisations have also been urging young people and child soldiers to leave armed rebel groups. Most of these organisations – such as the International Organization for Migration, MINUSCA, UN Children's Fund and the UN Population

UN PHOTO/EKTARIOS MARKOGIANNIS

Most young people are unemployed in the Central African Republic and are thus easy targets for recruitment to armed groups.

Fund – are funded by foreign donors, but it could also be a great opportunity for the African Union (AU) and ECCAS to engage (or increase their engagement in terms of resources) these young peacebuilding actors. However, ECCAS has recently been promoting youth participation in peacebuilding and conflict transformation initiatives.

Conflict Transformation: Focus on the Youth

In December 2015, the UN Security Council (UNSC) unanimously adopted Resolution 2250 on Youth, Peace and Security. The UNSC urged member states to consider setting up mechanisms that would enable young people to participate meaningfully in peace processes and dispute resolution.[9] Member states were also encouraged to empower youths and engage non-governmental actors to counter violent extremism, and build sustainable peace and security. Hence, the youth need to be part of local and national youth peacebuilding and stabilisation programmes in CAR and contribute to conflict resolution, durable peace and stability.

In some African countries, strong youth engagement has proven to be an important tool in conflict management. In the Democratic Republic of the Congo (DRC), for instance, Fondation Chirezi (FOCHI) established "baraza" courts (conflict resolution and mediation gatherings in local communities) to resolve small conflicts and land issues in villages. FOCHI is a grassroots initiative that provides conflict resolution, mediation and peace education to communities and young people. Most of the trained young people apply dialogue and mediation skills to resolve conflicts in their respective villages.[10] This example shows that young people can play a prominent role in conflict transformation and peace consolidation in the DRC or CAR.

Since the CAR's 2013 crisis, thousands of young people have joined armed rebel groups, and there are still hundreds of children associated with armed forces or armed groups (CAAFAG). CAR has one of the highest numbers of CAAFAG in proportion to its population.[11] The youth, therefore, have also been part of CAR's security challenges, whether they participated as former combatants or child soldiers, or were affected as vulnerable groups. Despite the fact that there is no official figure to determine how many youths participated in the violence, they were both perpetrators and victims. It is usually assumed that due to their age, the youth are more peaceful. But as a deterrent, whether or not they were manipulated and forced

to join armed rebel groups, they should be held liable for committing gruesome atrocities during the conflict, and youth education programmes should be designed to drive the transformation process. Once youth groups previously involved in violent conflict are transformed and empowered to take ownership of youth conflict transformation plans or programmes, hostilities and tensions will subside and recovery will begin. Claude Yvon Djimassina, of the Conseil National de la Jeunesse Centrafricaine (CNJCA or National Youth Council of Central Africa), observed that young people are key actors in armed conflicts in the country because of their large presence in armed rebel groups (40%), but they can also be major peace actors. Furthermore, he argued that youth vulnerability is due to a destructured education system, which has led to a soaring rate of illiteracy.[12]

CAR youth are aware that inclusive and honest dialogue will pave the way for sustainable national reconciliation, and they have played a role in setting up peace, dialogue and reconciliation committees in several neighbourhoods and districts affected by conflict. Most of these committees have expanded to become youth organisations with clear visions of local, specific needs in terms of conflict resolution and peace consolidation. Emmanuel Koudoubada, executive director of ONG Vitalité Plus, argues that his organisation, for example, has organised a number of round tables to diagnose the conflict's origins and causes of conflict, as well as different mechanisms to prevent and transform the conflict. ONG Vitalité Plus has established 13 peace committees in six different cities throughout the country. These peace committees have trained over 2 860 young people (1 467 girls and 1 393 boys) in peace education and conflict transformation. A total of 3 210 young people have been trained in income-generating activities (mechanics, carpentry, electricity and brickmaking) with the financial support of the UN Development Programme (UNDP), Food and Agriculture Organization of the United Nations (FAO) and the French and Australian embassies. These micro-projects have transformed young people into peacebuilders.[13] However, further steps should be taken to build resilience, through voluntary service jobs and mentorship of the youth to become self-reliant, rebuild their lives within their communities and consolidate peace. It should be noted that there are also several challenges to overcome to transform the conflict in CAR. These challenges require an impartial and fair justice system, which would

ENOUGH PROJECT

A Central African Armed Forces (FACA) soldier with some youth in Mboki, Central African Republic (April 2009).

GALLO IMAGES/REUTERS/JAMES AKENA

Youth organisations and peace committees have trained young people in carpentry and other income-generating activities.

bring about peace and reconciliation in the country, and a youth socio-economic empowerment programme that will address youth unemployment challenges.

Given the fact that youth employment is vital in conflict transformation and a matter of great importance for the CAR government, a national labour-intensive public works programme (THIMO) was launched by the government and funded by the World Bank. In this programme, state-owned companies employ youth, irrespective of their background or education. THIMO has become an important tool in violence and unemployment reduction, stability enhancement and the promotion of social cohesion in local communities.[14] In terms of future prospects, ONG Vitalité Plus argues that several vocational and semi-professional training activities need to be conducted by partners for the youth – in addition to the provision of jobs – so that they can participate in long-lasting peace and security of people and property.[15] ECCAS, which is one of CAR's prominent regional partners, has been training youth and women in mediation, conflict analysis and prevention. However, youth participation in these programmes alone is not enough to foster youth integration and reduce the causes of insecurity. Therefore, the CAR government and its partners need to invest in more post-conflict reconstruction and development programmes that promote further conflict transformation and peacebuilding efforts such as conflict prevention, human security training, youth development and leadership-building programmes.

HOWEVER, FURTHER STEPS SHOULD BE TAKEN TO BUILD RESILIENCE, THROUGH VOLUNTARY SERVICE JOBS AND MENTORSHIP OF THE YOUTH TO BECOME SELF-RELIANT, REBUILD THEIR LIVES WITHIN THEIR COMMUNITIES AND CONSOLIDATE PEACE

Peace Consolidation

A successful peacebuilding process must be transformative and inclusive by creating space for a wider set of youth actors to participate in public decision-making on all aspects of post-conflict governance and recovery.[16] CAR needs the involvement of, and political will from, all

UN PHOTO/NEKTARIOS MARKOGIANNIS

Through the national labour-intensive public works programme (THIMO), state-owned companies employ youth, irrespective of their background or education.

stakeholders to consolidate its peace efforts. However, political will alone will not be sufficient, as the country's stability also requires a huge financial injection to fund its peacebuilding and post-conflict reconstruction development programmes. An amount of US$2.2 billion was pledged at a November 2016 donors' conference in Brussels, Belgium to raise funds for the five-year (2017–2021) National Recovery and Peacebuilding Plan for the Central African Republic (RCPCA).[17] During the donor's conference, the promotion of youth inclusion was one of the cross-cutting objectives identified as critical to addressing the drivers of fragility, conflict and violence. The three reconstruction priority pillars identified by the RCPCA are: (1) promote peace, security and reconciliation; (2) renew the social contract between the state and the population; and (3) facilitate economic and productive sector recovery. It was observed that youth marginalisation undermines stability and peace,[18] yet several youth organisations were not represented at the donors' conference. CNJCA, a youth civil society organisation whose objectives are to promote youth national policies and encourage young people to strengthen participatory democracy – and was also associated with the drafting and elaboration of the RCPCA – did not have all its representatives at the donors' conference.[19] The conference could have been a platform for young people to raise their core issues and take steps to contribute to the crafting of solutions for reconstruction, stability and development. Instead, major decisions that would have an impact on the youth were taken without their participation. This was a setback that undermined the value and outcomes of the conference. Yet, CAR youth welcomed the RCPCA and thanked donors who kindly supported CAR. The youth are still willing to participate in the peace and reconciliation process for lasting stability.[20]

DURING THE DONOR'S CONFERENCE, THE PROMOTION OF YOUTH INCLUSION WAS ONE OF THE CROSS-CUTTING OBJECTIVES IDENTIFIED AS CRITICAL TO ADDRESSING THE DRIVERS OF FRAGILITY, CONFLICT AND VIOLENCE

The RCPCA could likely be negatively affected if the stabilisation plan is not owned by the youth, who may not implement programmes effectively that they neither designed nor planned.[21] However, the youth have pledged their support to the RCPCA, and this may still pave the way for peace, reconciliation, democracy and social cohesion. Anthony Fabrice Kettemalet, founder of the Bird of Peace organisation, argues that the conference's outcomes were a success that will unite CAR people.[22] For the CAR government and its peacebuilding partners to expand the plan to involve the youth, they need to support and provide resources to youth-led programmes at local and national

GALLO IMAGES/REUTERS/SIEGFRIED MODOLA

Through quality education and vocational training, the youth can be equipped to be key partners in the implementation of peacebuilding programmes.

levels. Such programmes should ensure equal access to the country's vast resources, through initiatives such as youth entrepreneurship and education.

Socio-economic transformation entails the CAR government investing in education, healthcare and employment opportunities. The AU has urged its member states to invest in youth, and they can become prominent partners for development at the continental level. The AU Youth Charter recommends that states strengthen the capacity of young people and youth organisations in peacebuilding, conflict prevention and conflict resolution.[23] Through quality education and vocational training, CAR youth can be equipped to be the government's key partners in the implementation of peacebuilding programmes. ONG Prospérité observes that youth should be trained in mediation and negotiation skills, so that they can prevent or manage conflicts in their communities of origins.[24] The government needs to ensure that the youth are a necessary and important partner in working to attain a successful, stable and secure CAR, and achieve durable peace.

Successful peacebuilding requires the coordinated participation of all stakeholders, including women and the youth, in a country where the majority of young people have lost trust in the national institutions. It is mostly for this reason that young people have become perpetrators of criminal activities. In addition, CAR citizens have expressed their disappointment in the capacity of MINUSCA to ensure the protection of civilians and support national security, following the continued attacks by armed rebel groups in different cities. Insecurity continues to be a driver of community displacement and a primary concern for over half a million IDPs and refugees, especially youth, who have fled from their homes to other areas and into neighbouring countries. The continuation of the conflict in CAR is therefore a potential destabilisation factor within the Central African region – violence may escalate as social and political groups pursue each other's interests to settle grievances. Young people's commitment to supporting national institutions and a peacebuilding plan would positively transform CAR's conflict, leading to stability.

Conclusion

Conflict transformation in CAR will be a long, complex and ongoing process. All stakeholders should be engaged to address the root causes of conflict, to transform violence into durable peace. CAR youth should be at the forefront

of peacebuilding and conflict transformation. As the youth are both actors and victims of war, their exclusion from decision-making processes is a negative factor in the country's ability to emerge from conflict. If the youth are not regarded as peace partners to be empowered or invested in, the AU's 2017 focus on harnessing demographic dividends through investing in youth becomes just another empty slogan. Enabling a youth-led transformation process will pave the way for a peaceful and conflict-free society in CAR.

The current inability by national and international actors to provide and sustain security throughout CAR is still a stumbling block to peace consolidation – in some regions, renewed violence has prevented the restoration of state authority and the implementation of peacebuilding programmes. Nonetheless, the CAR government deserves some measure of commendation for its resolute commitment to consolidate peace, and it remains committed to addressing these national challenges.

There is a high probability that the country could relapse into renewed hostilities if the youth do not participate by playing a prominent role in the RCPCA's implementation as peacebuilding stakeholders. Without stability in the country, the implementation of the RCPCA remains an elusive ideal. However, CAR youth are hopeful that as they embrace peace or become agents in the collective global effort to find peace, stability and development can still be achieved.

Kitenge Fabrice Tunda is a Programme Officer in ACCORD's Peacekeeping Unit.[25]

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25 Appreciation is extended to Natacha Kunama, Priyal Singh and Senzo Ngubane for their input in this article.

REINVIGORATION OF SOMALI TRADITIONAL JUSTICE THROUGH INCLUSIVE CONFLICT RESOLUTION APPROACHES

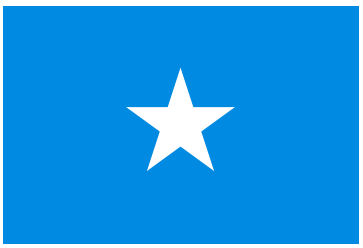
BY **NATASHA LEITE**

AU-UN IST PHOTO / STUART PRICE

Introduction

As in many other African nations, Somalia exists in a state of legal pluralism where customary law (Xeer), religious law (Sharia) and secular law operate. Among the three, Xeer is the dominant system that governs societal relations and serious crimes, due to a variety of historical and political reasons. Its persistence through years of civil war was primarily due to its core position underpinning the legitimacy of Somali traditional structures, especially in the provision of justice and arbitration, as first the Somali state and then society fractured. In this article, the experience of the Danish Demining Group (DDG) is highlighted to illustrate how traditional systems of customary law were

Above: Xeer and the elders who practise it – were a consistent resource for communal conflict resolution and security.



Map No. 3690 Rev. 10 UNITED NATIONS
December 2011

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reinvigorated to include women and young people, and formalised in written text to improve conflict resolution with a human rights approach.

The importance of Xeer in the Somali context was and is, for the most part, indisputable. Much like the clan system, it is an ever-present part of the Somali way of life. Throughout the 1990s civil war and its aftermath, traditional structures – Xeer and the elders who practise it – were a consistent resource for communal conflict resolution and, in a way, security. However, the process is not without its flaws. Historically, women and minority groups – such as the Bantu tribes and agrarian Somalis – suffered discrimination within these processes and were not permitted a voice. Moreover, Xeer legitimacy was also not without questioning. In some areas of southern Somalia, warlords and their military power superseded traditional respect for elders. In addition, Al-Shabaab controlled areas only followed by Sharia law.

Bearing this in mind, DDG's initiative, Civic Engagement in Reconciliation and State Formation in Southern Somalia (CERSF), aimed to revitalise Xeer and Guurti,[1] preserving its community aspect and strengthening its legitimacy at the local level. The approach was to build the capacity of elders to solve or mediate conflicts focused on root causes (rather than arbitrate high-value cases) in a way that was compatible with human rights standards and promoted the inclusion of women, youth and other underrepresented groups. This initiative is part of DDG's armed violence reduction work, to reduce the impact of conflict and armed violence by mitigating the threats that small arms and light weapons pose to human security and development. This includes improving the relationship between community decision-making bodies, security providers and the community at large through facilitated dialogue and building conflict management and mediation capacity in key stakeholders.

Background

Somalia's development of local security and governance structures over the past decade has been made possible in large part due to the re-emergence of justice systems across the country. A mixture of modern, traditional and religious systems now provide more social order, less impunity and greater trust in the vision of a "Somali state". These mainly community-based systems regulate a wide variety of affairs, from constitutional crises in regional political administrations to the enforcement of business contracts and the settlement of marital disputes. Although this trend has not provided for a full consolidation of rule of law by ending the use of arbitrary power, it has

facilitated the development of Somalia's growing economy, an increasingly active civil society, and the re-establishment of the country's social fabric through local peacebuilding efforts.

In 1960, Somalia became an independent state from the United Kingdom and Italy.[2] Even with a history of colonisation, the Somalis remained a fairly homogeneous nation in language, ethnicity, culture and religion, which is highly unusual for the African continent.[3] For the first years of its independence, Somalia enjoyed relative internal peace, despite constant boundary disputes with neighbouring Djibouti, Ethiopia and Kenya. In 1969, following the assassination of President Abdirashid Ali Shermarke, Somali National Army General Mohamed Siad Barre seized power in a *coup d'état*. He proclaimed Somalia a socialist state, and had the military and financial backing of the then-Soviet Union. The subsequent freezing of aid by Western donors in 1988–1989 led to the rapid withering of a central government left virtually devoid of resources. The Barre regime ultimately failed to consolidate power effectively domestically, which led to a complete government breakdown in 1991.

FOR THE FIRST YEARS OF ITS INDEPENDENCE, SOMALIA ENJOYED RELATIVE INTERNAL PEACE, DESPITE CONSTANT BOUNDARY DISPUTES WITH NEIGHBOURING DJIBOUTI, ETHIOPIA AND KENYA

The withdrawal of foreign peacekeeping troops during the 1990s brought new rounds of conflict between Somalia's militia factions, which spread across southern Somalia. Clan-based factions began to split into competing subclan militias, and their leaders became increasingly entrenched in localised political and economic issues. Conflicts between the militia factions remained serious, claiming many lives, and continued to impede opportunities to build national unity.

According to Ken Menkhaus, the brutal civil war altered the fundamentally predatory relationship between many faction leaders, their militias and the communities that hosted them: "[A]s the symbiotic relationship between armed groups and villagers evolves, the line between extortion and taxation, between protection racket and police force is blurred, and a system of governance within anarchy is born."[4] The overlap between community interests and armed groups' interests meant that popular pressures for social stabilisation began to influence and even circumscribe some armed groups' activities. Efforts towards a locally driven process of re-establishing grassroots governance in Somalia began to materialise, and this is where DDG saw the opportunity to strengthen local conflict management mechanisms.

CREATIVE COMMONS

The Mohamed Siad Barre regime failed to consolidate power effectively, which led to a complete government breakdown in 1991.

Strengthening Conflict Management within Xeer

DDG has had projects in Somali territory since 1999. The focus of the first interventions was the reduction in the impact of mines and explosive remnants of war (ERW). However, with time, DDG noted that to promote more peaceful, just and inclusive societies, there was a need to develop a comprehensive approach that would strengthen communities' resilience and their capacity to prevent and address root causes of violent conflict. As such, the armed violence reduction team began conceptualising ways in which traditional structures and practices could incorporate human-rights approaches, which meant long-term programming focused on local ownership to see actual changes within traditional knowledge, attitudes and practices.

It was important to understand the social dynamics and power relations in Somalia, which are mostly based on the country's clan system. In the words of Bernhard Helander, the clan structure forms "a completely encompassing social grid that organises every single individual from the time of their birth".[5] Genealogically, Somali society can be divided into four major clan families that comprise the vast majority of the country's population: the Darod, Dir, Hawiye and Rahanweyn[6], as well as a nominal "fifth clan" of minority Arab and Bantu groups. Each clan comprises varying levels of subdivision that descend hierarchically from clan

AU-UN IST PHOTO / STUART PRICE

Xeer and Guurti focus on the capacity of elders to solve or mediate conflicts.

families to clans, subclans, sub-subclans, primary lineage groups and diya-paying groups.[7] Diya is compensation (usually livestock) paid by a person who has injured or killed another person. Many times, it is referred to as blood money. A diya-paying group is made up of a group of men linked by lineage and a contractual agreement to support one another, mostly with regard to compensation for injuries and death against fellow members.

Clans and their subdivisions have traditionally been the primary means of social organisation for pastoralist and agro-pastoralist communities in Somalia, as well as the building blocks for intercommunity alliances and disputes. As neighbouring clans historically competed over scarce environmental resources – particularly land and water – a customary code of conduct, known as Xeer, was developed to settle disputes and maintain the social order. The sources of Xeer precede Islamic and colonial traditions, and are generally considered to be the agreements reached by elders of various clans who lived and migrated adjacent to one another, in an analogous way to court precedents. However, it is not a written legal code, but rather a tradition that has been passed down orally from one generation to the next.[8]

THE POLITICAL AND MILITARY CAPABILITIES OF A CLAN IN RELATION TO ITS RIVALS HAVE ALWAYS BEEN IMPORTANT FACTORS IN REACHING AN ENFORCEABLE CONSENSUS

Due to its local nature, there are aspects of Xeer that are not universal. In fact, Xeer is divided into two categories: Xeer Guud and Xeer Gaar. Xeer Guud includes criminal and civil matters and is applicable to all clans, whereas Xeer Gaar is a decision only applied in its specific community. It is important to also clarify that even though Xeer Guud is universal in its application, the specific subsections and interpretations by the respective Guurti might change between communities.

In practice, when two parties are in conflict, the Guurti of the two conflicting parties convene a shir beeleed (clan assembly) to discuss the issues at stake. The elders examine relevant precedents or relevant Xeer on the matter. If no relevant codes are found, the elders resort to Sharia for reference. If reference is obtained from Sharia, it then becomes part of the Xeer.[9] It is important to highlight

that this entire process is oral, so there are no written precedents for Xeer.

However, Xeer cannot be considered a strictly "rule-based" system. The political and military capabilities of a clan in relation to its rivals have always been important factors in reaching an enforceable consensus.

DESPITE ITS UNEQUAL POWER DYNAMICS, XEER WAS – AND STILL IS – THE MOST LEGITIMATE INSTITUTION FOR CONFLICT RESOLUTION IN SOMALIA

This is the root of the unequal power relations within Guurti, and overall within Xeer. Women and minority clans have been historically and systematically excluded from the decision-making process, and mostly disenfranchised by it. This lack of representation and systematic discrimination was not without consequences. For example, the Rahaweyn, a marginalised group from the Shabelle Valley that comprise most of the foot soldiers of Al-Shabaab, were said to join Al-Shabaab explicitly because they refused to accept the unequal power relationships of Xeer and clan dynamics.[10]

Despite its unequal power dynamics, Xeer was – and still is – the most legitimate institution for conflict resolution in Somalia. Instead of forcing systems that would be foreign to Somali culture, DDG decided to explore the potential of Xeer as an alternative dispute resolution system that could use negotiation, mediation and arbitration to resolve disputes peacefully, and strengthen Guurti as a political space at the community level that could be influenced to be more inclusive.

This opportunity arose with the CERSF, whose aim was to contribute to the strategic objectives of peacebuilding and state-building by supporting effective civil society engagement. The project focused mainly on advancing inclusive political dialogue to clarify and settle relations between the federal government and existing and emerging administrations, and promoting peace processes of social reconciliation to rebuild trust among communities. Before the project implementation started, it was extremely important to build the internal capacity on Xeer and Guurti, and understand ways in which human rights principles and conflict management education could be built into those

UN PHOTO/TOBIN JONES

Women have been historically and systematically excluded from Xeer decision-making processes.

AMISOM PUBLIC INFORMATION

When parties are in conflict, the elders of the conflicting parties convene a clan assembly to discuss the issues at stake.

structures. The bottom-up approach used during the entire process was one of the key elements for its acceptance, but the project must still improve on its efforts to collaborate with the Office of Traditional Dispute Mechanisms under the Ministry of Justice.

During the project, traditional elders and communities engaged in dialogue about the importance of wider representation within Guurti to strengthen its legitimacy. The goal was to support communities to maintain the ethical aspects of Xeer, while moving away from its more outdated and oppressive practices. To do that, elders and community leaders of more diverse backgrounds (identified during previous projects) were trained in conflict analysis, prevention and management, and in peacebuilding. The communities were invited to be part of peace and justice dialogues, where they could discuss past grievances and ways in which the decisions could be fairer for all involved.

In parallel, processes of translating Xeer into a written conflict resolution code took place. Local committee members were brought together with a broader coalition of actors such as clan elders, civil society activists, youth and women's groups to develop conflict prevention and response strategies, as well as to monitor the implementation of Xeer agreements. Local government, especially justice and security staff, were also part of the capacity-building processes to learn about conflict management and ways in which they could plan their service delivery as a tool to address conflict drivers. The key CERSF project achievements included the establishment of town-wide Xeer guidelines and Guurti formations in Kismayo, Baidoa, Jowhar and Mogadishu. Due to the success of the first round of activities, DDG was able to keep the initiatives going as part of other projects – and was able to support the coding of Xeer and the inclusive version of Guurti in the Harfo, Dangorayo and Iskushuban areas in Puntland; Xudur in the Bakool region, Warsheikh in the Middle Shabelle region; and Luuq and Beled Hawa in Gedo.

Reinvigorating traditional mechanisms had a particularly positive effect on improving women's participation in Xeer decision-making. Social condemnation in those communities was strengthened for all women and girls, with specific retribution for sexual and gender-based violence (SGBV) crimes such as female genital mutilation (FGM) (which was criminalised in some regions of Somalia, but is still widely practiced) or rape.

UN PHOTO/STUART PRICE

In revitalising Xeer and Guurti, while preserving its community focus and strengthening its legitimacy at the local level, the inclusion of women, youth and other under-represented groups must be promoted.

Before, there was no community-wide systematic condemnation for these offences. The burden of the blame would (and, in many cases, still does) largely rest on the victim, and any punishment or retribution would be discussed between the victim's and perpetrator's clans. Any acknowledgement of the crime, punishment of the perpetrator, or support to the victim would be tied to her clan's power to ensure justice. Now, these communities have included SGBV prescriptions in their codes and have moved to a place where SGBV is a crime that requires punishment. It is not an ideal scenario by any means. According to the national government, SGBV cases must be referred to the police and the formal justice system, but there is no standardised police protocol, and most communities still do not trust law enforcement or the official justice system enough. The next step in this project process is to tie it to DDG's work on community-police cooperation and dialogue (CPDC), to improve the understanding between security providers and communities, so victims do not have to be revictimised and to ensure their rights are respected in full.

ANY ACKNOWLEDGEMENT OF THE CRIME, PUNISHMENT OF THE PERPETRATOR, OR SUPPORT TO THE VICTIM WOULD BE TIED TO HER CLAN'S POWER TO ENSURE JUSTICE

It is important to highlight that local ownership takes time, as does changing unfair and unequal power relations in societies. DDG has managed to make some progress with this process at the local level because the organisation has worked at the community level for 17 years. There is a level of acceptance and legitimacy needed to build up processes that must not be ignored at the expense of quick results. Somali communities, like most communities, reward consistency. In addition, with an ever-changing political scenario, the presence of armed groups, recurring humanitarian crises, long-term changes in governance and peace will not necessarily figure into political priorities or funding cycles. This underlines the importance for consistency and long-term community programmes.

Essentially, DDG's initiative aimed to revitalise Xeer and Guurti, preserving its community aspect and strengthening its legitimacy at the local level. It did this by building the capacity of the elders to solve or mediate conflicts focused on root causes, in a way that is compatible with human rights standards, while promoting the inclusion of women, youth and other under-represented groups. It is impossible to state at this point whether this intervention will have a long-term effect on traditional justice in Somalia, due to its ever-evolving nature, but it is possible to say that by incorporating human rights principles, inclusive practices and effective conflict management mechanisms into traditional justice, communities are now more willing and able to use the aspects of Xeer and Guurti that contribute to a more peaceful and just Somalia.

Conclusion

Somalis still largely rely on traditional justice systems, especially at the local level, due to the overall lack of trust and perceived ineffectiveness of the secular justice system. In this sense, the Somali experience is not unique: international research[11] and experience shows that communities that are excluded or lack access to effective state services usually rely on their traditional governance mechanisms or create new, local ones.

DDG saw this as an opportunity to strengthen communities' ability to prevent and manage conflict, while also advocating for more inclusive local governance structures. This process was not without its challenges, especially regarding the long-term inclusion of women, youth and minority groups. However, the progress made and the achievements to date show that it is possible for traditional justice mechanisms to be avenues for reconciliation and localised peace. Moreover, it showed that traditional mechanisms and human rights principles are not inherently incompatible.

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Endnotes

1 Guurti generally refers to a political assembly of elders, such as in Somaliland. In DDG intervention, it refers to the traditional body of elders involved in conflict resolution. Different communities provide a different name for these bodies of elders – they could be called Odayaal, Malaaqs or Nabaddono. Guurti has now been adopted as a general name, and it provides more legitimacy.

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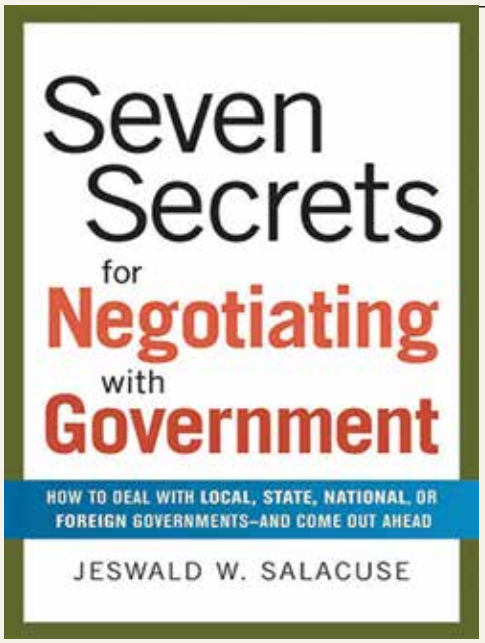

REVIEWED BY **WILLIAM TSUMA, CAROLINE MAJONGA AND CECILE PENTORI**

SEVEN SECRETS FOR NEGOTIATING WITH GOVERNMENT: HOW TO TO DEAL WITH LOCAL, STATE, NATIONAL OR FOREIGN GOVERNMENTS – AND COME OUT AHEAD

Author	**Jeswald W. Salacuse**
Year	**2008**
Publisher	**AMACON**
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Pages	**193**

The onset of the United Nations (UN) 2030 sustainable development goals (SDGs) provides a platform for increased government involvement in national and global development. The attainment of these goals will require deliberate effort by development practitioners to strategically build and nurture partnerships with government, as key custodians of national development aspirations. This is also true for SDG number 16, which brings to the fore issues of justice, peace and human rights as part of key development discourse. *Seven Secrets for Negotiating with Government* is a critical reflection that practitioners in the field could consider in their efforts to engage with governments in the monitoring and implementation of these goals.

The UN Secretary-General, António Guterres, in his remarks to the Security Council Open Debate on the "Maintenance of International Peace and Security: Conflict Prevention and Sustaining Peace", highlighted the centrality of building trust between and among member states in efforts towards international cooperation for the prevention of violent conflicts and sustaining the peace agenda.[1] In theory, there is an understanding of the importance of trust building and forging strategic partnerships with governments at all levels. In practice, however, this remains a challenge – and one that might linger on in global efforts to enshrine the agenda of preventing violence and sustaining peace.

This book proffers recommendations and advice on how to engage effectively with governments. The author's central argument is that individuals or practitioners seeking to engage with governments require special skills, techniques and strategies to succeed. In explaining his arguments, the author makes three key assumptions, which are also the basis on which the book is written. First, the primary method for individuals and organisations to deal with government is negotiation – defined as "a process of communication by which two or more parties seek to advance their own interests or those of the persons they represent through an argument or a desired future action". In this case, negotiation goes beyond signing a contract or reaching a deal, and encompasses softer goals and

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outcomes. Second, the author considers a negotiation with government as being different from other kinds of negotiations. Underpinning this assumption is the definition of government as an institution with special powers, and its corresponding special constraints. Third, he assumes that despite differences in cultures and political systems, all governments – be they at central or local level – perceive and conduct negotiations in similar ways.

Contrary to common perceptions that governments are monolithic structures, it is important that those seeking to engage with governments further unpack this complexity. In reality, the author notes that governments constitute individuals, departments, units and sectors that have competing – and, in some cases, conflicting – interests, and that it is at this level that negotiations should be pegged. In this regard, finding the correct unit or department to reach out to, and identifying the right official to talk to, are fundamental steps of any preparation for a negotiation process. In addition, it is equally important to conduct an analysis of the multiple interests within a particular agency or department, and what the points of convergence or compromise could be. Internally, this would call for a strong strategy, with goals and options identified, and a carefully constituted team, approaching the negotiations from an interest-based perspective. Externally, the emphasis would be on relationship-building, consultation and the fostering of a positive negotiation environment.

Going a step further, the author suggests tools for effective negotiation with governments, using the power of precedents as well as the powers of written material, of framing and of relationship-building, while recognising that governments don't like surprises. Reaching out to a third party for assistance is presented as a strategy, that is informed by an evaluation of resources (including information and expertise) needed to make the negotiation successful. This third party could play any of the following roles: an advisor, a negotiation support or agent, a lobbying force, an ally, a participant, a mediator or an arbitrator. The author emphasises the general rules of diplomacy applicable and central to the negotiation process with governments – starting with the necessity of constant negotiation and moving on to the importance of being an apt listener, of keeping one's goal in mind, of remaining flexible and patient, and of continuously showing respect. Not only do these rules apply to negotiating with government, but also apply to strategies used in different spaces for building and nurturing relationships.

Having debunked the myth of governments being monolithic, and having provided tools for assisting in negotiation processes, the author further outlines why negotiations with governments are unique. The difference between government and other stakeholders is highlighted through its special powers and special constraints. The author outlines four powers: the power of monopoly, the power of privilege and immunity, the power of representing the public interest, and the power of protocol and form. These are then linked with special constraints, the first one being the negotiation rules that the government is subject to; second, the importance of constituents (which might not always be apparent); third, the issue of political imperative; and fourth, the operational norms affecting revenues, resources and objectives. Understanding the political imperative within government requires looking at government both from an organisational perspective and from a human-centred approach. For instance, when considering who to talk to, one should be able to identify different people within government – from elected politicians to political appointees or bureaucrats – as negotiators. Strategies employed should seek to identify the competing interests that an individual might have, including political interests. One interesting consequence of these complexities is the fact that no agreement or deal with government is presented as everlasting, with the understanding that the state can revoke a deal at any time "on the grounds of protecting national sovereignty, national security or the public welfare". In this regard, renegotiation becomes a continuous strategy, made easier by the increased mutual knowledge, understanding and linkages built through the first negotiation. The author encourages practitioners seeking to engage with governments to perceive renegotiation as a positive aspect, which "plays a constructive role in human relations at all levels".

As practitioners in the field, the book provides useful insights into understanding the complexity of engaging with governments, particularly from a negotiation perspective. The efforts to debunk the myth of government monolithism is both a theoretical and practical construct that will be critical in engaging with governments. Recognising the existence of power analysis tools, the author makes a

HAVING DEBUNKED THE MYTH OF GOVERNMENTS BEING MONOLITHIC, AND HAVING PROVIDED TOOLS FOR ASSISTING IN NEGOTIATION PROCESSES, THE AUTHOR FURTHER OUTLINES WHY NEGOTIATIONS WITH GOVERNMENTS ARE UNIQUE

good effort in grounding the unit of analysis at the lowest level while, at the same time, minimising complexity. His interest-based approach and focus on relationship-building is critical and central to peacebuilding and conflict prevention. This is because conflict prevention and peacebuilding efforts seek to promote trust, confidence and national ownership, and ensure sustainability through consensus and relationship-building. By providing concrete tools and recommendations, the author provides a reader-friendly guide and manual for planning engagement with government entities. The general approach of the book is also complemented by country-specific examples, drawn from the author's research and experiences.

In conclusion, at a time when the 2030 SDGs remain the key global points of convergence, understanding the complexities and nuances of engaging with governments will increasingly be critical. This book is a useful refresher for practitioners as they seek to solidify and strengthen partnerships with governments in the delivery of increasingly complex development goals and targets.

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Endnotes

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