AfSol
Journal

INSTITUTE FOR PEACE AND SECURITY STUDIES
ADDIS ABABA UNIVERSITY

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Journal

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About the AfSol Journal

"Making and sustaining peace and security is also an intellectual challenge. We therefore undertake to build the capacity of our universities and research institutes to explore the nature of African conflicts, to investigate what succeeds and what fails in conflict resolution efforts, and to arrive at African-centred solutions, drawing from our own distinctive and unique experience."

Tripoli Declaration (2009)

Africa, like every other continent in the world, has unique problems that require special diagnosis as well as a unique socio-cultural and political landscape that distinctly impacts the peace and security environment. With the transformation of the Organization of African Unity (OAU) into the African Union (AU) in 2002, new objectives under the new framework emphasized the need to define and find African-centred solutions for peace and security in the continent. While the African Peace and Security Architecture (APSA) is already operational, there is an emerging need for the AU to focus more on the interface between peace, security and governance. This makes the search for African-centred solutions in peace and security more complex and broad since the solutions have to include elements of governance, democracy, human rights and the rule of law.

Pursuant to these needs, it is time for Africans to actively discuss the past and present in order to shape their future by debating and analyzing conflict, peace and security issues through an African perspective. Vision 2063 of the AU pursues "a people-driven process for the realization of the vision of the AU for an integrated, people-centred, prosperous Africa, at peace with itself". The AU Heads of State and Government recognized peace and security as an "intellectual challenge" in the 2009 Tripoli Declaration on the Elimination of Conflicts in Africa and the Promotion of Sustainable Peace. Responding to this "intellectual challenge", IPSS offers the AfSol Journal as a platform for critical debate that avails theoretical and practical knowledge to academia and policymakers.

This knowledge is drawn from newly emerging practices and from past experiences, found in oral verses and practices of Africans, written in academic publications, daily periodicals and policy documents. It is embedded in what Africa has achieved in the past and in what it could have done better; it is entrenched in its history, its traditions, values and its people. Our objective is to bring this knowledge together to publish papers with high academic standards that are presentable to policymakers and to those working towards a peaceful and prosperous Africa.

Scope of the Journal

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

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

- Original empirical data collected and presented through acceptable scientific methods.

- Already existing data and with a unique or advanced theory.

- Practical cases in one of the following analytical dimensions:

  o African ownership and commitment

  o Leadership

  o African shared values

- Narrate and analyze undocumented events or practices with suitable academic rigour.

- Unless it is especially relevant to the present or is a critical account of a missing piece of history, biographic and/or autographic narratives are not published in this Journal.

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

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

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- Innovation, creativity, evidence-based and action-oriented

- Pan-Africanism, diversity, integrity and inclusion

- Commitment to delivery and social transformation

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Introduction

This volume of the AfSol Journal comprises of six articles focusing on various thematic areas relating to resource management, transnational crime, regionalism, and self-determination among others. It provides different perspectives on dealing with the challenges affecting the continent and suggestions are made on how to solve them.

In the first paper, Sangare and McSparren argue that the conflict in Mali is not merely an extension of the civil war in the northern regions, but rather instigated by factors based in historical events specific to the centre i.e. a history of conservative Islam, water and land scarcity resulting from climate change events and liberalization of regional markets, which interact to drive the conflict.

In the article on self-determination by the indigenous people of Biafra, Enemaku and Tobechukwu argue that it is only through strategies of inclusion, re-orientation of Nigerian citizens, de-militarization of the Nigerian public space, dialogue, and redefining of the Nigerian political structure, that the neo-Biafran agitation could be effectively managed.

In the article by Getahun on the operationalization of the African Standby Force, he argues that the key elements required include, among others: reviewing and updating relevant legal and policy documents, streamlining mandating and authorization processes, as well as building political will among member states and key stakeholders.

Biruk's paper argues that transnational organized crime (TOC) is a complex and multifaceted phenomenon that is deeply intertwined with social, political and economic dynamics of societies at local, national and global levels. He argues that the existence of linkages between the various levels of the system within which TOCs operate suggests that holistic security strategies that draw on different approaches are more likely to be effective in tackling organized crimes than legal control mechanisms based on deterrence and theory of change.

Baseda's paper on the policy impacts of Africa's extractive sector focusing on Uganda argues that although the Ugandan government is promoting oil as the key to transforming Uganda into a middle-income industrialized country, this change will not occur unless the government changes its own policies. He argues that Museveni's government must improve its transparency, avoid muzzling civil society groups and ensure that institutions build more capacity in order to transform.

The final article, by Olayuku on oil and Boko Haram in Nigeria, argues that Nigeria's mono-economic oil dependency has intricate complexities as the socio-

economic challenge of inequality remains one of the major root causes of conflict in the country, whether in the Niger Delta or in the Northeast.

This volume of the AfSol Journal evidently brings together various research outputs that provide actionable solutions to the emerging challenges of conflict prevention, peacebuilding and sustainable development on the continent.

IPSS is grateful to all the contributors for their dedication, invaluable insights and rigorous pursuit of knowledge in the development of this volume of the AfSol Journal. Knowledge must increase.

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Acknowledging Conflict across Mali's Centre: Drivers and History

By Yalla Sangaré & Jason J. McSparren

Abstract

As this paper is written (July 2018) the violence in the central regions of Mali is increasing in intensity. The availability of modern small arms is destabilizing the sub-region as local belligerents engage in inter-community and intra-community violence. The conflict in the central regions since 2014 is not merely an extension of the civil war in the northern regions, but rather the instigating factors are based in historical events specific to the Centre: a history of conservative Islam, water and land scarcity resulting from climate change events, and liberalization of regional markets interact to drive conflict. We apply a multi-lens framework: the 'New Wars', new types of war, and a plural security perspective to analyze the threats and their drivers as they manifest in the central regions of Mali. We conclude that the conflict in the centre is distinct from the larger conflict in the northern regions. Additionally, further research on the conflict and eventual peace process in the centre must centre on local historical and socio-political and economic dynamics. It is necessary to understand drivers of the conflict to create a lasting peace.

Introduction: Differentiating Conflict in the Centre from that in the North

Mali, once internationally acclaimed as a successful transition to democracy, does not have the capacity to extend security to all parts of the country, and may not have the resources to conduct a fair election in 2018 – a blow to the 'third wave of democracy' movement (Huntington, 1993). The state is confronted with a multifaceted crisis: a crisis of legitimacy and a deteriorating security situation that is spreading from the north where international forces have been engaged since 2013 into the central regions.

There is a lot at risk in Mali. Mali is central to West Africa, connecting North Africa with Sub-Saharan Africa, and West to Central Africa. The impact of another failed state, in the same region as the failed Post-Gadaffi Libya, has ramifications for the broader region, most specifically the four other G-5 Sahel states – Burkina Faso, Mauritania, Niger, and Chad. This study focuses on the latest multi-dimensional conflict zone, the central regions of Mali.

The State nearly collapsed in 2012 when a Tuareg separatist movement, the MNLA (National Movement for the Liberation of Azawad), declared a freeindependent

state of Azawad across then northern regions of Mali: Timbuktu, Kidal, Gao, Ménaka and Taoudenni. MNLA, in turn, was driven away by a coalition of Islamic fundamentalist groups, Ansar Dine, AQIM (al-Qaeda in the Islamic Maghreb) and MOJWA (the Movement for Oneness and Jihad in West Africa). In the battle for the north of the state, Malian armed forces were losing the asymmetrical war because they were not sufficiently trained and outfitted. Bamako's lack of action prompted a coup d'état led by junior officers that deposed the two-term President Amadou Toumani Touré two months before the end of his presidential term. Military rule was brief, and an interim government was assembled. The separatist/jihadist forces advanced south towards Bamako, and the interim president requested military support from France. In January 2013, the French military operation "Serval" commenced. French forces were able to thwart the militant offensive and eventually win back control of the captured cities (Harmon, 2014, Chapter 7; Hollande, 2018, pp. 27–35). The United Nations deployed a peacekeeping force (13,000 troops), The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA, 2013), to support the French efforts to protect the sovereignty of the state. Antagonism in the north persists, and militants continue to escalate the violence. As of 2018, 133 UN troops have died, making the mission the fourth deadliest for UN peacekeepers in term of deaths caused by hostile acts (Offner, 2018a).

The Tuareg separatist movement and Islamic Jihad have catalyzed the militarization of the north as multiple western forces engage. The militarization of the north by western forces has thus far kept the Islamists from taking control of the territory but also contributes to disruption and insecurity in the region. As of August 2014, the French mission has expanded to a regional focus under the name, Operation Barkhane (4,000 troops). Malian armed forces support Barkhane and MINUSMA. The European Union contributes to operations in the Sahel with the EU Training Mission-Mali, established in 2013 as a capacitybuilding mission to train security forces from Mali and Niger to support domestic agencies countering extremism and organized crime. Moreover, the United States has been engaged in the Sahara since 2003 executing the Global War on Terror (GWOT) against its primary target, Al-Qaeda in the Islamic Maghreb (AQIM) and its affiliates. The US has upward of 800 special forces deployed in Niamey and Agadez, Niger providing training, logistics, and intelligence in support of the Nigerien military (Haywood, 2017). Germany, too, has constructed a military base in Niger to support MINUSMA; Italy contributed forces to help stem migration to Europe; and, Canada sent a dozen troops and six helicopters to support the peacekeeping efforts. The majority of these forces are concentrated in the north with some overlap with the Centre.

The multidimensional crisis that broke out in 2012 was by all accounts confined to the northern regions; nonetheless, that conflict has conflated with localized

conflict in the central regions characterized as an inter-communal conflict between pastoralists and agriculturalists and intra-communal conflict as well. Since 2014, the Centre has experienced a proliferation of violence as Islamic-jihadist forces target Malian security forces, elected and traditional officials, schools and markets in the sub-region (Human Rights Watch, 2017; Tobie, 2017). The conflict dynamic observed in the sub-region of Mali's Centre is a response to state neglect within a context of scarcity due to desertification, a result of climate change and increased economic competition, a result of liberal market structures across the region. As locals compete for access to resources, communities are experiencing a retrenchment into ethnic and religious-based self-defence groups for protection as resources grow scarce and competition for political control increases.

Our analysis reveals that the socio-political and economic dynamics are much more complicated in Mali's Centre. We trace the causes of the current intercommunal violence and competition for political control through a list of cultural and historical factors. First of all, the Centre is experiencing a resurgence of political Islam – jihadists – that aim to cleanse the region from the sins of democracy with Islamic law. Despite the popular perception that Islam in Mali is a tolerant form of Sufi Islam, a history of radical Islam has endured since the 19th century.

Secondly, the socio-cultural norms of the indigenous ethnic groups in the region have been disrupted by successive periods of deadly drought (1968-74, 1984-5, 2005) that have forever modified the lifestyle and livelihoods of the people. The intra-communal violence occurs between sedentary agriculturalist ethnicities and the semi-nomadic pastoralists who are engaged in battles for access to arable land and water. Climate change in the form of desertification has over the years dried up water sources, turned land for crops and cattle grazing into sand and killed off herds of animals. "Environmental destruction … can also be the cause and not merely the consequence of premeditated violent conflicts...Environmental changes have drastically reduced the availability of cultivable land, green forests, freshwater, clean air and fish resources" (Swain and Öjendal, 2018, p. 3). These droughts have displaced people and forced many pastoralists to remain sedentary. These disruptions have harmed the once complimentary relationship between the inhabitants of the Centre. Furthermore, in relation to the ethnicities in the subregion, the arbitrary drawing of state boundaries by colonial powers at the Berlin Conference did not consider the existing territories inhabited by the indigenous ethnic groups; as a result, family and group relations extend over current national borders. The problems facing Mali's Centre are reflected in the border regions of Burkina Faso and Niger.

Third, new rivalries for political power have emerged in the Centre. State and village authorities are being contested by a 'new elite' empowered by the wealth

generated from illicit markets and ideology; radical Islam threatens the existing state authority. One feature of this begins with the 1996 implementation of the national decentralization program. Decentralization was meant to empower local leadership and expand stakeholder participation in governance by granting each municipality responsibility for critical administrative functions as well as, retain authority with regard to development issue (James et al. 2000; Farvacque-Vitkovic et al., 2007, p. 25; Brunet-Jailly, Charmes, and Konaté 2015).

The decentralization program has had uneven results. In October 2013, the Malian government convened a national forum on decentralization (États généraux de la decentralization), which brought together representatives of communities to discuss the state of Malian governance. The forum concluded that Mali needs more democracy and further decentralization. However, some observers claim that decentralization and democratization often increase "the intensity of the struggle for access to local power" (International Crisis Group, 2014, p. 29 in Pezard and Shurkin, 2015, p. 30). Our analysis focuses on the dynamics surrounding the struggle for local power in Mali's Centre.

The fourth contributing factor is a backlash against the state that for decades since independence has neglected the rural areas across the country. In the north and central regions, this perception of marginalization is particularly acute and Islamist militias are promising Shari'a as an alternative to a failed democratic system. The central regions have large areas where state administration has either been weak and inconsistent or absent altogether (Thiam, 2017, p. 21). Marginalization by the state has created space for new sources of authority (Beau, 2018). This new authority is in some cases winning approval of locals, where it does not have the support it employs terror tactics. The conflict in the Centre is distinct from the conflict in the north for several reasons and may have more of an impact on the expected elections scheduled for summer 2018. The socio-political milieu in the Centre is the result of a clash between a weak state apparatus and an empowered Islamist movement that opposes the secular state and promotes conservative, often radical, application of Islamic Shari'a law as the solution. Since 2014 domestic Islamists have killed nearly 800 people in the regions of Mopti and northern Ségou (Thiam, 2018).

The problems in the Centre have local roots connected to regional rivalries. Mali's total population is about 17 million people who identify with several different ethnic groups. The major ethnic group is Mande (e.g. Bamana, Jula, Malinke which makes up 50% of the population. The Peuhl, otherwise known as Fulani or Fulbe constitute 17%, the Voltaic (e.g. Bobo, Senufo, Minyanka) 12%, Tuareg and Arabs across the Maghreb in the north 10%, The Soninke of the old Songhai 6% and the Dogon constitutes the final 5% of the population. Estimates claim that 90% of Mali's population is Sufi Islam (Ediozie & Gottschalk, 2014,

p. 219). "The [central sub-region] is home to more than half the country's ethnic groups and all of its production systems: sedentary agriculture, agro-pastoralism, pastoralism, sedentary fishing, and transhumance fishing" (Thiam, 2017, p. 12).

The complexity of the situation demands a multi-lens analytical framework that permits a focus on the Centre as well as a focusing out on the Malian state. Our strategy is to analyze the dynamics of the Centre in relation to the challenges faced by the nation. To accomplish this, we apply the 'New Wars' framework (Duffield & Waddell, 2006; Kaldor, 2006; Parpart, 2010) which among other characteristics focuses on intra-state conflict within the era of neoliberal globalization. Secondly, we utilize Buzan's (1991) conceptualization of five discrete security sectors that challenge 'periphery' states in the current 'multi-polar,' post-Cold War era.

The study begins with our conceptualization of the sub-region of Mali's Centre. This distinction is precarious because of the overlapping socio-political and economic factors, yet we find it necessary to isolate the Centre from the rest of the country to effectively analyze the conflict dynamics. Following that is an explanation of the analytical framework. We describe why we see a nexus between the 'New War's framework and Buzan's conceptualization of security challenges for states in the periphery of the global system. Subsequently, we analyze the dynamics driving the conflict through the lens of the framework to explain how the drivers of conflict in the Centre is partially related, yet distinct from the conflict unfurling in the north of Mali.

Defining the Centre

No official demarcation for the sub-region of central Mali (Centre) exists. Several analyses on the sub-region concentrate on different areas; for instance, the Malian Government's Integrated Security Plan for the Central Regions (PSRIC) covers Mopti and Ségou, whereas the European Union's Programme of Support for Enhanced Security (PARSEC) covers Mopti and Gao regions. We delimit the Centre to include the regions of Mopti, northern Ségou stretching west to north Koulikoro and east to the borders of Niger and Burkina Faso. We narrow in on this expanse because the cultural and socio-economic dynamics of this sub-region have endured for generations (Thiam, 2017, p. 11).

We delimit the Centre as a sub-region within the state of Mali, but this Centre is actually transnational because similar ethnic, cultural and socio-economic ties extend into Niger and Burkina Faso, and in regard to the discussion of the Peuhl ethnicity (also known as Fulbe and Fulani) extends east across national borders.

We argue that these long-established dynamics make the Centre a discrete unit of analysis. This adds dynamism to the existing analyses of Mali that make a distinction between the 'north' and the 'south.' This division is used to underlie

the explanation for the Tuareg rebellions (1962-64, 1990-95), which were met with brutal state suppression (Lecocq, 2005) and the current rebellion ongoing since 2012. Similarly, the north-south distinction has continued as an analytical frame in the aftermath of the 2012 civil war and coup d'état. The distinction is enforced by the geographical demarcation along the junction of the Sahara and Sahel topographies. It is only as recent as 2015 that analysts have focused on Mali's Centre as a discrete conflict zone.

The conflict in the north is premised on a separate set of issues than the Centre even though some factors are similar, such as state neglect, environmental degradation due to climate change and infiltration of transnational Islamic-jihadist terrorist organizations. The Centre has its history that pre-dates the 2012 crisis. The conflict in the Centre is not merely a spill over effect, but rather factors embedded in history are driving conflict in the Centre. Instigating factors include the localized conflict between ethnic and tribal rivals. In broad terms, agriculturalist – Songhay, Arma, and Fulani – plus fishermen – Bozo and Sorko – are set against nomadic pastoralist groups – Tuareg, Arabs and Fulani in a battle for scarce land and water resources and local political power (Grémont, 2012, p. 134; Gaye, 2018; Maiga, 2015; International Crisis Group 2015, 2016). Bamako and southern regions where most economic-production takes place are relatively secure and distant from the frontlines, although not immune to terrorist attacks. Civilians have been targeted at the La Terrasse nightclub (March 2015) and Radisson Blu Hotel (November 2015) in Bamako and Byblos Hotel in Savare (Dearden, 2017; Human Rights Watch, 2016; The Telegraph, 2015). The security crisis threatens the institutions of government and further undermines state legitimacy across issues.

Analytical Framework: Exploring the Nexus between 'New Wars' and New Patterns of Security

Buzan (1991) explains that the end of the Cold War was a paradigm shift creating new patterns of geo-strategic security approaches stemming from changes in the security context at the 'centre' of the global power structure. The core of his thesis is that threats to state security from other states will diminish while intrastate threats would likely increase, as well as new environmental-based threats emerge. He demonstrates that the security agenda has expanded in the post-Cold War era identifying five interrelated sectors of security that states must contend with.

Just as Buzan (1991) focuses on disruptions in the post-bipolar world order, 'New Wars' theory is couched in the same period. The era of liberal-economic globalization began in the 1970s and continued to ramp up until the 2008 global economic crisis when the legitimacy of the Western-dominated economic system came under severe scrutiny. The neoliberal ideology that underpinned global

trade disadvantaged developing states in the 'periphery' in relation to advanced economies at the 'centre' (Chang, 2008). Kaldor (2013, p. 2) characterizes the New Wars as "the wars of the era of globalization" where "typically, they take place in areas where authoritarian states have been greatly weakened as a consequence of opening up to the rest of the world. In such contexts, the distinction between state and non-state, public and private, external and internal, economic and political, and even war and peace are breaking down." Mali is a good case study of a developing state at the periphery struggling to institutionalize democracy and grow its economy, while local, national and global forces create challenges for success.

The two approaches combined will be applied to the situation in Mali's Centre. Buzan's five sectors of security include: (1) Political security which is concerned with "the organizational stability of states, systems of government, and the ideologies that give them legitimacy;" (2) Military security focuses on "the twolevel interplay of the armed offensive and defensive capabilities of states, and states' perceptions of each other's intentions;" (3) Economic security is concerned with "access to resources, finance and markets necessary to sustain acceptable levels of welfare and state power;" (4) Societal security includes "the ability of societies to reproduce their traditional patterns of language, culture, association, and religious and national identity and customs within acceptable conditions for evolution;" (5) and lastly, Environmental security encompasses "the maintenance of the local and the planetary biosphere as the essential support system on which all other human enterprises depend" (Buzan, 1991, p. 433).

The 'New Wars' thesis argues that modern conflicts are characteristically different from wars prior to the era of globalization. Newman (2004) is a detractor, yet he succinctly outlines the key descriptors of New Wars theory. From this perspective, wars today are more likely to be:

- Intrastate rather than interstate opponents;

- Characterized by state failure and a social transformation driven by globalization and liberal economic forces; this gives rise to competition over natural resources and illegal commercial entrepreneurship, private armies, and criminal warlords, often organized according to some form of identity;

- Ethnic and religious centred conflict as opposed to being over political ideologies;

- Deliberately targeting civilians as an object of new wars leading to increased casualties and forced human displacement;

- Confusing due to a breakdown of public authority which blurs the distinction between public and private combatants, and between combatants and civilians (Newman, 2004, pp. 174–5).

The remainder of the study explores Mali's Centre in relation to the above generalizations about security in the modern era. We highlight the six "new types" of conflict in the sub-region identified by Dakouo (2017, 288) which include: "(1) conflicts regarding the management and use of natural resources; (2) community leadership conflicts; (3) conflicts regarding the appointment of village chiefs and councillors; (4) social conflicts regarding the old relationships between masters and dependents; (5) conflicts regarding the redrawing of land boundaries as a result of decentralization; and, (6) religious conflicts marked by opposition and antagonism between sects and/or ways of thinking."

Political Security

The Centre of Mali is the latest tear in the social fabric of the impoverished Sahara-Sahel region (de Melo, 2016). The dynamics of social-conflict in Mali's central sub-region embody several characteristics of 'New Wars' framework. The first element is that the conflict is intra-state and localized. Communities are organizing self-defence militias and attacking local rivals. The influx of modern weapons into the region mainly from the failed state of Libya (Small Arms Survey 2015, 2015, Chapter 6) has elevated the violence beyond anything the sub-region has experienced in the past. The militias are self-identifying with specific ethnic groups and many Islamic ideologies. The conflict is asymmetrical as Malian State Armed Forces (FAMA) are engaged in anti-terrorism operations against local and transnational Islamist movements.

The sub-regional perspective informs about unique drivers producing this conflict; however, dynamics at the national level contribute to the realities at the sub-regional level; therefore, analysis of the state and its influence on the Centre is processed through the conceptualization of security sectors identified in Buzan (1991). The government of Mali is fragile and contested by several types of security threats that have relevance for the Centre both historically by contributing to its marginalization and underdevelopment and through recent policy choices that influence conditions.

Islamic-jihadist groups have been operating in northern Mali for a couple of decades; yet, it is only since 2014 that they have become active in the Centre. The earliest manifestations came from Katiba Macina, led by the popular preacher

from Mopti, Amadou Kouffa. Kouffa, an ethnic Peuhl, allied himself with MUJAO (Movement of Oneness and Jihad in West Africa) and Ansar Dine during the 2012 crisis. MUJAO is an offshoot of Al-Qaeda in the Islamic Maghreb (AQIM), and Ansar Dine is led by Iyad Ag Ghaly, a prominent leader of the Tuareg Rebellion of 1990-95 who continues to operate illicit trafficking operations and enforcing Shari'a law in territories controlled by his armed group. Kouffa's militia has gradually become one of the key actors in the conflict because of relentless attacks on representatives of the state and traditional leadership in the sub-region. In 2017, Katiba Macina became part of a coalition of militias, Jama'at Nusrat al-Islam wal-Muslimeen (JNIM) which has redefined the objectives of all its member groups toward a mission for global jihad, beyond the regional context (International Crisis Group, 2016; Thiam, 2018; Tobie, 2017).

It is necessary to note that individual leaders of militant groups join forces and disband regularly, even attack one another depending on the context. Family relations through marriages and ethnic connections may consolidate groups or fracture them. Similarly, intra-communal disputes have similar effects. This is a cultural artefact; loyalties may shift depending on power dynamics, economics, and family relations among others. This complicates the situation partly because the interests of belligerent groups are not articulated because they shift.

Not all Peuhl are Islamists, and not all Islamists are Peuhl. As mentioned earlier, one consequence of drought has been the forcing of some pastoralists to become sedentary. In Mali's Centre, this has affected the Peuhl ethnicity most pervasively. Historically, they were pastoralists who drove their cattle to graze and to markets in Mali, Niger and Burkina Faso. As also mentioned, Kouffa, the Islamist leader of Katiba Macina is also Peuhl, as well as the terrorist group from Nigeria, Boko Haram, which has ties extending into Niger (Osaghae, 2017). These two associations – the 'outsider' and 'terrorist' – have made Peuhl outcasts in their communities in central Mali. The herdsmen are fighting against agriculturalists over competing means of production; armed groups extort them, and bandits and the FAMA target them for arrest and extrajudicial killings (Reuters 2018; Thiam, 2017).

In terms of security in the Centre, the Malian State has become one player among many and does not command the monopoly on violence. Currently, as in the past, the state tends to privatize security in the cities (Keita, 2017) and subcontract it in the regions. In some cases, Dogon and Bozo self-defence groups are acting as proxies for the FAMA against Peuhl communities. "[These] ethnic based self-defence groups who benefit from state patronage, [contribute] to local ethnic competitions" among similar armed groups aiming to benefit from the war economy or state patronage (Diallo, 2017, p. 300).

It is imperative to state that the conflict dynamics are extremely complex and they differ depending on the local dynamics of an area. Nonetheless, civilians are gunned down as they work their fields or travel to markets and markets are being targeted with improvised explosive devices (Human Rights Watch, 2017). 'New Wars' theory highlights that belligerents terrorize civilian populations to either control them or displace them to cause disruption.

Bamako doesn't prioritize the rural areas of the Centre, and the population perceive themselves as marginalized. Bamako and local government agencies are 'weak' because they lack the capacity to provide services and security effectively. The lack of government accountability is rooted in inept and disengaged administrations through which a legacy of corruption and impunity lingers. The lack of political will by successive administrations to enforce state authority country-wide has exacerbated insecurity. Bratton, Coulibaly & Machado (2002, p.206) note that a "gap exists between state and citizen," from the supply side it is because of "an eroded public bureaucracy with limited capacity for outreach" and on the demand side, there exists "a passive citizenry that places few pressures on its leaders." This gap is especially pervasive in rural Mali.

However, in the post-2012 period, the description of a 'passive citizenry' no longer applies. National media outlets condemn corruption and impunity while an increasingly vocal opposition expresses malcontent especially as the elections near (Babi, 2016; Konate, 2016). Furthermore, the agency is expressed through the mobilization of self-defence militias in the Centre which will be discussed shortly. These expressions of civil society agency are relatively recent developments.

SStill, Malian leadership has failed to solidify the social compact between state and society; over the nearly 30 years of democracy successive administrations maintained a system of neo-patrimonial redistribution and clientelism to secure power (Craven-Matthews & Englebert, 2018; Poulton & Tonegutti, 2016, Chapter 1). Corruption and clientelism at the local level in the Centre are particularly acute (Bouju, 2000). The patrimonial networks linking Bamako and rural political elite is an enduring artefact of colonialism resembling the relationship between rural elites and the French administration (see: Young, 2004; Huillery, 2011). The pattern of patrimonialism perpetuates the marginalization of communities while corruption perpetuates underdevelopment.

In the absence of state authority, the Sahara-Sahel region has been inundated by criminal organizations. Transnational criminal networks link Latin American drug traffickers to transnational Islamic terrorist groups who traffic narcotics and people through Mali on route to Europe (UNODC, 2017a, p. 35, 2017b; US Department of State, 2017). Trafficking narcotics, weapons and people generate

an estimated $3.8 billion annually and is intrinsically linked to the financing of terrorist organizations in the Sahara-Sahel region (International Crisis Group, 2015).

Political and Societal security sectors overlap where transnational organized crime and jihad undermine established social structures. Participation in organized criminal groups has been an opportunity for some in the lower social strata to gain wealth and enhance status as a 'new elite.' In this context, it is necessary to understand the importance of ethnic identity. The Centre has a stratified traditional social structure comprised of servile, labour and elite classes. In Mali, race is a created identity, ascribed on cultural basis; "slavery did not so much exist legally, as it did psychologically and socially" (Lecocq, 2005). While somewhat different in the Centre from the north, Harmon's description of class divisions offers insight into the social stratification common in the broader region:

> The groups are said to be intentionally divided by class, by occupational specialization, and by race or perceptions of race. The Arabs, Tuareg, Fulbe (Peuhl), and Songhai consider themselves in various forms of noble, free, and servile status. Typically, the free lineages within each ethnic group were clients of the noble lineages. The servile-status groups were bound to either free or noble lineages. The Servile-status groups were typically regarded as not only socially distinct from the free and noble, but racially distinct as well, with servile-status groups being regarded as "black" and free and noble-status groups being regarded as "white" or "non-black" (Harmon, 2014, pp. 4–6).

Recently, new elites associated with strong Islamist militias and/or illicit trafficking networks have begun to challenge the entrenched traditional leadership structures (Pezard & Shurkin, 2015, pp. 27–29). Participation in armed groups, regardless of their affiliation, has permitted the emergence of new sources of legitimacy as traditional authorities and local public administrators are being targeted with violence and replaced by militia leaders (Human Rights Watch, 2016).

This change in generations-old socio-political dynamics undermines efforts toward a peace process. Traditional conflict resolution strategies are not effective in the current insecure climate. The inter- and intra-ethnic conflict is made worse because traditional authority, which in the past had been able to bring aggrieved groups together, are unable to muster sufficient legitimacy to broker peace. The traditional elites (imams, village chiefs, kadis, scholars, marabouts, and healers) have always acted as release valves in the Centre, in fact across the country. The legitimacy of these elites is being undermined by domestic and external narratives around Islamic authority, as well as, by opportunistic 'former' members of the servant-class as they use terror to capture political power.

Brossier, Jourde, and Cissé (2018) explain how the non-native Peuhl have been questioning the ancestral and customary rights of the indigenous Peuhl in Mali's Niger Delta. They explain that the Peuhl community as not monolithic and that not all Peuhl are connected to radical Islamist forces. De Bruijn and van Dijk (1994, p. 93) claim that the political hierarchies of the Peuhl society in the Hayre (Centre) began to form during the 19th century. The division between noblemen and slaves created a "precise division of labour" and "ideological differences came into existence" through the application of rules of Islam by the noble classes over the servile. Servile classes were not taught the Islam of the elites. Social evolution in the Centre for the Fulbe (Peuhl) was described as "difficult to combine an Islamic and pastoral way of life. The paradox is that, to create a political organization to maintain their pastoral way of life, the Fulbe needed Islam" (de Bruijn & van Dijk, 1994, pp. 92–3). Islam has become a central ideological force for many communities in the region for centuries.

The Centre's history includes periods of intensified adherence to conservative conceptualizations of Islam. Smith (1961) considers Islamic movements during the 19th century a 'neglected theme' of influence in West Africa. The Centre has its own Islam narrative, and while the perception is one of a tolerant Islam that allows for coexistence along with Animist and Christian cultures, radicalized political Islam has long been a feature in the Centre, and violence has been part of the jihadist modus operandi since the 19th century (O'Brien, 1981, pp. 14–15; Smith, 1961). We claim this history sets a precedent for a society permissive of Islamic rule as an alternative to an irresponsible secular democratic state. Some members of the Peuhl and Dogon ethnic groups told investigators that they fear the armed Islamist groups; however, they give them credit for "drastically reducing levels of banditry and state corruption within their villages" (Human Rights Watch, 2016).

> Islam has […] become one of the most important ideological forces, perhaps the central force of Fulbe society as a whole. Notwithstanding all the centrifugal forces that cause the disintegration of society, Islam links all the (ethnic) groups to each other and provides them with a common ideological frame, while interpretations of history have become vehicles for the promotion of group interests (de Bruijn & van Dijk, 1994, p. 104).

Additionally, writing about the responses to drought by Sonrai society, Niezen states, "Drought in the Sahel made villages more dependent on each other for mutual aid, but at the same time traditional kinship ties and other bonds of reciprocity were weak, making the religious community a strong alternative focus of solidarity" (Niezen, 1990, p. 421).

The conflict is not only between the Islamic jihadists and the state but also between different versions of Islam. While belligerent forces promoting Islamic Jihad in the region extending from Algeria, al-Qaeda in the Islamic Maghreb (AQIM), (Harmon 2010) and pushing into Niger, from Nigeria affiliated with Boko Haram and the Islamic State (Akinola, 2015), the conflict in central Mali is best analyzed as a Malian conflict. Malian actors are organizing militias, and some groups have affiliations with donors from the Arabian Gulf, Pakistan and elsewhere, resulting in imported Shiite/Sunni rivalries as well as Sufi/Wahabi dissensions. These imported forms of Islam compete with long traditions of local Islam in the Centre that extend from the Islamic theocracy of the 19th century. Jihadists are not only nostalgic but draw inspiration from this period. In the Centre, there were and continued to be conditions that are favourable to a confrontational and conservative form of Islam. A growing number of people in the Centre are receptive to Islamic law because of a "perceived entanglement of local elites with a corrupt federal state" and an assumption that radical Islamist forces can "purify the region from all the sins allegedly brought by democracy" (International Crisis Group 2015, 13, n. 85).

A growing acceptance of conservative Islam is connected to a commonly overlooked aspect of socialization, community and private radio stations. After the fall of the dictatorship in 1991, public and private radio stations proliferated across the local and national frequencies. Today hundreds of radio stations operate in the regions and on many of them Islamist preachers share their doctrine in local languages. Kouffa is one such preacher. This continues to contribute to favourable conditions for a 're-Islamization'- an acquiescence to austere forms of Islam as a replacement for the secular state system that has long failed this sub-region. The emergence of information and communication technologies has accelerated the impacts with podcasts of radical preachers on social media.

Security is deteriorating severely in the Centre as the state, and its international partners struggle to regain control of the northern and central regions of the country. The militarization of the Sahara-Sahel brings additional interests into the broader region. While the goal is to provide security, state-sponsored militarization causes a reaction by sub-state actors committed to violence.

Military Security

The root causes of violence in the Centre are localized; however, the presence of international military forces in the state/region exacerbates local tensions. A wide-angle focus reveals the strategy of securitization by international forces has not quelled the violence in the north, nor Centre.

A regional approach to policing the Centre is also underway as of mid-2018. G-5 Sahel multinational joint task force (Secretariat Permanent du G5 Sahel, 2018) is a collaboration among Burkina Faso, Chad, Mali, Mauritania, and Niger. Each has committed 1,000 troops to the borderland where Mali, Niger and Burkina Faso meet. This location is in the central region – the focus of this analysis. This force is a similar mobilization to the Multinational Joint Task Force (MNJTF) comprised of Nigerian, Nigerien, and Chadian soldiers deployed in the Lake Chad region against Boko Haram (Diallo, 2017, p. 303). The G5 Sahel joint command plans to mobilize in three geographic areas across the central region Sahara-Sahel. The prime objective of the force is to fight terrorism and transnational crime (Offner, 2018a) and "identify common projects that focus on infrastructure, food security, agriculture and pastoralism and security" (Bøås, 2018).

The presence of the new G5 force concerns Islamist factions in the area, and they have responded with attacks. In June 2018, the headquarters of the G5 Sahel force in Sévaré, Mopti region, was targeted in a "complex" attack by Islamist militants firing rockets and small arms killing six (UN News, 2018). Challenges continue to mount in the efforts for stability in the Centre.

Human rights organizations have documented that tactics applied by all of the combatants - self-defence groups, Islamists, security forces - in this asymmetric war are producing carnage and human rights abuses. Security forces, specifically Malian soldiers, are targeted with improvised explosive devices and ambush attacks (Diarra, 2018; Goldberg, 2018). Self-defence militias are actively targeting local rivals. In late June 2018, between 20 and 32 Peuhl herders were killed over a two-day period from the village of Koumaga. The death toll differs because many of the bodies were buried by the time officials arrived on the scene. The attack began on a Saturday when the militia entered the village and amassed multiple casualties. The following day Malian armed forces responded to the scene. When the FAMA exited, the militia returned to kill several more people. The vast majority of civilians reported killed in counterterror operations have been Peuhl (Ahmed, 2018). The imminent threat compels some Malian forces to commit human rights abuses as a means of being proactive in their defence. According to the Director for Human Rights Watch West Africa, since 2017, HRW has documented 60 alleged executions by the FAMA, and none have resulted in justice for the families (Reuters, 2018). Malian government admits FAMA soldiers were implicated in 'gross violations' after several mass graves were found in the central region of Mopti near the villages of Nantaka and Kobaka. Human rights groups claim the Malian military is conducting extrajudicial killings, kidnappings, torture and arbitrary arrests against suspected sympathizers of jihadist groups (Reuters, 2018; Human Rights Watch, 2016).

Another instigating factor in the growing distrust between locals and the state is a lack of justice for ongoing violence and criminality. The level of violence in the Centre is on the rise, and the state does not have the capacity, or the will to investigate crimes and provide legal justice. Since 2015, numbers of deadly attacks have been reported to local and Bamako authorities, but very few investigations move forward. The dire consequences of this were summed up by a Peuhl villager, "To end all this, everyone must be treated with dignity; every killing must be investigated. If not, if the state doesn't pay attention, people will continue to join the jihadist and their numbers and force will continue to grow" (Human Rights Watch, 2017).

The state and international forces are focused on a securitized approach to the problems facing the region. However, it is necessary for that approach to be supplemented with state-provided services before the Islamist forces take full control.

> Ensuring that investigations into human rights abuses are carried out impartially, efficiently and thoroughly is key to building public confidence in a country's justice system… The reality is that the effective functioning of investigative authorities, is hampered by a number of factors, including: an inadequate legal framework to inform investigative procedures, undue political influence or interference with investigative bodies by other spheres of government, a lack of resources to conduct investigations and inadequate technical skills or insufficient expertise on the part of investigative officials (Ngari & Cachalia, 2017, p. 87).

The proliferation of insecurity in the Centre is exacerbating the continuity of Societal security. As Buzan notes it is related to 'threats and vulnerabilities that affect patterns of communal identity and culture" (Buzan, 1991, p. 447). In the Centre, we witness Islamists versus secular democracy, agriculturalists against pastoralists and community members killing one another. As a means of concluding this section on Military security, we redirect to consider the dynamics of future peace talks as the most recent Algiers Accord atrophies (2015).

The Malian state and its partners must begin to consider how to draw down the violence in the Centre. The armed groups fighting in the Centre are not stakeholders in the stalled Algiers Agreement. We question whether it is realistic to try and implement this Agreement without taking into account the actors from the Centre. The Prime Minister, Soumailou Boubeye Maiga, announced in a policy speech that non-signatory groups would be integrated into the process and offered a four-point plan. Cynics may consider this political rhetoric, but it is worth exploring. The administration plans to:

1. Pursue the implementation of the Peace and Reconciliation Agreement in Mali, resulting from the Algiers process;

2. Reduce the growing insecurity in the centre of the country;

3. Satisfy social demand by accelerating the implementation of the PresidentialProgram of Social Emergencies;

4. Organize transparent, credible and peaceful elections ("Déclaration de Politique Generale de Monsieur Soumeylou Boubeye Maiga, Premier Ministre, Chef du Gouvernement," 2018).

The Government's plan is guided by the fundamental need to preserve the territorial integrity and sovereignty of the country and restore peace and security throughout the national territory, primarily in the northern and central regions. Maiga promises decisive action to restrict and ultimately eradicate the activities of the Terrorist Armed Groups (ATG) through the deployment of the FAMA. Once the sub-region is recaptured, the state will reinstate the Administration and appoint new municipal authorities; in addition to resettling of refugees and displaced persons (Primature, 2018). At this point, the state is not gaining against the militant forces, and in some areas, loyalty to the militants is growing. To fulfil these objectives much has to be accomplished. As Newbury explains:

> In the search for models of conflict management and peace-building … first building peace is possible, but fraught with pitfalls. Establishing sustainable peace requires a multipronged approach with multiple actors collaborating – internal and external actors, local, regional and international actors, and government as well as multilateral and nongovernmental organs. Second, successful peace-building requires resources. Third, to promote durable peace, post-conflict initiatives should endeavour to establish institutions that foster good governance, encourage policies that make governments inclusive and responsive, and provide resources to relieve inequality and poverty, while enhancing security (Newbury, 2002, p. 10).

It may not be enough for the State to extend the provisions of the 2015 Algiers Accord, to include the combatants in the Centre. A brief discussion of the Algiers Accord will reveal the precariousness of such a plan.

The Algiers Accord (2015) was negotiated between the government of Mali and two coalitions of armed groups battling against the government and each other, namely the Coordination of Azawad Movements (CMA) and the Platform of armed groups (the Platform). Accord pour la paix et la réconciliation au Mali issu

du processus d'Alger (Accord for peace and reconciliation in Mali emanating from the Algiers process) was formally signed in May and June 2015 by these parties (Offner, 2018b)

The existence of two distinctive coalitions of rebel groups indicates the presence of multiple and divergent claims against the state of Mali. The one clear distinguishing feature between the two coalitions of armed groups is that the CMA's movements have consistently pursued claims of self-determination, while the movements in the Platform have sought the resolution of existing political and socio-economic grievances within the unitary state of Mali. Beyond this difference between the two coalitions, none of the movements has presented a clear agenda of its claims, nor the constituency it is representing in the struggle (Nyirabikali, 2015).

The warring factions and dynamics in the Centre are vastly different from those in the north who have signed the Algiers accord. It will not be enough for the government to absorb the combatants from the Centre into the existing accord. A separate, specific treaty will have to be designed to quell the violence.

Economic and Environmental Security

Economic security is closely tied to Environmental security (also see: Dalby 2018, p. 43) in the Malian context because agricultural production dominates the economy. Climate change drives social disruption in the Centre. Severe periods of drought have contributed to resource scarcity in the Centre that has changed livelihoods and traditional patterns of life. The desertification of the land, killing off of cattle (wealth/sustenance), and displacement of IDP and EDP (internal and external displaced people) have had irreversible effects on the livelihoods of local ethnic communities. Desertification further instigates conflict between sedentary agriculturalist communities and semi-nomadic herders, pastoralists. The effects of droughts over the decades have caused changes in traditional cultural patterns. These patterns of relative symbiosis between agriculturalists and pastoralists have been in the process of disruption since the 1968-74 drought, and successive droughts in 1984-5 and 2005 have accelerated socio-economic change.

The agricultural sector in the Centre sits at the nexus between ecological and economic security. The central regions of Mali have an abundant potential for agricultural development due to underutilized farmland. Additionally, husbandry has always been part of the region's social fabric, and for generations a large portion of the meat consumed in Mali and border countries originated from central Mali. It is worth noting that the "countries of the Sahel have contributed little to global carbon-dioxide emissions, yet they [are] among those most hurt by the consequences" (Bøås, 2018).

The region experienced several episodes of serious drought. During the first decade of independence, drought hit the region (1968-74). Accounts from subregional studies provide insight into the culture and mores of the Centre more broadly. "Around 1968, a period of drought set in that hit Fulbe (Peuhl) society in the Hayre. In the minds of the inhabitants, the period of independence is very closely associated with the drought. For them, prosperity was lost and the colonial period is often remembered with nostalgia" (de Bruijn and van Dijk, 1994, p. 94).

Two phenomena can be observed that continued to disrupt established patterns of life for the inhabitants. Distrust of the government in rural central and northern regions was solidified because government officials allegedly misappropriated the relief aid supplied by the international community during the drought events. Secondly, changes in weather patterns began to shift migratory patterns for herders. Thousands of internally displaced people from the north "descended" into the Centre. These displaced people have settled in communities where they are perceived as outsiders or even invaders. The drought events contribute to a pattern of impoverishment as wealth was lost. Pastoralists' livestock was decimated and agriculturalists' farmland transformed into the desert (de Bruijn and van Dijk, 1994, p. 97). Moreover, state strategies for crisis management had been ineffective. Assistance meant for disaster victims had been in part embezzled, and NGOs and the major multilateral organizations imposed systems that did not correspond with local realities making them ineffectual (Cissé, 1989). Another drought occurred between 1984 and 1985 and again in 2005 drought compounded the difficult situation by continuing to kill livestock and displace communities.

The decimation of the livestock sector in Mali's Centre had repercussions for regional markets and local economies. Traditionally, these herders were the source for much of the meat consumed in the region. The combination of diminished livestock populations and liberal market forces drove up the competition. Mali's agricultural exports had for generations, been walked across borders, now face stiff competition. Global markets also threatened local rice production because the sub-region sources inexpensive imported rice from Asia. Fish sourced from the Niger Delta has competition in the Centre from international markets as well.

Tourism was another important revenue stream for the northern and central regions, but it has suffered since the events of 2012. The now-defunct tourism industry used to infuse foreign capital into the local economy. Since, the sector has been strangled by the conflict leaving tour guides, artisans and hotels without customers. Tourism, in the 2000s, was the third largest revenue generator for the economy. In 2011 nearly 200,000 tourists visited Mali, and on average, they spent $100 per day. After the coup and Tuareg uprising, a mere 10,000 estimated tourists visited (Ford & Allen, 2013). The unrest led many state embassies to warn

their citizens against travelling to Mali's 'red zone' which covers the northern borders with Mauritania and Algeria down to the north shore of the Niger River in the city of Ségou, encompassing nearly three-quarters of the country including the Centre.

Tourists toured historic sites in the centre such as, 'Dogon Country', Djénne and Badiangara on their way north to Timbuktu. Among West African states, Mali is home to the most sites on the World Heritage List as designated by the United Nations Education, Scientific and Cultural Organization (UNESCO). Despite the direct benefits the tourism industry provides for local communities in the Centre, Mali's tourism industry remains virtually non-existent due to the instability in the Sahara-Sahel region.

Conclusion

This study has shown how the conflict in the central regions of Mali is related, yet distinct from the war in the north that erupted in 2012. This study set out to understand the key problems and drivers that have ignited intercommunal conflict in the Centre of Mali, an expanse of territory beginning west of the Niger Delta into Mauritania and east across into Niger and Burkina Faso. We explained that this conflict is rooted in historical events relevant to this sub-region.

We chose to frame our analysis within the concepts of 'New Wars' and new patterns of security because, as we have shown, the security situation in the Centre reflects the characteristics presented in them. The 'New Wars' thesis focuses analysis on the localized and asymmetrical features of this conflict. The proliferation of ethnic-based self-defence groups shows a fracturing of interest groups and the complications for peace this produces. The five sectors of security identified by Buzan show the overlapping challenges created by internal warring parties and external forces like climate change, international interests and economic marginalization as a result of globalized commerce.

Two macro-level drivers filter down to influence the conflict at the community level. The first is the militarization and securitization of the broader region. Jihadist are claiming territory by force and terror, yet slowly convincing people that a democratic state cannot provide security; the way Islamic law can. And, the response from France, MINUSMA, US, and other partners prioritize securitization with minimal developmental efforts. Currently, the state and its allies have minimal diplomatic outreach aimed at learning the motivations and interests of belligerent groups. Islam has roots in the sub-region since the 7th century, a resurgence in the 19th and again in this current era. The population in some areas is considering conservative Shari'a rule as an alternative to democratic governance. Currently,

western military forces are propping up the democratic government in Bamako; yet, patrimonialism and corruption have eroded the public trust in democratic institutions; thus; making the Jihadists' point.

Secondly, the war in the north is not the main disrupting force affecting the Centre, rather, the changes to lifestyle and livelihood that threaten communities and drive them to violence are rooted in the societal changes that result from climate change: drought and desertification and macroeconomic forces. The traditional way of life in the Centre has been disrupted by the loss of arable land that supported agriculture and husbandry; while, economic liberalization has increased competition; thus, contributing to the marginalization of the population. Amid a multi-faceted violent conflict drawing in local, regional and international

forces, Mali expects to hold presidential and legislative elections in July 2018 at a time where some parts of the country are questioning the merits of democracy.

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Re-Invented Abroad: Agitation for Self-Determination by the Indigenous People of Biafra (Ipob) Movement in South-Eastern Nigeria

Enemaku U. Idachaba, Ph.D and Tobechukwu J. Nneli

Abstract

Fifty years since the declaration of separatist Biafra, the narrative still reverberates across Nigeria. This is common in the south-eastern region where pro-Biafra movements with claims to the principle of self-determination, continue to reinvent the idea of the hitherto aborted Biafra. Relying essentially on primary data, this paper examines the current neo-Biafran agitation within the organizational framework of the Indigenous People of Biafra (IPOB) movement. Findings reveal that IPOB is a scion of the Movement for the Actualization of Sovereign State of Biafra (MASSOB) and an initiative of Nigerians in the Diaspora; that the group amplifies her struggle using the media; that non-violence remains the official principle of the group; and that group cohesion is very strong within the movement. Furthermore, the perception of marginalization, exclusionary politics, cumulative injustice, a weak economy, politics of the memory as well as state repression are factors that strengthen the neo-Biafran agitation. The paper suggests that strategies of inclusion, re-orientation of the Nigerian citizens, de-militarization of the Nigerian public space, dialogue and redefining of the Nigerian political structure are means through which the neo-Biafran agitation could be effectively managed.

Keywords: IPOB, Biafra, Ethno-Nationalism, Self-determination, South-Eastern Nigeria

Introduction

Nigeria's return to civilian rule in 1999 opened the space for the expression of popular aspirations most of which are, however, couched in ethno-religious sentiments (Ifeka, 2000; Ajayi and Duruji, 2008). This is exemplified in the activities of groups like the Oodua People's Congress (OPC) in the south-west, the pro-Biafran groups of the south-east, the Niger-Delta militants of the southsouth, the fundamentalist Islamic groups in the north, among others (Omeje, 2005; Duruji, 2012b; Okeke, 2016a). While most of these agitations are largely driven by calls for greater autonomy and the protection of group interests within the state (Adebanwi, 2005); some others like pro-Biafra groups, agitate for a separate state (Onuoha, 2013).

Biafra was the name of the secessionist state declared by the Colonel Chukwuemeka Odumegwu-Ojukwu led government of the defunct Eastern Region of Nigeria on May 30, 1967. The declaration is said to be a product of the inter-ethnic strife that dominated the politics of the decolonization era in Nigeria (Duruji, 2012a). Such situation was engineered by a complexity of factors ranging from the remote causes like age long mutual suspicions, engendered by the divide and rule tactics of the colonial government; succeeding crises of the pre and post-independence era such as the Kano Riot of 1953, the Census Crisis of 1962, the Tiv riots of 1964; the Federal Election Crisis of 1964; the regional election crisis in Western Nigeria in 1965 etc. to the immediate reasons such as the coups of 1966 and the succeeding pogroms of same year. In response, the General Yakubu Gowon led federal government declared what it termed a police action that snowballed into one of the bitterest wars experienced in Africa, which lasted till January 15, 1970, with the surrender of the Biafrans.

However, recently, the separatist idea is being re-invented and promoted by different pro-Biafran movements[1] (locally and in the Diaspora) especially in the south-east[2] geopolitical zone. With the focus largely on an earlier group, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB), literature has attempted explanations for the agitations by these neo-Biafran movements however; recent agitations, especially in the south-eastern region, are largely carried out by a new group known as the Indigenous People of Biafra (IPOB)[3] alleged to be more confrontational than other pro-Biafra groups (Adibe, 2015). Since its formation in 2012, the IPOB as led by the founding Director of Radio Biafra Nnamdi Kanu reinvented and had projected the Biafra secessionist ideology. To the best of the authors' knowledge, little or no academic enquiry focusing on the ideology, objectives and strategies of IPOB has been conducted. Such inquiry is very important because, 'the solution of the current Biafran dilemma cannot occur without the Nnamdi Kanu led IPOB' especially when it is assumed that majority of her members belong to a generation that did not witness the existence of Biafra (Offodile, 2016, p. 207). Moreover, it will be apt to ascertain if the hitherto articulated explanations for earlier groups like MASSOB apply to the IPOB.

With the use of both primary and secondary data, and while referring to existing explanations for neo-Biafranism before, during and after the Nigerian

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1 These include: the Biafra Foundation (BF), Biafra Actualization Forum (BAF), Movement for the Actualization of the Sovereign State of Biafra (MASSOB), the Biafra Youth Congress (BYC), Biafran Liberation Council (BLC), Biafra Zionist Movement (BZM), Biafra Liberation in Exile (BILIE), etc.

2 South-east is one of the six geo-political zones in Nigeria. Its population is predominantly Igbo and it comprises of Abia, Anambra, Ebonyi, Enugu and Imo states.

3 This group should not be confused with IPOB worldwide, a group led by the supreme council of elders of IPOB who claim that their agitation for self-determination is solely through legal and diplomatic means (for more information, see Offodile, 2016, pg 200).

Civil War; this paper traces the emergence of the IPOB and examines the neo-Biafran agitation within the organizational framework of the movement. Since the neo-Biafran agitation has largely been supported by the Igbo ethnic group of southeastern Nigeria particularly in Onitsha and Aba of Anambra and Abia states respectively (Duruji, 2012a; Atata, 2016); primary data were largely drawn from these two major Biafran enclaves. Secondary materials that were consulted threw more light on the activities of the IPOB movement as well as other relevant information related to the group.

Succeeding this section is a discourse of the key concepts related to the study as well as relevant theoretical perspectives. The third section traces the emergence of the IPOB, examining its ideology and objectives. The next section interrogates the strategies adopted by the IPOB in her agitation and the state response to such strategies while the last section concludes.

Ethnic-Nationalism

Nationalism is an ideology built around the belief in common shared identity and characteristics such as language, values, allegiances and historical memories by groups of individuals and who adopt different activities to project such ideology (Duruji, 2008). However, there exists some ambiguity in its use because, while states can emphasize nationalism as the justification for her territoriality and legitimacy, sub-nations within a state could also use it to justify their agitations for self-determination (Calhoun, 1993; Riggs, 2002). Consequently, nationalism is of two forms: civic nationalism and ethnic nationalism. The civic nation is defined in terms of loyalty of citizens to a state as prescribed by the law, while the ethnic nation is defined in terms of its 'symbolic and socio-emotional linkage to ancestry, culture, language or religion rather than pragmatic or utilitarian justification' (Breton, 1988, p. 86).

Ethno-nationalism is a word that captures the complex concepts of ethnicity and nationalism neither of which can be used in place of the other, yet very difficult to mention each without the other (Calhoun, 1993). It can be explained as an attempt by members of an ethnic nation to preserve their integrity and protect their group interests within a state (Breton, 1988; Kiss, 1996). Allegiance to the state, therefore, is a factor of the extent to which it can satisfy the aspirations of the ethno-nationalists. Consequently, it is predominantly a political phenomenon and not merely based on primary feelings of coming from a particular group (Kiss, 1996). Other explanations for ethnic-nationalism include issues of modernization and globalization (Riggs, 2002; Gebrewold, 2009).

Furthermore, Nagel (1993) argues that ideology and competition are the two dominant explanations for ethnic nationalism. He noted that ethnic movements

draw legitimacy from international principles such as self-determination while the competitive nature of man extended to the international arena provides the material support for the existence of ethno-nationalist movements. However, Kiss (1996) added that there are variants of ethno-nationalism often defined in terms of the aims of the group and the strategies they adopt to achieve those objectives. Thus, while some 'seek to acquire a politically larger polity, some try to attain formal territorial or legal autonomy within a polity, some struggle to acquire their independent state, and others strive to conquer their neighbours and form an empire' (Kiss, 1996, p. 291).

In terms of its management, it is noted that democratic regimes are more likely to successfully manage ethno-nationalism and grievances from ethnic groups than despotic regimes because even though the latter has the tendency to suppress such agitations, it would only be for a while as the collapse of such regimes (which is inevitable) re-invents the ethno-nationalist struggle (Riggs, 2002). However, in constitutional democracies, the management of ethno-nationalism, especially those who seek total independence from the state, is more difficult.

Self-Determination

Self-determination is a principle that emphasizes the right of a people to determine their destiny concerning their political, economic, cultural and social development (UNP0 2006; Mrabure, 2015). However, the concept is laden with debates especially with reference to the peoples and conditions under which it is applicable (Whelan, 1992). For example, there is no consensus on who constitutes the 'selves', a 'people' or a 'nation' as contained in the definition of the concept (Nixon, 1970). Furthermore, while there is an argument that self-determination is a right that must be freely expressed by people under colonial rule which will lead to their independence; it is also argued that such expression cannot be applied internally by groups within an already independent state (Pantazopolous, 1995).

Eventually, the concept of self-determination became akin to a double-edged sword as it is important in the building of modern states but at the same time constitute the sturdiest basis for threatening the unity or sovereignty of the state (Nagel, 1993). However, Serapio (1987) notes that the expression of selfdetermination does not often lead to the disintegration of a state since it has different levels. Thus while some agitations could be about relative autonomy within the state, some might be targeted at outright secession.

With reference to its legal framework, the principle of self-determination is a right recognized by different international and regional legal instruments (Nawaz, 1965; UNPO, 2006). The provisions of the UN Charter and the African Charter on Human and Peoples' Rights emphasize the right of people to determine

their economic, social and political rights. However, the pre-conditions for the expression of self-determination by the UN include a history of independence or self-rule within an identifiable territory, distinctive culture and the will and capacity for self-governance. Also, such expressions must be backed by a popular will which can be ascertained through a referendum (Mrabure, 2015). In most cases, pro-Biafra agitators hinge their argument on provisions such as the above. However, realist politics within the international system shows that states seldom support the balkanization of other states (Trifuvunoska, 1997; Abdullah, 2006). Moreover, the United Nations had at different times promoted the idea of state sovereignty and territoriality. Such stance is influenced by the highly disintegrating capacity of the concept of self-determination principle.

Similarly, the fear of separatist calls made African leaders who before 1963 were debating the abolition of all colonial boundaries and redrawing the frontiers based on indigenous differences; to turn around and promote 'the principle of uti possidetis[4] , with Article 111(3) of the Addis Ababa Charter declaring for 'the sovereignty and territorial integrity of each state' thereby transcending from ethnic to political concepts of nationality (Panter-Bricks, 1968; Whelan, 1992, p. 35; Freeman, 1999). Furthermore, Mrabure (2015) adds that the emphasis of the African charter is more in support of decolonization and not in support of secessionist attempts by groups within independent African states.

Nigeria is a state party to the African Charter as it not only ratified the said law but per the section 12 of her constitution has domesticated the charter through the National Assembly making it a valid law in Nigeria. Most IPOB members argue that since this is the case, their right to self-determination must be recognized by the Nigerian government. However, the provisions of the Nigerian constitution (which is supreme to any international treaty and soft laws) does not identify with the principles of self-determination. Quoting the introductory part of the Nigerian constitution which began thus "We the people of the Federal Republic of Nigeria Having firmly and solemnly resolve, to live in unity and harmony as one INDIVISIBLE and INDISSOLUBLE sovereign nation under God..." Mrabure (2015) exposes the futility of arguing otherwise.

Finally, in terms of ways through which states can manage self-determination claims, Knight (1985) noted that states could adopt different methods ranging from repressive to permissive methods like violent repression, assimilation, fair levels of political involvement and degrees of autonomy, among others. Though conservatives consider it a slippery slope, forms of collective autonomy like devolution, federalism, decentralization, among others, are the commonly suggested panacea to secessionist agitations in the literature (see Knight, 1985;

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4 The principle of uti possidetis means that the holder of the right to independence is territorially defined and includes all inhabitants of the whole colony which is separated from the governing metropolitan State by a barrier of salt water.

Freeman, 1999; Wright, 1999). As shown by the Ethiopian/Eritrean case, repressive means end up radicalizing movements who initially were demanding for only relative autonomy (Keller, 1991).

Theoretical Framework

Primordialist, Instrumentalist and Relative Deprivation schools of thought offer possible approaches to interrogating the contradiction between ethnicity and nationalism on the one hand and self-determination on the other. They offer

some scaffolding upon which to build a framework constructing an alternative approach to understanding the agitation of the neo-Biafran movements. However, this article seeks to follow Irvin Janis' Groupthink theory as a basis for a critical exploration of the internal dynamics and how social conformity and cohesion is ensured within the IPOB movement. While embracing the tenets of Groupthink theory which argues that amiability and spirit of oneness within a group often leads to the replacement of independent critical thinking, by groupthink; the article aligns with the thought that it is practically impossible to provide a holistic recipe for understanding the situation. It embarks on a process that seeks to develop a pragmatic but heterodox approach to the problem of the IPOB agitation.

Thus, the paper does not seek to apply every Janisian idea to the problem but responds to Janis position which defies orthodox concepts for understanding ethno-nationalism in the light of paradigmatic failures; and proposes a reframing that seeks to open alternative strategies for analyzing IPOB agitation in southeastern Nigeria. This framing provides a normative position that can be used by actors to validate and evaluate the actions of others. Flowing from this, actors need to be held accountable for their policies and actions as well as their modus operandi for securing the vulnerable against repression. By facilitating actor accountability, this framing seeks to limit the risk of co-option by self-interested actors and creation of conditions for freedom is sought.

Helping to place an onus on actors with the agency to secure the vulnerable from malign structures is a major shift from making utopian claims of freedom to making pragmatic improvements on institutional arrangements that perpetuate the structural violence of repression and marginalization. This pragmatic goal is one of the key reasons for framing IPOB's plight in terms of structural violence. Because structural violence is the result of institutional incoherence, it provides a direct price on the task of developing and evaluating strategies, policies, actions and behaviours. It forces the questions like the following to be asked: What are the existing institutional arrangements? What changes are likely to result? And what impact will they have on or for the repressed? It is conceivable that even a single actor rethinking his commitment to IPOB question in this light and

adjusting his behaviour in its own field-modifying the institutional arrangements within its power; has the ability to make a measurable difference.

The work undertaken here lays down the challenge to develop a proactive heterodox approach to the IPOB question. It provides a useful framework for rethinking national cohesion to privilege the disempowered and marginalized without ignoring the centrality of the Nigerian state. Research framework grounded in this framing can be used to evaluate existing situations, test claims made by actors and help shape outcomes. For example, to evaluate an existing situation, questions can be posed that seek to uncover the nature of the structural

violence in Nigeria against IPOB, the existing institutional arrangements that give rise to such situations, for cross-examining claims made by actors to challenge existing discourses, and to evaluate strategies, policies and behaviours. These questions seek to uncover how such institutional arrangements are legitimized and perpetuated.

Also, as for actors benefitting from such institutional arrangements or proposing new policies or strategies, they might be asked how does the proposal improve, perpetuate or worsen the structural violence and repression of IPOB. Finally, for shaping outcomes, pertinent questions may interrogate alternative institutional arrangements that can limit or reduce the structural violence against IPOB? In such ways, a new agenda for further research and practice might be pursued that opens up the possibility of overcoming structural pathologies and creating the conditions for national cohesion in Nigeria.

Re-Invented Abroad: Emergence, Ideology and Objectives of IPOB

Though it is a phenomenon with roots to the era of colonization, ethnic-nationalism has remained a dominant part of conversations within the Nigerian public space. The re-advent of democracy in 1999 did not ameliorate the issue either. This is due to poor commitments to democratization project and sectional politics by the new leadership (Okonta, 2012; Lenshie, 2014). Other general explanations for the resurgent ethno-nationalism include contested state legitimacy, citizen alienation, the unresolved national question etc. (Onuoha, 2012). This was the context within which the first neo-Biafran movement, MASSOB and thereafter IPOB; were formed.

In 1999, Chief Ralph Uwazuruike, a member of the People's Democratic Party (PDP) decided to form MASSOB in response to the perception of Igbo marginalization and under-representation in federal positions during President Obasanjo's government (Duruji, 2012a; Okonta, 2012; Offodile, 2016). Over

time, MASSOB became very popular in the south-east, especially among the younger generation and artisans. The group started hoisting of Biafran flags and distribution of Biafran souvenirs; organizing rallies, procession, debates, sensitization workshops, engaging national and international bodies for Biafra's actualization, the establishment of a communication outfit (Voice of Biafra), mobilization of mass protests and sit-at-home programmes especially in Igbo land. At some point members of the groups went as far as engaging in regulatory functions of the state like pegging house rents for tenants in commercial cities like Onitsha, enforcement of sanitation laws, taking over security duties of the state, attempting to prevent extortion by police and members National Union of Road Transport Workers etc. (Duruji, 2012b). The President Obasanjo administration

responded violently to MASSOB emergence and activities; and on repeated occasions incarcerated the leader of MASSOB, Ralph Uwazuruike.

The IPOB movement emerged as a result of the disagreements between Chief Ralph Uwazuruike and his lieutenants in the Diaspora. Nnamdi Kanu, one of Uwazuruike's lieutenants, decided to reignite the agitation using his own platform. Consequently, the emergence of the IPOB was largely decided by those in the Diaspora as most of her pioneer leaders were based abroad. For example, Nnamdi Kanu was based in London, Uchenna Asiegbu was based in Spain, Clifford Iroanya in Houston Texas, USA, Mmaranma Ugochukwu (Dallas, Texas), Leonard Aniemene (Trinidad and Tobago), Chika Edoziem (Switzerland), Onyinyechi Nlebedim (Malaysia), Austin Ofomah (Australia) etc. (Adesumoju, 2015). This confirms the views of Ukiwo (2009) that often secessionist aspirations are strengthened by members of the group in the Diasporas. In fact, in the case of the IPOB, it can be argued that funds from Igbos in the Diaspora were used to establish the movement and its chief tool of engagement, Radio Biafra. It was until the group had garnered enough local support that funds started coming from within.

In terms of the ideology that drives IPOB membership and support, passion for freedom was the most repeated explanation. Respondents[5] were of the opinion that the current structure of Nigeria does not allow them to express themselves freely and to maximize their potential fully. As argued by Oloyede (2009), they see Biafra as not only their birth right but as the only means of regaining their freedom. This paper notes that the feeling of being in "bondage" in Nigeria is an idea that emerged from the post-war realities. Of course, any vanquished in a duel is most likely to assume such disposition especially when the victor either through overt or covert means suggests thus. The militarization of the Igbo public

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5 Particularly IPOB members who were interviewed by the authors.

space further strengthens this mind-set and makes the agitators feel that the only way that they can be free to express themselves the way they want is through self-rule.

Furthermore, and as suggested by Janis (1982), group solidarity expressions like provision of welfare packages for members and other outward manifestations of group cohesion strengthens the resolve of IPOB members to keep on agitating for Biafra because they believe that the Biafran state will operate the way their current group does and will guarantee the "freedom" of all. However, one of the ambiguities observable in demand for "freedom" by the neo-Biafran agitators is the lack of consideration of the possibility of internal group differences[6] which could make a segment of the Igbo populace a neo-hegemony in the anticipated state. In the event of a new Biafran state which of the sub-nations in Biafra land will assume leadership?

To prove that they are different from MASSOB and other pro-Biafran movements, IPOB attempts a historical justification for her agitation arguing that the Indigenous people of Biafra have existed in the past even before colonialism and that they share similar values. The above confirms the views of Tamir (1997) that perception of common values strengthens self-determination agitation. Thus just like MASSOB, IPOB claims that Biafrans are not just Igbos rather they comprise of different ethnic nations who irrespective of their varying languages, have common values, four market days and unique traditional clothing (twopiece wrapper) for every Biafran woman. However, the veracity of such claims is subject to doubt and can be addressed by further studies since history did not show the existence of these ethnic nations as a homogenous group. The claims of a homogenous Biafra were an issue during the Ojukwu-led secessionist attempt as some parts of the non-Igbo speaking areas did not agree with such construction. This brings to question, the real reason for Biafran agitations and supports the argument of Collier and Hoeffler (2002) that secessionist aspirations often have economic undertone (as the bulk of Nigeria's oil wealth sits within these non-Igbo speaking areas). Moreover, the recent sit-at-home order that was obeyed completely, but only in the south-east region suggests that the idea of Biafra is popular mainly among the Igbo.

As the relevance of oil to Nigerian economy becomes apparent, the struggle for access to its source also became more intense at first, among the three regions. In dispute then, was what should be an appropriate revenue sharing formula between the regions and the federal government and among other regions. Nigeria's oil

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6 Popular sub-groups among the Igbo include: Nri-Igbo (found in present Anambra state), Waawa (found in present Enugu state), Ezza (found in present Ebonyi state), Ngwa and Aro (found in present Abia state), Ibeku and Ekpeye (found in present Imo state) etc. Each of these sub-groups have their own peculiarities and are powerful within their own spaces. In the event of realization of Biafra, some persons suggest that the differences among these groups might become more evident leading to further contestations for power.

fields are found in Rivers and Delta States and the area known as the Niger Delta today. As a resource that is both geographically concentrated and far more valuable than any other natural resource, Nigeria's Petroleum resources present a classic problem for distributive justice. Awareness of its potential value has been argued to be an important motivation behind the Eastern region's declaration of independence as Biafra in 1966/67. This explains why the rest of the country was so obstinately determined to keep the region within Nigeria. Consequently, it would be difficult to ignore the role of oil in the neo-Biafran agitation. However, had Biafra maintained its independence, the question of oil field ownership would not have gone away, for the people who traditionally inhabited that area were minorities in the Igbo dominated Biafra. To achieve their fair share of the revenue, minority groups throw their political weight behind any one of the major groups. The minorities try to ally with a major group to gain attention in the bid to meet their demand, although not necessarily with one collective voice.

Nevertheless, IPOB argues that their main objective is to restore the Biafra that was as far as the pre-colonial times. To achieve the above goal, the movement has an organized command and control structure which in some cases adopts the structure of the Nigerian state probably for administrative convenience. For example, the IPOB movement recognizes the position of state coordinators within her hierarchy. This contrasts with their position that their struggle is based on nationalities and not the geographical compartmentalization of the Nigerian state. It is worthy to note that in line with the Groupthink theory, members of the IPOB has very high respect for their leadership and seldom questions it. Thus the leadership has the capacity to control what they do and has ensured that the chain of command is closely knit as one finds the various coordinators operating at different hierarchical levels taking instructions from their direct superiors.

Figure 1

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                        ┌─────────────────┐
                        │     Leader      │
                        └────────┬────────┘
                        ┌────────┴────────┐
                        │  Deputy Leader  │
                        └────────┬────────┘
              ┌──────────────────┴──────────────────┐
   ┌──────────────────────────┐      ┌────────────────────────┐
   │ Head, Directorate of State│      │   Finance Department   │
   └──────────────────────────┘      └────────────────────────┘
   ┌──────────────────────────┐
   │ Continental Representatives│
   └──────────────────────────┘
   ┌──────────────────────────┐
   │  National Co-Ordinators  │
   └──────────────────────────┘
   ┌──────────────────────────┐
   │   State Co-Ordinators    │
   └──────────────────────────┘
   ┌──────────────────────────┐
   │   Zonal Co-Ordinators    │
   └──────────────────────────┘
   ┌──────────────────────────┐
   │  Village Co-Ordinators   │
   └──────────────────────────┘
   ┌──────────────────────────┐
   │  Family Co-Ordinators    │
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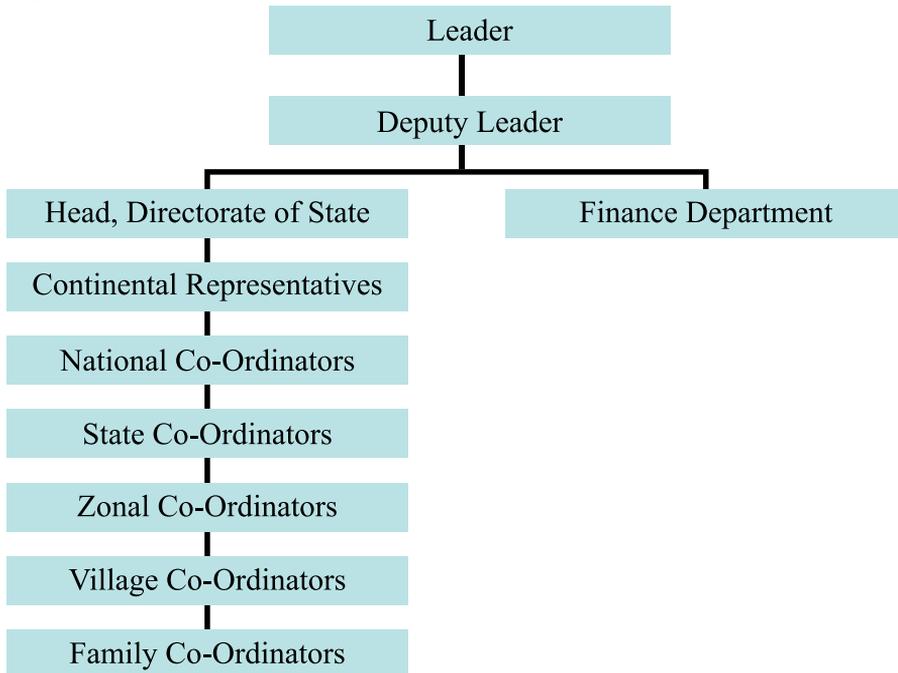
Source: Field Study – Interview with IPOB members (24/04/2017)

Furthermore, at each level of the IPOB, there are five principal officers, a Cocoordinator, a Deputy Co-coordinator, a Secretary, a Financial Secretary and a Public Relations Officer.

However, one needs to note that of all the explanations for the emergence and popularity of IPOB in the south-east, the marginalization narrative remains dominant. The perception of marginalization linkable to the theory of relative deprivation is real in the south-east. Proponents of this argument make constant

reference to the state of infrastructure in the south-east. The current administration strengthened such perception through her verbal and physical expressions. While the authors observed that south-east infrastructure like roads are in a terrible condition, it supports the views of Ibrahim (2015) that the issue of marginalization is more of a class issue in Nigeria and affects all Nigerians. Basic amenities are lacking in all parts of Nigeria, and this is as a result of the conspiracy among the elites regardless of their ethnic background. Cases of superficial measures carried out by these elites in addressing challenges of the society; abound in all parts of Nigeria.

This is the reason for the introduction of the concept of self-marginalization in describing the relationship between the Igbo populace and their elites. As noted

by Duruji (2010), the pro-Biafran agitators rarely blame the state and local governments for not living up to their responsibilities rather; the emphasis is on the federal government. Also, Igbo representatives at the federal level who could not attract concrete developmental projects to the south-east are seldom questioned. For example, it is a fact that during President Goodluck Jonathan's tenure, Igbos occupied the offices of Deputy Senate President, Deputy Speaker of the House of Representatives, Secretary to the State Government, Minister of Finance/Coordinating Minister of the Nigerian Economy, Ministers of Interior, Health, Aviation, Labour and productivity, Power, Foreign Affairs (state), Petroleum (by marital affiliation), Chief of Army Staff, Director Generals of Bureau for Public Procurement, National Pension Commission, etc. thus were part of his government yet; none of these "friends of the President" could attract concrete federal projects to the south-east (Ameh, 2015).

However, the current administration of President Buhari is not weaned from such acts of prebendalism rather it has been described as worse by analysts. The President kept to his word about giving preferential treatments to areas that gave him 97% support (reference to Northern Nigeria) and not areas that gave him 5% support (reference to the south-east and south-south regions) (SBM Intel, 2017). For example, 100 days into his administration after which he had made 36 appointments, the distribution saw the northerners constituting almost 70% of the appointees while less than 3% of the appointments went to the south-east (ProShare, 2015). The similar relegation of the federal character principle played out in the recent recruitment into the Nigerian State Security Service where about 331 and 143 officers were recruited from the north and the south respectively with the south-east constituting less than 10% of the entire lot (Abidoye and Akinwunmi, 2017).

Agitation Strategies of IPOB

In its quest for separatist self-determination, the IPOB movement claims that their strategy of engagement and pursuing her ambition is non-violent. This is captured in the words of one of the respondents an active member of the IPOB:

> We make sure we are non-violent even when attacked. If we are shot and we retaliate, they will call us rebels and use that opportunity to wipe us away. Our strength lies in the fact that we don't retaliate we just remain resolute. This is what makes us relevant. Our leaders always tell us... "Don't go with any arms… just go with your flag. Don't destroy anybody's property". We operate a command and control system thus we obey our leaders to the latter.

Another respondent (a member of the civil society) agrees that most IPOB programmes are non-violent. He notes:

> Most of their protests have been largely non-violent. No cars were destroyed, nobody was kidnapped, shops were not looted etc. Note that we define the nature of a protest as peaceful or violent based on the early conduct of such activities. This is because the intent of the protest is always made manifest at such early stages.

This paper agrees that IPOB activities on its own seldom lead to physical violence. In fact, findings from observation of the group's meetings and announcements on a radio show that the leadership emphasize that no member should harass any other citizen or violently engage any law enforcement agent during their processions or other activities. However, the verbal expressions of some members of the group can be interpreted as violent. In line with the postulation of Irvin Janis' Groupthink theory, members of the IPOB believe in the invulnerability of their group and are highly critical of out-groups especially those who do not share similar sentiments with them. In fact, it was the vituperations of Nnamdi Kanu with reference to the rest of Nigeria and other perceived enemies of Biafra on Radio that brought IPOB to the limelight in south-eastern Nigeria. Nevertheless, one must note that members of the group do not engage in any form of physical abuse of other groups nor do they engage state agents violently.

The major tool of IPOB's engagement is the media, both electronic (radio) and social media. While the radio is key in promoting group-cohesion as member's tune in at designated times as directed by their leaders, the social media has also been identified as one of their most potent tools of engaging the public. Thus for all their events, members are encouraged to record videos and pictures and subsequently post them on social media platforms. Such means is also used to attract membership. The leadership of the IPOB recognize this fact and even makes effort to provide free Wi-Fi feed for all members on days during which they plan to hold rallies or protests. They often do this in anticipation of mobile network shut down by the Nigerian government on such days (Opejobi, 2017). Though the IPOB are physically non-violent, the capacity of the media which has

become their major tool of engagement to incite violence through hate speech remains undisputed. Amamkpa and Mbakwe (2015) likened the hate propaganda of Radio Biafra to those of the Rwandan Radio Television Libre de Millie Collines (RTML) which was highly implicit and controversial in the genocides of 1994.

State Response to the IPOB Agitation

From the responses by both members of the IPOB, civil society and law enforcement agents, it is obvious that force has been the chief strategy of engaging pro-Biafran agitators in south-eastern Nigeria. An IPOB member shared his experience thus:

> We travelled from Aba to Nkpor to participate in their 30 May 2016 rally. We decided to spend the night at an empty school building before the D-day. Suddenly and in the middle of the night, military men came into the place and started shooting sporadically but when we all charged at them, they ran away. But the next day we all regrouped and started our rally. It was around mid-day that the entire place became highly tensed because law enforcement agents were shooting at us obviously with the intention of killing us and not merely to disperse the crowd. For example, one of our brother was shot and fell inside a gutter, the army officer followed him to the gutter and shot him twice directly and at very close range. Thereafter, they packed some of the corpses inside their SUVs and drove off.

A member of the civil society confirmed the position of the IPOB members:

> The Nigerian law enforcement agents reacted violently to the activities of these pro-Biafra groups. They were shot at with live ammunitions while some were physically attacked. For example, an independent research conducted by our organization reveals that more than 270 pro-Biafran agitators has been killed between August 2015 and January, 2017 while about 350 members have been terminally wounded. However, even in the face of provocation, IPOB members remained non-violent. I believe they adopted such methods to ensure that no one tags them a violent group. If they have reacted otherwise, you would have heard that at least some military men were killed in the process.

However, another member of the civil society added that in some cases, IPOB members resist the law enforcement agents. He notes:

> They don't engage the military men physically but they keep marching. However, it is important to mention that there was a case where hoodlums took over the IPOB protests and eventually dis-armed two police officers and later on the military came back and descended heavily on them. This was how the five boys eventually got killed.

Law enforcement agents, however, argue that in most cases they used the means available to them since they lack modern means of handling such protests. One

of the respondents (a police officer) notes:

> Some of the issues were beyond us so we applied the means available to us. We don't have modern means of managing riots such as water canisters and pepper sprays. When these boys keep advancing we have to use what we have to stop them. Moreover, the police lack the capacity to technically assess situations before reacting to them and the force is poorly staffed (less than 300,000 officers to manage over 180,000,000 people). The truth is that there is need for government to strengthen institutions like the police and the judiciary if it really wants to effectively handle issues like this.

As has been the case with Nigerian governments, the state has often been reactive in managing the emergence and activities of the IPOB. In most cases, such reactions are violent lacking coordinated strategy. The state often fails to neither control issues at the initial stage nor take proactive steps to prevent its occurrence in the first place. For example, Radio Biafra had transmitted for three years before the Nigerian government made efforts to jam its frequency and by the time the state wanted to engage the movement, it adopted extreme violence which escalated the whole issue (Amamkpa and Mbakwe, 2015). The argument by Freeman (1999) that repressive means escalate ethno-nationalist agitations explains the above.

Furthermore, the arrest of Nnamdi Kanu was adjudged a mistake of the President Buhari administration because it gave clout to an individual and his organization that was largely unknown outside the Igbo circle and who at best could only express anti-government rhetoric. Eventually, Kanu assumed a hero status amongst his followers and was perceived as a prisoner of conscience. Consequently, protests and rallies were conducted by members of the IPOB some of whom during the interviews declared Kanu the "liberator of the Igbo," "the Igbo messiah," and "the conqueror of the zoo republic" (reference to the Federal Republic of Nigeria).

During some of these pro-Biafran and the "release Nnamdi Kanu" protests and rallies, the response of the state has been tagged undesirable tarnishing the image of the Nigerian state and increasing the international profile of the group (Amnesty International, 2016; Intersociety, 2017). Locally, such response increased the perception of injustice and marginalization thereby leading to citizen alienation from the state and as argued by Badmus (2009) strengthened internal group solidarity among the Igbos. Such poor response from the state is a factor of institutional weakness in Nigeria. Policemen are poorly trained and lack crowd management capacity. The military notorious for impunity is involved in managing such situations, and in most cases, they worsen the issue. Moreover, the people do not trust the judiciary due to similar characterization of weakness. This is in line with the views of Osaghae (2007) that weak institutions encourageethnic-nationalism.

However, in the case of IPOB and the neo-Biafran struggle, the willingness of the larger populace to be involved in the struggle is still under question as 'the political elites, business owners and economically advantaged Igbos assume a diplomatic disposition towards the struggle' (WANEP, 2016; p.3). Probably, studies such as the 2017 SBM Intel perception study[7] in the south-east and south-south might be able to ascertain the level of commitment of the people from the said area to the Biafran agitation. A referendum or plebiscite, in this case, could also be instrumental.

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7 The survey had a total of 489 valid responses.

Finally, although the authors observed that there was near total compliance to the sit-at-home order from the IPOB on the 30th of May within the whole of South-East region; further introspection and observation revealed that most persons chose to stay at home not only to show support for the movement but to avoid becoming victims of potential clashes between IPOB members and law enforcement agents as it were in the past. This view is strengthened by the fact that on the said date, patrol vehicles, helicopters and Armoured Personnel Carriers were deployed around the South-east. Moreover, the study observed that there is excessive militarization of the south-east; military checkpoints abound in the cities (especially Aba). A similar situation was reported during the last yuletide as the military launched an exercise known as Operation Python Dance I in the south-east claiming it was meant to curb criminal activities during the festive period. Recent reports show that the Nigerian military has launched a second version of the exercise in the south-east. Such show of force has negative effects on the populace and strengthens popular support for pro-Biafran movements.

Conclusion

In an attempt to understand the current ethno-nationalist agitations for selfdetermination in south-eastern Nigeria within the context of the Indigenous People of Biafra (IPOB) Movement, this paper has identified some key issues.

First, the neo-Biafran agitation in south-eastern Nigeria is caused by different factors such as the perception of marginalization, cumulative injustice, centralist nature of the Nigerian political system, weak economy and unemployment, memory politics etc. However, while the dominant narrative by the people of the region is marginalization, history and memory have played a major role in sustaining the neo-Biafran agitations.

Second, the IPOB movement is an initiative of some Nigerians in the Diaspora with a separatist objective and has emerged due to an internal crisis within the foremost neo-Biafran group, the Movement for the Actualization of the Sovereign State of Biafra (MASSOB). The structure of the IPOB is pyramidal, and there are strong signs of group cohesion and attributes of groupthink visible in the group. Such attributes have been strengthened through the media outfits of the movement which is very popular in the south-east. However, the new movement is not free from internal crisis especially at the apex level of its structure.

The dominant ideology that drives the activities and objectives of the IPOB is the demand for freedom. This is influenced by the belief among her members that their freedom and the upholding of their rights as citizens cannot be guaranteed under the current framework of the Nigerian state. There is a strong sense of alienation by members of the group in relation to the state. Most members of

the group support the group due to the feeling of acceptance exhibited by its leadership both in words and action.

To show support for the movement, members who are spread across different communities in the south-east and beyond, participate in meetings, rallies, protests and obey any directive like sit-at-home orders from the leadership. Also, they have financial commitments to the group which is one of the major sources of funding for the group in addition to the contributions made by those in the Diaspora. Other means through which members of the group show support for the movement include online and offline "evangelization" which means convincing people through arguments and persuasion on why there is a need for the creation of a Biafran state.

The IPOB's official principle for achieving her objectives is non-violence. However, some members of the group are highly critical of out-groups and nonsupporters of the movement. Also, the IPOB believes in the efficacy of the media (radio and social media) thus, they invest a lot of resources in ensuring that these platforms are always active. To a large extent, they have succeeded in using the media to sustain the conversation about Biafra and to win support. However, regardless of the fact that IPOB members are yet to engage in violent activities for the achievement of their objectives, the state has reacted violently to the group. There have been a lot of casualties in the IPOB struggle a consequence of the violent response by the state. The danger in this pattern of response by the state is that it strengthens the negative memory of the agitators about Nigeria and attracts more sympathy to the group both by local and international actors.

To effectively manage the increasing ethno-nationalist agitations in southeastern Nigeria and beyond, this paper suggests that the state should adopt strategies of inclusion such as execution of perennial development projects in the region such as: The Second Niger Bridge and the major roads (Onitsha-Enugu expressway, Enugu-Port Harcourt expressway, etc.) with respect to the southeastern region. Furthermore, consociational strategies that imply power rotation and sharing among the geopolitical zones in Nigeria as suggested by the 2014 National Conference report, the 2005 National Political Reform Conference and the 1994/995 Constitutional should be adopted. Efforts should be made by the government to retell the story of Biafra in a way that heals memories and could engender national development. The mistakes of the past should be acknowledged but at the same time be used as a justification for a new national project that will avoid such mistakes. The current practice of pretending that Biafra did not happen or attempts to shield it from the upcoming generation will worsen the situation because partisan narratives which stoke the ember of disintegration will keep dominating the public space.

Also, since IPOB is highly influenced from the Diaspora, attempts must be made to engage Nigerians in the Diaspora through their socio-cultural associations to convince them that there is a need for peace in Nigeria and that efforts are being made to address the issues that promote citizen alienation from the state. Furthermore, dialogue and non-violent response should be adopted in engaging local IPOB members whether physically or online. The state needs to understand that the language of force only strengthens ethno-nationalist movements, radicalize some of her members and attract more public sympathy to such groups. Consequently, there is need to strengthen institutions like the Police by enhancing their capacity in crowd control without leading to fatalities. The military should be less visible during such situations and have minimal contact with the civilians. Instead of matching the agitators with force, an intellectual based engagement should be engineered by the state aimed at deconstructing some of the claims and justifications for the neo-Biafran agitation, as outlined by the IPOB.

Finally, this paper supports the argument that there is a need for the federating units of Nigeria (especially the states) to start functioning as real sub-units of a federation. The federating units (states and local governments) need to take responsibilities and perform real functions like internal security, fiscal and resource management, infrastructural development etc. that connect them to the masses. This would reduce the pressure at the centre and make the people hold their governments accountable.

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A Critical Analysis of the Requirements for Full Operationalization of the African Standby Force: Lessons Learned from the Eastern Africa Standby Force

Getahun S. Gesso

Abstract

It is evident from attempted coups d'état, contested elections, violent protests and riots, constitutional amendments to extend of terms of presidents, religious fundamentalism, terrorism, foreign interventions and other structural problems in Africa, which threaten the political equilibrium, that there are a various types of conflicts that need to be dealt with (See Institute for Security Studies, October 2017:10-21). This calls for a strengthened, enhanced and effective regional collective security arrangement. The African Union (AU) established the African Standby Force (ASF) for peacekeeping purposes as well as possible interventions when conflicts degenerate, and implement its motto of "African solutions to African problems". This continental Force is being developed in five multi-dimensional regional brigades with military, police and civilian components but its operationalization took much longer than planned. The question is why? What are the hurdles? What needs to be done to fully operationalize it? This paper critically analyzes these issues and develops a ten-step procedure on what needs to be done to fully operationalize the ASF based on experience gained from the Eastern Africa Standby Force, one of the regional components, which declared full operational capability ahead of schedule in 2014.

Key Words: collective security, African Union, African Peace and Security Architecture, African Standby Force, Eastern Africa Standby Force, full operational capability, peace support operations, UN Security Council

Introduction

Immediately after the end of the Cold War in 1989, the number of intra-state conflicts in Africa— besides the continued inter-state disputes—proliferated exponentially devastating and threatening African nations. The brutal civil conflicts such as in Somalia, Rwanda, Liberia and Sierra Leon provide lucid evidence. A distinctive hallmark of these conflicts was that the collective security system of the United Nations Security Council (UNSC), put in place by the Charter of the United Nations with primary responsibility for the maintenance of international peace and security, failed to respond timely and adequately thereby fading the hope of Africa in the UN system (Kioko, 2003: 821).

This was followed by the establishment of the African Union Peace and Security Council (AUPSC) invoking provisions of Chapter VIII of the UN Charter on regional arrangements or agencies, with some substantive departures in the practice of peacekeeping. As a radical change to its predecessor, the AU system introduced the principle of "non-indifference" to intervention in the case of grave violations of human rights (Ibid.). As a result, the African Peace and Security Architecture (APSA) was born with one of its pillars being the African Standby Force (ASF) to mainly conduct peace support operations including intervention in respect of grave circumstances, namely: war crimes, crimes against humanity and genocide (Constitutive Act, 2000, Art. 4(h) and PSC Protocol, 2002, Art. 13(1)). The ASF developed with five regional brigades and planned to be fully operational by December 2015, though it took a long time to be declared fully operational despite numerous trainings. The latest of such collective training was the Field Training Exercise (FTX) Amani Africa II conducted from 26 October-8 November 2015 (AU, 2015). Nonetheless, its regional component, the Eastern Africa Standby Force (EASF), declared attainment of full operational capability (FOC) one year ahead of schedule in December 2014. One of the key challenges for declaring the ASF fully operational is the lack of clarity and understanding of what FOC means and its procedure.

This paper answers these and other related questions pertaining to operationalization of a standby force. Accordingly, the first part of this paper provides a brief overview of the global collective peace and security system under the UN Charter. The second part analyzes the continental arrangement in the AU and in particular the PSC, APSA, and ASF. After briefly analyzing how the global and continental security architectures are interlocked and showing possible incongruences, part three turns to the (sub)regional level and explains how the EASF developed to become a fully operational standby force. Part four tackles issues relating to the meaning of FOC and introduces the basic requirements or tests for the attainment of FOC the last part provides brief concluding remarks.

Brief Overview of Collective Security under the UN Charter

The Charter of the United Nations (UN) set up under Art. 24 (1) the Security Council (UNSC), as one of the principal organs of the UN with the "primary responsibility for the maintenance of international peace and security."(UN, 1945). To discharge this responsibility, the UNSC thus conferred with the power to "investigate any dispute, or any situation which might lead to international friction…" and thereafter "determine the existence of any threat to the peace, breach of peace, or act of aggression" (Id., Art. 33 and 39).If failing pacific resolution determines the existence of such threat the UNSC can make recommendations

or decide what measures shall be taken in accordance with the provisions of the Charter to maintain/restore international peace and security (Id., Art. 33-39).

However, Art. 52(1) of the UN Charter then leaves room for the establishment of "regional arrangements or agencies" under what is commonly referred to as "Chapter VIII exception," "…provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations," This gave rise to the subsequent establishment and development of regional peace and security arrangements such as the North Atlantic Treaty Organization (NATO) in 1950. NATO was established to maintain transatlantic peace and security by: "deterring Soviet expansionism, forbidding the revival of nationalist militarism in Europe through a strong North American presence on the continent and encouraging European political integration" (NATO, n.d.).

The UNSC uses such regional arrangements/agencies for enforcement action even though Art. 53(1) requires that no enforcement action be taken under such regional arrangements/agencies 'without the authorization' of the Security Council. This is done to retain the primacy of the UNSC on matters threatening international peace and security. However, as will be discussed in the following section, the primacy of the UNSC on matters of international peace and security seems challenged under the AU's legal frameworks as the latter apparently grant the Assembly of Heads of State and Government the power to authorize interventions without necessarily being obliged to seek prior authorization from the UNSC.

Establishment of Peace and Security Council and Standby Force in Africa

The continental framework for collective peace and security in Africa

In Africa, the Chapter VIII exception entailed the establishment of the Organization of African Unity (OAU) in 1963 with the primary objective: "to safeguard and consolidate the hard-won independence as well as the sovereignty and territorial integrity of [member] states, and to fight against neocolonialism in all its forms." (Paragraph 6 of the preamble and Art. II(1)(c) and (d) of the OAU Charter). In addition, Art III (6) of the OAU Charter requires it to make "absolute dedication to the total emancipation of African territories which [were] still dependent." Further, as per Art. III (1) and (2) the OAU Charter espoused the principles of "sovereign equality of all Member States" and "non-interference in the domestic affairs of States".

With these legal impediments in the background, the OAU tried to handle a range of inter- and intra-state conflicts in Africa, in particular those that resulted from the end of the Cold War in 1990s such as the civil wars in: Somalia, Rwanda, Algeria, Sierra Leon, Liberia, Burundi, Mozambique and Democratic Republic of Congo (DRC). Secessionist movements such as those in Ethiopia and Sudan also continued to trouble the OAU. During this period, the OAU established the "Cairo Mechanism for Conflict Prevention, Management and Resolution" in 1993 to deal with the rise in conflicts. Paragraph 14 of this Declaration dictates:

> "The Mechanism will be guided by the objectives and principles of the OAU Charter; in particular, the sovereign equality of Member States, non-interference in the internal affairs of States, the respect of the sovereignty and territorial integrity of Member States, their inalienable right to independent existence, the peaceful settlement of disputes as well as the inviolability of borders inherited from colonialism. It will also function on the basis of the consent and the co-operation of the parties to a conflict." (AU, 1993)

The requirements of "non-interference in the internal affairs of States" and "functioning on the basis of the consent and the co-operation of the parties to a conflict," coupled with the rapid rise of intra-state conflicts in the 1990s are what compelled the Cairo Mechanism to fail before it took off. Together with the failure of the UN to timely and adequately intervene in African conflicts, this made the leaders of Africa to realize that the legal and policy frameworks as well as the institutional arrangements of the OAU needed a recast to match with the demands of the time. As a result, the OAU transformed itself into African Union (AU) in 2000. Though, for example, the task of decolonization was not completed as attested by, for instance, the pending request of the Union of Comoros on one of its satellite islands, Mayotte, to be liberated from France.

While underscoring the old principle of "non-interference" in internal affairs of Member States under Art. 4(g) of the Constitutive Act, the AU—in a marked departure from its predecessor and from the UN Charter—adopted the principle of "non-indifference" when grave violations of human rights occur. In this respect, Art. 4(h) of the Constitutive Act stipulates "the right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity." Further, Art. 4(j) stipulates "the right of Member States to request intervention from the Union in order to restore peace and security." It should be noted that the amendments to the Constitutive Act, which is yet to be in force, extended the list of "grave circumstances", in the parlance of Art. 4(h), to include "a serious threat to legitimate order to restore peace and stability to the Member State of the Union upon the recommendation of the Peace and Security Council."(AU, 2003) This shows how, as a precondition to the socio-economic and political objectives, the

promotion and enforcement of peace and security has become a key objective of the AU. It is conceived as one of the main mechanisms for "African solutions to African problems."

Establishment of African Peace and Security Architecture and African Standby Force

The paradigm shifts in the field of peace and security in Africa required the AU to rethink its mechanisms of implementation which resulted in the replacement of the Cairo Mechanism by a Peace and Security Council (PSC) in 2002. The PSC Protocol embraces an expanded and comprehensive agenda for peace and security that includes, "conflict prevention, early warning and preventive diplomacy, peace-making, peace support operations and intervention, peace building and post conflict reconstruction, [and] humanitarian and disaster management"(AU, 2015:13). To manage these responsibilities, Art. 2(1) of the Protocol establishes the PSC as a standing decision-making organ for the prevention, management and resolution of conflicts in the continent and to facilitate timely and efficient response to conflict and crisis situations in Africa.

As per Art. 2(2), the PSC is supported further by what are commonly referred to as the five "African Peace and Security Architecture (APSA) pillars", namely: The Commission of the African Union, the Panel of the Wise, the Continental Early Warning System (CEWS), the African Standby Force (ASF) and the Peace Fund. The ASF was born in accordance with Art. 13(1) of the PSC Protocol which stipulates:

> "In order to enable the Peace and Security Council perform its responsibilities with respect to the deployment of peace support missions and intervention pursuant to article 4(h) and (j) of the Constitutive Act, an African Standby Force shall be established. Such Force shall be composed of standby multidisciplinary contingents, with civilian and military components in their countries of origin and ready for rapid deployment at appropriate notice."

Art. 13(3) of the PSC Protocol assigns the ASF to carry out observation and monitoring missions; other types of peace support missions; intervention in a Member State in respect of grave circumstances or at the request of a Member State in order to restore peace and security, in accordance with Art. 4(h) and (j) of the Constitutive Act; preventive deployment in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighbouring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement; peace-building, including post-conflict disarmament and demobilization; humanitarian assistance to alleviate the suffering of civilian population in conflict areas and support efforts to address

major natural disasters; and any other functions as may be mandated by the PSC or the Assembly. It is important to note that the ASF is to be used as a last resort after the other preventive pillars, including mediatory efforts by the Panel of the Wise, are exhausted.

In addition to the five pillars, Art. 16(1) of the PSC Protocol recognizes Regional Mechanisms for Conflict Prevention, Management and Resolution (otherwise known as Regional Mechanisms) as part of the overall security architecture of the Union, which has the primary responsibility for promoting peace, security and stability in Africa. Apparently, informed by the existence of such Regional Mechanisms in the various Regional Economic Communities (RECs) existent during the OAU era such as the Economic Community of West African States (ECOWAS) and its Monitoring Group (ECOMOG) that introduced the concept of intervention (enforcement mission) in the 1990s, this recognition along with the provisions under Arts. 11, 12 and 13 of the PSC Protocol relating to the Panel of the Wise, the Continental Early Warning System and the African Standby Force (ASF) respectively, gave way for the establishment of new mechanisms across the continent.

Consequently, there was need to establish the ASF in the various regions using the existing or new RECs or Regional Mechanisms as building blocks, with a brigade/force in each of the five regions of Africa "in accordance with UN standards along the lines of [the defunct] SHIRBRIG [Standby High-Readiness Brigade for United Nations Operations]" (AU, 2004 and UN, n.d.). Accordingly, five standby brigades/forces were established in the Southern, Western, Central, Northern and Eastern Africa regions guided and coordinated at the continental level. This means that the ASF will not have its own pledged standby force to train and prepare, rather the forces will be pledged by Member States in the respective regional RECs/RMs and developed in close cooperation and collaboration in accordance with the continental standards or roadmaps and close guidance and follow up by the AU's PSC. For this purpose, the PSC adopted six mission scenarios for ASF as shown below for its development and deployment.

Table 1: Conflict Scenarios for ASF deployment

Scenario	Description	Deployment Requirement (From mandate resolution)
1	AU/Regional military advice to a political mission	30 Days
2	AU/Regional observer mission co-deployed with UN Mission	30 Days
3	Stand-alone AU/Regional observer mission	30 Days
4	AU peacekeeping force for Chapter VI and preventive deployment missions (and peace building)	30 Days
5	AU peacekeeping force for complex multidimensional peace keeping missions including those involving low level spoilers	90 days with the military component being able to deploy in 30 days
6	AU intervention, e.g. in genocide situations where the international community does not act promptly	14 days with robust military force

Source: Policy Framework for the Establishment of the ASF and Military Staff Committee.

Hence, the ASF was planned to attain full operational capability (FOC) by 2010, but after implementing two successive roadmaps: Roadmap I (2005-2008) and Roadmap II (2008-2010), it failed to attain FOC. This delayed FOC to December 2015 with the introduction of a new Roadmap III (2011-2015) to give more time for its development (AU, 2010). The brigades/forces set up under it were also supposed to adopt the same approach and attain their full operationalization by the end of 2015. This would enable the AU to synchronize the regional standby forces and make them interoperable. However, these regional components are moving at different paces with some embedded in existing RECs such as those in ECOWAS and Southern Africa Development Community (SADC) showing better progress, while the others such as the standby force in northern Africa called the North African Regional Capability (NARC) is developing very slowly mainly because of the prevailing political and conflict situation in northern Africa particularly since the Arab Spring (See Desmidt and Hauck, April 2017: 6-8 and AU, 10 December 2013: 28). Now, let's discuss the establishment and development of the EASF, one of the five components of the ASF.

Establishment and Development of the EASF

Springing from the PSC Protocol and subsequent issuance of policy documents the Eastern Africa component of the ASF was established as the Eastern Africa Standby Brigade (EASBRIG) in 2004 with its establishing Memorandum of Understanding (MoU) signed in April 2005 (EASBRIG, 2005). It has Burundi, Comoros, Djibouti, Ethiopia, Kenya, Rwanda, Seychelles, Somalia, Sudan, and Uganda as Member States. South Sudan has an observer status. Tanzania, Madagascar and Mauritius were grouped as part of Eastern Africa Region and hence part of the EASF by the African Union, but have since chosen to associate themselves with SADC. Eritrea is also part of the Region but is yet to join the EASF.

EASBRIG was renamed to be the Eastern Africa Standby Force (EASF) in 2011 by amending its MOU and it got re-established again in 2014 by an Agreement (EASF, 2014). The reasons for the reviews include the need for reflection of the multi-dimensionality of its force; to strengthen the organization by subjecting the Agreement to ratification; to reorganize the force structure and make pledges based on a robust legal framework; and to fast-track its full operationalization. Art. 2(1) and Art. 5 of the Agreement states that the EASF, as part of the African peace and security architecture, is a regional mechanism for conflict prevention, management and resolution in the Eastern Africa .region. It is important to underscore here that this expands the mandate of the EASF to cover all the spectrums of conflict cycle equating it to the broader APSA framework discussed above, as opposed to limiting itself to be just a component of the ASF.

According to Art. 3 and Art. 4(1) of the Agreement, the objective of the EASF is to carry out the functions of maintenance of peace, security and stability guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the Constitutive Act of the African Union, the African Charter on Human and Peoples' Rights, the PSC Protocol, and other regional and international legal instruments. The EASF adopts the ASF mission scenarios 1 to 6, as discussed above, and implements the ASF Roadmaps consistently (Id.). For deployment, Art. 3 and 7(3)(d) of the Agreement require the EASF to acquire mandate from the AU PSC in accordance with the Constitutive Act of the AU and the PSC Protocol followed by authorization by the EASF regional Assembly of Heads of State and Government.

Since its establishment in 2005 the EASF, a multi-national and multi-dimensional force composed of military, police and civilian components, undertook numerous institutional, human resource and financial capacity-building activities in preparation for deployment in peace support operations (PSOs). Such preparation requires collective training of formed units in command post exercises, logistic

map exercises and field training exercises, and individual pledged personnel training in accordance with AU (ASF) and EASF training standards. In addition to several dozens of individual trainings in PSO, the EASF conducted three command post exercises, three field training exercises and three logistic map exercises.

Such trainings and exercises ensure more mutual understanding and cooperation among pledged forces and develop interoperability of forces and their equipment and materiel to ease and expedite the process of integration when they meet in mission area. Together with the other requirements, these are critical for full operationalization. As mentioned above, the EASF was to attain full operationalization by the end of 2015 in tandem with the ASF. After conducting such preparatory training and capacity building activities for about a decade, the policy makers of the EASF felt the need to fast-track its full operationalization in order to tackle existing and emerging conflicts and threats in the region including the eruption of the South Sudan conflict in December 2013. The policy makers decided in February 2014 to "explore modalities of fast-tracking the attainment of EASF FOC by December 2014" (EASF, 2014:16). Subsequently, the EASF was declared fully operational in December 2014, one year ahead of schedule. The declaration of EASF's FOC was endorsed and commended by the African Union as follows:

> "The Assembly… commends … the Eastern Africa Standby Force (EASF) for having attained full operational capability as confirmed by Exercise Mashariki Salaam 2014, which took place in Nazareth, Ethiopia from 13 to 22 November 2014." (AU, 2015, paragraph 2)

The questions that arise are:

- What is full operationalization of a standby force?

- What does it mean in the case of the EASF?

- What are the specific requirements that need to be fulfilled for a force to become fully operational?

- What are the implications of declaring a force fully operational?

- Is it a technical or political process? Or is it a combination of both technical and political processes?

- How should full operationalization be seen in light of the UNSC's primary responsibility for international peace and security?

- Should it be approved by the UNSC or should the ASF (PSC), along with its regional standby forces, be seen as a self-contained arrangement?

- How could contradictions, if any, be addressed in a mutually beneficial way?

These and related issues will be discussed below from the point of view of the EASF. The next section will also discuss what the EASF did to fast-track its full operationalization. It, finally, develops a ten-step test to critically assess attainment of FOC, which would be helpful for assessment of attainment of FOC by other standby forces as well.

What is Full Operational Capability (FOC) and what are its basic requirements?

Meaning of Full Operational Capacity (FOC)

One major obstacle to assessing the attainment of ASF's full operationalization is a missing definition. Generally the term FOC "depicts when a specific activity reaches maturity." In acquisition terms it refers to "when a system is delivered to a user and [it has] the ability to fully employ and maintain it to meet an operational need." ("Full operational capability", n.d.). In military terms NATO, for instance, understands the meaning of the term "full operationalization" to mean a permanent availability of a Support Regiment capable of fully sustaining the Command Posts in the field (life, security/defence, engineer works); a Signal Regiment capable of putting in place all the necessary CIS [communication and information systems] equipment for the Command and Control functions; a Base Support Command (or Garrison HQ) capable of establishing and maintaining satisfactory work conditions and a good quality of life; at least 90% of the Peace Establishment, physically fit and regularly trained; "Coordinating authority" over all the Units "affiliated" to the NRDC-IT [NATO Rapid Deployable Corps-Italy], and a robust training program; a set of superbly trained and competent Officers and NCOs [non-commissioned officers], able to follow and, possibly, influence all major NATO issues; and "intelligence" assets necessary first to "know" and, then, to conduct [its] operations in the most effective way (Castagnett, 2003).

What can be observed from the above is that providing standard definition to the term FOC is difficult as it is purpose-oriented and varies from one case to another. Apparently realizing this problem, the AU commissioned two expert studies to study whether APSA (and ASF) is ready for declaration of FOC and, if not, what needs to be done. The first one in 2010 reviewed all APSA pillars in the AU as

well as in the various RECs and Regional Mechanisms and established that the ASF is not ready to be operational (Fisher et al., 2010: 20). Although it did not define what exactly full operationalization means, it argued:

> "The full operational [sic] of the ASF will undoubtedly revolve around key challenges such as the multidimensionality of the ASF, the level of coordination and cooperation between the continental and regional level, force generation, capacity related issues in terms of planning, procedures, SOPs, logistics and equipment." (Ibid.)

The findings of this study resulted in the revision of the ASF roadmaps and delayed the operationalization of the ASF to 31 December 2015. Accordingly, as noted above, Roadmap III was drawn (AU, 2010). In 2013, another study was commissioned to assess how the ASF is faring towards attainment of its FOC. This study, while cautioning that it is unlikely FOC will be achieved by the end of 2015, identified major areas where the ASF has to work steadily including the need for improvement and to streamline the mandating and decision-making processes between the AU, RECs/Regional Mechanisms and Member States, the Planning Elements, pledged capabilities and mission support (AU, 10 December 2013: 28). In September 2015, the AU conducted a field training exercise, codenamed Amani Africa II, in South Africa and Ethiopia to test and validate its readiness for FOC. However, as noted above, the level of development of the standby forces in the five regions shows marked disparity and impacts the level of readiness of the composite continental capability.

Following the conduct of field training exercise Amani Africa II, ASF was expected to be declared fully operational during the AU Assembly in January 2016, but the Assembly postponed the declaration reasoning that the African Capacity for Immediate Response to Crises (ACIRC) will continue its mandate pending the Amani Africa II after-action review scheduled for Maputo, Mozambique in March 2016 and the evaluation mission to be undertaken by the AU Commission and the RECs/RMs to verify the state of readiness of regional standby forces, and requested the AUC to report through the Executive Council, on progress made in the implementation of this decision to the next session of the Assembly in July 2016. However, the 705th meeting of the PSC on the Regional Capabilities of the African Standby Force held on 25 July 2017 further pushed the due date and agreed to present the report of the AUC on the matter to the Assembly in January 2018 for validation and endorsement (AU, 25 July 2017).

It is clear to understand that the lack of clarity as to what exactly is meant by FOC coupled with the politics of harmonizing the ASF with the concept; the role of ACIRC; and the disparity in development at regional levels, contributed to the sluggish progress towards attainment of FOC. Even if ASF is declared fully

operational with these shortcomings, it would still lack the accomplishment of advancing the continental force. If ASF were to deploy, it may be dominated by one or two regional standby forces undermining the whole objective of the ASF therefore utilizing an impartial continental force to handle conflicts.

Basic Requirements for Full Operationalization

After realizing that there is no clear operational definition of FOC and underscoring the high level of volatility in the region, the EASF fast-tracked its FOC by dealing step by step with the various aspects of force development and maintenance. It is important to realize that the EASF is located in a very volatile region covering the Horn of Africa and the wider eastern Africa, neighboured by the troublesome conflicts such as those in central Africa, northern Africa and the Middle East. It is also host to several existing and emerging conflicts such as in Somalia, Sudan, South Sudan and Ethiopia-Eritrea. These situations are exasperated by conflicts that erupted in South Sudan and Central African Republic in 2012/13, which compelled the EASF region to fast-track attainment of FOC.

This paper will develop and systematically analyze ten key requirements used by the EASF when it fast-tracked its FOC. These are requirements the EASF fulfilled before it declared itself fully operational. These tests broadly define the main parameters within which full operationalization should be understood. They contain the critical elements of FOC such as: the development of requisite legal and policy frameworks; streamlining and sustaining partnerships; the need for resource mobilization strategy; the need for inclusivity of all required actors or stakeholders; and the final analysis and adoption by the highest decision-makers of an organization.

(i) Review and update of relevant legal and policy documents

The EASF was established by an MOU that was less multi-dimensional and structurally inadequate to deploy and maintain a mission. The Policy Framework of the EASF was reviewed and adopted by the highest decision-making organ in the organization, i.e., the Assembly of Heads of State and Government. The Memorandum of Understanding that established the EASF was also revised into the Agreement on the Establishment of the EASF, which was signed by the Member States in June 2014. To fortify the foundation of the organization in Member States' internal laws, the Agreement is subjected to ratification. The ratification process will increase the legitimacy of EASF in Member States and strengthen their contribution in terms of finance, human resource and logistics by ensuring more awareness in their respective parliaments, populace, civil society and other stakeholders.

This is expected to shorten the process of authorization of pledged capabilities for deployment by national parliaments at the national level. Once the Agreement is ratified by respective national parliaments the executive branch may not be required to go to parliament repeatedly to secure authorization for deployment. This addresses the issue that some Member States' constitutions might hinder rapid deployment of the force by requiring authorization after mandate is acquired.

In 2014 the organization reviewed its subsidiary policies and documents such as: the training policy; table of organization and equipment manual; and standard operating procedures…etc. to reflect the prevailing reality in the region. It also introduced new policies such as conflict early warning policy in order to properly predict and prevent conflicts in the region. Furthermore, the organization reviewed its internal rules and regulations such as service regulations, financial regulations and procurement and disposal regulations to ensure that these are compliant to international standards and contain procedures for utilization during mission deployment. This further strengthened the organization in the road to the attainment of FOC and created conditions for improved relationship with the AU, the European Union (EU) and other partners.

Finally, the EASF revised its Strategic Development Plan and developed a new 2015-2020 strategic plan focusing the organization on post-FOC activities and requirements.

(ii) Restructuring and right-sizing

The key question in the organizational restructuring was whether the EASF, as constituted, could fully discharge the mandate assigned to it, i.e., deploying and maintaining a force in mission. It was in light of this cardinal question that the restructuring exercise was carried out. As a result, it was agreed that the internal structure of the organization, as constituted, was not adequate "to discharge its administrative and operational mandates to facilitate the attainment of FOC" (EASF, 2014:10-11) and was revised. Accordingly, the organo program of the EASF was amended substantially by merging some departments and creating new ones such as a Peace Operations Department with new branches focusing on conflict prevention, early warning and mission management. Some offices with less role and responsibility were either abolished or merged with others to make them more effective. Additional structures such as a Logistics Training Center were introduced and operationalized to continue building the capacity of the region and ameliorate the challenges with respect to logistics and force support.

In addition, it was observed that the policy making structure of the EASF lacked representation of police and civilian components. As such, it was agreed that the policy making organs of the EASF should include institutions such as police and

ministry of foreign affairs from Member States (Id.). This was critical because when a PSO is mandated these institutions will be involved either in the political decision-making process or the generation of the force in one way or another. Hence, their involvement from the beginning in the running of the organization as well as the decision-making process was found to be critical for a speedy deployment of the EASF.

Equally important, the EASF was found to be lacking the necessary policy and action plan for gender mainstreaming to comply with the UN resolutions on the role of women in peace and security. Consequently, the EASF developed a Gender Policy to guide and supplement existing rules on gender balance in the organization with an action plan for implementation (EASF, 2015: 33). This will further help in guiding the organization on how to mainstream gender during PSOs in compliance with international standards.

(iii) Harmonization of the Rapid Deployment Capability, African Capacity for Immediate Response to Crisis and EASF concepts

The AU developed Rapid Deployment Capability and African Capacity for Immediate Response to Crisis in addition to the ASF with a view to supplementing it and being used as stop-gap measure in the case of ACIRC. However, these concepts ended up competing with and undermining each other. One of the thorny issues delaying the full operationalization of the ASF and troubling the EASF region as well was how these parallel capabilities will be managed at the continental and regional levels if the force is declared operational.

Underscoring that the concepts of RDC, ACIRC and EASF are highly inter-related with some main difference such as their mandating processes, the region agreed to compromise and harmonize the three concepts into one. Afterwards, they all were subsumed into an enhanced EASF force structure to provide capability for rapid response to crisis (EASF, 2014: 9-10). This resolved one of the big hurdles the ASF is facing at the continental level and established a harmonized and easily manageable force at the regional level to the taste of all concerned Member States. Creation of such harmonized view and understanding is very important for declaration of ASF FOC and subsequent implementation related issues.

(iv) Review force structure and mission structure

The former force structure considered lighter mission scenarios (scenarios 1- 4), hence its composition was very lightly organized. Given ongoing and emerging conflicts in the region and the speed with which they expand, the situation in South Sudan and Central African Republic being cases in point, the region felt the need to develop robust force and mission structures that can cater for conflicts across the six ASF mission scenarios. Based on this conviction, the force structures

of the EASF is revised under paragraph 17 of the EASF Policy Framework to include motorized, mechanized and infantry battalions with the requisite force multipliers and enablers. To ensure multidimensionality, the force structure includes robust police and civilian components, as required by the ASF (Ibid.). The mission structure is also revised and reinforced to respond to contemporary mission demands (Id.: para. 16).

(v) Streamlining mandating and authorization processes

This is a crucial area required to fully operationalize a standby force. If the mandating process lacks clarity, it will inevitably create delays in authorization of deployment thereby jeopardizing a speedy discharge of the mandate to maintain peace and security. To address this, a Crisis Response Mechanism with a concise mandating process is developed under paragraph 15 of the Policy Framework. This puts in place mechanisms on how conflict early warning system will feed into a crisis response group (composed of the chair, vice chair and rapporteur of the decision making organs) and this will kick-start the process of calling for an extraordinary meeting of the Assembly of Heads of States and Government; how this is coordinated with the PSC to secure a mandate for deployment from the higher organ, the AU.

This aims at ensuring the rapid deployment of the force before a conflict consumes so many lives and destroys the conflict zone making it more complicated and difficult to manage and resolve. However, it must be clarified that this kind of simple process whereby early warning is acted upon speedily in cooperation and collaboration with the PSC needs enhancement. Although there are several instruments outlining the process of deployment, how this is to be plugged into the Regional Mechanisms is not well developed. In this regard, the MoU in the area of peace and security signed between the AU, Regional Economic Communities (RECs), and Regional Mechanisms (RMs) exists with mechanisms for cooperation in terms of deployment and utilization of the regional components, but review of its content under Art. 20(3) and (4) shows that it is insufficient (AU, 2008). There is need to develop an implementation mechanism for this MoU in particular in respect of the deployment process of the ASF, or better the regional components of the ASF. Though the AUC commenced the development of such an arrangement to facilitate rapid deployment of the ASF capabilities, it is yet to be completed (AU, n.d.).

This will surely interfere with the rapid deployment of the force as envisaged in the timeframes of the scenarios above. A clear example is what happened when the conflict in Burundi broke out in mid-2015. Several PSC meetings were dealing with the East African Community (EAC), although the EAC neither has standby force nor is it a part of the ASF. Even worse, by then the EASF had declared itself

fully operational and the AUC had, as discussed above, already acknowledged the same. It took several PSC meetings and communiqués to recognize that there is EASF on the side-lines waiting for mandate to deploy. By the time the PSC realized that the EASF is readily available to be deployed, after several requests and interventions from the EASF Secretariat and its Member States, the conflict had reached no turning point with significant deaths, casualties, displacements and destructions. Nonetheless, as noted above, the UNSC has the primary responsibility for international peace and security. Though the Constitutive Act of the AU makes no reference to this primacy of role, paragraph 4 of the preamble and Art. 17(1) of the PSC Protocol indicates that the AU is "mindful of the provisions of the Charter of the United Nations, conferring on the Security Council primary responsibility for the maintenance of international peace and security." Needless to say, the EASF Agreement also reiterates the same respect for hierarchy under paragraph 4 of the preamble:

> "Reaffirming the primary responsibility of the United Nations Security Council in the maintenance of international peace and security, and the role of the Peace and Security Council of the African Union as a standing decision-making organ for the prevention, management and resolution of conflicts, and a collective security and early warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa…"

In the same vein, Art. 3 of the EASF Agreement and paragraph 12 of the Policy Framework require that the EASF missions be mandated by the AU PSC. The AU's Constitutive Act and the PSC Protocol stipulate that where there are grave violations of human rights and when a Member State in distress requests for intervention, the AU will intervene to prevent the degeneration of the conflict and resolve it. However, in the UN system it is a well-known principle that Art. 2(7) of the UN Charter gives a lot of reverence to non-intervention in domestic affairs of Member States and the UN has since opted to go for peacekeeping which requires consent of the parties, impartiality and non-use of force except under limited circumstances such as self-defence (UN, 2010: 41). This flies directly in the face of the AU's exception for forceful intervention in domestic affairs in the event of the listed grave circumstances. Whether the AU's exception is compliant with the professed principle of non-intervention in conflicts in Member States is beyond the scope of this paper but it is obvious that any such confusion will create unnecessary friction, delays and contributes for protraction of conflicts.

A good case in point is the situation regarding the African Union Mission in Somalia (AMISOM), which, after over a decade of operation, is still seeking UN re-hating. One of the main culprits for the failure of re-hating is UN's lack of willingness to intervene in a raging conflict. This happens despite the

authorization of the UNSC for AU to deploy AMISOM. "The UNSC tends to caution against regional interventions without its appropriate authorization, whereas the AU has interpreted its policy objectives and the political status of the PSC as a 'legitimate authority' within the framework of Chapter VIII of the UN Charter relating to Regional Arrangements" (Aboagye, 2012:3). Although it is perplexing why African nations, being party to the UN Charter, opted to make such exceptions, it was justified based on the atrocious conflicts that took place in the past and the slowness of the UN to respond. As Kioko (2003:821) explains:

> "This decision [for such an exception] reflected a sense of frustration with the slow pace of reform of the international order, and with instances in which the international community tended to focus attention on other parts of the world at the expense of more pressing problems in Africa. … [The] leaders have shown themselves willing to push the frontiers of collective stability and security to the limit without any regard for legal niceties such as the authorization of the Security Council."

The saving grace is that "[in] the fulfilment of its mandate in the promotion and maintenance of peace, security and stability in Africa, the PSC shall cooperate and work closely with the UNSC." As per Art. 17 of the PSC Protocol, the latter has to "to provide the necessary financial, logistical and military support for the African Union's activities in the promotion and maintenance of peace, security and stability in Africa in keeping with the provisions of Chapter VIII of the UN Charter on the role of Regional Organizations in the maintenance of international peace and security." To streamline this relationship and partnership, the United Nations Secretariat and the African Union Commission signed a framework agreement on 19 April 2017 that recognizes the primacy of the role of the UNSC on matters of international peace and security and expressed the desire to forge closer cooperation between the two organizations (United Nation-African Union Annual Conference, 19 April 2017: 2). The joint framework agreement acknowledges though that "full 'jointness'" is unattainable (Ibid: 3). Such inter-institutional framework will neither be the correct, nor the best fix for the incongruences between the legal regimes of the AU and the UN. One would still hope that it will be exhaustively utilized to better manage inconvenient frictions and expedite the utilization of developed capabilities such as EASF/ASF to prevent, manage and resolve conflicts in the continent.

(vi) Force pledging and confirmation of pledged forces

Once the legal and policy frameworks are in place and the necessary organizational restructuring is done, the next step is to formally pledge the forces to train them for eventual deployment. To lay the groundwork for this, Art. 15 of the EASF Agreement, which is subjected to ratification, has provisions that oblige Member

States to pledge forces with requisite equipment and avail them for deployment when requested. It also stipulates under Art.15(2) that "the commitment of the individual Member States' force pledges for deployment shall be specified in a separate agreement." Based on this, Member States pledged forces (military, police and civilians), according to their national capabilities, and signed an MoU on Pledged Forces prior to declaration of full operationalization (EASF, 2014). This MoU provides a framework of how forces are pledged, trained, verified for readiness, generated, deployed and sustained. It stipulates under Art. 12 how in a PSO mission mandated and coordinated by the AU, the latter becomes in charge of funding for sustainment, reimbursement and obligations arising therefrom in accordance with its own rules and regulations.

After the forces are pledged in such an orderly manner based on a legally binding arrangement, there was the need to physically check the pledged forces and their requisite equipment and materiel in Member States to confirm if they are actually on the ground. This was duly done in the individual Member States prior to attainment of full operationalization. This added more confidence in the whole system of the standby arrangement although it is clear that the visited units in Member States could be used for another purpose by the respective Member States in the meantime and when deployment is requested the exact same unit might not be available. This, however, is not a big challenge as Member States pledge only a generic force and not a specific unit of their capability. What the EASF and ASF should focus on is whether a Member State is capable to provide a unit with all the pledged capabilities.

(vii) Resource mobilization

After ensuring that the force is pledged and confirmed on the ground, the next step was to think about a "standby resource for the standby force" to supplement the AU Peace Fund at the regional level. This was something that needed to be reflected in the legal frameworks of the EASF, and as such the EASF Agreement established a Peace Fund as a special fund to be utilized only for the purposes of deployment in PSOs. According to Art.18(3) and (4) of the Agreement, the Peace Fund shall be generated from: 12% of the annual budget, inclusive of partners support, or as the Assembly may deem necessary; surplus accrued from arrears in assessed contribution as determined by the Council from time to time; voluntary contributions from Member States; grants and donations from external sources including support from the African Peace Facility; and other sources as determined by the policy organs.

It was also necessary to develop separate and independent internal financial regulations setting out how the Fund will be managed, its accounting procedures and how it interacts with the general funds of the organization (EASF, 2014).

Once the regulations are put in place, the organization commenced a strategy of mobilizing resources towards the Peace Fund. To supplement the internal generation of such funds, the EASF conducted several advocacy and awareness raising initiatives to generate adequate funds for future deployment. Such initiatives include entertaining the concept of donor conference to raise funds towards the Peace Fund kitty.

Member States, as per Art. 9(4) of the MOU on Pledged Forces should self-sustain their forces for a period of 30 days without reimbursement until the EASF or mission takes over the responsibility of sustainment. This concept borrowed from the merger of ACIRC into EASF, is a big leap from the traditional peacekeeping arrangement, whereby a force contributing country would be entitled to reimbursement from day one with a 90-days waiting period. In EASF, Member States agreed to bear their individual costs for the first 30 days and reimbursement will commence only from the 31st day onwards. This is a big achievement seen in light of the challenges with starting up a mission and is a boost to rapid deployment of the force. Further, the EASF worked closely with partners and acquired mission headquarters start-up kits. These kits will ease the quick deployment of the mission headquarters, which will be the responsibility of the EASF Secretariat as a mounting organization of a mission.

As the AUC takes over the mission from the EASF, the responsibility of funding and sustaining it also passes to the AUC. The language of the joint framework for enhanced partnership between the AU and the UN Secretariats discussed above seems to assure the AUC of financial assistance though it happens to be non-committal. In the part dealing with financing the AU-led peace support operations. It states: "Building on the "Decision on the outcome of the retreat of the Assembly of the African Union" (Assembly/AU/Dec.605(XXVII)) on the financing of the Union, in particular the Peace Fund, as well as on the United Nations Security Council Resolution 2320 (18 November 2016), the two Organizations have expressed the willingness to consider options to enhance the predictability, sustainability and flexibility of financing the African Union-led United Nations Security Council-authorized peace support operations, as a part of their partnership in the area of peace and security." ((Id.: 9) (emphasis added)).

With the view to implementing this joint framework, the African Union Commissioner for Peace and Security and the United Nations Assistant Secretary-General for Peace-building Support signed a Memorandum of Understanding (MoU) on UN-AU partnership in Peace-building on 18 September 2017. Though the scope of this MoU is limited to peace-building efforts only, it is considered to be "a concrete step towards the implementation of the 'Joint UN–AU Framework for Enhanced Partnership in Peace and Security' … and contribute[s] to a more predictable and strategic partnership in the areas of conflict prevention, political

dialogue, national reconciliation, democratic governance and human rights." (AU, 2017, September 20). Such efforts for enhanced cooperation and partnership are believed go a long way in bridging the resource-gap to deploy the EASF/ASF capabilities.

(viii) Streamlined and sustained partnerships

As a largely donor dependent organization, the EASF had to carefully think through sustaining its relationship with partners in an enhanced and streamlined manner. It is going to be heavily dependent on partners support for its strategic and tactical lift requirements, in addition to support for sustainment in mission. Though it is not an easy task to streamline relations with a vast number of partners, improvements are required in the legal, policy and operational/administrative environments of the organization set by the EASF to develop arrangements that strengthen and streamline the state of partnership. In this regard, a template legal arrangement was developed to better engage partners and manage their support in a transparent and accountable manner based on acceptable international standards. It also developed internal guidelines on how generally the relationship should be managed by the organization.

The EASF has developed a good relationship with regional training institutions in the various Member States and concluded several MoUs with them on how they would conduct regional trainings based on ASF and EASF training standards on top of their own national responsibilities and mandates. This ensures sustainability of trainings at affordable cost as the training institutions, owned by Member States, share similar vision with the EASF on matters of peace and security and Member States can train their PSO personnel in their respective training institutions.

EASF is also enhancing the vertical relationship with the AUC and relevant departments of the PSC at the continental level. In the same vein, the EASF is working to improve and enhance the lateral relationship with sister organizations in the region with a mandate on peace and security. These include: Intergovernmental Authority on Development (IGAD); Common Market for Eastern and Southern Africa (COMESA); East African Community (EAC); Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States (RECSA); and Eastern Africa Police Chiefs Cooperation Organization (EAPCCO). This is expected to give the EASF more visibility and support in the various PSO aspects when it deploys in the future.

(ix) Conduct collective exercises

After all the above substantive requirements are put in place, there is a need to test them on the ground to check if there are gaps, if they can duly serve

their purpose, and learn lesson from shortcomings with a view to fix them. This requires conduct of collective exercises that bring together a significant part of the personnel and equipment pledged. This could be done through field training exercises, command post exercises, or logistic map exercises or a combination of them. These entail enormous planning and administrative skills particularly in the case of field training exercise where troops with their requisite equipment and materiel would be moved from their respective countries to the exercise area, which would be in one of the Member States, to mock a real PSO mission.

In a command post exercise, the prospective leadership of a future mission together with the command elements of the force are trained in an office set-up with a smaller cost. In a field training exercise, a larger pledged multidimensional force of predominantly military and police units, are brought together, with requisite equipment and materiel from Member States to a terrain (field) that resembles an actual PSO scenario with a much higher cost implication. These exercises are very important to test not only the level of readiness but also to check the level of interoperability of the pledged forces so that when they deploy they integrate rapidly and conduct the mission smoothly. In the case of the EASF, as noted by the AU Assembly above, the region conducted a command post exercise in Nazareth, Ethiopia, from 13-22 November 2014 to test and validate whether the EASF fulfils the requirement for full operationalization. During such exercises, several EASF legal policy as well as standard operating procedures were tested. The organization developed and tested the efficacy of its training policy and standards; template status of forces/mission agreement; as well as management of force contributing countries personnel and equipment, such as how Member States will cover costs related to such deployment and resultant damages.

It should be noted that as Eastern Africa region is fraught with several conflicts, most of the Member States are already engaged in one or the other PSO mission(s) such as in Somalia, South Sudan, DRC, Central African Republic as well as other missions all over the globe. This existing exposure to PSOs and the trainings Member States acquired therein should also be taken as an invaluable asset in the assessment of readiness for FOC.

(x) The political will requirement

Following the fulfilment of the above substantive requirements/tests, a big question that arises is whether declaration of full operationalization is a political or technical process. There are those who argue that as long as the political leadership of countries, i.e., the commanders-in-chief and those concerned, appreciate that the pledged force has attained full operational capability, then the rest is not that important. Others argue that if the technical requirements are not well fulfilled, the presence of the pledges alone is not adequate. For the latter,

what is very critical is to have the policies, rules, regulations, procedures, and standards properly put in place based on which the pledges are prepared and tested. Only then is the political will assumed to exist.

However, it is clear that both the political will and technical aspects are very important to develop a robust and reliable pledged force that is prepared based on clear standards with the constant involvement of the political leadership, and other policy makers at all levels of the process. This was one of the reasons for the review of the policy-making structures in EASF, and inclusion of police and foreign affairs representatives. This ensures that everyone moves in tandem when the actual deployment comes. With this conviction, the EASF involved all the stakeholders in the lead up to the attainment of full operationalization and acquired their views for input. This was done with the policy makers in the organization; partners; the media; the AUC and other sister organizations. This is so that the attainment of this capability would not be received with surprise. It's after acquiring views and perspectives of all stakeholders that the EASF went about declaration of its FOC.

It should be emphasized that though FOC is declared after scrupulous fulfilment of the above discussed ten requirements, the AU's heavy reliance on the UN for necessary political, financial, logistical and military support will negatively impact the speedy utilization of the ASF deployment capability, as the continental body lacks the wherewithal to deploy and maintain a mission by itself. Assuming that the UN would agree to foot the bills of AU authorized standalone missions, such as AMISOM, working out the details such as the financial, logistical and military requirements, remitting such funds and ensuring accountability, would be an uphill task to say the least. That would at the minimum mean delay in deployment or intervention and perception of operation below expectation for those suffering the brunt of conflicts.

Conclusion

As can be observed from the intent of the provisions of the legal and policy instruments of the AU and prevailing evidence on the ground, operationalization of the ASF and its regional components is indispensable for maintenance of peace and security in Africa. This is supported by the experiences of AMISOM and other missions around Africa where the UN, due to inter alia, its own bureaucracy; financial constraints; and deep-rooted divisive politics in the UNSC, has continually failed to exercise its primacy in the maintenance of international peace and security in Africa.

It is hoped that the ten requirements developed in this paper will provide more clarity for understanding of the concept of full operational capability of the ASF

as well as its regional components. Though some or all of those requirements maybe easy to understand, the systematic categorization into easily recognizable groups is hoped to be handy and more enlightening. As the ASF does not have its own pledged force to train and operationalize at the continental level, it should ensure that all its regional components are readied based on uniform criteria such as the requirements identified in this paper. As it stands, some regional capabilities such as in the northern Africa are lagging behind making the validation of FOC more difficult.

Upon attainment of FOC, the AU should make the standby forces stay on standby on a rotational basis so that they know which region is ready to be deployed as rapid or advance force when the need arises. This can be done based on a clear established rotational system between the (individual) regions and the ASF/AU so that certain group of Member States ready themselves on standby for a given period of time. The regional force headquarters should adopt the same strategy and develop a rotational standby system with the individual Member States that own and control standby forces in order to feed into the continental expectation. This will serve as a good step forward to deter conflicts as it will force those that plan to engage in violent conflicts to pay attention.

Finally, it is imperative that the AU continues to enhance and streamline its relations with RECs, RMs, the UN, and in particular the UNSC and its veto-powered members as well as other partners and stakeholders in peace and security. This will be critical to ensure smooth cooperation, coordination and partnership for sustainment of the operationalized capability, and sustainment of mission and acquisition of political clout to dispel challenges that arise before and during operation. It is hoped that this will advance and promote Africa's motto of finding "African solutions to African problems."

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Controlling Transnational Organized Crimes (TOCs) in Ethiopia: Issues, Challenges and Opportunities

Biruk Paulos

Abstract

This article explores the challenges and opportunities of the counterstrategies to addressing transnational organized crime (TOC) as a security issue in Ethiopia. The study on which this article is based was motivated by two main questions: first, what are the factors that underlie TOC in Ethiopia? Second, what are the challenges of, and limitations to, Ethiopia's counterstrategies against TOC? The goal of this study was to identify the factors that foster transnational organized crime in Ethiopia, and provide a research-based theoretical and practical explanation about the approaches Ethiopia should follow to tackle the problem of TOC. The study was dependent on secondary sources of data, and identified various counterstrategies on TOC including a Law and Order Approach, Enterprise Approach, Development Approach, Security Approach, Administrative Approach and Integrated Approach. The article presents a theoretical explanation of the counterstrategies against TOC based on theories of change. Accordingly, legislative gaps, lack of a national guiding strategic document on TOC, weak institutional cooperation, the complexity of investigating and prosecuting TOC, corruption in the public sector, and convergence of terrorism with TOC, have been identified as the major challenges of addressing TOC in Ethiopia. On the other hand, enhanced mutual legal assistance and extradition processes, expanding the presence of Ethiopian law enforcement agents abroad, collaboration with INTERPOL, and rigorous legislative reform as regards TOC have been elaborated as the main opportunities for dealing with this crime in Ethiopia.

Keywords: Transnational Organized Crime (TOC), security issues, counterstrategies

Introduction

Transnational Organized Crime (TOC) is identified as one of the most serious global security threats today. Transnational Organized Groups (TOGs) generate at least $6 trillion dollars in illicit activities annually (Zabyelina, 2013). Usually, this illicit money disrupts free markets by detracting from the global gross domestic product (GDP) and finance criminal activities that undermine both democracy and global stability, and victimize unstable governments through bribery, violence, and terror (Reitano, 2016). The organized crime consists of sophisticated groups and networks that aim to obtain power, influence, and monetary and/or commercial gains by operating illegal, international enterprises that are capable

of moving people, drugs, money, and weapons across borders (Abadinsky, 2010). Large, stable, structured criminal organizations operate in a number of countries, engaging in a plurality of money-making activities and usually also claiming some control over the political, economic, and social life of their home areas of settlement (Paoli, 2014). These transnational criminal networks are growing and diversifying their illicit operations resulting in the dangerous convergence of threats that have evolved to become more complex, volatile, and destabilizing (Tuathail, 2007). There are multifarious criminal organizations that operate across all continents posing serious security challenges to states.

These criminal organizations create a security challenge for both developing and developed countries of the world. For instance, the most infamous criminal organizations in the world, including: the Italian mafia (Italy), the Italian-American mafia (U.S.), the Russian mafia (Russia), organized crime syndicates in Colombia , Mexican drug cartels (Mexico), the Chinese Triads and other forms of Chinese organized crime groups (China), the Japanese Yakuza (Japan), and West African organized crime syndicates notably in Nigeria are all engaged in all sorts of transnational organized crime including drug trafficking, human trafficking, money laundering, and terrorist financing. The activities of these criminal groups endanger the security of states in whose territory the operations take place. Transnational criminal organizations can pose serious threats to the security of their host and home states (Williams, 2008). TOC challenges states' stability and undermines the democracy in many areas of the globe, especially in the weak states and where pluralist regimes are not consolidated (Stoica, 2016, p. 15). For example, at one time, Guinea Bissau had become a narco-state following the capture of the state by narcotic traffickers in cahoots with the states security forces. An additional concern is that a significant portion of TOC networks operate within weak states because they can operate with criminal impunity (Iwanenko, 2014, p. 25). Besides, transnational criminal activities pose threats to the political, economic and social stability and development. TOC can both promote instability and retard development (UNODC, 2011, p. 21).

The ever growing and transmuting nature of TOCs, particularly in the post-cold war era, have called for normative responses at global, regional and national levels. Accordingly, several multilateral treaties[8] have been negotiated by states on the most serious and rampant sorts of TOCs. These multilateral treaties directly or indirectly attempt to tackle the negative consequences of such organized crimes

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8 The major treaties on TOC negotiated under the auspices of UN include United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Convention); and the two additional protocols, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and Protocol against the Smuggling of Migrants by Land, Sea and Air. Besides, there are other legal instruments that deal with TOC at global scale. These include the International Convention for the Suppression of the Financing of Terrorism1999; Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition; UN Single Convention on Narcotic Drugs (1961), amended by its 1972 protocol; UN Convention on Psychotropic Substances (1971); United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988); and the UN Convention on Against Corruption 2003.

including, but not limited to, drug trafficking, all forms of human trafficking, trafficking in firearms, money laundering, terrorism, corruption, wildlife trafficking and piracy. These treaties identify transnational organized crimes as a threat to global peace and security; as activities corrosive to global development; as activities ensuing in massive human rights violations; and as activities that endanger the natural environment (Laan, 2017).

At Regional level, all regions including Africa, America, Asia, Europe and the Middle East have identified TOC as a regional security threat. Accordingly, they have adopted several legal instruments[9] that deal with many aspects of TOC. At national levels, the great majority of states have amended and adopted new laws in response to the growing threat of TOC (Ohr, 2010; Lewerenz, 2013; and Haken, 2011). In sum, transnational organized crime has gone global, but effective global responses have not been developed. As it could be established from preliminary research and pieces of literature, transnational criminal crimes in all forms including human trafficking, drug trafficking, wildlife trafficking, and trafficking in small arms have been rampant security issues for many world states across every continent. As Official reports by UNODC and IOM reveal, Ethiopia has been source country for illegal immigrants and a transit country for drug trafficking networks particularly from West Africa and a destination country in case of small arms trafficking (UNODC, 2009; IOM, 2015).

There are different approaches against TOC which countries use to establish their policies in order to tackle the problem of TOC. The approaches are developed based on the perceived impact of TOC in a specific sector (Kleemans, Theoretical Perspectives on Organized Crime, 2014). For instance, perceiving TOC as a danger or threat to the justice system in a country yields in responding to TOC based on legal control mechanisms. The different perspectives on the counter strategies of TOC are discussed as follows.

The Law and Order Approach provides that TOC seriously jeopardizes the justice system by impairing criminal investigation and prosecution process through corruption and impunity (Congram, 2013). Thus, according to this approach, TOC can only be dismantled through establishing an effective justice system free from corruption (Benson, 2008). Besides, it is reliant on access to intelligence, an ability to use sufficient force and counter-trafficking measures, as well as a strong

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9 The major regional legal instruments that deal with TOC include the Council of Europe's Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Nov. 8, 1991; Treaty on European Union, Provisions on Police and Judicial Cooperation in Criminal Matters; Convention relating to extradition between the Member States of the EU 1996; Convention on Mutual Legal Assistance in Criminal Matters between the Member States of the EU 2000; Inter-American Convention against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives, and Other Related Materials (CIFTA); Inter-American Convention against Corruption; and Inter-American Convention on Mutual Legal Assistance in Criminal Matters; the Revised AU Plan of Action on Drug Control and Crime Prevention (2013-2017); ASEAN Leaders' Declaration on Drug-Free ASEAN 2015; ASEAN Convention Against Trafficking in Persons, Especially Women and Children; and the Arab Convention against Transnational Organized Crime.

policy framework and the public availability of knowledge relating to the risks and costs of illegal activities. This approach has been the most dominant and widely applied strategy for controlling TOC in many countries since the problem of TOC has for long been seen as the problem of the law enforcement only. However, this sector-specific view of counter TOC strategy has been seriously crippled. It needs to be combined with other approaches for its effective implementation.

The Enterprise Approach deals with TOC as an illegal enterprise which works based on the principle of demand and supply of illicit goods and services greatly diminishing the legitimate economy through tax evasion and unfair large revenue. This approach considers TOC as the extension of legitimate market activities into illegal spheres (Liddick, 2006). Illicit financial flows, illicit trade, fraud and counterfeiting serve as massive drains on the productivity of nations, for the potential for equitable and sustainable economic growth, and for the capacity of governments to provide services to their citizens (Kleemans, 2013). For example, recent studies have shown that illicit financial flows in some countries can equate to 25% of the value of all goods imported. According to this approach, controlling TOC is impossible without disrupting the established illicit markets. Thus, strategies should focus on destroying illicit markets rather than apprehension and punishment of criminals.

The Development Approach identifies TOC as a challenge to sustainable development. While organized crime has a substantial and multi-faceted impact on efforts to end poverty and reduce inequality, it has tangible and measurable impacts on the capacity of people to achieve sustainable livelihoods (SWP, 2014). TOC is an important development issue; it can undermine governance systems, increase levels of violence and insecurity and trap communities in cycles of poverty. However, the relationship between TOC and poverty is complex and multi-faceted, and simplistic assumptions about this relationship should be avoided (Tim Midgley, 2014).

The Security Approach proposes to fight TOC as a security threat to a state and its society (Carrapico, 2014). This approach takes TOC to the forefront of the political agenda. The basic message of the security approach is that people matter and that the focus has to be on their vulnerabilities, which can also mean that state structures, like the police and the judiciary, need to be strengthened — albeit with a view to securing human rights and ensuring democratic governance. The state has the primary function of protection, but the protection needs to be provided in such a way that the security of the citizens is in the foreground (Wolfgang Benedek, 2010).

An administrative approach to serious and organized crime involves preventing the facilitation of illegal activities by denying criminals the use of the legal

administrative infrastructure as well as coordinated interventions ('working apart together') to disrupt and repress serious and organized crime and public order problems (A.C.M. Spapens, 2015). An administrative approach applied in addition to or coordinated with the traditional instruments of criminal law is a potentially powerful tool to prevent and combat serious and organized crime.

The Integrated Approach provides that the global and complex challenge of TOC can only be addressed via a holistic approach involving different stakeholders at multiple levels, including local communities, and fostering efforts on several fronts including political commitment, law enforcement, prevention and cultural change through education -especially to curb demand for illicit products (WWF Global, 2015). The UN President of the General Assembly has held a high-level debate on the counter strategies on TOC and has underlined the importance of a comprehensive, multi-dimensional and collaborative approach to finding practical and sustainable solutions to counter organized crime throughout the world (Thomson, 2017). According to this approach, combating TOC can be effective if different actors and institutions at the national, regional and international levels engage in numerous activities at the prevention, containment and combat level, which include the sharing of information, police cross-border cooperation and the harmonization of legislation, to counter transnational criminal networks (Goehsing, 2006).

Ethiopia has responded to the problem of organized crime particularly through legal reform and adoption of new laws related to TOC. For instance, Ethiopia revised its penal code in 2004 in order to address crimes born out of advancements in technology and to stiffen punishments in some organized crimes including human trafficking, narco-trafficking, piracy, and corruption. Besides, a new proclamation[10] was proclaimed in 2015 to prevent and suppress human trafficking and migrant smuggling in Ethiopia. The Proclamation contains seven parts and 50 articles. It defines the offence of trafficking in persons, assisting and facilitating trafficking in persons as well as smuggling migrants. It details the penalties for each of the offences, which are increased when the victim of trafficking or smuggling is a child, a woman or a person with a disability, or suffers any psychological or physical harm or when the trafficker or smuggler uses drugs, medicine or weapons or is a person in the public service, a civil servant or a recidivist. The Proclamation also sets out procedures for the investigation of smuggling and trafficking offences as well as establishing procedures for the protection and rehabilitation of victims of trafficking. It establishes a Fund to prevent, control and rehabilitate victims of crimes of trafficking in human and smuggling of migrants and establishes a national committee to oversee the implementation of the law.

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10 Proclamation No.909/2015 Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants

The Ethiopian response on TOC seems to have focused on legislative reforms and law enforcement as a counter strategy. Besides, although there are various forms of organized crime in Ethiopia, the Ethiopian approach to control organized crime seems to focus more on human trafficking and drug trafficking problems leaving aside other transnational serious crimes, for example, wildlife trafficking, small arms trafficking and trafficking in antiquities or cultural properties which are common in Ethiopia. Thus, this paper strives to assess the theoretical and practical approaches; Ethiopia employs to tackle the problem of organized crimes and international criminal networks intending to identify the challenges and prospects of controlling TOC in Ethiopia.

Conceptual and Theoretical Perspectives on TOCs

There is definitional ambiguity concerning Transnational Organized Crime (TOC). Transnational organized crime as an analytical concept and social phenomenon remain somewhat elusive. Despite significant efforts by scholars from a variety of social science backgrounds (Criminology, Sociology and Law) to explain its motives, structures and societal impacts, the study of organized crime is still in its infant stages and has not yet yielded a cohesive and cumulative body of knowledge (Schultze-Kraft, 2016). From the perspective of criminology, TOC is defined as 'a continuing criminal enterprise that rationally works to profit from illicit activities; its continuing existence is maintained through the use of force, threats, monopoly control, and/or the corruption of public officials' (Albanese, 2014). This definition emphasizes the reason why organized crime emerges and sustains within the context of national jurisdiction. It does not give an explanation on how these organized criminals operate across borders. From a sociological point of view, TOC is a non-ideological enterprise involving a number of persons in close social interaction, organized on a hierarchical basis, with at least three levels/ranks, to secure profit and power by engaging in illegal and legal activities (Abadinsky, 2010). According to this view, organized crime refers to a formal organization with a hierarchical power structure, a clear division of labour, and a network of resources that are focused on illegal activities or trafficking. From a legal perspective, TOC refers to those self-perpetuating associations of individuals who operate internationally for the purpose of obtaining power, influence, monetary and/or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence (Peterke, 2016). Since there is no globally agreed definition of transnational organized crime, I subscribe to the definition provided by the United Nations Convention against Transnational Organized Crime (UNTOC) for my analysis. In fact, the convention does not directly define 'transnational organized crime' but rather, defines 'Organized Criminal Group' as follows:

> Article 2. Use of terms: For the purposes of this Convention: (a) "Organized criminal group" shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit.

Thus, according to this provision, it can be inferred that transnational organized crime is any serious transnational offence undertaken by three or more people with the aim of a financial or other material gains. The UN's definition of TOC is universally accepted by practitioners as well as by academics and broadly illustrates the essential elements of transnational criminal networks (Goehsing, 2006). At the same time, it distinguishes transnational criminal networks from terrorist organizations or criminal gangs. The reference to "financial or other material benefit" is intended to exclude groups with purely political or social motives (Legislative Guides to the Convention and Protocols, 2004, p. 13). However, it does not consider the loosely structured and fluid nature of most organized crime syndicates. Smuggling networks in East Africa, for example, have loose formations which constantly change, depending on the desired criminal objective (UNODC, 2013). The definition of TOC provided by UNTOC slightly modified as follows will be used for this paper:

> A structured group of three or more persons and/or [loose network of individuals or groups] that exists over a period of time, the members of which act in concert aiming at the commission of serious crimes in order to obtain a direct or indirect financial or other material benefit.

But, why should transnational organized crimes be controlled? In effect, what threats do TOCs pose and how can these be controlled and addressed? These are basic theoretical questions that demand a theoretical explanation. Traditionally, security has been defined in terms of national security only. National security is the safety of a nation against threats such as terrorism, foreign invasion, war, or espionage. But after the Cold War, the traditional concept of security, as a national security only, has been re-conceptualized to include human security perspectives to it. This establishes that TOC threatens both national security and human security. Transnational organized crime networks are potent threats to a state's national security and human security because of a number of reasons (Srikanth, 2014). For instance, TOC violates the internal sovereignty of a state in promoting corruption, weakening state institutions and increasing criminal impunity.

The conceptualization of TOC as a non-traditional or soft security threat warrants an analysis at three levels: international, national and individual. The analysis of TOC is different from the analysis of traditional or hard security threats because it does not directly jeopardize the territory and sovereignty of a state (Đorđević,

2009). TOC as a non-traditional security threat can be explained as a phenomenon which jeopardizes the identity of a state, which includes its form of government, policies and the way this state is perceived by other states in the sphere of international relations. At the international level, TOC undermines norms and institutions[11] on which the international system is founded and functions. At the national level, TOC can jeopardize the internal stability of a state through the influence on key political actors because of their incapability to effectively confront organized crime, or because of their involvement in various criminal activities. For example, in Colombia, the Medellín cartel posed a direct threat to the Colombian government and, despite the death of Pablo Escobar, the cost has been enormous (Williams, 2008). The Colombian judiciary has been decimated, violence has, at times, reached levels characteristic of small civil wars, and the threats posed by the narcotraficantes have dominated Colombian political and economic activities. The cartels have threatened the country's democratic values by killing journalists critical of their activities and corrupting the institutions of the state. This leads to public distrust on the part of civil society. In the end, TOC jeopardizes human security whereby a sense of insecurity is created. TOC does not represent a security threat only for weak states such as Ethiopia, Columbia, Bolivia, Afghanistan or Kazakhstan, but also for more stable and/or developing countries such as the USA, Germany, France or Mexico (Đorđević, 2009).

What strategies a country should follow to address the problem of TOC can be explained briefly based on change theories. Thus, the following six theories of change are used to address the question; (Deterrence; Severing the links between politics, the state and crime; Managed adaptation of crime to minimize negative impacts on violence, security and conflict; Cultural change; Economic transformation; and Global regulation). These theories of change seek to identify and make explicit the beliefs, assumptions and hypotheses about how change happens and below are their brief explanations.

Deterrence Theory. The theoretical logic underpinning deterrence emerges from classical theory, in which crime is considered a rational choice influenced by costs and benefits: as the costs of crime increase, crime will be deterred, particularly when its costs are certain and immediate and are experienced either directly or indirectly (Tim Midgley, 2014, p. 10). Deterrence strategies, especially when employed in conjunction with other approaches, can be effective in limiting the prevalence of TOC. However, they can also have significant unintended consequences on levels of violence. This remains the most dominant approach to addressing TOC, although that dominance is diminishing as the weight of evidence supporting newer approaches becomes stronger.

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11 For example, TOC violates international norms such as state sovereignty and territorial integrity; besides, it undermines the global financial institutions specially the World Bank and IMF.

Severing the Links Theory. This theory expounds that politics, state institutions and crime have been closely associated with each other for many years, and the last 30 years have seen a significant increase in the scope and scale of criminal integration and capture of political processes and actors across many contexts (UNODC, 2013; Burcher, 2013). This relationship can be of mutual benefit to TOC and political actors: politicians can use organized crime networks to intimidate or manipulate opponents or the public, distort judicial or administrative processes, gain access to illicit revenue flows or buy votes and support across large parts of a country. TOC networks conversely can make use of political influence to protect or further their interests, for example, by using state resources, including the security services, to pursue and destroy competitors (ibid). According to this theory of change, If we increase accountability and transparency in how political and official decisions are taken, then the level of interaction between TOC networks and the state will reduce, because local people will be empowered to demand that politicians and officials respond to their needs (rather than to the needs of criminal groups), state actors will feel compelled to resist co-option by criminal groups because of the risk of being exposed by oversight mechanisms, and their incentives to develop links with TOC will be reduced (Tim Midgley, 2014, p. 16).

Managed Adaptation Theory. This theory of change focuses on the prevention of harm rather than the prevention of the illicit activities themselves. Thus, it contends that if we encourage people engaged in illicit activities to access social welfare services, selectively target specific criminal actors or activities and seek negotiated settlements with some criminal actors, then the negative impacts of transnational organized criminal networks on violence, conflict and insecurity will be minimized (Schultze-Kraft, 2016, p. 26). This will happen because people will be more willing to engage with state service providers (including health, education and security and justice providers), resources will be freed up to target the most violent criminal actors whilst illicit activities will be confined to specific areas, thereby insulating the wider population from the negative impacts of the criminal networks on conflict.

Cultural Change Theory. This theory explains that TOC frequently depends upon strong linkages to at least part of the communities in which it is based. Accordingly, if we improve trust between security providers and local people, and convince local people of the positive benefits of withdrawing community support to TOC, then communities will reduce their support to TOC and governments will gain tactical advantages in their efforts to enforce the rule of law, because communities will see the benefits of providing better intelligence and greater bonds of trust will be developed between communities and governments (Tim Midgley, 2014, p. 26).

Economic Transformation Theory. TOC is often assumed to flourish in contexts where state capacity is weak or absent, and where institutional capacities to limit and prosecute violence are ineffective (Shelley, 2005). As states become more developed economically and stronger institutionally, it is assumed that their capacity to enforce laws and regulate crime within and across their borders will improve. Thus, according to this theory, if we can promote economic development in contexts heavily impacted by TOC, e.g. by promoting economic growth and diversification, improving equal access to economic opportunities and jobs, then the negative impact of TOC on conflict and insecurity will be diminished (ibid., 2014, p.30). This will happen because poor people will have access to livelihood alternatives which will preclude their involvement in illicit income-generating activities and because the state will have a stronger economic base from which to uphold the rule of law.

Global Regulation Theory. This theory explains that TOC networks are able to exploit the lack of global integration of the rule of law frameworks and institutions to evade capture or sanction, for example by basing operations in a country where the threat of sanction is low due to weak or under-developed legal frameworks (ibid, 2014, p.35). Equally, TOC networks may choose to base themselves in, or develop within, contexts where the capacity or willingness of the state to actively pursue them is poor.

These theories of change are used by a majority of the approaches and strategies that are employed to address transnational organized crime. Thus, I will use these theoretical frameworks to analyze the challenges and prospects of the Ethiopian approaches to counter-transnational organized crime.

The Global Trends of TOCs

Over the past two decades, as the world economy has globalized, so has its illicit counterpart. The opening of markets and rapid expansion of global trade has allowed for TOC networks to transport contraband goods (including people, drugs, arms, counterfeit goods, etc.) more easily and cheaply than ever before (Tim Midgley, 2014). The global impact of transnational crime has risen to unprecedented levels. Criminal groups have appropriated new technologies, adapted horizontal network structures that are difficult to trace and stop, and diversified their activities. The result has been an unparalleled scale of the international crime.

The recent trends of illicit activities within organized crime in various areas in the world (North America, Central and South America, Western Europe, Eastern Europe, Africa and the Gulf States, Asia and Oceania) are briefly discussed as follows.

In North America (the United States and Canada), Colombian cocaine cartels, Jamaican Posses, Russian organized crime groups and Chinese Triads all have a strong and growing presence in the United States and are involved in large-scale drug trafficking, money laundering, smuggling people across the borders and loan sharking (Sabrina Adamoli, 1998, p. 34).

Central and South American countries are melting pots for organizations such as the Cartels, Italian and US Mafia, Lebanese and Nigerian syndicates and even newcomers from Eastern Europe (Marine, 2010). The criminal activities range from the production and sale of illegal drugs to support for terrorist groups, smuggling of cars and people, engaging in financial and banking fraud, smuggling of embargoed commodities, and laundering huge amounts of illicit money.

Western Europe is a cross-roads for criminal groups operating internationally. From the West, Colombian cartels (with their allies like Galicians in Spain and the Mafia in Italy co-operate with the cartels to import and distribute cocaine in the whole of Europe); From the South, Nigerian groups and other groups from the Maghreb area are involved in the importation of hashish; From the East, Chinese Triads have established stable communities in Spain, the Netherlands, the United Kingdom, Italy, Austria, Belgium and Portugal. The main activities of these organized groups include drug trafficking, migrant smuggling, local extortion, illegal gambling and prostitution rackets (Rees, 2017).

In South East Asia, there is widespread drug production and trafficking, prostitution, gambling, fraud, smuggling, trafficking in migrants with a view to their exploitation, and significant levels of money laundering. This is mainly due to the presence of well-established international organized rings throughout the region. Most of these organizations are internationally notorious and raise severe problems at the global level because of the transnational nature of their activities. Chinese Triads and Japanese Yakuza are the best-known groups operating in the sub-region (Williams, 2008).

Turning to the control of drug markets in the African continent, the power of Nigerian criminal organizations, together with Namibian, South African and Zambian groups, should not be minimized. These powerful criminal organizations (especially the Nigerian ones) are also very active in other criminal fields like the smuggling of goods, fraud, and vehicle thefts (Vorrath, 2015). For instance, Nigerian criminal enterprises continue to expand their operations, not only throughout the continent, and especially in West Africa, but also in North and South America, Europe and Asia. In Africa, Nigerian traffickers use Ghana, the Ivory Coast, Senegal and South Africa as springboards for the transporting of heroin and cocaine to Europe and the United States (Alemika, 2013).

There are organized criminal groups in the Horn of African region who are engaged primarily on human trafficking, smuggling of migrants, small arms trafficking and wildlife trafficking. As it concerns organized human trafficking, Ethiopia is identified as a source and transit country (UNODC, 2013). Many Ethiopians, Eritreans and Somalis are engaged in human trafficking and migrant smuggling enterprises in three main routes in the Horn: the Eastern route, that links the Horn with Arab countries; the Southern route, that extends from the Horn region to South Africa as a primary destination; and the Northern route, that connects the Horn region with European countries as final destinations (Goitom, 2015). Besides, Ethiopia is mentioned as a transit country in drug trafficking cases. Several drug traffickers, particularly from Nigeria, have been arrested as they transit at Bole International Airport (UNODC, 2013). Thus, organized crime has become a security concern for all regions in the world in general and Africa and Ethiopia in particular.

TOCs as a Security Threat

TOC has been identified as one of the global, regional and national security threats, particularly in the post-cold war era. The international community recognizes that organized crime and its attendant activities (drug trafficking, money laundering, extortion, fraud) pose a dire threat to global stability (Nagle, 2002, p. 8). Some researchers identify Transnational Organized Crime (TOC) as one of the 'transnational threats' to the world today including terrorism, the illegal drug trade, illicit arms trafficking, transnational organized crime, uncontrolled refugee migrations, and environmental damage (Tuathail, 2007, p. 6).

Transnational Organized Crimes have manifold security implications. They greatly jeopardize the national security of governments in that they put the licit trade and financial transactions in danger (Williams, 2008). Transnational Organized Crimes are against human security in that they violate virtually all forms of human rights and environmental integrity (UNODC, 2011). These crimes undermine states' abilities to provide citizens with basic services, fuel violent conflicts, and subject people to intolerable suffering.

Although the actual impacts of transnational organized crimes are hardly calculated, they have a direct or indirect impact on governments, society and the physical environment at global, regional and national levels. The real threat of organized crimes can be understood on the direct and the indirect impacts they pose on states, businesses and the community. Almost all forms of transnational organized crimes have direct or indirect effects. For example, drug trafficking directly affects those drug addicts, their families and the community they live in; Trafficking in children and women for sex and labour, directly violates the human rights of children and women; illegal smuggling of migrants increases the

number of undocumented refugees in the host countries, and such immigrants usually do not get any legal protection even though they are harshly treated by the smugglers themselves and security officers; natural resource smuggling drives ecosystems to the brink of extinction; and trafficking in firearms in conflict zones directly fuels the scale of such conflicts (Adeniyi, 2017). The indirect impacts of transnational organized crimes cannot be easily understood even by crime investigation and prevention authorities unless they are proactive and well trained in how TOCs operate. Some researches show that illicit money (proceeds of organized crimes) are usually invested to boost the economy; however, such economic growths are only nominal, temporary and unhealthy (EU, 2015). Besides, most transnational criminal organizations lie behind the veil when it comes to state-sponsored corruptions and terrorist activities. For example, TOCs form part of the illicit economies in West Africa particularly in Liberia, Sierra Leone and Guinea (Vorrath, 2015); TOCs are at the heart of the war economies at Great Lakes Region in Central Africa (UNDOC,2011); and TOCs are linked to some terrorist groups that operate in Somalia (Picarelli, 2011).

Transnational organized crime has expanded dramatically in size, scope, and influence. Transnational organized criminals are threatening the national interests of world states by: Co-opting some governments and weakening governance in others; forging alliances with government elements including security services and big business figures; undermining competition in strategic markets; providing funding and logistical support for terrorist/insurgent activities; stealing intellectual property; expanding narco-trafficking and engaging in arms smuggling and human trafficking; using cyber technologies to perpetrate sophisticated frauds; using facilitators who operate in the licit and illicit worlds and provide services to criminals and terrorists alike (Albanese, 2014). In years past, TOC was largely regional in scope, hierarchically structured, and had only occasional links to terrorism. Today's criminal networks are fluid, striking new alliances with other networks around the world and engaging in a wide range of illicit activities, including cybercrime and providing support for terrorism (Shelley, 2005).

Virtually every transnational criminal organization and its enterprises are connected and enabled by information systems technologies, making cybercrime a substantially more important concern. TOC threatens international peace and security by taking advantage of failed states or contested spaces (Ohr, 2010); forging alliances with corrupt foreign government officials and some foreign intelligence services (Lewerenz, 2013); destabilizing political, financial, and security institutions in fragile states (UNODC, 2013); undermining competition in world strategic markets (Nagle, 2002); using cyber technologies and other methods to perpetrate sophisticated frauds; creating the potential for the transfer of weapons of mass destruction (WMD) to terrorists (Zabyelina, 2013); and

expanding narco-trafficking and human and weapons smuggling networks (Oucho, 2016). Terrorists and insurgents increasingly are turning to criminal networks to generate funding and acquire logistical support. TOC also threatens the interconnected trading, transportation, and transactional systems that move people and commerce throughout the global economy and across national borders of states.

Although it is next to impossible to list and explain all types of transnational organized crimes in this paper, it is imperative to identify some of the most prevalent organized crimes in the world in general and as it pertains to the security threats in Ethiopia. The most serious transnational organized crimes that affect or threaten security in Ethiopia include money laundering and terrorist financing, human trafficking, drug trafficking, trafficking in firearms, wildlife trafficking, cybercrimes, and piracy (Picarelli, 2011, p. 14).

Responses on TOCs: Global, Regional and National Levels

The ever growing and transmuting nature of TOCs, particularly in the post-cold war era, have called for global, regional and national normative responses. Transnational organized crime is a global threat that requires a coordinated multilateral approach in a large number of areas. More recently, the UN has linked the fight against transnational organized crime to achieving the Sustainable Development Goals (SDGs) by 2030 (Laan, 2017, p. 13). Accordingly, several multilateral treaties have been negotiated by states on the most serious and rampant sorts of TOCs. These multilateral treaties directly or indirectly attempt to tackle the negative consequences of such organized crimes including, but not limited to, drug trafficking, all forms of human trafficking, trafficking in firearms, money laundering, terrorism, corruption, wildlife trafficking and piracy. These treaties identify transnational organized crimes as a threat to global peace and security; as activities corrosive to global development; as activities ensuing in massive human rights violations; and as activities that endanger the natural environment (Laan, 2017). At global level, there are five major international agreements that underpin and provide near-global scope to the efforts to combat TOC and corruption: first, United Nations Convention against Transnational Organized Crime of 15 November 2000 (Palermo Convention); second, the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol); third, Protocol against the Smuggling of Migrants by Land, Sea and Air; fourth, Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and fifth, the United Nations Convention Against Corruption. Besides, there are other related legal instruments that deal with TOC. On trafficking in wildlife, the Convention on International Trade in Endangered Species of Wild

Fauna and Flora (CITES) is the main instrument; on piracy, the United Nations Convention on the Law of the Sea (UNCLOS) of 10 December 1982 provides for some rules; on migrant smuggling issues, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families of 18 December 1990, Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) (ILO) Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 25 September 1926 (Slavery Convention) prohibit migrant smuggling; on human trafficking, Convention on the Rights of the Child of 20 November 1989; and Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography of 25 May 2000 provide legal obligations on member states to outlaw human trafficking. On money laundering, the 1998 UN Political Declaration and Action Plan against Money Laundering provides general obligations on states to fight money laundering. Although these instruments fail to exhaustively identify various types of TOCs and clearly define them, they provide directions for member states to adopt national laws against organized crimes to foster global regulation on TOCs. At Regional level, all regions including Africa, America, Asia, Europe and the Middle East have identified TOCs as regional security threats. Accordingly, they have adopted several legal instruments that deal with many aspects of TOC. At national levels, the great majority of states have amended and adopted new laws in response to the growing threat of TOC (Ohr, 2010; Lewerenz, 2013; and Haken, 2011).

Accordingly, Ethiopia has also responded to TOC by amending the existing criminal law and adopting new laws[12] on various crimes related to TOC including laws on human trafficking, money laundering, cybercrimes, telecom frauds, terrorism and corruption. In sum, transnational organized crime has gone global, but effective global responses have not been developed. The absence of an effective response hinders social and economic development, including potential economic loss for governments, and has direct consequences on the environment as well as national and international security (WWF/Dalberg, 2012). Law enforcement has historically been a matter primarily of domestic concern (Ohr, 2010, p. 40), but the transnational nature of the transnational organized crimes and the complexity of the criminal networks today demand an international

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12 The new laws adopted in Ethiopia which have significance for controlling TOC include: Proclamation No.734/2012 International Convention for the Suppression of the Financing of Terrorism Ratification Proclamation; Proclamation No. 652/2009 Anti-Terrorism Proclamation; Proclamation No.209/2000 to Provide for Research and Conservation of Cultural Heritage; Proclamation No.735/2012 Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition Ratification Proclamation; Proclamation No.736/2012 Protocol Against the Smuggling of Migrants by Land, Sea and Air Ratification Proclamation; Proclamation No.737/2012 Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children Ratification Proclamation; Proclamation No.742/2012 United Nations Convention on the Law of the Sea Ratification Proclamation; Proclamation 780/2013 Prevention and Suppression of Money Laundering and Financing of Terrorism; and Proclamation No. 881/2015 Corruption Crimes Proclamation; Proclamation No. 761/2012 Telecom Fraud Offence Proclamation; and Proclamation on anti-terrorism Proclamation No. 652/2009.

cooperation on the investigation and prosecution of perpetrators for the effective control of TOCs.

The Ethiopian Approach on Controlling TOCs

The Impending Issues

There are common impending issues that restrain the national and international effort to tackle transnational organized crime. In the first place, by definition, transnational crime crosses borders. But the law enforcement institutions that have developed over centuries were constructed to maintain order primarily within national boundaries (Ohr, 2010). Secondly, in many states, political institutions have strong links to transnational crime, and citizens in numerous communities across the world rely on international criminal groups to provide basic services or livelihoods (Burcher, 2013; Iwanenko, 2014). Thus, policymakers are lenient on how to deal with transnational organized crime as long as it benefits the society. Thirdly, addressing transnational organized crime requires solid data to gauge the challenge and effectiveness of responses (Haken, 2011), but data on transnational organized crime is notoriously difficult to gather and is often politicized. Despite these impending issues, the subsequent section addresses the theoretical and practical challenges and prospects of counteracting TOC in Ethiopia.

The Challenges of Controlling TOCs

There are several challenges that the Ethiopian approach poses in controlling transnational organized crimes. This section attempts to pinpoint the forefront problems.

The Inadequacy of Laws. Ethiopia has signed and ratified many international treaties in relation to TOC including the United Nations Convention against Transnational Organized Crime; the UN Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (Firearms Protocol); the Protocol against the Smuggling of Migrants by Land, Sea and Air; the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children; and the United Nations Convention Against Corruption; the United Nations Convention on the Law of the Sea ; International Convention for the Suppression of the Financing of Terrorism; IGAD Convention on Mutual Legal Assistance in Criminal Matters; and the IGAD Convention on Extradition. Besides these legal instruments, Ethiopia has adopted a criminal law that punishes national and transnational organized crimes that would otherwise seriously jeopardize the peace and security of the Ethiopian society.

However, there is a discernible gap in the Criminal Code of Ethiopia in that it fails to properly address crimes born of advances in technology and the complexities of modern life that ensued in the wake of globalization. Although the FDRE Criminal Code incorporates transnational organized crimes such as trafficking in women and children (Article 597), drug trafficking (trafficking in Narcotic or Psychotropic substances)(Article 525), trafficking in natural resources (including soil, minerals, forest products, animals, plants, etc.)(Art 353), prohibited traffic in arms (Article 481), piracy (Articles 273, 670-671,673-674, 683(c), the hijacking of aircraft (Article 507-510), and money laundering (Article 684), the Criminal code does not adequately deal with such crimes with the degree of seriousness they deserve. That is, the punishments provided in the code are not proportionate to the gravity of these crimes. The FDRE Criminal Code does not define 'Transnational Organized Crime'. Nor does it define 'Organized Crime'. However, it outlaws and punishes any individual or a group of individuals who engage in criminal activities in partnership with 'illegal associations', 'gangs', or 'association of evil doers'. Besides, though the code identifies 'criminal organizations' by different nomenclatures including 'illegal/unlawful associations', 'organization of gangs', and 'association of evil doers', it fails to define or at least characterize what such criminal organizations are. Although the new proclamation on Human Trafficking and Migrant Smuggling[13] in Ethiopia provides a clear set of procedures for investigation and prosecution of organized crime, the FDRE Criminal Code of 2004 fails to provide comprehensive, substantive and procedural rules for the investigation and prosecution of other major forms of organized crimes.

In a nutshell, the following are the major challenges for the enforcement of laws against TOCs in Ethiopia; firstly, the lack of clear definition of 'transnational organized crime' and 'criminal associations or organizations' which makes the interpretation and application of such laws by the Court difficult, because the criminal law employs 'strict' and 'narrow' rule of interpretation. Secondly, the Ethiopian criminal law does not cover a range of new and heinous sorts of transnational organized crimes and does not prescribe adequate punishment in accordance with the degree of severity. Thirdly, Ethiopia has negotiated only a few number of bilateral and multilateral treaties with those host, transit and destination countries for the extradition of perpetrators who engage in transnational organized crimes to minimize the degree of criminal impunity. The Ethiopian counter approach on TOC seems to be law and order approach in which the law enforcement plays the central role. Reducing the problem of TOC only the problem of the law enforcement will not be sustainable. In fact, though Ethiopia has limited law enforcement and minimal criminal penalties, about 45 Nigerians have been convicted and detained in Ethiopia for alleged drug trafficking and related offences (Adamoli, 1998). But, sufficient laws against

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13 Proclamation No.909/2015 Prevention and Suppression of Trafficking in Persons and Smuggling of Migrants

TOC and the strictest law enforcement measures against organized criminals may not be enough. I argue that an evidence-led integrated approach combining proactive preventive social, economic and political measures with reactive law enforcement measures should be developed, adopted and implemented.

No Guiding National Strategic Document on TOC. Combating transnational criminal and trafficking networks requires a multidimensional strategy that safeguards citizens, breaks the financial strength of criminal and terrorist networks, disrupts illicit trafficking networks, defeats transnational criminal organizations, fights government corruption, strengthens the rule of law, bolsters judicial systems, and improves transparency (Iwanenko, 2014, p. 15). But, Ethiopia does not have a national counter-TOC strategy that follows a multidimensional and holistic approach in dealing with TOCs. Besides, the Ethiopian approach has been focusing entirely on the legal control of individuals or organized criminals rather than disrupting illicit markets, fighting institutional corruption and severing the organized criminal networks that foment transnational crimes in Ethiopia. Ethiopia has adopted some laws and established some institutions on some organized crimes instead of addressing the broad spectrum of TOC in the country. For example, there are laws and institutions established to tackle the problem of human trafficking and drug trafficking as organized crimes in Ethiopia while other forms of TOC are not adequately covered in the legal and institutional framework.

Weak Institutional Cooperation. The prevention and control of TOCs in Ethiopia require a strong cooperation among all stakeholders at domestic, international, regional and global levels. At a domestic level, there are several stakeholders including governmental institutions, NGOs and other civic organizations who are directly or indirectly engaged in the prevention and control of TOCs in Ethiopia (UNODC, 2013). For instance, the formal Criminal Justice Organs of the government (primarily including the institution of the Advocate General, the Courts, the Police and the Prison Administrations) are vested with the legal authority and general tasks of preventing and controlling all sorts of crimes including TOCs to bring about law and order in Ethiopia. Besides the formal justice organs, there are several NGOs and other non-state actors who are earnestly engaged in the prevention and control of TOCs in Ethiopia. Though some of the TOCs are victimless, most TOCs extremely violate human rights; jeopardize the whole financial system of the country; and endanger the environment and the ecosystem (Olson, 2018). For instance, there are numerous NGOs mostly international NGOs[14] who are actively engaged in the protection

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14 HRW - Human Rights Watch; AHR - Advocates for Human Rights; AI - Amnesty International; ECLJ - European Centre for Law and Justice; EWHRA - Ethiopian Women's Human Rights Alliance; HRLHA - Human Rights League of the Horn of Africa; Forum on Street Children-Ethiopia (FSCE); Save the Children; CARE, Catholic Relief Services, and the World Vision are some of the NGOs operating in Ethiopia assisting the fight against TOC as human rights and development problem.

and safety of the most vulnerable segments of the community in Ethiopia. There is no consultative forum for all stakeholders against TOC in Ethiopia to make synergies and combine efforts to counter TOC (Clark, 2000). Thus, disjointed efforts, a lack of understanding, and limited motivation to participate characterize the current state of affairs on combating TOC in Ethiopia. At the international level, although organized crime has become an international phenomenon, there is limited communication, coordination and cooperation between justice agencies and governments in general worldwide when it comes to organized crime-fighting issues (Lewerenz, 2013).

The Complexity of TOCs. Transnational Organized Crimes are too complex in nature to be easily understood by ordinary criminal justice organs, law and policy makers and other stakeholders who collaborate to combat them (Ohr, 2010; Shaw, 2015). Ordinary crimes are easily understood and generally rather visible to prevent and control by the regular justice organs (ibid). However, transnational organized crimes involving governmental corruption, business fraud, bid rigging and price fixing, price overcharging, stock and bond manipulations, computer hacking, etc. are rather invisible and require audits, specialized skills, precise investigations of financial transactions and a corresponding grasp of complex accounting and business matters (Burcher, 2013). There are four hurdles here: first, the ordinary police and law enforcement organs in Ethiopia are not even aware of the problem of transnational organized crimes- most police are assigned to investigate traditional crimes, not transnational organized crime (UNODC, 2013); second, although the investigation, detection and apprehension of TOC requires superior skills and experience, there is a short supply of well trained and experienced police investigators (UNODC, 2013); third, even though there are public prosecutors who are highly educated, trained and experienced in dealing with other forms of organized crimes including terrorism, corruption and computer crime cases, these prosecutors lack the required skills and experiences when it comes to prosecuting transnational organized crime; and fourth, the judges in Ethiopian courts are not in a position to effectively handle cases involving transnational organized crimes in their complexity. Particularly, they have difficulty in evaluating digital evidence, expert testimonies, and forensic evidence which are crucial in deciding organized crimes[15]. I have personally observed this when I would work as a public prosecutor at the Hadiya Zone Justice Department.

Corruption in the Public Sector. Organized crime has the ability to take advantage of the corruption within the justice system (Reinares, 1998, p. 10).

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15 Most cases in organized crime investigation, prosecution and trial depend on evidences from electronic and digital sources. However, the Courts in Ethiopia do not have the necessary technological devices to retrieve and make use of these evidences. Besides, there is extremely limited technology as it pertains to forensic evidence collection and presentation to the Court during trial.

Compromising just one component of the system can effectively neutralize the entire system. Transnational organized crime depends on high levels of systemic and institutionalized corruption (Shelley, 2005, p. 7). Poverty and weak governance also increase the potential for corruption, rendering Eastern Africa, including Ethiopia, a relatively attractive region to transnational organized crime (UNODC, 2013, p. 3). For instance, many organized groups[16] in Ethiopia send thousands of people primarily to Arab countries, Europe and South Africa for work. In 2012, about 85,000 people mostly unskilled labourers and domestic workers from Ethiopia arrived in Yemen (ibid). Many Ethiopian, Eritrean and Somali agents and organized groups are engaged in this business without a licence from their home. Countries. Public sector corruption has shown a significant increase in Ethiopia as of 2007 (Pathak, 2007). Thus, Corruption in the public service sector will definitely foment TOC in Ethiopia unless action proper action is taken to reduce it.

Convergence of Terrorism and TOC. The line between terrorism and TOC has become increasingly blurred as these organizations discover common interests and learn from one another. Indeed, terrorism and TOC comprise a new, hybrid threat rather than two separate problems (Iwanenko, 2014). Terrorists have discovered the advantage in using existing TOC logistical networks, while TOC organizations are increasingly relying on violent tactics learned from their terrorist counterparts. Additionally, TOC provides significant funding and resource support to terrorist activities (Reitano, 2015). Unlike in the case of TOC, Ethiopia has adopted very stringent anti-terrorism and anti-corruption laws[17]. Besides, Ethiopia has ratified the International Convention for the Suppression of the Financing of Terrorism[18]. This guarantees a strong legal framework for legally controlling the organized criminals. However, it is extremely difficult for the Ethiopian government to sever the complex networks of international terrorists and transnational organized criminals without adopting a guiding strategic document at domestic level and strong cooperation with other partners at international level.

Ethiopia's Capacities and Prospects for Controlling TOCs

Mutual Legal Assistance Treaties (MLATs). Much of the success of the fight against TOCs depends on enhanced mutual legal assistance and extradition processes. Given the variety of legal systems, languages and political interests in the world such matters are not simply resolved. To assist member states in seeking solutions in these areas, the UN has developed two model treaties for countries to use as they

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16 Many organized crime syndicates particularly ethnic Eritreans, Somalis and Ethiopians are active especially in human trafficking and migrant smuggling routes (the Eastern and Northern routes) in the horn of Africa region.

17 Proclamation No. 881/2015 Corruption Crimes Proclamation; and Proclamation on anti-terrorism Proclamation No. 652/2009.

18 Proclamation 780/2013 Prevention and Suppression of Money Laundering and Financing of Terrorism

negotiate arrangements. The United Nations Model Treaty on Mutual Assistance in Criminal Matters and the United Nations Model Treaty on Extradition are designed to recognize differences in legal systems and suggest bridges between them (EU, 2015). International extradition treaties remain the most effective legal mechanism to obtain the return of international fugitives. Ethiopia has so far ratified several extradition treaties with some Intergovernmental Authority on Development (IGAD) members[19]. Ethiopia has signed the IGAD Convention on Extradition. This enables the country to cooperate with other IGAD member states in arresting and prosecuting perpetrators. Besides, Ethiopia has signed a bilateral treaty with some Arab countries[20] on labour and cooperation for the prosecution of trafficking in persons. This will help minimize international impunity of organized criminals.

In addition, states party to the UN Convention against TOC are required to promote training and technical assistance that will facilitate extradition and mutual legal assistance (UNODC, 2013). Thus, Ethiopia as a UN member and signatory of the convention has the duty to promote the training of police, prosecutors, judges, and others in justice sector; on the other hand, the country has a privilege to get legal assistance from other members. UNODC also supports national institutions to build capacity in all sectors of judiciary, police, investigation, prosecution and imprisonment. For instance, with technical assistance from UNODC, it developed a national drug control master plan for 2009-2013. Ethiopia is a source country for men, women, and children subjected to trafficking in persons, specifically in conditions of forced labour and forced prostitution. The government made progress over the past year in addressing transnational trafficking through significantly increasing law enforcement efforts. Due in part to the establishment of the Human Trafficking and Narcotics Section in the Organized Crime Investigation Unit of the Federal Police, there was an increased emphasis on investigation and prosecution of international trafficking crimes, although the continued lack of investigations and prosecutions of internal trafficking crimes remains a concern.

Expanding the Presence of Ethiopian Law Enforcement Agents Abroad. Ethiopia is expanding its law enforcement presence in other countries to work with the host countries to respond to the growing need for controlling transnational organized crimes and terrorism. For instance, Ethiopia is working in collaboration with the United States and other partners to tackle the problem of terrorism in Somalia. In 2006, Ethiopia made a military intervention to attack the Islamic Court Union and Al Shabaab (a terrorist group based in Mogadishu). Accordingly, Besides, Ethiopia has been sending law enforcement agents to some Arab countries including Saudi

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19 Ethiopia has signed extradition and Mutual Legal Assistance treaties with Sudan; Kenya, and Djibouti.

20 For instance, Ethiopia has signed the Security Cooperation Agreement between the FDRE and the Republic Yemen. Besides, Ethiopia has signed labor exchange agreement with Jordan, Qatar, Kuwait, Lebanon, the United Arab Emirates and Saudi Arabia.

Arabia and Kuwait where many Ethiopian women work as domestic servants to work on joint operations. The Ethiopian law enforcement agents have dealt with the host country law enforcement organs to protect the rights of Ethiopian workers and to jointly address the problem of organized human trafficking and smuggling of migrants from Ethiopia to these countries (Bereket, 2017).

INTERPOL in Ethiopia. INTERPOL is the world's largest international police organization, with 190 member countries (INTERPOL, 2017). It has a high-tech infrastructure of technical and operational support to help members meet the growing challenges of fighting transnational organized crime. It works to ensure that police around the world have access to the tools and services necessary to effectively detect and investigate organized crimes. To this effect, INTERPOL provides targeted training, expert investigative support, relevant data and secure communications channels for police worldwide. The government of Ethiopia and the International Criminal Police Organization-Interpol signed an agreement for the opening of a special representative office in Addis Ababa in January 2016 (ENA, 2016). This will definitely enhance the Ethiopian police to prevent organized crimes in Ethiopia effectively.

Legislative Reform. The laws that deal with transnational organized crimes in Ethiopia are both incomplete in scope and lenient in punishment. This fact has been identified by many pieces of literature and international organizations that work on TOC (Oucho, 2016; UNODC, 2013; Adamoli, 1998). However, after 2001, the Ethiopian government had made a serious attempt to adopt new laws and amended the existing laws that dealt with organized crimes. For example, the Penal Code of 1960 was revised to include new forms crimes such as computer crimes and to reinforce the punishments on different crimes including corruption, drug trafficking, trafficking in children and women, etc. Besides, Ethiopia has signed and ratified many international legal instruments that will buttress the country's incessant efforts to tackle the problem of transnational organized crime.

Conclusion

The following short conclusion can be drawn. First, there is a gap in the juridical definition and the philosophical dimensions of TOC. This will greatly hamper the current effort on the harmonization of national laws of countries and the global regulation of TOC. Second, although there are efforts made by the Ethiopian government to establish the legal and institutional framework to effectively address the problem of organized crimes in Ethiopia, these efforts face many challenges including insufficiency of the existing laws, lack of national strategy on counter TOC, weak institutional cooperation, and the institutionalization of corruption. Finally, TOC is a complex and multifaceted phenomenon that is deeply intertwined with social, political and economic dynamics of societies at

local, national and global levels. The existence of linkages between the various levels of the system within which TOC operates also suggests that holistic security strategies which draw on different approaches are more likely to be effective in tackling organized crimes than legal control based on deterrence theory of change. However, the Ethiopian approach to countering TOC does not seem to have a holistic and strategic approach which is informed by an understanding of the dynamics of TOC.

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About the Author

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Policy Impacts on Africa's Extractive Sector:

Uganda, the Stagnation of Minerals, and the Promise of Oil[21][22]

Hany Besada

Abstract

The East African country of Uganda has seen its growth increase steadily in the last decade. While minerals have stagnated, the continued presence of agriculture and the 2006 discovery of oil have given the country reason for economic optimism. Not yet tapped, Uganda expects to construct a pipeline and start extracting this oil within the next five years. The Ugandan government, led by President Yoweri Museveni, has promoted oil as the opportunity to industrialize the country. However, Uganda must improve on several facets to make this happen. Their fiscal regime needs improvement, as it is not internationally competitive and suffers from tax leakage. As for economic diversification, the government plans for a quasi-market approach to industrialize, but it will need to improve education before attracting investment. Value addition must also be created for their resource economy, especially in minerals. In terms of regional connections, Uganda should continue its involvement with the African Union and the East African Community. While the government promotes oil as the key to transforming Uganda into a middle-income, industrialized country this change will not occur unless the government changes the country's prevailing policies. Museveni's government must, for instance, improve their transparency, not muzzle civil society groups and let institutions build more capacity. Without structural changes to the government, oil will not lead to the envisioned development of Uganda.

Introduction

A landlocked country in East Africa, Uganda has been experiencing stagnation in the mining sector. However, the recent discovery of oil and natural gas, which have not yet been processed and produced, has the potential to boost its development prospects if appropriate policies are formulated and implemented. Kampala is the capital and largest city in a country with a population of approximately 37.1 million. Agriculture is the most important sector of the economy, as it employs upwards of two-thirds of the population (CIA, 2015). Behind coffee and fish, gold

is the country's third largest export with sales worth US$122 million in 2006[23]. Uganda's mining sector currently accounts for 1% of Gross Domestic Product (GDP) (KPMG, 2015, p. 10). Uganda has seen its economy grow considerably over time, with recently estimated GDP growth rates being 5.8% in 2017/18, an increase from 3.9% growth in 2016/17 (KPMG, 2018). This growth has been attributed to increased activity in manufacturing, construction, and mining, and may be considered a significant increase from the growth rate of 2.6% in 2012. In terms of sector, in 2015, agriculture accounted for 26.7% of GDP, the industry contributed 22.2%, and services contributed 51.1% (CIA, 2015). Still, however, approximately 20% of the population remains below the national poverty line (PwC, 2018).

In 2006, oil was discovered near Lake Albert along the border between Uganda and the Democratic Republic of Congo. Confirmed reserves of 2 billion barrels make it sub-Saharan Africa's biggest onshore oil discovery in 20 years (NRGI, 2015). Oil is already central in the country's long-term planning for development and poverty reduction, but dates pertaining to production remain unknown. While some estimates suggested that production would be as early as 2017 (Deloitte, 2014, p. 31), limited progress indicates that a date beyond 2020 seems more likely.

Mining in Uganda first took place in the late 1920s and became commercially viable in the 1950s. Following independence from Britain in 1962, Uganda exported copper, but the mining sector never recovered after the politically turbulent years of Idi Amin's presidency in the 1970s. During this period, almost all mining companies ceased production, after which the sector was neglected during the 1980s and 1990s. In fact, large-scale industrial mining had almost disappeared, having been nationalized by Amin's regime. The mining sector's contribution to GDP fell from 6% in the 1970s to less than 0.5% in 2010 (World Bank, 2010). Reduced to artisanal and small-scale operations, the sector was under-exploited and declining, far from being able to exhibit its economic potential. However, mining progressively regained attention at the end of the 1990s, when the government attempted to attract foreign investment into the sector.

Although small, the mining sector currently focuses on the commercial mining of gold, cobalt, copper, iron ore, tungsten, steel, tin, lead, limestone, diamond, salt, and vermiculite (NRGI, 2015). Most of the mining in Uganda takes place close to the Democratic Republic of Congo and Rwanda, and many activities are still nascent or at the exploration stage. The annual growth of the mining sector depends primarily on the global demand since almost all minerals are exported

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23 See KPMG (2015, 10) for a discussion about the controversy regarding how much gold is mined domestically and whether gold mined in the Democratic Republic of Congo is re-exported.

in raw form. Facilitated by an increase in construction activity (iron ore being critical for the making of steel used in construction), the sector grew by 14% from 2006 to 2007, a substantial increase from 8% between 2005 and 2006 (NRGI, 2015). Residential construction has been the main source of demand in recent years, followed by commercial and infrastructure construction. Mining groups are also driving the construction boom: Jentex Mineral Co. Ltd is a gold company also active in construction, as well as the large Madhvani Group. The Ugandan government has also been working on road construction between mining areas, power plants, and water sources and is pushing for further exploration to quantify results.[24]

Key government actors in the sector include the Ministry of Energy and Mineral Development (MEMD), Ministry of Finance, Planning, and Economic Development, and Directorate of Geological Survey and Mines. The Uganda Chamber of Mines and Petroleum represents the interests of private actors in both the mining and energy sectors. According to the chamber, the country wants to look at seven minerals in particular[25]: (i) iron ore, (ii) tin, tantalum, and tungsten (TTT), (iii) gold, (iv) platinum group metals, especially copper, nickel, and zinc, (v) aluminium clays, (vi) phosphates, (vii) rare minerals and rare earth, and (viii) vermiculite.[26] The chamber has been trying to stimulate the mining sector by attracting new investors and introducing risk management. It argues that exploration needs to first take place before there are discussions about beneficiation. Furthermore, beneficiation cannot be taken seriously if there is not enough interest in, and resources required for, exploration to take place. Unlike other countries in the region, Uganda has had trouble attracting large mining companies.[27]

Although similarly ridden with uncertainty, the government appears to be comparatively more focused on the energy sector; specifically the oil and gas industry[28]. The Petroleum Exploration and Production Department of the MEMD

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24 The government has never conducted a comprehensive national minerals survey, so it is unclear what mineralized zones contain and in what quantities. However, smaller mineral surveys have been conducted across the country and such reserves are assumed to be small (KPMG 2015, 5, 9). Low-resolution surveillance, in terms of the geo-mapping of minerals for instance, has been done, with 20% of the country's total area having been covered thus far. There appears to be much potential for gold, copper, and cobalt, though assessment of commercial viability has yet to take place (Uganda Chamber of Mines and Petroleum, in discussion with the author, August 24, 2015). Millions of dollars are being sought to de-risk proposed projects to increase their feasibility through thorough professional economic and technical appraisals of areas, and mapping the most endowed areas (Uganda Chamber of Mines, email message to author, February 8, 2015).

25 The list of the most important minerals has been determined after a series of geological, geochemical, and geophysical studies, sponsored by the World Bank, the African Development Bank, the Nordic Development Fund, and the Ugandan government and carried out between 2008 and 2012 by a consortium led by the Geological Survey of Finland, with the Department of Geological Survey and Mines of Entebbe.

26 Interview with Uganda Chamber of Mines and Petroleum, August 24, 2015.

27 Interview with African Gold Refinery, August 24, 2015.

28 See Deloitte (2014, 31–33) for an overview of the oil and gas industry, including exploration drilling for commercial hydrocarbon reserves, the licensing and operation of blocks, the proposal of field development plans, and further acquisition of production licenses.

is the government entity directly responsible for the supervision of the industry. The government introduced the National Oil and Gas Policy in 2008 and enacted the Petroleum (Exploration, Development and Production) Act in 2013 to govern the sector. However, the guidelines and provisions outlined in the policy and legislation have yet to be fully implemented.

The MEMD and Tullow Oil, a major actor and one of only three licenced operators alongside French Total and Chinese-government-run China National Offshore Oil Corporation, both estimate that the oil reserves could generate over $2 billion annually for over 20 years. This would exceed the $1.7 billion per year that Uganda receives in official development assistance (NRGI, 2015). The government suggests that there are 3.5 billion barrels of recoverable reserves, while Tullow Oil provides a more conservative estimate of 1.7 billion barrels. The ability to fully tap into this potential is contingent on overcoming a number of key challenges. For instance, the discoveries are largely in remote and environmentally-sensitive areas, and as the oil is solid at room temperature, transportation would require a costly heated, insulated pipeline (Deloitte, 2014, p. 32). In August 2015, the governments of Uganda and Kenya settled on the northern route for a crude oil pipeline that will transport oil from the Albertine region to Lokichar and Lamu. Investors prefer the southern route through Nairobi to Mombasa, citing security concerns on the northern route related to the civil war involving the Lord's Resistance Army. However, the costs and risks involved in pursuing the southern option are higher – taking the route involves displacing hundreds of residents (Ochie'ng, 2015).

In line with policy and legislation governing the oil and gas industry, the Petroleum Authority of Uganda, a government-owned regulatory body, was founded in 2014 and had its board of directors approved by the parliament in September 2015. Similarly, the Uganda National Oil Company was incorporated in June 2015.[29] Although it operates as a private company, the company is wholly owned by the government. Generally tasked with handling the state's commercial interests in the oil and gas sector, the company specifically aims to manage the government stake in upstream, midstream, and downstream activities. In addition, the company also manages the country's share of petroleum received in kind and develops in-depth expertise in the industry. As a result of these responsibilities, the company is expected to boost energy security, improve revenue generation, and help reinvest profits in economic development and job creation.

The Uganda National Oil Company also handles the government's interests in the development of an oil refinery. Estimated costs amounted to around $4 billion. Foster Wheeler Energy Limited UK conducted the feasibility study, which

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29 For financing options for the Uganda National Oil Company, (see Lassourd 2015).

determined that this was the best option for the country. The World Bank and International Monetary Fund expressed sceptical views against the construction of the refinery, as it would need costly and extensive infrastructure, and would result in significant pollution (Valeriya, 2015). The government selected Russia's RT Global Resources as its preferred investment partner for the construction of the refinery (Ssekika, 2015b). The government was to hold a 40% share in the refinery, and the refinery was to be built through a public-private partnership.

However, these initial efforts to secure an investor failed as talks with RT Global Resources gradually broke down. In April 2018, the government signed an agreement with an international consortium – including a subsidiary of General Electric in the USA – to build and operate a refinery in western Uganda. The lack of associated infrastructure, such as the transportation pipeline and the oil refinery, is a key reason for the delay in commencing oil production. This delay is also exacerbated by disagreements between government and field operators over taxes and development strategy (Biryabarema, 2018). Positive steps are now being taken, and continued improvements in the policy and regulatory environment are likely to engender further progress.

Fiscal Regime

Uganda's fiscal regime for both the mining and energy sectors is basic and does not meet international standards in some areas. The following provisions, in particular, are absent:

- Corporate income tax capped at a special rate for special mining licences

- Resource rents tax and additional profits tax on special mining licences

- Reduction of the withholding tax on expatriated dividends, but gradual increase of the tax for investors domiciled in tax havens

- Retention fees for resource rights

Uganda's corporate income tax rate for the mining sector differs from those of other East African Community (EAC) countries, as the country imposes a variable rate of between 25% and 45%. The rate is dependent on where operations fit within a formula that assesses profitability[30] . Tanzania, Rwanda, and Kenya have a fixed rate of 30%, and Burundi's rate is fixed at 35% (Tsikata and Chambers 2013, p. 27). Royalties are at 6% for resident companies (they are included

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30 The regular corporate income tax rate beyond mining is 30% for all sectors.

in taxable income and tax is withheld at source) and 15% for non-residents companies (they are subject to double tax treaty provisions)[31] (KPMG, 2012, pp. 1–2). Given these arrangements, it is debatable as to whether the government promotes foreign direct investment with its fiscal regime. The stability of the regime has been an issue.

Recent changes to Value-Added Tax (VAT) laws with the Value Added Tax (Amendment) Act of 2015 have increased certain costs for investors, set the terms for the long-term development of the nascent oil and gas industry, and affected competitiveness by global standards. This is confirmed by the fact that Uganda is ranked 92nd by the 2014 Investment Attractiveness Index for the mining sector published by the Fraser Institute (Jackson, 2014). In 2017, Uganda was dropped from consideration as the survey had insufficient responses from the country (Stedman and Green, 2018).

The mineral fiscal and regulatory regime is based on the Mining Act of 2003, slated for amendment, and the Mining Regulations of 2004 (A and B). The current fiscal and regulatory regime for the oil and gas industry is based on the National Oil and Gas Policy of 2008, Petroleum (Exploration, Development and Production) Act of 2013, and Petroleum (Refining, Gas Processing and Conversion, Transportation and Storage) Act of 2013. Mining and oil companies and sub-contractors are taxed in accordance with the provisions of general tax legislation, meaning the Income Tax Act of 1997, Value Added Tax Act of 1996, and East Africa Community Customs Management Act of 2004.[32] Once production is commenced, the Public Finance Management Act of 2014 will govern the management of revenue from the production of oil and gas. The government has asked the International Monetary Fund for assistance to establish a revenue-sharing mechanism for the oil and gas industry.[33] Other relevant statutes and guidelines include the Land Act of 1998 and National Environment Management Authority regulations of 2007.

Ugandan companies are taxed on their worldwide income at a flat rate of 30%. Dividends paid to a non-resident parent company are subject to tax withholding at a rate of 15% under general rules. This rate may be reduced if a shareholder is a resident of a country with which Uganda has a double tax treaty. It is possible for foreign legal entities to hold interests in production sharing agreements (PSAs) and carry out other types of business activities in Uganda via branches. These are usually taxed at 30%, and there is an additional tax of 15% that effectively applies to profits repatriated to the head office.[34]

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31 According to World Bank data, the tax revenue has been 11% of the GDP in 2012, against 13.4% in 2011.

32 All EAC countries adopted this act. Under the East African Customs Union, there are import duty rates of 0% for raw materials, 10% for semi-finished goods, and 25% for finished goods (KPMG 2012, 3).

33 Interview with Africa Institute for Energy Governance, August 25, 2015.

34 See Deloitte (2014, 36–41) for a comparison of key terms in production sharing agreements (PSAs) across East African

The Income Tax Act includes basic transfer pricing rules that have not been extensively applied: avoidance and cross-border transactions reduce the overall compliance. More detailed regulations were introduced in 2011, along with documentation requirements in 2012, but monitoring and audits are needed to properly understand the major area(s) of tax leakage. Resources from the extractive sector are perhaps not efficiently secured, and sizeable illicit leakages from oil exploration have been already reported (Africa Progress Panel 2013: 64). PSAs typically include specific transfer pricing and valuation rules. Tax law in the country does not allow any fiscal consolidation for companies that are under common control, with each company taxed separately and no allowance for offsetting the profits of one company against losses of an affiliate. There is also ring-fencing of contract areas so that profits from one PSA cannot be sheltered from income tax by losses from another PSA (Deloitte, 2014, pp. 33–35).

Uganda implements a VAT system, where the standard rate is 18%. Some goods and services, such as petroleum products, are exempt, while others, including exports, are zero-rated. The import of plant and related machinery is exempt from VAT as an incentive for investment. A company that sells exempt goods and services is not able to recover VAT on related goods and services that it purchases. In circumstances where goods and services are standard or zero-rated, input VAT can be recovered by offset or refund. A company that imports services is required to self-charge input VAT on their costs. Since July 2012, VAT on imported services accounted for in this way cannot be offset against output VAT. Further, the upstream oil and gas industry is heavily taxed in Uganda, like in other countries. The government collects rents estimated to be over 80% through confidential PSAs. Customs duty and withholding tax exemptions apply to imported equipment for upstream activities. It is reported that PSAs include stabilization provisions that protect companies from changes in laws after PSAs are signed, and it remains unclear whether PSAs, which do not have the force of law, override domestic legislation in the event of a conflict. In 2010, rules were introduced to tax any gains arising from the disposal of interests in PSAs. The rules are effective from 1997 when the Income Tax Act came into force, but it is unclear whether companies are protected by economic stabilization provisions (Deloitte, 2014, pp. 33–35).

Diversification of the Economy

The government's promotion of the oil and gas industry is an economic diversification initiative that has the potential to turn Uganda into a middle-income country within a few decades. Described in Uganda Vision 2040, the government's economic growth strategy revolves around "harnessing strategic

countries.

opportunities by strengthening the relevant fundamentals", increasing the country's global competitiveness in the production of goods and services, improving social development indicators, and strengthening governance. Key opportunities include the country's abundant labour force, minerals, oil and gas, agriculture, tourism, industrialization, and trade (Uganda, 2013, p. 16). In the context of value addition in the oil and gas industry, the government's areas of focus include the construction of the oil refinery which, in turn, is expected to have a multiplier effect through secondary industries (plastics, agrochemicals, fertilizer, lubricants, paint, bitumen, thermal power generation in particular) and tertiary industries (machinery, transport, hotels, construction, real estate, and communication). Other focus areas include the support of scientists, engineers, and technicians, the establishment of a specialized oil and gas research development centre, enterprise development, capacity building, and the establishment of a local area development fund (Uganda, 2013, pp. 48-50). Policy reforms and shifts involve a quasi-market approach, with the government providing investment and promoting public-private partnerships, while the private sector acts as the engine of growth and development. The vision prioritizes oil and gas, front-loading investments in infrastructure, and establishing a modern industrial system (see Uganda, 2013, pp. 16–18).

With regard to minerals, Uganda has the potential for value addition and beneficiation, such as the production of jewellery from gold and gemstones and the enhancement of industrial mineral processing. According to Uganda Vision 2040, the government plans to provide manufacturing feedstock to help establish an industrial base for the local production of consumer and industrial goods. It will establish processing industries for phosphates in Tororo, limestone in Karamoja and iron ore in Kabale (Uganda, 2013, p. 51).

According to the MEMD, beneficiation is not attainable, due to intrinsic limitations, and prioritization is not desirable at the present time, as it could penalize other minerals.[35] In terms of immediate opportunities, TTT present low-hanging fruit, as they are not difficult to process, so establishing a smelter would create an opportunity for beneficiation and could be a catalyst for other industries. Aluminium clays have much potential as well, with the technology available to build an environmentally-friendly aluminium processing plant.[36] The MEMD is interested in refining copper for export, but first needs to conduct a cost-benefit analysis to assess viability. It is also interested in exporting small quantities of vermiculite.[37] The MEMD was expected to begin geophysical surveys of certain areas in 2016, which would enable data processing, geological

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35 Interview with Uganda Ministry of Energy and Mineral Development, August 27, 2015.

36 Interview with African Gold Refinery, August 24, 2015.

37 Interview with Uganda Ministry of Energy and Mineral Development, August 27, 2015.

modelling, field development, environmental impact assessment and monitoring, and market analytics. Uganda will need to find more mineral deposits to attract exploration investment from mining companies. Given low global mineral prices at the moment, the government needs to find many mineral deposits and conduct feasibility studies that demarcate probable and proven reserves of minerals. Only then will it be able to make a case for kick-starting mineral beneficiation. Importantly, the government needs to understand the supply chains and markets for each potential mineral product and determine how to increase production to improve the feasibility of smelting. A competitive, predictable legal environment is also needed to attract investors to the mining sector.[38]

Notably, Ugandan President Yoweri Museveni issued a presidential directive in 2011 to ban the export of unprocessed minerals based on an argument that it denied the country income and employment. The ban came into effect for local and international actors in the mining sector in February 2015. Museveni declared to members of parliament: "Make it a culture not to allow minerals to go out of this country unprocessed. We must educate our people to defend our economy. I do not want to be part of these historical mistakes" (Nalubega, 2015b). The reason behind the ban was the perceived need to stop the business of mineral exports until mining policies were updated.[39] Instead of catalyzing the production of final or semi-final mineral products, the ban resulted in people who invested and worked in the sector not being able to export raw materials for necessary revenue, leading to requests for grace periods, considerations of court action, borrowing money from other sectors such as agriculture to sustain operations, and resorting to alternative ideas such as selling unprocessed minerals to a national mineral processing plant (Nalubega, 2015b; Ssekika, 2015a).

Museveni lifted the ban later that year, in August, noting that he was "misled" by advisors, referring to officials at the MEMD who convinced him that it was more economically viable to process minerals in the country than export them raw. Many actors applauded this decision on the understanding that it would attract more investors to the sector. However, others suspected that the move could have been made to gain votes in the February 2016 elections and wondered if the directive would be reinstated once the elections were over (Nalubega, 2015a). The Ugandan example illustrates how – beyond the positive socio-economic impacts of beneficiation on African countries and the real will of leaders to follow this path, or at least its use for communication purposes – the benefits of beneficiation depend on the quantity and price of the minerals and metals concerned. Beneficiation may have modest fallouts on the economy in the end. The MEMD underlines that in Uganda mining products are, for the moment,

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38 Interview with Auranda Minerals, August 27, 2015.

39 Interview with Africa Institute for Energy Governance, August 25, 2015.

insufficient to attract important investments, while beneficiation of oil and gas is different and has more potential, because of the peculiar role of extractives in the market.

Key requirements for economic diversification that address commonly cited problems for doing business in Uganda are education and training to cultivate a skilled workforce and large-scale improvements in power supply. The scarcity of physical and human resources at all education levels, low enrolment especially in rural areas, and high university tuition costs have resulted in low levels of educational attainment that "present major downside operational risks to investors" (see BMI Research, 2015, pp. 23–46). There is also a need to strengthen the quality of education to ensure that value addition can take place and local content can be offered.[40] The introduction of petroleum-related undergraduate and post-graduate programs at private universities and scholarships offered by development partners on a competitive basis are promising steps, but structural weaknesses across the education system must be addressed.

Concurrently, low power supply is one of the biggest obstacles to investment, with the electricity network needing both renovation and expansion (KPMG, 2015, p. 16). Uninterrupted electricity still does not reach many parts of the country, transmission lines are congested at most times (electricity occasionally goes to a village council instead of individual households), and electricity bills are high. Uganda is a member of the Eastern Africa Power Pool (EAPP), which was established in 2005 to increase the volume and reduce the cost of electricity, and a joint EAC-EAPP Regional Power Plan for the 2013–38 period exists, but demands are urgent. There are many investment opportunities in energy efficiency improvement (MEMD, 2015b) and discussions on the short-term use of crude oil and gas for power generation before the commercialization of oil are ongoing. The plans for infrastructure in Uganda Vision 2040, especially in guaranteeing better power supply must, therefore, be an overarching priority.

Another option for economic diversification that has largely gone undiscussed in the country is renewable energy development. For instance, there are many investment opportunities in biofuels, specifically ethanol, for small and large producers (see MEMD, 2015a). Supporting this further, the MEMD has created an enabling environment for biofuel development with the introduction of the Renewable Energy Policy of 2007 and Biofuels Bill of 2015. The opportunities presented by investment in renewable energy have benefits that include the creation of jobs and a chain of multiplier effects throughout the economy. Further, promoting the inclusion of women in skilled jobs in both the mining and energy sectors through education, equipping them with entrepreneurial knowledge and

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40 Interview with Africa Institute for Energy Governance, August 25, 2015.

skills, and changing work environments to be more conducive to women, should be further explored. This is particularly pertinent given the amount of surplus female unskilled labour and potential benefits for whole communities.

Linkages Promotion

The government is finalizing a national mining policy and regulations that will supersede the Mineral Policy of Uganda of 2000. The most recent iteration of the draft Minerals and Mining Policy for Uganda, i.e. in 2018, contains a number of broad policy objectives including value addition, policy directions and strategies, an enhanced institutional framework outlining roles for various actors, an implementation framework and a promise to develop monitoring and evaluation plans (see DGSM, 2015; MEMD, 2018). It also includes sections on promoting national and local content through skills development, the employment of Ugandans, procurement of Ugandans' goods and services, the development of a model community development agreement, and formalization of artisanal miners into small-scale miners through the provision of extension services, creation of legal frameworks and regulatory mechanisms, access to capital and property rights, and capacity building for exploration activities. The original draft, which passed stakeholder consultations, was criticized for having a scant section on value addition with the conclusion that it still needed a lot of work. Further deliberations on the draft policy, possibly in the form of a national conference, are likely to precede formulation, after which it will be finalized and recognized by law.[41]

Importantly, the government needs to set the standards for mining companies to follow with respect to value addition, beneficiation, and local content. There has been public outcry, particularly from artisanal miners, that mining has not led to industrialization, the creation of jobs and secondary industries, or revenue generation.[42] There is evidence that some artisanal miners are exploited, as certain mining companies have been found to employ artisanal miners to keep salaries low and benefits non-existent. There is a need to formalize these artisanal miners and give them a voice, particularly in negotiations over prices.[43] Specific laws for artisanal and small-scale mining do not exist yet, and current regulations do not address the specificities of this sub-sector. This is despite awareness and attention on small-scale mining rights going back to the 1964 Mining Act.

Alternatively, there is the option to formalize small-scale supply production chains and invest in setting up larger mines.[44] The Uganda Chamber of Mines

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41 Interview with Auranda Minerals, August 27, 2015.

42 Interview with Uganda Chamber of Mines and Petroleum, August 24, 2015.

43 Interview with Africa Institute for Energy Governance, August 25, 2015.

44 Interview with Auranda Minerals, August 27, 2015.

and Petroleum argues that the government needs to establish a roadmap for the mining sector, which involves outlining what needs to be achieved over the next 5 – 10 years. The roadmap should include value addition parameters and strategy, employment targets, as well as revenue estimations and projections. This would lead to a holistic vision for the mining sector and mineral exports.[45]

The experience of Krone Uganda Limited, a Ugandan company, is an example of the efforts and challenges faced by mining companies in the country. The company has the monthly capacity to supply 20 metric tons of Wolfram, which can be processed into tungsten to produce steels and alloys with a variety of uses, including the production of cell phones and hospital equipment. Like other companies, Krone allows artisanal miners to mine and sell Wolfram concentrate to the company, which has helped generate employment and incomes for them and their families while lowering production costs for the company. For every kilogram that an artisanal miner brings, the company pays 10,000 shillings to the miner. Approximately 2,000 miners and 86 Krone employees directly benefit from the company's operations, with the multiplier effect being large on their families. As part of this community development agreement, a certain part of royalties also goes back to communities. Moreover, the company recently acquired earth-moving equipment, which will help artisanal miners mine more minerals and increase production capacity tenfold to 200 metric tons per month.

Despite these efforts, there are very few smelting plants for Wolfram in the world and none in Africa. Approximately $220 million would be required to build a mini smelting plant for value addition purposes. Brake discs and pads would probably be the easiest products to produce in Uganda given available resources, but the country does not have the silver needed to mix with the Wolfram to produce them and, as mentioned, the power supply would be an inhibitive problem. Further, Krone Uganda Limited is forced to import all mining and safety equipment – a costly problem faced by most, if not all, mining companies operating in the country. Secondary industries reliant on the mining sector could, and should, be created and supported by the government. Since food is sourced locally, policy pertaining to local content may begin with that and, at present, the government could work toward establishing a mineral value chain and food hub together.[46]

In the context of oil and gas, the government is mostly dealing with the implementation of existing policies, licencing rounds, and construction of the oil refinery at the moment. However, petrochemical industries will be created in line with the National Oil and Gas Policy of 2008, which stipulates the development of petrochemical industries around an oil refinery. The oil and gas industry

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45 Interview with Uganda Chamber of Mines and Petroleum, August 24, 2015.

46 Interview with Krone Limited, August 26, 2015.

has many investment opportunities in the upstream and midstream sectors (see MEMD, 2015d). In PSAs, local content is to be encouraged by the contractor, but no minimum percentage is prescribed (Deloitte, 2014, p.41). In 2011, the MEMD put the share of national content during the ongoing exploration stage at 15% (OAG, 2015, p. 2). The Office of the Auditor General found that the value of procurement from Ugandan service providers in the industry amounted to about $330 million over the 2010–13 period, representing 28% of the total spent by all companies.

The proportion of Ugandans directly employed rose from 69% in 2012 to 80% in 2014, but absolute numbers dropped, and significant wage differentials were noted. Also, all companies made efforts to train their Ugandan staff members but training budgets were not fully utilized and training deviated from plans, while companies' contributions of over $4 million for the training of government officials were not used due to delays at the MEMD and problems with transfers to the Uganda Consolidated Fund (OAG 2015, pp. iv–v). The Office of the Auditor General concluded that the overall management of national content by the MEMD has not been adequate and recommended, among other things, the establishment of performance targets and indicators for national content (see OAG 2015, pp. v–vi). New regulations[47] are expected to clarify the local content clause in the Exploration, Development and Production Act, which currently states that goods and services not originating in Uganda are to be delivered via joint-venture arrangements with Ugandan companies (Deloitte, 2014, p. 33).

It is, unmistakably, the primary responsibility of the government of Uganda to foster and create an enabling environment for mining and energy companies to invest in Uganda's vision of a sustainable economy driven by minerals, oil and gas. It is also clear, however, that in the absence of coherent policy, pervasive corruption, and high operating costs, there remains much to be done for the private sector to fully realize its potential in Uganda. The Uganda Chamber of Mines and Petroleum represents the interests of private sector stakeholders and may stand to play an important in role in highlighting the concerns and issues of mining and energy companies. This role, potentially characterized by advocacy and lobbying, is particularly critical in the context of a country where civic space is limited or shrinking, and civil society is often co-opted by government to push agendas that are politically expedient.

The government's endorsement of the Africa Mining Vision (AMV) Private Sector Compact is, therefore, a promising development. While the AMV seeks

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47 New petroleum regulations on exploration, development, production, health, safety, the environment, national content, and midstream operations including the oil refinery were expected in June 2015 but have been delayed. Moreover, upstream local content regulations to enforce targets for the procurement of Ugandan goods and services as well as the employment and training of Ugandans are being finalized.

to place Africa's broader development objectives at the heart of all policy pertaining to mineral extraction, the Compact is designed to close gaps between mining communities, the private sector, and governments (UNECA, 2017). It is, in effect, a recognition of the urgent need to identify and pursue strategies for promoting shared value and benefits across sectors. This arrangement, in turn, is likely to form the basis of a transparent, accountable, and responsive extractive sector, involving multiple stakeholders in what can then be considered a hybrid governance framework. Yet, this prospect remains a distant ambition in Uganda as basic indicators of good governance – such as perceptions on corruption (Transparency, 2017) – continue to raise red flags.

Regional Value Chains

The government is introducing plans to establish Uganda as a hub in regional value chains for gold, oil and gas. According to the Uganda Chamber of Mines and Petroleum, there is a need to prioritize minerals that are exported.[48] There are many investment opportunities and value chain analyses on the extent to which value addition can be achieved through beneficiation for each mineral (see MEMD, 2015c). The government plans to build a state-of-the-art gold refinery near the airport in Kampala, which will help open the country to international investors. The Ugandan company African Gold Refinery Limited has teamed up with gold refiners in Dubai to refine gold from countries in the region. This stands to make Uganda a regional hub for gold refining and bring in $2 million a year. [49] If implemented, the operation of this refinery would complement the efforts of Ugandan gold refinery Victoria Gold Star – opened by Russian investors in 2010 – in legalizing the trade in gold (see Curnow, 2010).[50] Importantly, planning and development of a petroleum-based industrial park around the oil refinery is also in the works. The MEMD engaged global consulting engineering firm SMEC to develop a master plan for the industrial park, for which the government has allocated approximately 3,000 hectares of land. This makes it potentially one of the largest industrial parks in the world (SMEC, 2018). Utilities, infrastructure, and common services available at the park will include the oil refinery, an international airport, export hub, energy-based industries, and petrochemical industries along with a host of associated facilities (see MEMD, 2015d).

As a member of the 54-country African Union, Uganda has many established approaches to capturing regional value chains. The African Union's Africa Mining

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48 Interview with Uganda Chamber of Mines and Petroleum, August 24, 2015.

49 Interview with African Gold Refinery, August 24, 2015.

50 Armed groups in the Democratic RepubliRepublic of Congo are known to be smuggling gold to Dubai, thereby funding the civil war in the East African country (see, for instance, Kelley, 2014).

Vision (AMV) is a key long-term continental project for regional natural resource governance that includes the promotion of local beneficiation and value addition of minerals to provide manufacturing feedstock (see African Union, 2009). In other words, the AMV "outlines the roadmap to the transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development in Africa" (UNECA, 2016).

The impact of the AMV on discourse pertaining to mining in Uganda is abundantly evident. The draft Minerals and Mining Policy 2018 (see MEMD , 2018), for instance, explicitly refers to the country's commitment under the AMV, and the policy is considered to be an effort to consolidate the strategic direction of the industry in Uganda with this vision. Specifically, a number of the proposed policy provisions aim to respond to recommendations in the AMV to contribute positively to the achievement of the UN Sustainable Development Goals. This includes capitalizing on opportunities to end poverty by investing mineral revenues in economic and social development, responsibly managing landscape impacts, ensuring sustainable access to energy, and establishing peace, justice and strong institutions.

Similarly, a member of the five-country EAC, Uganda has also worked closely with the African Minerals Development Centre (AMDC) and other EAC partner countries to align and harmonize mineral and mining policies within the sub-region, guided principally by the AMV. Studies have been conducted, for example, to assess the extent to which the policy and regulatory frameworks of the EAC countries facilitate the achievement of the goals and objectives of the AMV. These goals include fostering a transparent and accountable mineral sector, promoting good governance, harnessing the potential of small-scale mining, and building human and institutional capacities.

The country has also conducted value chain analyses that should be compared with EAC integration potential, the regional mineral value-added strategy, and high-value mining considerations for gold and TTT in particular. The challenge is to convert mineral value-added potential into sustainable value-added processes and consultants' recommendations include: (i) consider joining the Extractive Industries Transparency Initiative to enhance transparency and, subsequently, financing prospects, (ii) establish a Regional Stakeholder Technical Committee to harmonize mining codes and practices, improve regional coordination around mineral value-added and high-value mining strategies and promotion, and undertake a study of relevant national, regional, continental, and international financial windows, (iii) standardize reporting and statistics on mineral resources and ore reserves as reported by companies, including data generated from geological surveys, (iv) establish a high-level joint working group on gold and TTT to address economic and political constraints on their potential (see Precht,

Joseph, and Roberts, 2013, pp. 70–82).

Further, the AMDC's Country Mining Visions are useful implementation tools. The African Union's Accelerated Industrial Development of Africa initiative also deserves attention since it features various regional infrastructure projects and the facilitation of joint cross-border industrial enterprises and intra-regional trade within the framework of value chains (see African Union, 2011).

Regarding legal instruments for promoting strategic regional industries and value chains, enhancing value addition, and developing supportive infrastructure, the EAC Treaty has the force of law in Uganda: "The harmonisation agenda of the EAC and the powers given by [the EAC] Treaty to its organs to make laws and give directives offer mechanisms to promote the strategy of using the region's mineral resources to contribute to its industrial development" (Tsikata and Chambers, 2013, p. 47). With regard to the oil and gas industry, a promising development in line with EAC Vision 2050 would be the realization of a Petroleum and Natural Gas Fund, which would involve at least 2% of revenue from the industry being dedicated to support training, research, development, and innovation (EAC, 2015, p. 68).

Conclusion

The government has succeeded in developing a comprehensive policy framework, backed by law, to guide activities in both the mining and energy sectors. There are also recommendations on policies and plans being proposed by different sources and stakeholders. However, as there have been fewer policy impacts than expected, there is a need to re-focus on the institutional milieu. President Museveni, who has been in office since 1986, has been re-elected for a fourth presidential term following the general elections on February 18, 2016. This is despite opposition parties citing corruption and rent-seeking as convincing reasons to dislodge Museveni from power Booth et al., 2014, p. 61).[51] Corruption continues to be pervasive, and this drives up costs for companies and complicates business operations (BMI, 2015, p. 7). Transparency International (2017) ranks Uganda's public sector as one of the most corrupt in the world, ranked 151 out of 180 countries on its Corruption Perceptions Index in 2017.

To improve development prospects, and facilitate the success of its extractive sector; it is essential to ensure transparent, accountable and effective governance in the country. Uganda should, therefore, seek to join movements such as the international Extractive Industries Transparency Initiative and integrate global standards and best practice into national regulatory frameworks. For mining

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51 See Booth et al. (2014, 56–75) for an analysis of political and economic power linkages, political challenges, and institutional restraints in Uganda.

to contribute to sustainable development, the government needs to ensure that proper mining legislation and codes are implemented and should account for the minerals exported and royalties accrued. The government has struggled to ensure the implementation of existing policies and is keen to empower the institutions it has set up to oversee this implementation. Politicians have been managing the processes of recently established institutions, but they lack the necessary capacity, technical knowledge, and experience. These institutions should be allowed to operate freely and independently without government influence.[52]

Moreover, civil society has not been able to either encourage the government and companies or hold them to account. The heads of non-governmental organizations are in many cases now being appointed by the government, a situation that has been causing mistrust between these organizations and the communities that they are supposed to represent. The government is trying to weaken and muzzle civil society by trying to pass a new civil society law since it is upset by the fact that civil society groups are going to rural communities and outlining the extent of laws and policies and lack of their implementation. If this is the government's orientation, companies need to work with civil society groups to help ensure that they have the necessary capacity to carry out their work. Companies need to work with non-governmental organizations that have strong connections to communities to inform them of their rights and responsibilities. Non-governmental organizations are afraid of being closed down by the government, given a history of activities being curtailed, and certain influential leaders and civil society members were imprisoned in the run-up to the February 2016 elections.[53] Civil society must also be allowed to operate without government influence.

Both the mining and energy sectors, particularly the oil and gas industry, have much potential to fund the implementation of Uganda Vision 2040, which has many overlapping areas with the post-2015 global development agenda. Implementation of both will involve actualizing the full potential of the mining and energy sectors and generating the revenue to be redistributed equitably across the country. However, a large part of the disabling environment that has thus far been largely ignored is the existence of widespread corruption and lack of capacity within the government.

Furthermore, the prevailing political economy must inspire strategic choices. Uganda's development vision focuses on oil as the resource able to transform the country in the short-term future. The varied treatment for oil and gas on one side and mining, metals, and minerals on the other, must be motivated by political economy considerations and a clear understanding of geological limits. It appears

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52 Interview with Africa Institute for Energy Governance, August 25, 2015.

53 Dickens (Africa Institute for Energy Governance), discussion.

that the massive potential for tapping into oil and gas and the opportunity for rents may be overshadowing the mining sector in ways that constrain a proper evidence-based discussion on how to leverage the transformative potentials of Uganda's minerals, in the spirit of the African Mining Vision. The government presents a vision of a country transformed by oil, but the government must first transform itself to realize that vision.

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Oil in the 'Mix' of Insurgency: Unmasking the Resurgence of Boko Haram Attacks in Nigeria's Northeast

Philip Ademola Olayoku

Abstract

Nigeria's mono-economic dependence on oil has been a paradox of an albatross on socio-economic growth and development, as the country grapples to secure a cure for its Dutch disease since the oil boom era of the 1970s. In inverting the dependency theory, as a conspiracy of the rich to make the poor dependent, this paper contends that the reverse is the case as the wealth of rich socio-political elites within the Nigerian context is solely dependent on the exploitation of the less developed oil bearing communities within an impoverished population. These communities perpetually live under hazardous ecological conditions in spite of their resources upon which the Nigerian state is dependent. It posits that the Boko Haram insurgency is an offshoot of this paradox while exploring the emerging dynamics of the oil factor amidst the resurgence of attacks in the Northeast. It thus advocates the need to rehumanize the Nigerian populace through Amartya Sen's human capabilities' approach, whereby socio-economic conditions are addressed through structural and institutional changes amidst a socially and environmentally responsible population.

Key Words: Boko Haram insurgency, oil-induced conflicts, human capabilities theory, mono-economic oil dependency

Introduction: Contextualizing the Perpetuation of Oil Dependency in Nigeria's Mono-Economy

The oil-rich region in the South-South of Nigeria which borders the Niger were traditionally three states namely Rivers, Bayelsa and Delta states spanning about 70,000 km2. By the year 2000, Abia, Akwa Ibom, Cross River, Edo, Imo and Ondo States were added as oil-producing states constituting the Niger Delta region (Akpabio and Akpan, 2010).[54] [55] This inclusion reflected the regional incorporation of the South West (Ondo State) and South East (Imo State) with no representation of any state from the three Northern regions mainly (North East, North West and North Central).[56] While the search for oil in the Northeast

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54 See also Big Story: Origin of Militancy, Oil & Gas Vandalism in the Niger Delta Part 1.

55 The region is credited with the capacity of 2.6 million bpd and 90% of Nigeria's income in foreign exchange (see Courson 2007, 11).

56 Nigeria is divided into six regions namely the South South, South West, South East, North East, North West and North Central.

dates back to the 1970s, the recent desperation for oil discovery and exploration in the region is not unconnected with the approval of four Aje Oil wells in the Dahomey Basin of Lagos State which entitles another South West State to the 13% derivation fund[57] from August 2016 (see Akoni et al., 2016). The optimism towards the discovery of oil in the Northeast was reiterated by the Borno State governor, Alhaji Kashim Shetimma, who stated during an interview that the prospects of discovering oil in commercial quantity are high due to its location in the Lake Chad region, especially drawing from the successes of Niger and Cameroon's oil exploration activities.[58]

This economic viability reflects the other side of the Lake Chad region, which has been noted for its volatile nature since the emergence of Boko Haram attacks in 2009. Magrin (2016) noted the interests in the Lake Chad by regional governments (especially by the Presidents of Chad – Idriss Deby and Niger – Mahamadou Issifou); who, latching up to the conception that terrorism was a causal effect of the drying up of the Lake Chad, requested that funds be provided for a "mega water project" to save the region. He, however, argued that the ecological reasons for the spread of Boko Haram in Lake Chad are over the top, as research observations have reflected that swamplands form a major part of the Lake and the water variations at certain seasons do not validate the drying up of the lake. He thus argued that the recruitment of the indigenous Yedina by Boko Haram was predicated on economic grounds, including the bid to expunge the Hausa immigrants who threaten their (the Yedina) control of land and fishing areas Magrin 2016, p. 7, 11). While Magrin (2016, p. 21) emphasized that the involvement of France in Chad had been through military support with a permanent military presence since the 1980s, Murphy (2017) was more emphatic on France's quest to protect its energy generation interests in the Sahel, from where it sources for oil and uranium. He alleged the complicity of France in the resurgence of the Boko Haram Insurgency by maintaining that Nigeria's Francophone neighbours provided both reinforcement and routes of escape for the insurgents; and that French Nationals apprehended in 2015 as mercenaries for Boko Haram did not face justice. Historically, the French involvement with separatist movements in Nigeria dates back to the Nigerian Civil War during which it openly sided with the Biafrans alongside Gabon, Tanzania and Ivory Coast. A recently declassified CIA file, however, noted that the French support was because of its vested interests in acquiring the British and American oil concessions in the region; and also in support of the Emergency Response Action Plan (ERAP), to which it committed about $30 million (see Ini, 2017). The Shell-BP (a joint venture of the British and Dutch), in its own stead, also paid token royalties to the Biafran administration

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57 The derivation fund is the percentage of the oil generated revenue allocated with a sharing formula to the 36 states in Nigeria.

58 Interview on Channels Television on 29 October 2017.

for their exploration activities to run smoothly during the war in Enugu and Port Harcourt (Uche, 2008; Raji and Abejide, 2013, p. 24). Oil was thus a very significant factor for the French-Biafran and British-Nigerian coalitions during the war.

Decades after the Biafran War, the Nigerian oil industry continues to be marred by corruption. The recent investigation by Nigeria's House of Representatives revealed a possible theft of about 1.492 billion oil barrels between 2011 and 2014, allegedly perpetrated by the Nigerian National Petroleum Cooperation (NNPC) along with some international collaborators. The fallout from this is a capital flight amounting to between $15bn and $17bn traceable to about 51 countries including the USA, China and Norway (see Ovuakporie, 2017). In addition to these, the country still gropes under the bleeding from tax holidays guaranteed under the 1990 NLNG Act, which it concedes to multinational corporations[59] amounting to around $3.3bn. This covers a period of 12 years between 1999, when the NLNG started operations, and 2012, when it started to pay taxes (ActionAid, 2016, pp. 8-9). These instances validate the proposition of dependency theorists that national elites are as culpable as their international collaborators in the underdevelopment of their countries due to mutual benefits from liberal capitalism (Ferraro, 1996).

Thus, despite Nigeria being the highest producer of oil in Africa and the 6th highest in the world[60] in the recent past, the challenge of corruption has perpetually kept a significant part of its population unemployed, underemployed and poor. The National Bureau of Statistics in June 2016 reported that about 28.58 million of the labour force (between 15 and 64 years encapsulating about 108.59 million people) remain either underemployed or unemployed. Majority of these belong to the youth population between the ages of 15 and 34. The World Bank also reported an increase in the population living below the poverty line from 49.4% in 2015 to 50.2% in 2016, resulting from a steadily growing population and reduced GDP growth rate (Joseph-Raji and Timmis, 2017). Similarly, the figure of people living in extreme poverty is reportedly about 110 million (ActionAid, 2016, p. 4).

Consequently, the sustainability of Nigeria's dependence on oil for 90% of its foreign income and two-thirds of government revenue has contemporaneously been tested by economic recession resulting from the plummeting of global oil prices and the reduction in outputs linked to the resurgence of militancy in the Niger Delta. This led the federal government to propose diversifying the economy through an economic recovery plan that included improving on power generation and transportation to boost the agricultural and manufacturing sectors (Mbachu, 2017). Nonetheless, the attempt at curing Nigeria's Dutch disease has

59 These include Royal Dutch Shell, Total and ENI who form part of the Nigerian Liquefied Natural Gas (NLNG) Consortium.
60 Big Story: Origin of Militancy, Oil & Gas Vandalism in the Niger Delta Part 1.

remained at the level of lip service with the government heavily investing in the search for crude oil in the Northeast. The timing of the search, however, seems questionable when one considers the attempts by nations in Europe and Asia to phase out the demand for fossil fuel by placing bans on the production and sale of petrol vehicles to curb air pollution. What is more, contrary to allowing the private sector driven exploration initiative, as was the case in the Niger-Delta, Anambra and Dahomey Basins, the NNPC led what many regard as a politically-motivated oil search in the Northeast (Alike, 2017), in what could be referred to as the continuation of Nigeria's mono-economic oil dependency.

This study is thus designed to explore the ethno-political motivations for the unending mono-economic oil dependency in Nigeria, even as the government contends with the Boko Haram insurgents in the struggle for territoriality within the oil economy. This is so much so that the Boko Haram quest for territorial dominance within the present context is gradually drifting away from the creation of the caliphate to the control of oil-rich areas within the region. Data for the study was generated during four months of fieldwork between April and September 2017 in Abuja, Bayelsa, Borno and Yobe which included interviews with geologists, indigenes, internally displaced persons, members of the Civilian Joint Task Force (CJTF) and Operation Lafiya Dole. It also made use of related extant literature and videos recordings of interviews and documentaries. The study is divided into four sections with the first contextualizing Nigeria's unchanging oil dependency while the second details the historical linkages between oil and conflicts in Nigeria. The third explores the changing dynamics of the Boko Haram insurgency with the oil exploration activities in the Northeast by unpacking the implication of oil discovery and exploration for the Northeast as it transits into a post-insurgency context. The study concludes by projecting the need to drift away from an oil-dependent economy in preparing the country for the paradigmatic shift in energy generation in the coming decades.

Oil Dependency and Ecological Challenges: Nigeria's Niger Delta Context as a Prelude to the Boko Haram Insurgency

Apart from the political adoption of opacity as a governing principle in Nigeria's oil industry (See Klieman, 2012), the sector had also impacted on the ethno-political context of the country since oil was discovered in Otuabagiri[61] - a community under the Oloibiri district populated by the Ogbia people - in 1956. An example of this is the ongoing indigene/settler court case (as of 31 October 2017) on land ownership between the indigenes of Oloibiri and the Ogbia. The claim to have

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61 Otuabagiri is about 1.6 km from Oloibiri and there are contentions that the farmlands surrounding the oil well labeled Oloibiri Oil Well belongs to the Otuabagiri people. Nonetheless, the post-colonial contradictions of the validity of legal documentation makes it a bit difficult for the Otuabagiri to prove this claim.

been the original settlers in Otuabagiri, a position being contested by the latter.[62] While opacity was mutually beneficial to both government officials (who became less accountable to the Nigerian public) and the multinationals (who were able to better manage their global supply) (See Klieman, 2012), the corruption which it bred negated the gains of the boom period as it became institutionalized under recurring military regimes in the country. The inherent contradictory effects of corruption within the Nigerian populace was succinctly captured by Odularu (2008, p.7) who noted that 'the middle class produced by the oil boom of the 1970s gradually became disenchanted in the 1980s, and rebellious in the 1990s,' and I dare say non-existent from the 2000s.

It is important to note that the disenchantment with the management of Nigeria's oil sector predates the 1970s with initial agitations led by Isaac Adaka Boro (see Courson, 2007, p.11) as the reality of neglect of the main resource generating communities by the Nigerian government became too much of a burden to its inhabitants. As critics of the modernization theory proposed, the restriction of the poor to the periphery of developmental initiatives destabilizes the structures of socio-economic relations through an oversimplified linear projection of development (see Matunhu, 2011). These relations are worsened if the impoverished communities are indigenous to areas from which national resources are sourced, as the Niger Delta context reflects. While dependency theory projects different layers of power and control at national, metropolitan and individual levels - as the poor continually depend on the rich in economic, political and cultural terms (see Matunhu, 2011, pp. 68-69), Nigeria's perpetual dependence on oil inverts the reliance curve in confirming that the sustenance of 'dominant' national elites is heavily dependent on the wealth of naturally endowed low-end minority communities.

A shift in emphasis of this reliance is very important in understanding the context of the struggle for resource control by actors in Nigeria's Niger Delta. This is because it repositions simplistic narratives of the reversal of environmental degradation as fundamental to stemming the tides of pipeline vandalism and oil theft by locals in the region. As Akpabio and Akpan (2010, pp. 117-121) reflected in their study, the political suppression of dissenting voices by successive governments, the centralization of land ownership through the 1978 Land Use Decree, continuous environmental degradation and water pollution, and meagre allocation of ecological funds to the region form a complex of leading causes of underdevelopment in the Niger Delta; this, in spite of the creation of dedicated government agencies for the development of the region by successive governments.[63] The ethno-politics of the resource derivation principle in Nigeria,

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62 Interview with a community leader in Otuabagiri, 31 October 2017.

63 The Niger Delta Development Board (NDDB) was created in 1960, before the oil boom, at the recommendation of the Sir Henry Willink's Commission; and subsequently the River Basin Development Authority, the Oil Mineral Producing Area

as Eghweree (2014, p. 76) stated, is extant in the manipulation of revenue allocation by the dominant ethnic groups. To be specific, revenue allocation shifted from the 50% allocation to the three regions before oil discovery[64] to a gradual decrease of 25%, and then 1.5% during the military regimes of the 1980s. It, subsequently, never recovered beyond the 13% derivation formula which has been the status quo since 1999. Thus, the ethno-politicization of the compensatory principle by rent-seeking political elites bred corruption and thwarted developmental goals, especially in the Niger Delta region, which suffers from the continuous oil exploration activities (see Eghweree, 2014, p. 78).

As such, within ecological considerations, the region once described by Lord Lugard as 'one of the wealthiest palm areas in Africa' with rich vegetation, continues to suffer from environmental degradation, depletion of biodiversity, noise pollution and wastewater pollution, dating back to 1958 when oil exploration activities started in the area (Nworu, 2017, pp. 32-33). Nworu (2017, p. 34) similarly observed that the extensive but poorly maintained pipeline networks, flow stations and wellheads within communities in the Niger Delta remain causes of conflicts between the oil companies and indigenes, as leakages contaminate the soil and water bodies with petroleum waste streams.[65] There is also the challenge of gas flaring, which, apart from being a waste of an alternative source of energy generation, is detrimental to the COP21 dream of environmental conservation due to the daily emission of carbon from the activities of the oil companies. Oil exploration activities have also resulted in erosion due to shipping activities and the 'canalization of salt water into fresh water' (Courson, 2007).

The history of oil exploration in the Niger Delta has also been intertwined with the reactions against the fallout of environmental degradation from activists who have, in recent times, been branded militants. Their agitations against the Nigerian nation came to prominence on 23 February 1966, when Major Isaac Adaka Boro at age 27 led a group of 150 men to form the Niger Delta Volunteer Service (DVS).[66] The group set out to paralyze government activities for twelve days and declare the Niger Delta Peoples Republic (NDPR) (see Gab, 2011; Courson, 2007).

Since Boro, the relationship between the Nigerian state and conscious leaders of thought in South-South communities have strained to the level which Nkpah

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Development Commission (OMPADEC) and the Niger Delta Development Commission (NDDC) were respectively created.

64 61 The economy during this period depended on cocoa, palm oil and groundnut produced by the Western, Eastern and Northern regions predominated with members of the Yoruba, Igbo and Hausa extractions respectively (see Akpabio and Akpan 2010).

65 A study by the Commission of Nobel Laureates on Peace, Equity and Development (including Nigeria's Wole Soyinka) reported in 2006 that about 4,000 oils spills had been witnessed in the region since the 1960s (See Courson 2007).

66 Some refer to the group as the Niger Delta Peoples Volunteer Force (NDPVF), a name which was adopted after its resuscitation by Asari Dokubo in 2003.

(2011) described as 'plasticity,' whereby the social conditions imposed on the environment have necessitated the recourse to arms to press home demands. Niger Delta agitations have since been spearheaded by notable figures like Ken Saro Wiwa (leader of the Movement for the Survival of Ogoni People - MOSOP), [67]Alex Priye (commander of the Egbesu Boys), Tom Ateke (leader of the Niger Delta Vigilante) Asari Dokubo (the second president of the Ijaw Youth Council) and government Ekpemupolo Tompolo and Government Ekpemupolo Tompolo (a commander of the Movement for the Emancipation of the Niger Delta, who championed the amnesty process). These actors have often acted in coalition with other groups in the region to press home their demands. The major groups include The Aroma Militants, Ijaw Youth Council (IYC), Movement for the Survival of the Ijaw Ethnic Nationality in the Niger Delta (MOSIEND), the Egbesu Boys of Africa (EBA), Movement for the Emancipation of the Niger Delta (MEND), and more recently the Niger Delta Avengers (NDA); all advocating, basically, for resource control and self-determination (Courson, 2007, p. 23).

One of the most referenced documentation of their demands is the 1998 Kaiama Declaration issued by Ijaw youths from over 500 communities containing 10 major resolutions. The resolutions included their claims to ownership of land in Ijaw communities, demilitarization of Ijawland, withdrawal of oil companies from Ijawland, self-determination and the call for a sovereign national conference to negotiate a democratic federation in Nigeria.[68] The strategies of the activist groups to press home their demands have included blowing up of oil pipelines and hostage-taking. Their agitations have nonetheless had some challenges, for as Tantua and Kamruzzaman (2016) proposed, certain outcomes of negotiations between leaders of the groups and the Government/multinational companies reveal motivations of self –enrichment, a deviation from the foundational motives of self-determination and resource control. This is often worsened by the tendency of some Niger Delta indigenes to exonerate their political leaders of wrongdoing due to reasons hinged on their oppression by the Nigerian state, as exemplified in the cult hero status enjoyed by convicted ex-governors Diepreye Alamieyeseigha and James Ibori after serving terms for corruption.

Government response to the agitations has been a blend of carrot and stick approach with more of the latter through repressive policies of militarizing the oil communities (the latest of which is the October 2017 Operation Crocodile Smile II) which resulted in 'extra-judicial killings, disappearances, state-orchestrated

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67 64 The status of Ken Saro Wiwa as a hero of the struggle remains controversial as Kukah (2011) details in his account of the intervention of the Human Rights Violation Investigation Commission (HRVIC) in the crises between the Ogoni 9 (Ken Saro Wiwa faction) and the Ogoni 4 families. His group – MOSOP, however, launched the Ogoni Bill of Rights in October, 1990 to advocate for the Niger Delta cause (see Dibua 2005).

68 See The Kaima Declaration. Being a Communique issued at the End of the All Ijaw Youths Conference which was held in Kaima on 11 December 1998. http://www.unitedijaw.com/kaiama.htm [Accessed on 5 November 2017].

communal conflicts…' and the destruction of communities such as Odi in 1999 and Odioma in 2005 (Courson, 2005). On the other hand, soft approaches by the federal government include the commissioning of the United Nations Environment Programme (UNEP) to conduct an assessment of the environmental and public health impacts of oil contamination in Ogoniland in 2006. The 2-year study confirmed the hydrocarbon pollution of soil, air, groundwater, aquatic life and vegetation, and the destruction wrecked by unintended fire outbreaks due to oil spillage. All these had negative effects on the public health of residents; even as institutional challenges have continuously thwarted previous attempts at cleaning up the environment (United Nations Environment Programme, 2011). Based on a 30-year recommendation plan by UNEP, the federal government (under an Ijaw President Goodluck Jonathan) established the Hydrocarbon Pollution Restoration Project (HYREP) which was dysfunctional, leading to a probe by the Senate in November 2013 (see Shoraka and Okoro, 2014). Expectations were however higher when the Vice-President Yemi Osinbajo formally launched the Ogoni Clean-up Project in June 2016, in line with UNEP's recommendations. However, a year after the launch of the Ogoni clean up by the federal government, there have been no improvements in the communities as 'the oil slicks which blackened the waters, killed the fish and ruined the mangroves remain untouched' (Agoi, 2017). In the same vein, the approach of tokenism adopted by Shell has been criticized by Amnesty International (2015, p. 15) as its bio-remediation project has proven to be ill-suited to the ecology of the region.[69]

As of 3 November 2017, the Niger Delta Avengers had called off the ceasefire between them and the federal government reached in August 2016. Distrust was a major factor for this as the failure by some Niger Delta leaders and the federal government to abide by the terms of the agreement in finding lasting developmental solutions to the challenges from oil exploration in the Niger Delta led to the resumption of hostilities (Addeh, 2017). The Avengers, whose known signatory is Brig. Gen. Murdoch Agbinibo, came to the limelight in March 2016 after blowing up oil and gas facilities in the region during what they tagged 'Operation Red Economy'. Their major demands encapsulated the immediate implementation of the 2014 national conference report, 60% ownership of the oil blocks by indigenes of the Niger Delta, take-off of the Nigerian Maritime University, reinstatement of the suspended amnesty programme and immediate release of the leader of the Indigenous People of Biafra (IPOB) – Nnamdi Kanu.[70] The pronouncement by the Avengers has led to another twist as a Coalition of Niger Delta Militants on 4 November 2017, announced the resumption of 'Operation No

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69 This is also known as remediation by enhanced natural attenuation (RENA) which involves the breaking down or dispersal of hydrocarbons through natural processes (evaporation or microbial degradation) (see Amnesty International 2015).

70 See Everything You need to understand the Niger Delta Avengers And their Quest for Secession. http://venturesafrica. com/ everything-about-the-niger-delta-avengers-so-far-and-their-quest-for-secession/ [Accessed [Accessed on 5 November 2017].

Mercy' in consonance with the Avengers to ground all oil exploration activities in the region, as a reaction to the perceived threat of 'Operation Crocodile Smile II' by the government instead of expected investments in the development of the region (Nwachukwu, 2017).

The management of the oil and gas sector in Nigeria has also not been very efficient. As Odularu (2008, p. 9) observed, there are four refineries in the country which include two refineries in Port Harcourt, and one each in Warri and Kaduna. Nonetheless, all four are underutilized with poor maintenance of their facilities. As it stands, refineries which could produce a total of 445,000 bpd to cater for the nation's domestic needs reportedly operated between 11.69 and 25.52% capacity between January and September 2014 (Stakeholder Democracy Network, 2015). With this as the status quo, the Nigerian nation is inevitably dependent on the importation of refined crude oil products, even as the government continues to divert funds to subsidize the refined products at the expense of other capital projects. While there have been varied arguments on the pros and cons of subsidy (see The Centre for Public Policy Alternatives (CPPA), 2012, pp. 47-55), the controversy lingers on because of the underlying distrust of political actors, whose corrupt practices are yet to be adequately addressed. Suffice it to state that herein lies the need to revisit the argument on the policy and procedures for subsidizing fuel importation which advocates the adoption of incentives that grow other sectors of the economy rather than monetary compensation. As it stands, the underutilization of local content in the refinement and importation of oil (with the NNPC being only a part player in the latter) prevents an impactful subsidy regime within the Nigerian economy, especially if one considers the allegations of the diversion of petroleum to neighbouring countries.

Boko Haram, Territoriality and Nigeria's Oil Dependency

Drawing from the mismanagement of Nigeria's oil economy, one of the major reasons adduced for the emergence of the group Jama'atu Ahlis-Sunnah Lidda'awatti Wal Jihad,[71] popularly referred to as Boko Haram, is the need to restructure the Nigerian political space by ridding it of corrupt actors and instituting a Sharia State (Walker, 2012). As such, corruption's outcome of high-level poverty and deprivation in Northern Nigeria, which as scholars argue, is among the highest in the country, is a major socio-economic factor underlying the sect's emergence (see Walker, 2012, pp. 13-14; Mohammed, 2014). The phases of its operations have been categorized into three overlapping periods by Mohammed (2014, p. 10). The first is the Kanama phase (2003[72] -2005) which entailed a confrontation of the Nigerian state by a jihadi group led by

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71 The group describes itself by this name meaning 'People committed to the Propagation of the Prophet's Teachings and Jihad' giving a fundamentally religious background to its cause.

72 Some interviewees maintain that the group was founded in 2002 (Interviews conducted in Maiduguri, April 2017).

Mohammed Ali; the second is the proselytization (dawah) phase (2005-2009) during which its leader, Mohammed Yusuf, broadened its membership base through his charismatic preaching, by engaging in debates on the propriety of western influence (education) and the extravagant lifestyle of political elites amidst an impoverished population; and the post-Yusuf Phase (from 2009) during which its strategies became those of asymmetric warfare, after the killing of Mohammed Yusuf.[73] From then on, it began targeted assassinations, shootings, suicide bombings, deployment of improvised explosive devices, kidnapping and hostage-taking under a new leader, Abubakar Shekau (Mohammed, 2014, p. 9). While there have been sporadic attacks in the Federal Capital Territory - Abuja and some other states in the North, the Northeast region has been the most affected with concentration on Borno, Yobe and Adamawa States. Within the Lake Chad Basin, the neighbouring countries of Chad, Niger and Cameroon have also had to curtail and counter attacks from the sect, as what was initially regarded as an issue of Nigeria's internal security [74]led to the formation of a Multinational Joint Task Force (MNJTF).[75] At a point in early 2015, the Boko Haram reportedly controlled territories within the Northeast while it pledged allegiance to the Islamic State on 7 March 2015 (Blanchard and Husted, 2016). It had continued its activities on a regional basis with resurgent attacks recorded in Northern Cameroon, Niger's Diffa region and the border communities of Chad (UN Security Council, 2017). The Global Terrorism Index for 2016 reflected that the weakening of Boko Haram through counter-insurgency measures in Nigeria has resulted in the upsurge of its impacts on Chad, Niger and Cameroon with casualties in these countries rising by 157% in 2015. Despite the weakening of its activities, Boko Haram was still the second deadliest group responsible for 5,478 deaths in 5 of the 20 most fatal terrorist attacks of 2015, only surpassed by ISIL (see Institute for Economics & Peace, 2017).

Ahmed (2014) observed that the changing climatic conditions, which led to the displacement of a poverty-ridden population in search for a means of livelihood, also facilitated the recruitment of Boko Haram foot soldiers drawn from a population that boasts of high rates of illiteracy and illness, with about 70% living below the poverty line, i.e. on less than a dollar a day. The study by Chouin, Reinert and Apard (2014, p. 234), based on the Nigeria Watch database, revealed an intra-religious contradiction that the civilian casualties of Boko

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73 While there have been indications that the death of Yusuf was accidental, some interviewees maintain that the death is likely linked with the distrust that justice will not be served after the police were instructed to relocate him from Maiduguri to Abuja, Nigeria's Capital. Aisha Wakil, known as Mama Boko Haram in a video confirmed that the initial victimization and killing of young Boko Haram members, based on refusal to use helmet (albeit without proper sensitization by government), alongside the refusal of the government to apologize to them, were responsible for their transformation from being Yusufians - followers of Mohammed Yusuf - into a violent group. See Mama Boko Haram, Aisha Wakil Explains Her Relationship with Boko Haram | Pulse TV Exclusive. https://www.youtube.com/watch?v=gb6G4y_ZTAk [Accessed 5 November 2017].

74 Nigeria had reportedly rejected the involvement of the Security Council until 2014 when it intervened, as Nigeria failed to contain the violence within its borders.

75 The Multinational Joint Task Force comprises member countries of the Lake Chad Basin and Benin Republic.

Haram constituted about 62% with the majority of the victims being Muslims. This finding further advances the position on the need to explore alternatives to the underlining inter-religious arguments which are usually employed as the basis for the radicalization of potential members to attack non-Muslims. While it is important to note the diversity within Islam itself as a religion, as exemplified in the historical Sunni – Shiite conflicts; the Shiites have been targeted by Boko Haram fighters who regard their practices as 'deviating from the true teachings of Islam'. Some Shiite members, however, consider the Boko Haram sect as a political construct of the corrupt Nigerian elites, which was created to distract Nigerians from fighting for their socio-political rights. For them, they (the Shiites) are victims of the conspiracy of the political elites who continue to persecute them because of the call on their members and ordinary Nigerian citizens tto fight for their socio-political rights. The Boko Haram is thus one of the government's machinations to achieve this.[76]

While operations in the Lake Chad region concretely confirmed the international links of Boko Haram to groups beyond the Maghreb[77] , it was the kidnapping of over 200 Chibok girls[78] that gathered the much needed international momentum through the #BringBackOurGirls (BBOG) campaign. This instance is one of the many that unravelled the links between terrorism, gender, theft and slavery within the dynamics of Boko Harams' operational strategy. As an assertion of the group's rejection of western education, the girls were kidnapped from the Government Secondary School in Chibok during the night of 14 April 2014; in what was recently revealed as an unintended consequence of a botched robbery operation by members of the sect.[79] Since their abduction, the federal government, in collaboration with security agencies, the military, the Switzerland Embassy and the International Committee of the Red Cross, has been able to secure their release in batches of 21 (October 2016) and 82 (May 2017) respectively, while the conditions of about 113 still held hostage are shrouded in mystery (Tukur, 2017). From the gender perspective, while the Chibok girls have had sufficient campaigns based on the BBOG advocacy, the abduction of 10 middle-aged women in a military/police convoy in June 2017 indicates the indiscriminate targeting of females by the Boko Haram, with several clearance operations by the military leading to the release of thousands of others held in their captivity. [80]Females, especially young girls, remain primary targets for abduction with the

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76 Interview with Hussein, 5 October 2017. Hussein pointed at the continuous detention of their leader, Sheik Ibrahim El Zakzaky against court orders to support his claims.

77 A video was released in French targeted at the Cameroonian forces and President Paul Biya on 1 April 2017.

78 The figures of the kidnapped girls have ranged between 219 and 300 according to various reports.

79 See Our Kidnap by Boko Haram in 2014 Accidental – Chibok girls. Punch, Friday 18 August 2017. http://punchng.com/our-kidnap-by-bharam-in-2014-accidental-chibok-girls/ [Accessed 15 November 2017].

80 Interview with a military officer under Operation Lafiya Dole (Peace by force) on 25 July 2017.

latest being the kidnap of about over 60[81] school girls from Government Girls Science and Technical School, Dapchi, Yobe State on the night of 19 February 2018, almost four years after the kidnap of the Chibok girls (see Haruna, 2018). While the government was able to negotiate the return of the survivors back to Dapchi on 21 March 2018, the only Christian girl among them, Leah Sharibu, was not released, reportedly for refusing to renounce her faith.

The September 2017 Monthly Forecast of the Security Council documented that the resurgence in Boko Haram attacks were characterized by the feminization of the attacks with about 60 female suicide bombers involved in Borno State alone between June and July 2017 (UN Security Council, 2017). Interviews with some rescued victims confirmed that women have been utilized as spies both for the Boko Haram and federal agents before their operations, since they are not easily identified with any of the groups. This role further made them vulnerable to attacks from both sides depending on who was suspecting them.[82] Interviewees from Magomeri (Yobe State) and Maiduguri Municipal Council confirmed that beyond the sect, these women and girls also suffer abuses from federal security agents, members of the Civilian Joint Task Force (CJTF)[83] , civil servants and camp officials – who demand sex for food - in the three states.[84] The abuse is not restricted to Nigeria as it was also reported that in Cameroon, there are discrimination, police violence and pre-trial detention of children linked with the Boko Haram sect; while displaced women and girls remain susceptible to forced marriages, sexual violence, forced prostitution and abduction by the sect across the Lake Chad region (UN Security Council, 2017).

Concerning the federal government's counter-insurgency measures, women have continued to perform minimal combatant roles in the fight against Boko Haram in the military, CJTF and other federal security agencies. In spite of this, there have been accolades for the outstanding contributions of 38 year old Aisha Bakari Gombi, also known as the 'Queen Hunter', who controls a group of between 15 and 30 men hunters collaborating with the military in countering Boko Haram attacks, which have so far affected about 14.8 million Nigerians (Collyer, 2017; Amnesty International, 2017). One other influential woman is Aisha Wakil known as "Mama Boko Haram", who is a collaborator with the National Human Rights Commission in helping to manage the insurgency context. Aisha is an Igbo lady from Enugu in the Southeast who embraced Islam because of her husband and has a referent power on both Boko Haram members and Nigerian soldiers. As

81 The figures projected are between 67 and 111 school girls as at 24 February 2018.

82 Interviews with Aisha, Bintu and Saudatu from Maiduguri IDP Camp, 22 October 2017.

83 As a child of necessity, the CJTF evolved in Maiduguri in 2013, with Cameroon and Chad initiating the Comites de Vigilance as its equivalence in 2014 and 2015 respectively. It constitutes civilian volunteers who provide support to the military with local surveillance, while also engaging in combat with the Boko Haram.

84 Interview with Aisha in Magomeri, 5 April 2017; Interview with Bilkis in Maiduguri, 6 June 2017.

such, she has been a central figure in the negotiations between the group and the government,[85] while also running an NGO known as Complete Care and Aid Foundation, Maiduguri, Borno State. On 24 December 2015, the successes recorded by the collaborations led the Nigerian government to announce the 'technical' defeat of Boko Haram even though this claim is continually met with criticism and scepticism in the court of public opinion.

The response of state agents through massacres, extra-judicial killings, incommunicado detention, torture, enforced disappearances and arbitrary arrests without trials have remained a major challenge of to the management of the Boko Haram insurgency leading to a lot of distrust of the agents by community members (Perouse de Montclos, 2014; Amnesty International, 2017). This is similar to the Niger Delta case discussed above as federal agents remain perceived threats in some of the communities they are meant to protect. Nonetheless, there have also been some soft approaches adopted by the government which entailed negotiation as in the case mentioned above of the Chibok girls. The federal government, for instance, has had to trade concessions, including the release of 5 Boko Haram commanders in exchange for 82 of the Chibok school girls. The effectiveness of this negotiating strategy, however, remains to be tested, especially with renewed threats to bomb communities and the Federal Capital Territory in a video by the freed commanders on 12 May 2017.

What is more, while the commanders returned unscathed, some of the schoolgirls have suffered from sexual abuse which sometimes resulted in having babies for their abusers. A more effective approach may be the federal government endorsed military initiative by 11 senior military officers tagged Operation Safe Corridor. This initiative is currently implemented as a post-demobilization multi-agency 16-week model of de-radicalization, rehabilitation and reintegration of surrendered ex Boko Haram fighters indicating a form of amnesty.[86] While amnesty has proven to be an effective measure only to some extent in the Niger Delta (especially with some implementation challenges), the complexities involved in negotiating with a fractionalized Boko Haram infers a different context. One reason for this is that the resurgence in the Boko Haram attacks have led to vehement criticisms of the amnesty initiative by traumatized communities who complain that they are being neglected to take care of the perpetrators of violence.

In a video released by Boko Haram after the kidnap of some staff members of the University of Maiduguri while on oil prospecting activities, the spokesperson of the abductees, Dr. Solomon Yusuf, criticized the combative approach of the federal government in dealing with the sect while admonishing for an alternative

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85 See Mama Boko Haram, Aisha Wakil Explains Her Relationship with Boko Haram.

86 See Mama Boko Haram, Aisha Wakil Explains Her Relationship with Boko Haram.

approach. In his words:

> …I want to call the attention of the Acting President; that we have seen the route we took, up to this position where we are recording this video right now. I want to advise that, the use of excessive force, it is not the solution… and it's not the solution. We want to call on the federal government, to meet these demands, as promised, they would release us immediately…

The revelation from the video may have informed the strategy of the federal government in negotiating for their release.

Previously in December 2016, the Ministry of Petroleum confirmed the discovery of oil in Borno and Lagos while presenting the 2016 petroleum scorecard.[87] By mid-May 2017, the NNPC gave a six-week notice for the commencement of oil exploration activities in the recovered territories of Lake Chad, while intimating that it was already deploying exploration equipment to the area after getting clearance from the military. The proposed expansion of the scope of NNPC's operation was to enable it meet a target of growing the crude oil reserves from 37 billion to 40 billion barrels (Haruna, 2017; Udo, 2017). With the benefit of hindsight, it is important to reconsider the reasoning behind the announcement owing to the volatile nature of the region, especially as this may have been the trigger for the Boko Haram attack which followed about two months after. Precisely on 25 July 2017, the Boko Haram ambushed an oil exploration team comprising experts from the NNPC and Geological Department of the University of Maiduguri near Jibi Village in Gubio Local Government Area of Borno State. The incident recorded the death of about 50 persons including members of the Nigerian Army, CJTF, and others, while some undisclosed number of persons were abducted (UN Security Council, 2017; Udo, 2017). The Minister of State for Petroleum Resources, however, insisted that appropriate security cover was given to the team with 200 security personnel including members of the military and the CJTF, with the latter's familiarity with the terrain supposedly an added advantage for reliable intelligence (Udo, 2017).

Conversely, an interview with a security expert questioned the securitization approach owing to the nature of the ambush, which indicated that a proper threat assessment was not done before the oil exploration activity began. According to Idris,

> You cannot talk about emergency in security operations. The manner in which those guys were ambushed puts a question mark on the threat assessment before the operation; that is, if it was done at all. For instance, a proper scoping of the area would have revealed the risks of the road trip.

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87 See FG Confirms Discovery of Crude Oil in Borno. Nigerian Bulletin. Accessed from https://www.nigerianbulletin.com/threads/fg-confirms-discovery-of-crude-oil-in-borno.229076/ on 6 November 2017.

> Then you realize there is the alternative of airlifting the team. At least some NNPC staff visit locations with the helicopter…that would have made the ambush almost impossible. At least, until now, Boko Haram is not known to deploy anti-aircraft missiles…[88]

Murphy (2017) specifically highlighted three key areas which differentiated this particular attack from the others in terms of territoriality, sophistication and resource control. Firstly, it was a major confrontational attack different from the hit and run approach - preferentially adopted by a weakened Boko Haram, to assert territorial control of the insurgents. Secondly, there was a display of sophisticated weaponry and sufficient territorial intelligence, and lastly, the creation of a caliphate had faded in recent Boko Haram rhetoric thus insinuating deeper motives beyond religious considerations. Interviews with a security agent in Maiduguri confirmed allegations that oil had been a major factor in the sustenance of the Boko Haram group as they are allegedly involved in oil bunkering across the Lake Chad basin.[89]

The debate on the weakness of Boko Haram due to its fractionalization[90] assumed another dimension with the recorded successes against ISIL in Iraq and Syria. The relocation of the group to the troubled North African region has been projected, with some of its high ranking members already sighted in Libya during the first quarter of 2017, including Abu Luqman who controlled the Emni, ISIL's intelligence outfit (Almohammad and Speckhard, 2017). This aligns with SBM Intelligence (2016) prediction that Libya and Niger would be the new stronghold of ISIL in the bid to reinvent themselves by taking control of the Islamic State of the West African Province (ISWAP). The implication of this is the reinforcement of territoriality; more so, with the benefit of better technical expertise to further strengthen the hold on the region; even as the prospects of oil exploration provides the needed incentives. Thus, territoriality will be a prime factor for Boko Haram's strategy, even if early signs indicate its further fractionalization. Scholars like Jeremy Keenan posited that the earlier consolidation of Al Qaeda in the Maghreb (AQIM) had targeted expansion to oil-rich regions, including countries such as Algeria, Chad, and Nigeria by giving militants technical training (Ahmed, 2014). With the allegation of a western conspiracy of inaction in curbing Algeria's influence on terrorism in the region - based on the protection of its energy interests (Ahmed, 2014), the additional presence of ISIL may begin a new phase of terrorism in which the civilian population would again be major casualties of the oil curse. With a possibility of a centralized influence of the AQIM on the

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88 Interview with Idris, 4 October 2017.

89 Interview with Adamu, 6 October 2017

90 The 2016 appointment of Abu Musab Al Barnawi as the New Leader of the Islamic State of West African Province (ISWAP) by ISIL through Al Naba – an online magazine - and the subsequent antagonism between him and Abubakar Shekau, have been extant features of internal frictions between the sects

Niger Delta Militants and Boko Haram, the initial fear of the Boko Haram taking over oil infrastructure in Nigeria (see Foreman, 2017) will become validated since there is the possibility of them operating beyond the Northeast.

While the events that led to the ambush remain under classified information by the Nigerian military, the testimonies of three of the abductees which were recorded in an edited 3:25 minutes video[91] released on 28 July 2017 indicates a possible strategy for dealing with them. All three were staff of the University of Maiduguri[92] - two lecturers from the department of geology and a driver. Therein, they confirmed that they had been abducted by the faction of Abu Musab Al Barnawi. This confirmed the separation of operations between the two Boko Haram factions either led by Abukakar Shekau or Al Barnawi. The latter was presented as the spokesman of Boko Haram in January 2015, before the Islamic State adopted him as the new leader of the Islamic State of the West African Province (ISWAP) in August 2016.[93] He has been overtly critical of Shekau while condemning his indiscriminate attacks on Muslim targets including members of the sect, and his self-opinionated interpretation of the Holy Quran.[94]

His calm demeanour in speeches confirmed an important point of the video, which was the willingness of his faction to negotiate with the government as they reportedly promised to release the abductees, and more importantly, to allow them continue their exploration activities in the region. While the demands of this Boko Haram faction were not confirmed, the desire to pursue the creation of a caliphate may not be one of its ambitions if it conceded to allowing activities that would boost the nation's economy.

Consequently, the kidnap led to the suspension of oil exploration activities in the region until there is security clearance to resume activities around Gubia Nugumeri, Mungono, Kukawa, Abdam, Guzamala and Mobar areas in Borno State (Udo, 2017). On 29 October 2017, Governor Kashim Shetimma of Borno State maintained that talks were ongoing to free the hostages kidnapped during the geological survey. He, however, mentioned the need to refrain from further comments in order not to jeopardize the lives of the kidnapped men.[95] After about eight months, precisely on 10 February 2018, the Presidency released a

91 See Boko Haram Releases Video of abducted UNIMAID Workers. https://www.channelstv.com/2017/07/28/break ing-boko-haram-releases-video-abducted-unimaid-workers/ [Accessed 8 November 2017].

92 Four persons were reportedly abducted and one died from injuries sustained during the attacks [Interview with Idris, 4 October 2017]. The abductees identified as Yusuf Ibrahim, Solomon Yusuf and Haruna in the video.

93 See Boko Haram in Nigeria: Abu Musab Al-Barnawi named as New Leader. BBC News, 3 August 2016. http://www.bbc.com/news/world-africa-36963711 [Accessed 8 November 2017]. The name ISWAP had been adopted while Abubakar Shekau pledged allegiance to ISIL in 2015.

94 See New Boko Haram Leader, Al-Barnawi, accuses Abubakar Shekau of killing Fellow Muslims, living in Luxury. Sahara Reporters, 5 August 2016 http://saharareporters.com/2016/08/05/new-boko-haram-leader-al-barnawi-accuses-abubakar-shekau- killing-fellow-muslims-living [Accessed 8 November 2017].

95 Interview on Channels Television on 29 October 2017.

statement that the three men have been released alongside ten policewomen who had earlier been abducted through the facilitation of the ICRC after negotiations (Olowolagba, 2018). In spite of this remarkable success, the amount of money paid for ransom – purportedly running into millions of dollars, though unofficially disclosed, has led to questions on whether the Boko Haram's financial base has not been strengthened to the detriment of the bid to end the insurgency. Beyond this is the fact of whether the government would have been willing to pay so much if oil was not involved. Finally, the ethical compliance of the exchange remains in question with allegations against the negotiators of turning victims into cash cows by making millions of dollars (see Ezimakor, 2018).

Nonetheless, the unending oil dependency of Nigeria's mono-economy remains in spite of the projection of the 2018 budget that non-oil revenues, at 4.155 trillion Naira, would account for about half of a total expenditure of 8.6 trillion Naira.[96] A geophysicist - Aanu, in an interview, confirmed that the Ministry of Petroleum in 2008 commissioned the review of all sedimentary inland basins in Nigeria. This was because oil production in the Niger Delta witnessed a significant drop due to militancy.[97] This prospect of oil exploration beyond the Niger Delta is based on the fact that Nigeria has seven major inland sedimentary basins, namely: the Lake Chad, Niger Delta, Bida, Sokoto, Dahomey and Anambra Basins, and the Benue Trough.[98] The 2008 review, among other things, reflected that all the seven basins which are under-explored, have the potential to generate hydrocarbon as they contained cap rocks, reservoir rocks and the source rocks; they also had structural traps, which allowed for the formation of a petroleum reservoir.[99] As regards the Lake Chad Basin, the researchers found traces of oil exploration between the late 1970s and the 1980s during which about 23 oil wells were drilled. These were later abandoned on the infrastructural ground that the roads were inaccessible and there was no oil in the area.

Nonetheless, Aanu continued, the geophysicists commissioned to re-evaluate the area discovered that the initial geophysical surveys done were not detailed enough and the drilling was not deep enough for the depth required for oil discovery. The situation, however, was not improved when oil exploration activities resumed around 2009 in the area due to corruption. Some Chinese expatriates found on site confided that the drilling they embarked on in Borno was an exercise in futility as there were no indications that there was oil in that specific location. This is not to conclude that there is no oil in Nigeria's axis of the Lake Chad

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96 See Full Text of President Buhari's 2018 Budget Speech. Accessed from http://saharareporters.com/2017/11/07/full-textpresident-buhari%E2%80%99s-2018-budget-speech on 12 November 2017.

97 Interview with Aanu in Abuja, 4 October 2017.

98 See Geology and Petroleum Potentials of Nigeria Sedimentary Basins. Accessed from https://www.indigopool.com/nigeria/channel/pdf/GEOLOGY_OF_NIGERIA.pdf on 12 November 2017.

99 Interview with Aanu in Abuja, 4 October 2017.

basin but rather an elitist conspiracy to make some money off the government by drilling the wrong location. As their commissioned 2D regional survey showed, Aanu confirmed that there is oil in Bama, one of the worst-hit areas still under attacks by the Boko Haram. Also, the West Africa Rift System (WARS) shared with Chad and Niger indicates that Nigeria's Northeast could potentially produce oil in commercial quantity.

Beyond the Lake Chad Basin, the NNPC is also intensifying its efforts at prospecting for oil and gas exploration at the Sokoto Basin in the Northwest, with an initial completion of the interpretation of aeromagnetic data and geological survey of the area (Muhammad, 2017). This desperate oil search in other locations thus suggests that Nigeria's cure for its Dutch Disease is not yet in sight. With Alike (2017) corroborating the view that the search for oil in the North is politically motivated, it remains to be seen if the socio-economic and environmental conditions that breed oil-related conflicts are duly addressed to create a stable polity. For one, some observers maintain that oil discovery in the North may allow the political concession by northerners to the geographical separation of Nigeria since the North would then consider itself economically viable.

Conclusion: Amartya Sen's Capabilities' Approach and the Mitigation of Oil Dependency in Nigeria

The foregoing shows that Nigeria's mono-economic oil dependency has intricate complexities as the socio-economic challenge of inequality remains one of the major root causes of conflicts in the country, either in the Niger Delta or the Northeast. As such, while Williams (2017) advocates the need to deal decisively with allegations of the politicization of the Boko Haram insurgency (including that of the French support for Boko Haram in protecting its energy and economic interests in the Lake Chad region), care must be taken not to undermine the ideological dimension of the foot soldiers, especially the emotive contexts of people who are genuine adherents to the installation of the caliphate as a replacement for a 'corrupt Western socio-political order'. One major reason for their loyalty and easy recruitment, as reiterated during the fieldwork, is the promise and indeed experience of a better life under the rule of the caliphs. This further gives credence to the need to address the socio-economic base of poverty and inequality as root causes in the fight against the insurgency. As Aisha Wakil alluded, the reason why Yusuf Mohammed had referential power in Borno and acquired a large number of Yusufians was because he was able to minister to the socio-economic needs of the poor, who became susceptible to radicalization through a preaching that addressed the inequality they experienced. Also, interviews revealed that some women genuinely fell in love with Boko Haram

commandants after being abducted. These women openly assert that they had a better life while in Sambisa forest, and several of them even returned to the forest after initially being rescued.[100] More so, as the challenge of stigmatization of rescued abductees in local communities, including against children of unions between the Boko Haram and the abductees referred to as 'Shekau,' rages on.

With the reduction in the scope of operations of Boko Haram to some areas in Borno State (though with sporadic attacks at the outskirts of Adamawa and Yobe), there is need to create a sustainable de-escalation strategy that would create a platform for genuine reintegration of actors back into the local communities. As recommended by the United Nations Security Council Resolution 2349, removing the root causes of terrorism in the Lake Chad region entails regional cooperation in combating 'social, political, economic and gender inequalities,' as well as environmental challenges. It is thus important to initiate the implementation of developmental blueprints, which in Nigeria's case was identified as the 'Buhari Plan'.[101] Specifically, within the context of environmental challenges, care must be taken to manage the emerging context of the economic adventure of oil exploration in order to avoid replicating the challenges in the Niger Delta.

An important step in this direction is the prioritization of the advancement of human capabilities beyond the conventional human capital development as Amartya Sen advocated in his Development as Freedom. Sen's (1999) summation on the mutuality of expanding the capabilities of individuals through public policy, and the determination of public policy through participatory capabilities, becomes relevant herein; especially as this could enhance socio-economic development. As he argues, prioritizing economic facilities, political freedoms, social opportunities, transparency guarantees and protective security within institutional frameworks is vital to building individual capabilities; and also guarantees the type of freedom, wherein individuals have the capabilities to do things which they have reason to value (Sen, 1999, p. 53, 56). Thus, a Senian approach to sustainable development in managing the post-insurgency context of Nigeria's Northeast would go beyond the tokenism of meagre provision of relief items to developing a reconstruction and reintegration plan that guarantees viable

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100 Interviews with IDPs in Maiduguri, 17 April 2017. Sambisa is a large expanse of land 60km Southeast of Maiduguri harboring Camp zero, the stronghold of Boko Haram.

101 The Buhari Plan is a document of four volumes released in June 2016 which lays out the blueprint for the redevelopment of the Northeast. This is to be overseen by the Presidential Committee on the Northeast Initiative (PCNI) and it entails the generations of livelihoods, infrastructural development, peacebuilding and provision of infrastructure amongst other things. See https://pcni.gov.ng/the-buhari-plan/.

social and economic conditions in the country. This is because, as Sen continued:

> …through education, learning and skill formation, people can become much more productive over time, and this contributes greatly to the process of economic expansion… While economic prosperity helps people to have wider options and to lead more fulfilling lives, so do more education, better health care, finer medical attention, and other factors that causally influence the effective freedoms that people actually enjoy. These "social developments" must directly count as "developmental," since they help us to lead longer, freer and more fruitful lives, in addition to the role they have in promoting productivity or economic growth or individual incomes. (Sen, 1999, p. 293, 295).

This implies re-humanizing a population that is currently undergoing unfreedom with reference to the quality of life they are living. As interviewees maintained, the current interventions in the Northeast by the government, development partners and civil society actors have led to a monetized social environment, which is adversely affecting the loyalty of the youths to cultural ethos. As such, there is the tendency for an average youth in Maiduguri to demand monetary compensation for tasks which would ordinarily have been performed pro bSen (1999, pp. 296-7) on good. This is not likely to improve with the current trend of involving locals in Borno in oil exploration activities, taking a cue from the experience in the Niger Delta where the lack of social and environmental justice bred a mob of angry youths who adopted violent methods in seeking redress. Sen (1999, pp. 296-7) wrote about the importance of advancing the impacts of human capability beyond the economic to the socio-political in which public institutions are structured to enhance and sustain individual freedom. This is such that public policymakers are conscious of devising policies that promote and influence social and environmental responsibility. Thus, in maximizing the effectiveness of oil revenues that may accrue from the Northeast, it is important to have a morally responsible political class that will provide sustainable solutions to the age-long disagreements on revenue sharing formula, resource control and regional autonomy through an integrative social development agenda. This is a necessary step in ridding the country of endemic corruption.

With reference to environmental justice, SSen (1999, p. 269) advocated the need for environmental ethics to curb industrial pollution generated within the process of the provision of public goods, in which state control policies are juxtaposed with social values that induces a sense of responsibility from industrial actors. This is relevant within the projection of an oil economy in Nigeria's Northeast; wherein local participation through ownership guarantees the legitimacy of the

process beyond the involvement of foreign actors who do not buy into sustaining a viable environment. In other words, the government should stringently follow the path of genuine development of the capabilities of the long disenfranchised Northeastern population by precluding an exploitative relationship of economic, political and cultural dependence of the rich on the poor. The diversification of the economy and provision of a context-specific skillset are important in reducing Nigeria's overreliance on oil to sustain its economy. Be that as it may, the question of whether the North will be able to initiate and push for a more decentralized fiscal regime when oil exploration begins in the Northeast subsists since oil remains a relevant indicator in projecting Nigeria's existence as an entity.

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