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AFRICA PEACE AND CONFLICT JOURNAL

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Articles and case analysis—critical case studies or thematic discussion and analysis of topical peace and conflict themes (7,000 words maximum, including endnotes; abstract, 150 words or less).

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AFRICA PEACE AND CONFLICT JOURNAL

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Guest Editor's Note

Contemporary Africa has undergone many positive changes in the recent past. A number of African countries are experiencing unprecedented rates of growth in their economies, school enrollments have increased, and health indicators register advances. One of the most important changes is that democracy has become the norm rather than the exception in most African states, and governance is continuing to improve. Yet despite these positive developments, many countries continue to face serious challenges. While the nature of conflict on the continent has changed, countries there nonetheless remain afflicted by it in various forms. The articles in this issue of the *Africa Peace and Conflict Journal* tackle head-on some of the common triggers and other aspects of conflict—among them, elections, governance, nationalist struggles, and the reintegration of children involved in civil wars—with each contributor approaching these issues from different and nuanced perspectives.

Fonkem Achanken explores why the nationalist struggle in Southern Cameroons has not become a broad mass movement nor escalated into violent conflict. He provides an interesting case study for understanding the various reasons why some national struggles do not rise to the level of full-scale conflict. His research also offers insight into specific issues that can be addressed to prevent the emergence of violent conflict in Cameroon.

George Klay Kieh's analysis of what he calls the 'hegemonic presidency' in Liberia highlights how pre-conflict forms of state governance can continue to influence and affect post-conflict peacebuilding. He concludes that the hegemonic presidency and the broader political system need to be transformed to provide for more inclusive governance. This, he argues, will be indispensable in addressing the underlying causes of Liberian civil conflict.

Elections in Africa continue to be a source of conflict even in the most stable democracies. This came into sharp focus when Kenya experienced unprecedented levels of violence after the 2007 general elections. John Ahere examines the progress of electoral and related reforms implemented since the 2007–2008 post-election bloodshed there. Rather than simply analyzing the reforms put in place, he also looks at the underlying, structural or root causes of electoral violence to examine how these can be addressed through the framework established to prevent a reoccurrence of such violence. While he acknowledges the progress made to prevent violent eruptions, his investigation highlights a number of areas that require additional work.

Conflict in Somalia has been enduring and is often portrayed as an ongoing civil war. Philip Lewis and Preeti Patel provide an examination of the causes of conflict in Somalia since 2006. They argue that the revitalization of conflict has involved both novel and preexisting conflict dynamics. The authors underline the shifting and transformative nature of conflict by closely analyzing the driving forces behind Somalia's situation—among them, issues over land and khat as well as external forces, including the rise of radical Islam and international involvement.

Danny Thiemann also addresses the important issue of elections. He explores how information communication technology, when used in conjunction with smart con-

stitutional design, can encourage fair, transparent, and participatory elections. In doing so, he uses the polling scheduled for 2015 in South Sudan as a test case. Thiemann proposes the use of an i-Verified electoral system whereby citizens are able to use cost-effective mobile technology to confirm that their ballot was properly recorded and counted. He concludes that an i-Verified system can make elections more transparent in the short term and in the long term could ultimately have the effect of encouraging broad-based inclusive development in the South Sudan in accordance with the country's constitution.

Sarah Kanya examines the challenges that girl mothers abducted by the Lord's Resistance Army face when they attempt to rejoin their communities in northern Uganda. While a study on the reintegration of children engaged in civil war is not particularly new, Kanya's focus on young women and girls highlights new issues. Her findings illustrate that reintegrating them requires 'whole community' approaches since girls and the children they may bring back with them enter very specific social spaces. Her findings ultimately highlight that including a gendered analysis through a focus on women provides a much more nuanced perspective on the issues.

The two briefings contribute to current debates on conflict resolution, peacebuilding, and the role of the international community. Mathew Ituma's briefing explores international participation in the post-conflict environment, namely, the United States' 'unsigned' of the Rome Statute and withdrawal from the International Criminal Court. Ituma argues that the U.S. position toward the court was critically influenced by the intersection of law and politics. Ekeno Augustine explores the contributions of peacebuilding interventions. He concludes that 'outside' intervention in vulnerable post-conflict societies is critical, but efforts must be made to find sustainable solutions at the grassroots level because that is where peacebuilding strategies can most directly affect the political, economic, and social imbalances that lead to conflict.

Njeri Karuru reviews *Conflict, Security and Development: An Introduction*, an edited volume by Danielle Beswick and Paul Jackson that focuses on developing the nexus among conflict, development, and security. It seeks to explore the implications of these connections for theory and practice and the ways in which different actors have sought to manage and resolve conflicts in the developing world. It also investigates the challenges arising from post-conflict reconstruction based on the assertion that security and development are interlinked. Karuru concludes that the book is designed to provide readers with a general introduction to an extremely complex subject while also offering critical analysis.

The contributions to this edition of *Africa Peace and Conflict Journal* provide insight into the various areas of research currently being addressed by scholars and practitioners who focus on Africa. Together these articles point to the continued importance of a range of issues—the role of elections, governance, nationalist struggles, effects of civil war, international peacebuilding interventions, and the potential contribution of traditional methods of conflict resolution—in considering how to prevent conflict and enable sustainable peace across the continent.

Janette Yarwood
Cultural anthropologist



From the Managing Editor

In recent years, debates about governance and democracy in Africa have gained in traction and interest in policy and academic circles. In addition, these debates are in the forefront at the offices of continental and regional bodies. This renewed interest suggests to many observers that the continent is undergoing a reversal in gains made in the mid-1990s and early 2000s. For instance, whereas countries like Côte d'Ivoire and Mali were frontrunners in the democratization movement, these two states are now ironically at the fore in the reversal of democratic advancement. This, of course, is a troubling development, and thus the reason for so much interest in understanding the reasons for such steps backward.

In the case of Mali, many observers contend that the violence there is characteristic of what some have labeled 'new wars'.¹ References to cultural identities and religion have been proffered as the causes of the violence in the Democratic Republic of Congo (DRC) and Côte d'Ivoire as well as Mali. The illegitimacy of leaders and power grabs have also been cited. Recent events in the DRC, with M23 rebels overrunning the national army to take over Goma and other cities in the Kivus, point strongly to state weakness and fragility. The absence of functional institutions in eastern DRC provides fertile ground for criminal opportunists and conflict entrepreneurs to take advantage of the absence of the state in that part of the country. Hence, it was fairly easy for M23 fighters to walk unchallenged into Goma and other cities in the east. Opportunities to loot the rich mineral resources of this part of the DRC are further facilitated by the state's absence and the weakness of existing institutions. In the context of weak, failing, and fragile states, responsive and good governance becomes a huge challenge.

Regardless of the causes of violence, governance remains the central issue. This edition of the *Africa Peace and Conflict Journal* looks at governance from different perspectives: identity and nationalist movements in Cameroon, the 'hegemonic presidency' in Liberia and the challenges to rebuilding a shattered state; the forthcoming general elections in Kenya in 2013 and the need to avoid a repeat of the 2007 post-election violence; the conduct of elections and the use of new approaches to deepen their integrity across the continent; and applying theoretical explanations to the protracted conflicts in Somalia. All of these point to one thing and one thing only—governance. How can African governance systems improve so that they become truly democratic and responsive to the modern challenges of state building and nation building?

In fragile states, networks of patronage, inclusionary and exclusionary patterns of control, and the distribution of public goods are typically developed with a view toward maintaining the status quo. Efforts to address such patterns of behavior on the part of leaders are oftentimes resisted so vociferously that the outcome is usually new protracted violence, as in the DRC. The political economy of the DRC and the extractable and lootable resources in the Kivus make it extremely vulnerable to preda-

1. Mary Kaldor, *New and Old Wars: Organized Violence in a Global Era* (Stanford, Stanford University Press, 1999).

tory adventures and political contestations. The on-again, off-again violence in eastern DRC can be partly explained by the availability of resources. The control of them helps in many ways to finance violence, which, as is well known, leads to death and destruction, mass refugee outflows, and crimes against women and children.

The Arab Spring seems to be entering a new phase in Africa, especially in Egypt and Tunisia. In Egypt, President Mohamed Morsi is being challenged by progressive groups organizing protests against the new constitution, which opponents view as a document drafted to repress (hard-earned and fought-for) individual rights and promote Islam as the foundation of the state. Islamization of the state is seen by Morsi opponents as reversing the gains of the 2011 revolution. What will happen after the referendum on the constitution is anyone's guess, but my hunch is that it will be the beginning of a long, drawn-out battle between secularists and Islamists in Egypt. Deteriorating political and economic conditions there would have deep implications for North Africa and the Middle East, especially the Israeli-Palestinian conflict.

In Tunisia, in spite of an agreement between the state and labor unions, violence continues in the streets of Tunis and elsewhere. Two years after the revolution giving birth to the Arab Spring, violence erupted on 30 November in Salina amid rising discontent over the continuing poor economic situation and untenable living conditions. Protestors are demanding the resignation of some of the political leadership and withdrawal of the police from city streets. APCJ will continue to probe these and other issues on the continent from an interdisciplinary perspective.

Janette Yarwood, a cultural anthropologist based in New York, provides an eloquent summary of the contributions in this issue. To her, we offer our sincere gratitude. We also remain grateful to the International Development Research Centre (IDRC) for its continuing support of APCJ. With its assistance we have been able to share the journal with many of our partners free of charge. In the near future, we must begin conversations around the sustainability of the journal. Please send us your thoughts on how best to approach this issue and what efforts need to be made to ensure that we retain the current quality of the journal and remain relevant to our readers.

As APCJ concludes its fifth year, we remain committed to publishing articles and other contributions that reflect a diversity of topics and approaches. Our forthcoming issues in 2013 will focus on gender and security in Africa (June) and youth, security, and development (December). We continue to encourage the submission of scholarly articles, briefings, and book reviews for consideration and peer review on these and other subjects. We also appreciate feedback on how we can improve the journal's reach and focus. Please submit your manuscripts or feedback to editor@apcj.upeace.org and assted@apcj.upeace.org.

Tony Karbo



The Southern Cameroons Nationalist Conflict: A Destiny in the Shadows?

Fonkem Achankeng I

Ordinary people and groups in colonial situations can easily become subjects of political, historical, and other circumstances that they neither sought nor created and that they want to change. While colonies across Africa gained independence after World War II, the people of British Southern Cameroons were instead given the choice of 'independence' by joining with Nigeria or with French Cameroon. Despite being dominated in the majority French-speaking nation of Cameroon, the nationalists of English-speaking former Southern Cameroons have not been able to escalate their desire for independence into a sustained mass movement or chosen to employ violence. This situation can be explained by several theories, including those of structural theorists and scholars on nonviolence.

THE PERSISTENCE OF A NATIONALIST STRUGGLE in the present-day Republic of Cameroon (République du Cameroun) reflects the colonial dichotomy between former British Cameroons and the larger, dominant, formerly French Cameroon. The struggle of Southern Cameroons for independence has been ongoing for half a century but has not escalated into violence like other conflicts, such as in East Timor, Eritrea, Namibia, and Western Sahara. Also of interest, the struggle remains hidden in the shadows. Few scholars of post-colonial conflict in Africa have investigated the Southern Cameroons nationalist movement.

The Southern Cameroons issue is the story of a formerly self-governing people with a defined territory, or homeland, and fully functioning democratic institutions who were compelled by the United Kingdom and the United Nations to achieve independence by 'joining' one of its two neighbors, the Federal Republic of Nigeria (also formerly British administered) or the République du Cameroun.¹ The people of Southern Cameroons felt unjustly denied their fundamental right of self-determination when other former colonies were being granted independence and sovereignty in accordance with the 1960 UN General Assembly Resolution 1514 (14 December 1960), also known as the Declaration on the Granting of Independence to Colonial Countries and Peoples.

1. Simon Munzu, 'The anglophone dream', *Cameroon Post*, 20–24 April 1993, 8; UN General Assembly Resolution 1608 (21 April 1961).

Fonkem Achankeng I is an assistant professor at the University of Wisconsin Oshkosh, in the College of Education and Human Services.

The goal of the movement—described variously and by different interests as secession, separation, restoration of statehood, or revival of independence and sovereignty—pits the population of former British Southern Cameroons against the former French Cameroon (today's Republic of Cameroon). The Southern Cameroons National Council (SCNC) is the umbrella organization of movements seeking statehood for the formerly British Southern Cameroons, an area of sixteen and a half square miles with a population of about six million in 2005. A number of reasons help explain the struggle's invisibility, including the inability of Southern Cameroons nationalists to mobilize and organize their people for collective action² and the coercive structures of state-centered international politics.³

A QUIET STRUGGLE

Some proponents of the global marketplace argue against the creation of new nation-states in a world that is increasingly globalizing and organizing into regional blocs.⁴ In *The End of the Nation State*, Kenichi Ohmae asserts that 'regional economies are the engines of prosperity while traditional nation states have become unnatural, even impossible, business units in a global economy'.⁵ Those who support this view perceive self-determination as serving no purpose at a time when the significance of national boundaries appears to be diminishing.

On the other hand, globalization scholars, among them John Mearsheimer, Hans Morgenthau, and Kenneth Waltz, consider nation-states to be the primary actors in world politics and maintain that state survival is essential for the pursuit of all other political ends.⁶ To them, states remain key players in international affairs because of their unique status as authoritative actors within the political arena, controlling delimited territories and their inhabitants. One of the major assertions of Westphalian sovereignty is that authority is indivisible, but groups that are victims of colonial, neo-colonial, and other forms of oppression in post-colonial states and have a sense of distinctiveness nonetheless continue to assert their right to govern themselves.⁷ For them, self-determination is 'a basic principle for realizing the freedom to control one's

2. Mancur L. Olson, *The Logic of Collective Action: Public Goods and the Theory of Groups*, 2d edn (Cambridge, Massachusetts, Harvard University Press, 1971); Gene Sharp, *The Politics of Nonviolent Action*, 3 vols. (Boston, Porter Sargent, 1973); Johan Galtung, *Peace by Peaceful Means, Peace and Conflict, Development and Civilization* (New York, Sage Publications, 1996); Elinor Ostrom, 'A behavioral approach to the rational choice theory of collective action,' *American Political Science Review*, 92:1 (1998).

3. Hans J. Morgenthau, *Politics among Nations: The Struggle for Power and Peace*, 5th edn (New York, Alfred A. Knopf, 1978); Kenneth N. Waltz, *Theory of International Politics* (Reading, Massachusetts, Addison-Wesley, 1979); John J. Mearsheimer, *The Tragedy of Great Power Politics* (New York, W. W. Norton, 2001); Peter Gourevitch, 'Domestic politics and international relations' in W. Carlsnaes, T. Risse, and B. A. Simmons (eds.), *Handbook of International Relations* (Thousand Oaks, California, Sage Publications, 2002).

4. Kenichi Ohmae, *The End of the Nation State: The Rise of Regional Economies* (New York, Simon and Schuster, 1995); Randolph G. S. Cooper, *The Anglo-Maratha Campaigns and the Contest for India: The Struggle for Control of the South Asian Military Economy* (Cambridge, Cambridge University Press, 2003).

5. Ohmae, *The End of the Nation State*, 12.

6. Morgenthau, *Politics among Nations*; Kenneth N. Waltz, *Theory of International Politics* (Reading, Massachusetts, Addison-Wesley, 1979); Mearsheimer, *Tragedy of Great Power Politics*.

7. F. H. Hinsley, *Sovereignty*, 2d edn (New York, Cambridge University Press, 1986); Stephen D. Krasner, *Sovereignty: Organized Hypocrisy* (Princeton, New Jersey, Princeton University Press, 1999).

own life . . . the prerequisite for achieving positive human conditions for a decent life and self-fulfillment; the unchangeable aspiration of a people'.⁸ The principle of self-determination, which developed with the emergence of nationalism in the eighteenth and nineteenth centuries, has spread throughout the world, unifying peoples into nations.⁹

In 2008 I spent eight months in the former Southern Cameroons, talking with nationalists and leaders there about why their struggle remains in the shadows. In addition to observing the people and conducting archival research on the territory, I interviewed a total of twenty-seven adult males and females. These participants were selected because of their commitment to and activism in the struggle. The first activists interviewed recommended other participants, many of whom considered the interview an opportunity to express their frustration with the political situation in Cameroon and to tell the world about their struggle. The interviewees saw the independence and sovereignty of Southern Cameroons as 'a way of bringing peace between the "two Cameroons"'. Using the narrative research approach allowed me to give full voice to the interviewees, whose perspectives are assembled here.

Issues of personal and collective security, identity, social recognition, freedom, and participation in decision making, combined with a historically separate, self-governing status, were central in the narratives of many of the peoples of Southern Cameroons. These issues are similar to the list of human needs identified by Edward Azar and John Burton.¹⁰ The citizenry perceive their homeland as having been victimized through a denial of their distinct identity and consequently an absence of security evidenced by what they consider to be the 'annexation' and 're-colonization' of the territory. These feelings are among the reasons the dream of statehood remains alive.

The respondents asserted that 'the remedy to colonization is de-colonization', explaining that their problem was neither ethnolinguistic, ethnoreligious, ethnoracial, nor ethnonational, as is common in other post-colonial settings in Africa.¹¹ According to the participants' narratives, the formerly British Cameroons always had a separate colonial identity and deserved separate independence. Verkijika Fanso dates the struggle for autonomy to World War I.¹² Nearly half a century after the fact, Southern Cameroons nationalists still question why the United Nations facilitated the annexation of their territory rather than granting its people independence.

The work of Len Doyal and Ian Gough and other human needs theorists offer insightful bases for the perceptions and activism of Southern Cameroons nationalists, as do the findings of John Burton and Johan Galtung, who view the denial of human needs as the central cause of conflict. For these authors, conflict resolution depends on these needs being met; people will oftentimes pursue their needs, independently or

8. H-W. Jeong, *Peace and Conflict Studies: An Introduction* (Aldershot, Ashgate, 2000), 223.

9. Hurst Hannum, *Autonomy, Sovereignty and Self-Determination* (Philadelphia, University of Pennsylvania Press, 1990), 27.

10. Edward Azar, *The Management of Protracted Social Conflict: Theory and Cases* (Brookfield, Vermont, Gower, 1990); John W. Burton (ed.), *Conflict: Human Needs Theory* (New York, St. Martin's Press, 1990).

11. Assis Malaquias, 'Peace operations in Africa: Preserving the brittle state?' *Journal of International Affairs*, 55:2 (2002), 415–40.

12. Verkijika G. Fanso, 'The latent struggle for identity and autonomy in the Southern Cameroons, 1916–1946' in Ian Fowler and Verkijika G. Fanso (eds.), *Encounter, Transformation and Identity: People of the Western Cameroon Borderlands, 1891–2000* (Oxford, Berghahn Books, 2009), 141–50.

in association with others, regardless of the consequences.¹³ The data analyzed for this study indicate that most people of former Southern Cameroons, regardless of whether they are active in the nationalist struggle, remain concerned about living in the Republic of Cameroon. Because their struggle has not evolved into a mass movement, it has been largely ignored over the years by a state-centric world community.

According to Crawford Young, 'self-determination has been chained uneasily to the state-protective ideas of national unity and territorial integrity' since its adoption as an international norm.¹⁴ Such a statist view of international politics, however, militates against demands for autonomy, because challenges to the legitimacy and control of established jurisdictions provoke repression by government. In the context of Southern Cameroons nationalism, the state-centered views of Young and others would be applicable if British Cameroons had been part of the Republic of Cameroon when the latter gained its independence from France in 1960. The former British colony, however, was not part of the Republic of Cameroon at the latter's independence from France, on 1 January 1960 and admission to the United Nations on 20 January 1960. Instead, Southern Cameroons nationalists argue that the 1961 de facto association between the two Cameroons constituted annexation. According to Njoh Litumbe, a Southern Cameroons nationalist leader, 'Southern Cameroons has never got independence from Britain. We merely changed our slave master from Britain to la République du Cameroun. . . . We have just been annexed'.¹⁵

ORIGINS OF SOUTHERN CAMEROONS NATIONALISM

The territory that today constitutes the Republic of Cameroon became part of the German protectorate of Kamerun at the partition of Africa at the Berlin Conference of 1884–1885. After 1916 the protectorate was occupied by Great Britain and France, subsequent victors in World War I who then divided the territory, with Britain claiming the western portion and France the eastern part.¹⁶ Each power administered its portion of the territory under different names and styles through the interwar years and the period of de-colonization.

After World War I, the United Kingdom had appended its western territory to Nigeria administratively,¹⁷ while France organized the larger, eastern territory as an independent entity. The United Kingdom divided the area it controlled into British

13. Len Doyal and Ian Gough, *A Theory of Human Need* (New York: Guilford Press, 1991); John W. Burton (ed.), *Conflict: Human Needs* (New York, St. Martin's Press, 1990); Johan Galtung, 'Violence, peace, peace research', *Journal of Peace Research*, 6:3 (1969), 167.

14. Crawford Young, 'Self-determination, territorial integrity, and the African state system' in Francis M. Deng and I. William Zartman (eds.), *Conflict Resolution in Africa* (Washington, D.C., Brookings Institution Press, 1991), 41.

15. Njoh Litumbe, 'Case of the annexation of the UN British administered territory of Southern Cameroons', *Recorder*, 6 June 2011.

16. Julius Ngeh, *Constitutional Developments in Southern Cameroons, 1946–1961: From Trusteeship to Independence* (Yaounde, CEPER, 1990); Nicodemus F. Awasom, 'The reunification question in Cameroon: Was the bride an enthusiastic or a reluctant one?' *Africa Today*, 47:2 (2000), 91–119; Emmanuel A. Aka, *The British Southern Cameroons, 1922–1961: A Study in Colonialism and Underdevelopment* (Madison, Wisconsin, Nkernji Global Tech, 2002).

17. Anyangwe, 'People of the Southern Cameroons'; Aka, *British Southern Cameroons*.

Northern Cameroons and British Southern Cameroons. After World War II, the United Nations held that British Cameroons had ‘never been administered as a separate territory, but always as an integral part of Nigeria, and even within that framework it [had] never been administered as a single part of Nigeria but always as two.’¹⁸ Even after 1948, the UN trust territory of British Cameroons continued to be administered separately as British Southern Cameroons and British Northern Cameroons under Nigeria. Southern Cameroons and its people became a Self-Governing Region in Nigeria in 1953.¹⁹ The people of British Southern Cameroons organized multiparty democratic elections in 1957, 1958, and 1959, and changed governments successfully and peacefully in 1959.²⁰

In 1960, whereas other African colonies, including Nigeria and French Cameroon, were granted independence pursuant to the aspirations set out in UN General Assembly Resolution 1514, the territory and people of British Cameroons were compelled by the United Nations and the United Kingdom to gain independence by joining either French Cameroon or the Federal Republic of Nigeria—that is, the ‘two alternatives.’²¹ In October 1961, when this ‘independence’ was recognized internationally, Southern Cameroons had viable and functioning political and economic infrastructures.²² It had a premier as head of government and a legislature composed of a House of Assembly and a House of Chiefs. The territory’s economy was flourishing, and its communications infrastructure included a wharf in Tiko, a seaport in Victoria on the Atlantic coast, and a port on the Cross River in Mamfe on its border with Nigeria.²³ The territory also had an international airport in Tiko and airfields in Bali and Bessong Abang, Mamfe. The two alternatives were widely deemed unacceptable, as indicated in a cable to the Southern Cameroons’ delegation in New York regarding consultations with UN authorities.²⁴

18. United Nations, Official records of the Trusteeship Council, doc. T/1393, 22d session, 1959.

19. Ngoh, *Constitutional Developments in Southern Cameroons*; Simon Munzu, Ekontang Elad, and Carlson Anyangwe, ‘Memorandum submitted to the Technical Committee for the drafting of the constitution concerning the Anglophone problem by the Anglophone members of the committee,’ *Cameroon Post*, 2–9 April 2005, 6–10; Joseph Takougang, ‘Democracy and democratization in Cameroon: Living with the dual heritage’ in M. J. Mbaku and I. O. Ihonvbere (eds.), *Multiparty Democracy and Political Change: Constraints to Democratization in Africa* (Aldershot, Ashgate, 1998), 195–218; Nicodemus F. Awasom, ‘Colonial background to the development of autonomist tendencies in Anglophone Cameroon, 1946–1961,’ *Journal of Third World Studies* 15:1 (1998); Aka, *British Southern Cameroons*.

20. Aka, *British Southern Cameroons*.

21. See Article 76(b) of the UN Charter on the basic objectives of the trusteeship agreement ‘to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement’.

22. John N. Foncha, *An Open Letter Addressed to the Government of the Republic of Cameroon on the Operation of Unification: Federal Republic of Cameroon, 1961–1971* (Bamenda, Cameroon, CAM, 1993), 9.

23. A 1963 survey report of the London Institute of Race Relations and Bowling Green State University observed that before reunification, the Southern Cameroons had progressed peacefully both economically and politically. The balance of trade from 1959 to 1961 for exports and imports of the Southern Cameroons as presented by the secretary of state for finance to the House of Assembly was consistently favorable. See David E. Gardinier, *Cameroon: United Nations Challenge to French Policy* (London, Oxford University Press, 1963).

24. Awasom, ‘The reunification question’.

As in other colonized territories, the people of Southern Cameroons wanted independence and sovereignty. At a conference held 26–30 June 1961 in Bamenda on the issue, 29 delegates (67%) advocated for a fully sovereign Southern Cameroons state unassociated with French Cameroon or Nigeria.²⁵ According to one report, by 1959 the territory ‘possessed internationally delimited boundaries, had for several years administered itself under United Nations Trusteeship as a Self-Governing Region, and had, thus evolved its own system of government and of the conduct of public affairs.’²⁶ Compelling the Southern Cameroons to unite with either Nigeria or Cameroun aided the foundation for future dissatisfaction.

Clement J. Zabloski, the United States’ ambassador to the United Nations, warned in 1959 that ‘the results of a hurried choice imposed on the population of the Trust Territory [British Cameroons] would be catastrophic for their political future.’²⁷ Krishna Menon, India’s UN ambassador, expressed similar concerns to Constantin Stravopoulos, the Trusteeship Council’s legal adviser, stating that his ‘delegation [saw] no reason why the Southern Cameroons [should] not achieve independence on the same date like Nigeria and Northern Cameroons.’ In Britain, the parliamentarian G. M. Thomson, addressing the British House of Commons on 1 August 1961 said, ‘The problem of uniting these two territories would in any event be difficult. They are two territories of completely different cultures with different political systems—there are extremely complex problems in bringing these two countries together within one National State.’²⁸ Although it was aware of the problems involved in attempting to combine different cultures within one nation-state, the United Nations implemented independence for British Southern Cameroons by joining it with French Cameroon.

Annexation and Occupation or Independence?

Herman J. Cohen, a former U.S. undersecretary of state for African Affairs, asserted that the modern African state was created by colonial powers out of ethnic and regional diversities and rendered conflictual by gross inequities.²⁹ Immediately after British soldiers left South Cameroons on 30 September 1961, authorities of the République du Cameroun moved troops into the territory. Since then, the people there have been unable to mobilize for collective action despite having suffered overt political, economic, and psychological discrimination vis-à-vis the French-speaking population.³⁰ The situation began evolving systematically. The nation began as the bi-cultural Federal Republic of Cameroon in 1961.³¹ The state was to be a bilingual and bicultural union of two separate ‘nations’ with a federal legislature and a flag with two

25. Ibid.

26. Munzu, Elad, and Anyangwe, ‘Memorandum submitted to the Technical Committee.’

27. For further discussion, see the proceedings of the 896th General Assembly meeting of 6 October 1959 and provisions of General Assembly Resolution 1350 (XIII), 13 March 1959.

28. Frederick Alobwede Ebong, ‘The actualization of the independence and sovereignty of Southern Cameroons independence, a must’, Postwatch.com, 2007, <http://www.postwatchmagazine.com/2007/08/the-actualizati.html>.

29. Herman Cohen, ‘What should we do when nations get angry?’ *Nexus Africa*, 1:2 (1995), 11.

30. Anyangwe, ‘People of the Southern Cameroons.’

31. Foncha, *Open Letter*, 9.

stars representing them. The two sections were to have equal status and the authority to govern their own affairs.³²

In 1972, however, the de facto federation was abruptly and undemocratically ended when government authorities instituted the United Republic of Cameroon, in which Southern Cameroons was annexed as Northwest and Southwest provinces. Anyangwe notes the dominance of the French-speaking population through control of the union executive, parliament, judiciary, civil service, and military; Southern Cameroons natives had only a token presence in public institutions and thus virtually no say in their governance or that of the country as a whole.³³ A process of political and administrative, economic, social, and cultural assimilation that began in 1961 culminated in February 1984, when the name of the country was once again changed, this time to the République du Cameroun, the name under which the French-speaking territory had attained its independence in 1960. Joseph Takougang, a political historian, articulates how the people of former Southern Cameroons saw the name change ‘as unconstitutional and as undermining Cameroon’s dual heritage.’³⁴ He also notes that the change was not put to a popular vote. The national flag now had only one star. Emmanuel Aka asserted that ‘former British Southern Cameroons became reduced to a colony of ex-French Cameroon.’³⁵

World events at the end of the cold war support the proposition that repression only temporarily pushes a conflict underground. The former Soviet Union, former Yugoslavia, and East Timor are cases in point. The 1984 decree that changed the name of the country to République du Cameroun, followed by the removal of a star from the flag, was more than the people of former Southern Cameroons could bear. With their sense of identity being dismissed, they expressed their resolve in the Buea Declaration of 3 April 1993 for statehood and sovereignty and again in the Bamenda Proclamation of May 1994. They issued the Proclamation of the Restoration of Independence and Sovereignty a few years later, in December 1999.

For South Cameroons as a UN trust territory, and thus as per Article 76(b) of the UN Charter, the next step should have been independence and sovereignty rather than ‘independence by joining’. Nationalists continue to argue that the joining of states that are members of the United Nations is governed by the provisions of Articles 102/103, and the joining of a UN member state with a non-Self-Governing Territory—reflecting the status of the République du Cameroun and Southern Cameroons, respectively, on 1 October 1961—is governed by General Assembly Resolution 1541 of 14 December 1960. They thus contend that failing proof of a political cohabitation of the two former UN trust territories, there has in fact never been a legal union between the two Cameroons. In other words, on 30 September 1961, when Britain exited without first yielding the instruments of power to the Southern Cameroons government, the République du Cameroun, in the view of nationalists, ‘simply moved its security forces across the international boundary with ex-British Southern Cameroons and

32. Munzu, Elad, and Anyangwe, ‘Memorandum submitted to the Technical Committee’, 6–10.

33. Anyangwe, ‘People of the Southern Cameroons’, 3.

34. Joseph Takougang, ‘Democracy and democratization in Cameroon: Living with the Dual Heritage’ in M. J. Mbaku and I. O. Ihonvbere (eds.), *Multiparty Democracy and Political Change: Constraints to Democratization in Africa* (Aldershot, Ashgate, 1998), 195–218 at p. 205.

35. Aka, *British Southern Cameroons*, 271.

annexed and colonized the UN trust territory of Southern Cameroons.³⁶ The question of interest here is why Southern Cameroons nationalists have been unable, in half a century, to mobilize the people of the territory for collective action.

CONFLICT IN THE SHADOWS: REPRESSION, FEAR, AND HABIT

As noted above, Burton has identified several basic human needs, including self-determination, that must be satisfied by social institutions if these entities are to be stable and if societies are to be relatively free of conflict.³⁷ The question then arises as to why so few have actively participated in the nationalist struggle. Frantz Fanon, arguably the most important theorist of national freedom struggles in colonial situations, advances the argument that all forms of anti-colonial nationalism, by necessity, have the potential for violence.³⁸ The violence inherent in the colonization process, Fanon asserts, calls forth corresponding violence from the colonized. Such violence, and indeed, collective action, has been absent in Southern Cameroons nationalism, the slogan of which remains 'the force of argument, not the argument of force', hinting at a Gandhian nonviolent approach to addressing grievances.³⁹

A significant body of literature suggests reasons, such as power dynamics, for why marginalized and oppressed peoples might not rise up violently to defend their rights. Scholars of power dynamics in oppressed and marginalized settings recognize that political power is not a one-way, top-down process; rather, it also depends on the obedience and cooperation of the governed.⁴⁰ Étienne de la Boétie, moreover, argues that consent is engineered because elites use various devices to induce a people's obedience.⁴¹ In the Southern Cameroons struggle, power seems to have been a one-way process in the sense that the oppressed continue to suffer from a failure to take collective action. Part of the reason is the repression under which they live that seemingly appears to compel them to cooperate out of fear. As a consequence, the nationalist struggle has found only a small constituency and has had little impact on domestic politics.

In explaining why people remain compliant in the face of injustice and uncertainty, Robert Burrowes cites the argument credited to de La Boétie that elites create hierarchies of privilege that co-opt key supporters, such as intellectuals, from among the population.⁴² The various administrations of the Republic of Cameroon have been adept in creating situations that entice people in the former Southern Cameroons to

36. Litumbe, 'Case of the annexation of the UN British administered territory of Southern Cameroons'.

37. Burton, *Conflict*, 18.

38. Frantz Fanon, *The Wretched of the Earth* (London, Penguin Books, 1967).

39. For a comprehensive critique of Gandhi's nonviolent nationalism, see, for example, Manfred B. Steger, *Gandhi's Dilemma: Nonviolent Principles and Nationalist Power* (New York, St. Martin's Press, 2000).

40. Sharp, *The Politics of Nonviolent Action*; John Gaventa, *Power and Powerlessness, Quiescence and Rebellion in an Appalachian Valley* (Chicago, University of Illinois Press, 1980); Mohandas K. Gandhi, *Constructive Programme: Its Meaning and Place*, 2d edn (Ahmedabad, Navajivan, 1945); idem, 'The Hindu' in *Collected Works of Mahatma Gandhi* (New Delhi, Government of India, Publications Division, 1958).

41. Étienne de La Boétie, *The Politics of Obedience: The Discourse of Voluntary Servitude* (1576), (Montreal, Black Rose, 1975).

42. Robert J. Burrowes, *The Strategy of Nonviolent Defense: A Gandhian Approach* (Albany, State University of New York Press, 1996), 86.

fix their gaze on the few privileges offered to them. The focus on competing for these few nuggets have in part hampered organization to resist against domination. The few positions in the government reserved for people of the former Southern Cameroons have kept the latter fighting at different levels—Northwest province against Southwest, one administrative division against another, subdivision against subdivision, village against village, family against family, sibling against sibling.

As a consequence, the people of former Southern Cameroons have found themselves outflanked by their oppressors. As Michael Mann might view it, they continue to be locked in by organizations controlled by oppressors or colonizers.⁴³ For many decades, the people of Southern Cameroons have lived under a cloud of pessimism that Paulo Freire describes as a ‘culture of silence’, whereby a people become mere objects of their rulers to such an extent that it destroys their experience of themselves as self-reflective human beings.⁴⁴ Many people in former British Southern Cameroons have resigned themselves to a culture of silence, either preferring to take refuge in a hopeless ‘on va faire comment?’ (what can we do about the situation?) mentality or to simply ignore the problem. This culture has become so entrenched that it has acquired a life of its own.

Johan Galtung identifies attributes of repressive structures in a conflict. According to this pioneer of peace and conflict research, repressive structures prevent consciousness formation and conscientization and impede mobilization and organization of the governed or oppressed. As he explains, ‘conscientization and mobilization are precisely the processes needed to transform interests in structural conflict into consciously held values and to transform a non-organized, non-crystallized party into an actor.’⁴⁵ After 1961 the people of Southern Cameroons found themselves part of an authoritarian and repressive country where there was no room for dissenting voices. In *Prisoner without a Crime*, Albert Mukong documented the repressive nature of society in the République du Cameroun through an account of daily life (although his book covered only the period from 1961 through the 1990s).⁴⁶ In the face of repression, fear reigns to the point that people are held back from collective action to protest their subjugation. Such repression has driven many youths and leaders into exile, thereby reducing the active local population and weakening the resolve to pursue the struggle. Because of the repressive nature of their lives, few have sufficient courage for heroic deeds.

Fear of sanctions can be so deeply ingrained in a people that the contrary is regarded as the exception rather than an acceptable rule. Rotcod Gobata, a philosophy professor, borrowed from Shakespeare’s *Julius Caesar* in highlighting this view: ‘the fault, dear Brutus, is not in our stars, but in ourselves.’⁴⁷ In his words, ‘no human being can be kept as a slave for very long without his/her own connivance’. He also concludes that ‘Southern Cameroonians in general are themselves responsible for their plight’ and argues that ‘one cannot sincerely choose an end without at the same time choos-

43. Michael Mann, *The Sources of Social Power*, vol. 1: *A History of Power from the Beginning to A.D. 1760* (Cambridge, Cambridge University Press, 1986).

44. Paulo Freire, *Pedagogy of the Oppressed* (New York, Seabury, 1970).

45. Galtung ‘Violence, peace, peace research’, 93.

46. Albert W. Mukong, *Prisoner without a Crime* (Limbe, Nooremac Press, 1996).

47. Rotcod Gobata, *I Spit on Their Graves* (Bellingham, Washington, Kola Tree Press, 1996), 23.

ing the means necessary to attain that end'.⁴⁸ The fear of sanctions appears to have become ingrained, leaving some to prefer to focus their energies on contesting presidential elections.⁴⁹ When Southern Cameroons leaders are concerned about taking political power in the Republic of Cameroon, that effort diverts the focus from the interests of Southern Cameroons nationalism and the future of its people.

Shows of respect toward authority can be linked to repression and an entrenched fear of sanctions for not doing so. Max Weber considers power in a society as growing from authority, while authority, in turn, grows from the acceptance and regard generally granted by society. In living side by side with Cameroonian French speakers, the people of Southern Cameroons cultivated the habit of 'le chef a toujours raison' (the person in authority is always right). Under British rule, they had come to question authority. After 1961, however, it became increasingly necessary, as was the custom in French Cameroun, to not question the decisions of the person or people in positions of power. French colonial experience taught them that an authority figure is all-powerful and synonymous with the state, and therefore 'always right'. Living in circumstances where the police and the gendarmerie were ubiquitous and free to punish dissenting citizens, throw them in jail, or even kill them extra-judicially, the people of Southern Cameroons quickly learned that silence afforded them protection.⁵⁰ Thomas Hobbes, in his extended essay on obedience to elites, discussed precisely this kind of unquestioning submission to dictatorial authority by a subjected people.⁵¹

Distractions

A hallmark of French and Belgian colonialism was prioritizing entertainment over education and public debate in national life. 'Colonial affairs' generated little interest or political debate in these two countries, particularly so long as the colony in question seemed to be calm.⁵² It would appear that the former Cameroon colonies absorbed and perpetuated a similar attitude at independence. In the République du Cameroun, entertainment is a major part of life to the exclusion of engagement in political discourse. Sex, music, sports (especially soccer), and alcohol play significant roles in diverting attention from governance issues.

Since 1961 Southern Cameroons people have increasingly become less focused on the struggle to claim independence and sovereignty because of the absence of a culture of political debate. In fact, soccer is so widely followed that some are unable to separate themselves from the prestige of a country that is a major force in African and world soccer. Drinking is the most preferred pastime. People who are excessively fo-

48. Ibid.

49. Among those who have shown considerable interest in running for the presidency of the République du Cameroun are Paul Abine Ayah, Joseph Fomunyoh, Boniface Forbin, Bernard Muna, John Fru Ndi, George Nyamndi, and Nfor Susungi.

50. Communication no. 266/2003: *Dr. Gumne and Members of the SCNC and SCAPO (for Themselves and on Behalf of the People of the Southern Cameroons) v. République du Cameroun, African Human Rights Commission*, Banjul, 38th session, 2005.

51. Richard Tuck and Michael Silverthorne (eds.), *Hobbes: On the Citizen* (Cambridge, Cambridge University Press, 1998).

52. Rachel Warner, 'French colonial policy' in Robert E. Handloff (ed.), *Mauritania: A Country Study* (Washington, D.C., Library of Congress, Federal Research Division, 1988).

cused on entertainment fear losing the ‘good life’ and thus have no interest in revolution. They prefer the little that they have to possibly losing everything or risking death at the hands of the agents of a repressive regime to gain intangibles.

Collective action theory concerns measures undertaken by a representative of a group in order to improve the group’s conditions, such as its status or power. Unified effort—or collective action, also referred to as perceived collective efficacy—is a viable option for achieving group-based goals among those facing injustice or other inequalities in power relations.⁵³ Scholars of collective action theory also use the term *collective action problem* to describe situations in which multiple individuals stand to benefit from actions that have an associated cost, making it unlikely that any one individual can or will undertake and solve it alone. The rational choice is then to proceed in a collective action, sharing the cost.⁵⁴ One can conclude that Southern Cameroons people continue to fail to grasp the benefits of ‘perceived collective efficacy’ in the pursuit of the nationalist struggle.

One can trace the collective action problem in Southern Cameroons to the 1950s. With the exception of the eastern Nigeria crisis, when the leaders of Southern Cameroons took decisive action as a group, leading to the creation of a separate legislature for them in 1954, there has been a near absence of collective action in the territory. Since that historic event, Southern Cameroons leaders have not rallied collectively to address the territory’s political problems, although there have been opportunities to do so, such as at the August 1959 Mamfe conference on the future of the territory and the Bamenda conference in June 1961 in preparation for the Fouban talks with the Cameroon republic about a constitution for the new nation. Indeed, after Fouban, the situation in Cameroon deteriorated as, in the words of Aka, ‘the consequences of subordination [grew] more agonizing’.⁵⁵ The only other time Southern Cameroons leaders came together for a common purpose was at the All Anglophone Conference (AAC I) in 1993 to address the grievances of the territory and its people. The momentum generated at AAC I in Buea and AAC II in Bamenda a year later soon dissipated under repressive leadership and organizational issues, leaving the struggle in the hands of a few.

Although the area of Southern Cameroons is endowed with significant economic resources and human potential, successive regimes in Cameroon have failed to utilize its resources to fuel the engine of development in the country. Rather, the territory has remained underdeveloped; its citizens remain poor, and the government is viewed as corrupt. The excessively centralized public sector stands as the main employer. In this light, many elite Southern Cameroons people consider their livelihood as inextricably linked to government. Because of this dependency, the bulk of the elite are reluctant to join the struggle for independence and sovereignty, or at least not openly, for fear of the unknown and an unwillingness to risk losing the public service jobs that keep them and their families alive. The reluctance to join the struggle openly, viewed from the prism of the collective action problem, can also be interpreted as fear of sanctions.

53. M. van Zomeren, T. Postmes, and R. Spears, ‘Toward an integrative social identity model of collective action: A quantitative research synthesis of three socio-psychological perspectives’, *Psychological Bulletin*, 134:4 (2008), 504–35; Ostrom, ‘A behavioral approach to the rational choice theory of collective action’.

54. Keith Dowding, *Power* (Minneapolis, University of Minnesota Press, 1996), 31.

55. Aka, *British Southern Cameroons*, 271.

Another factor that helps explain the inability of the people to engage in collective action is suggested by studies relating to the selective distribution of material benefits. As Jean-Germain Gros points out, successive regimes have sought to divide and rule the Southern Cameroons by selectively distributing material benefits to individuals there.⁵⁶ This strategy has ensured that the people of Southern Cameroons do not act as a unified group within the republic. Over the years, the government used political appointments—including as prime minister, minister, board membership, parliamentarian, and assembly speaker—to co-opt and divide Southern Cameroons. Through selective distribution, the government drove a wedge between the different regions and peoples. Over the years this wedge has impeded working together as a nation toward a common cause.

The fate of a people can sometimes be sealed without the cooperation of the people themselves. A close examination of the Southern Cameroons nationalist issue reveals the power of state-centric forces in international politics as a factor not only in creating the conflict but also in keeping it in the shadows. In an analysis of intractable conflict cases around the globe, one group of scholars identifies the ‘orphaning’ of conflicts such as the Southern Cameroons issue as an ingredient of conflict intractability.⁵⁷ In this regard, the words of two participants in the study leading to this article are revealing. As one put it, ‘The United Kingdom as administering authority of the UN trusteeship over Southern Cameroons caused the trust to fail because of Britain’s self-interest in terms of her relations with Nigeria and Cameroon Republic as well as Western interests within cold war politics. Both the UK and the UN seem to practice the policy that once in error, always in error. That is why however we cry out loud about our situation in Cameroon, our voices get drowned by the social structures of state-centered international relations.’⁵⁸ A second participant wondered why ‘the UN, the world body set up to resolve conflicts, would be the one creating a conflict for a former UN trust territory.’⁵⁹ Given the language of freedom and liberty as a human need, and the rhetoric of nonviolent conflict resolution, especially through preventive diplomacy, the reasons why the international community has turned its back on nationalist struggles like that of the Southern Cameroons might benefit from further investigation.⁶⁰

CONCLUSION

Many factors have kept the Southern Cameroons struggle from escalating into violence and consequently attracting media attention. From the standpoint of the consent theory, the conflict remains in the shadows partly because leaders and other

56. Jean-Germain Gros, ‘The hard lessons of Cameroon,’ *Journal of Democracy*, 6:3 (1995), 112.

57. C. Crocker, F. O. Hampson, and P. Aall, *Grasping the Nettle: Analyzing Cases of Intractable Conflict* (Washington, D.C., United States Institute of Peace Press, 2005).

58. Interview in Victoria, 2008.

59. Ibid.

60. Resolution 1514 (XV), 14 December 1960; *Public Papers of the Presidents of the United States: George W. Bush* (Washington, D.C., Government Printing Office, 2004); Kofi Annan, ‘The causes of conflict and the promotion of durable peace and sustainable development in Africa: Report of the UN secretary-general to the Security Council,’ *Voices from Africa: Conflict, Peace and Reconstruction*, no. 8., 1998; ‘Agenda of peace: Preventive diplomacy, peacemaking and peacekeeping,’ report of the secretary-general to the Security Council, doc. A/47/277–S/24111, 17 June 1992.

people have collaborated with the forces that oppress them rather than engaging in collective action to usher them toward independence and sovereignty. In addition, the coercive structures of state-centered international politics play a role in containing it. In conclusion, one is left with two questions: Does the future of Southern Cameroons and the République du Cameroun lie in continued political association as attempted in 1961, or are their respective interests better served by secure separate geographical identities? Are the drowned voices of Southern Cameroons nationalists within the context of state-centered international politics telling people to reject the 'force of argument' policy and follow along the path to war as Namibia, Eritrea, East Timor, or more recently, South Sudan have done?



The 'Hegemonic Presidency' and Post-Conflict Peacebuilding in Liberia

George Klay Kieh

The 'hegemonic presidency' evolved in Liberia as a result of the imperatives of that nation's state-building project. Specifically, given the authoritarian and peripheral character of the Liberian state, the hegemonic presidency was designed to provide the kind of leadership required to ensure the operation of such a repressive state. As a consequence, the unbridled exercise of expansive presidential powers by various regimes rose at the epicenter of the crisis of governance that enveloped the country and eventually contributed to the outbreak of civil wars in 1989 and 1999. There are a number of steps that Liberians can take to dismantle the hegemonic presidency within the context of a broader project for the democratic reconstitution of their state. Proceeding along these lines could lead to the construction of durable peace within the context of democracy and development.

ONE OF THE MAJOR TRAGEDIES of the state-building project in Liberia was the establishment of the 'hegemonic presidency'. The travails of this phenomenon were major contributing factors to the trilogy of bad governance, underdevelopment, and instability that culminated in the country's two civil wars from 1989 to 1997 and 1999 to 2003. Amos Sawyer provides an excellent summation of the ambit of the hegemonic presidency in Liberia:

The President of Liberia exercises sweeping constitutional powers of appointment of executive and judicial officials and sole control over public expenditures. For example, except for mayors and traditional chiefs, all executive officers are appointed by and serve at the pleasure of the president. . . . Likewise, the President exercises sole control in determining periodic allotments of public funds to all agencies of government through a centralized warrant system of disbursements. These fiscal decisions, however, are reviewed only by the Auditor General, an official appointed by and responsible to the president.¹

The current peacebuilding project in Liberia provides an excellent opportunity for setting into motion the multidimensional process of the democratic reconstitution of

1. Amos Sawyer, 'Liberating Liberia: Understanding the nature and needs of governance', *Harvard International Review*, 27:3 (2005), 23.

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the state, including addressing lingering pathologies like the hegemonic presidency. Over the past six years, although some aspects of the peacebuilding project, such as security sector reform, have commenced, no effort has been made thus far to set in motion the process of ending the hegemonic presidency. In fact, the emerging trend suggests a consolidation and expansion of it by the government of President Ellen Johnson Sirleaf. Given Liberia's history, however, durable peace cannot be established unless the hegemonic presidency is ended. This can be done through steps taken toward the democratic reconstitution of the Liberian government centered around inclusiveness, respect for the rule of law, and accountability.

CONCEPTUAL FRAMEWORK

Governance is the exercise of economic, political, and administrative authority to manage a country's affairs at all levels. It comprises mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations, and mediate their differences.² A hegemonic presidency refers to the monopolistic control a president exercises in conducting affairs of state as evidenced by expansive appointment powers, control over state resources (financial and others), domination of the policy-making process, and subordination of the legislative and judicial branches to the presidency. It is typically the dominant institution in authoritarian and semi-authoritarian states.

Peacebuilding is a long-term process that occurs after violent conflict has subsided or come to a halt. It consists of a wide range of activities associated with capacity building, reconciliation, and societal transformation. In essence, peacebuilding seeks to facilitate the establishment of durable peace and tries to prevent the recurrence of violence by addressing the root causes and effects of a conflict.³ State reconstitution describes the process of reconfiguring the nature, character, mission, and domestic political economy of a state based on various pathways, such as through authoritarian, liberal democratic, or social democratic arrangements.

LITERATURE REVIEW

The emergent corpus of studies on the phenomenon of the hegemonic presidency includes a number on authoritarian and transitional states, a few of which will be referenced here. H. Kwasi Prempeh, in his study of the travails of the 'third wave of democratization' in Africa, observes that although several positive political changes have occurred since the 1990s, the vexing problem of the suzerainty of the presidency remains an enduring feature of the political landscape across the continent. In particular, he argues that although the wave of political liberalization has occasioned such changes as term limits, by all accounts the African presidencies have 'not yet been tamed'.⁴ In fact, the modal African presidency has emerged from the recent round of

2. See United Nations Development Programme, *Human Development to Eradicate Poverty: Human Development Report, 1997* (New York, Oxford University Press, 1998).

3. 'Agenda for peace: Preventive diplomacy, peacemaking and peace-keeping', secretary-general's report to the Security Council, doc. A/47/277-S/2411, 17 June 1992, 11.

4. H. Kwasi Prempeh, 'Presidents untamed', *Journal of Democracy*, 19:2 (2008), 110.

democratic reforms with its extant powers substantially intact. The central reason for the persistence of the hegemonic presidency on the continent is anchored in the belief that the region solely needs ‘strong no-nonsense presidential leadership’.⁵

In the case of Kenya, Susanne Mueller argues that since independence, the formal rules of the ‘political game’ have been changed recurrently to buttress the growth of a strong presidency at the expense of the other institutions of the government.⁶ For example, even the constitutionally prescribed autonomy of the parliament and the judiciary was trumped in favor of a highly centralized presidency. She contends further that the weaknesses of the country’s various institutions outside of the presidency, including the Electoral Commission of Kenya, were major contributing factors to the implosion the country experienced following the disputed presidential election in 2007.

In a similar vein, using Malawi as a case study, Reuben Chirambo examines the nature and dynamics of the phenomenon during Hastings Banda’s presidency. He posits that the pivot of the hegemonic presidency was the ideology of Kamuzuism, which socialized Malawians to view Banda as the father and founder of the nation, a messiah or savior sent by God to save and lead Malawi for life.⁷ In this way, Banda sought to mobilize Malawians, including members of the military, to support presidential domination of the other branches of government by considering such an arrangement as ‘natural’.

Shmuel Bar probes the presidency of Bashar al-Asad in Syria by situating it within the context of the country’s politics and concluding that the presidency is the sole source and focus of power.⁸ That is, the presidency controls all the major pillars of power: the president is secretary general of the ruling Baath Party, which controls the parliament, and commander in chief of the armed forces, giving him control over the military and intelligence services. As for the other state institutions, their primary function is to implement the decisions made by the president.

John Willerton and his colleagues examine how the dominant presidency remains an enduring feature of the Russian political landscape despite recent years’ political liberalization. Looking at the Putin era, they contend that sustained efforts were made to increase presidential powers, one of the major examples being President Vladimir Putin’s efforts to control federal-level institutional rivals and to rein in regional elites.⁹

Theoretical Framework

The scholarly literature provides several major postulations useful for the formulation of a theoretical framework on the hegemonic presidency. First, the phenomenon is rooted in the political system of authoritarian and semi-authoritarian societies. The inherent repressive nature of these types of states, including the suppression of

5. Ibid., 113.

6. Susanne Mueller, ‘The political economy of Kenya’s Crisis’, *Journal of Eastern African Studies*, 2:2 (2008), 195.

7. Reuben Chirambo, ‘“Operation Bwezani”: The army, political change, and Dr. Banda’s hegemony in Malawi’, *Nordic Journal of African Studies*, 13:2 (2006), 148.

8. Shmuel Bar, ‘Bashar’s Syria: The regime and its strategic worldview’, *Comparative Strategy*, 25:5 (2006), 354.

9. John Willerton et al., ‘Addressing the challenges of Russia’s “failing state”: The legacy of Gorbachev and the promise of Putin’, *Demokratizatsiya: Journal of Post-Soviet Democratization*, 13:2 (2005), 219.

freedom of speech, enables the presidency to subordinate all other institutions of government.

The phenomenon, of course, has ramifications for governance, democratization, development, and stability. In particular, in authoritarian states and transitional societies, the unbridled control of the presidency over policy making and implementation tends to adversely affect the contours of good governance as well as the quality of the policies. The major reason for this is the lack of debate within the corridors of power and among the broader society. The repressive nature of the society enforces this dynamic.

Such political systems can, however, be reformed, as part of the broader project of democratizing the society. The resultant establishment of good governance and democratization can provide an enabling environment for tackling and addressing crises of underdevelopment. Ultimately, this would help promote stability and the building of durable peace. It is suggested here that democratically reconstituting the state beyond political democratization is imperative to this process. It would, specifically, include changing the nature, mission, character, and political economy of the state from an authoritarian, exclusionary, anti-people, anti-development, and anti-democracy construct that primarily serves the interests of the ruling class—externally based capitalists and domestic compradors, such as state managers and entrepreneurs—to one that caters to the needs of all citizens. The ultimate success of the state reconstitution project would require exceptional leadership and the participation and commitment of civil society and the citizenry in general.

ROOTS OF THE HEGEMONIC PRESIDENCY IN THE LIBERIAN POLITY

The hegemonic presidency in Liberia is a by-product of that country's state-building project and its effects. This project can be divided into a settler (1822–1926) and peripheral capitalist (1926–present) phases. Prior to the arrival of the settlers, the Grain Coast (now Liberia) was occupied by various indigenous ethnic groups with centralized, decentralized, and mixed systems of socio-political organization. Collectively, they shared the communal mode of production as the economic arrangement.

During the settler phase, the central conflict was between the indigenes of the country's sixteen ethnic groups and settlers, primarily the Americo-Liberians who repatriated to the Grain Coast as part of efforts to address the race problem in the United States.¹⁰ Like all settler groups, the Americo-Liberians sought to establish their domination and rule over the indigenes.¹¹ The resultant conflict between the two cultural-political clusters found expression in several domains, including citizenship, representation, and land ownership.

With the imperatives of building a settler state, the hegemonic presidency emerged in 1904 under the Barclay Plan, named after President Arthur Barclay, to provide leadership for this development. Under the plan, the president was given sweeping powers over the administration of the hinterland, the main base of the various indigenous

10. For an excellent discussion of the repatriation of freed slaves to Africa, see Robert Smith, *The American Policy in Liberia, 1822–1971* (Monrovia, Providence Publications, 1972).

11. See Ronald Weitzer, *Transforming Settler States: Communal Conflict and Internal Security in Northern Ireland and Zimbabwe* (Berkeley, University of California Press, 1990), 26.

ethnic groups.¹² To strengthen presidential authority so that it could protect the settler state from indigene opposition to the exclusionary, repressive, and exploitative political economy,¹³ the military was established with the president as the commander in chief. In turn, the president used the military to collect taxes from the indigenes, enforce the edicts of the settler state, suppress dissent, and protect trade routes.

When Liberia's incorporation into the global capitalist system was completed in 1926, with the penetration of its economy by foreign capital, the state transitioned to a peripheral capitalist phase.¹⁴ Under this rubric, Liberia became an enclave for the production of raw materials, such as rubber and iron ore, to help feed the industrial manufacturing complexes of the United States and other economically advanced capitalist countries. In addition, under the country's Open Door policy, an influx of foreign multinational corporations and other metropolitan-based businesses invested in the mining and rubber industries for the purpose of accumulating wealth through profit making.

The ambit of the hegemonic presidency was expanded to ensure that the state performed what William Graff refers to as 'law and order functions'.¹⁵ For example, various statutes were adopted that bestowed broad powers on the presidency to allow the executive to protect the interests of foreign capital from organized labor. For instance, under the Emergency Power Act, enacted in the 1930s, the legislature, in contravention of the constitution, granted the president draconian powers on a regular basis. Using this authority, the state security agencies routinely harassed, intimidated, and imprisoned leaders of the labor and student movements for being 'subversive elements'. The hegemonic presidency also played a similar and pivotal role in protecting the interests of the members of the Liberian ruling class, composed of state managers and entrepreneurs, by using the security and military apparatus to visit violence on members of pro-reform movements.

The resultant state construct was authoritarian in character, which was reflected in its modus operandi. At the vortex was the creation of a menacing environment based on what Henry Giroux aptly calls a 'culture of fear'.¹⁶ Specifically, the state, under the direction of the hegemonic presidency, intimidates, harasses, represses, imprisons, forces into exile, and even murders those people determined to be subversive. In addition, the citizenry is marginalized in the formulation and implementation of public policy. There is no accountability or transparency in the conduct of the affairs of the state.

The authoritarian environment created an enabling space in which the hegemonic presidency could operate. The 1847 and 1986 Liberian constitutions, for instance, gave the president expansive appointive powers. Under them, the president appointed and

12. For a discussion of the major elements of the Barclay Plan and its effects, see Amos Sawyer, 'Social stratification and orientation toward national development: The case of Liberia' (doctoral diss., Northwestern University, 1973).

13. See George Klay Kieh, Jr., *Liberia's First Civil War: The Crises of Underdevelopment* (New York, Peter Lang Publishing, 2008), 51.

14. See Stephen Hlophe, *Class, Ethnicity and Politics in Liberia* (Washington, D.C., University Press of America, 1979), 256.

15. William Graff, 'The state in the third world', paper presented at the Annual Conference of the British International Studies Association, York, December 1994.

16. Henry Giroux, 'The emerging authoritarianism in the United States: Political culture under the Bush/Cheney administration', *Symploke*, 14:1-2 (2006), 110.

confirmed ministers, deputy and assistant ministers, judges, sheriffs, coroners, marshals, justices of the peace, clerks of court, registrars, notaries public, ambassadors, ministers, consuls, superintendents, and officials of all the political subdivisions, as well as members of the military from the rank of lieutenant or its equivalent and above.¹⁷ Article 56 of the 1986 constitution, still in force, gives the president the authority to remove from office paramount, clan, and town chiefs—who are elected by their people—for 'proved misconduct'.

Various statutes provided the engine for the operation of the hegemonic presidency. From the 1930s until 1980, the legislature, in violation of the constitutional doctrine of separation of powers, recurrently granted the president emergency powers. Thus, the president was 'authorized to suspend the writ of *habeas corpus*, and to ban suspicious organizations, and to create special courts to deal with offenders such as those counseling or influencing or attempting to incite violence that may subvert, disturb, and upset the economic, social and political stability and security of the state'.¹⁸ Also, under the Sedition Act, 'a person is guilty of sedition, a felony of the first degree, if he accuses the incumbent President of the Republic of Liberia of conduct which constitutes a violation of the oath of office, provided that at the time of such accusation, the conduct charged is untrue, and the purpose of the actor is thereby to injure the President in his reputation and create contempt for the presidency'.¹⁹

The legislature and judiciary were derelict in exercising their constitutional powers, particularly in providing checks and balances to the presidency. For example, during the tenures of Presidents William V. S. Tubman and William R. Tolbert, the legislature enacted laws without holding hearings or debates. The Senate routinely confirmed presidential appointments without confirmation hearings. In the case of the judiciary, as the Fahnbulleh trial of 1968 showed, it took its cues from the president in cases in which the chief executive had a vested interest.²⁰ Overall, as Tuan Wreh laments, 'there was no countervailing power from the people or the constitutionally created National Legislature and judiciary, institutions which should provide the checks and balances to the executive branch and mutually between each other'.²¹ In accordance, various presidents ruled as they pleased.

DYNAMICS OF THE HEGEMONIC PRESIDENCY

The unbridled control exercised by the hegemonic presidency over the Liberian polity was reflected in several ways. One major way was the recurrent lack of respect for the doctrinal pillars of the constitutional order. In one example, in June 1999, President Charles Taylor prevented the enforcement of a decision by the Supreme Court in a

17. See Article 3, sec. 1, of the 1847 Constitution of Liberia, and Articles 54 and 55 of the 1986 Constitution of Liberia.

18. See S. Henry Cordor, 'The April 14 crisis in Liberia', Occasional Paper, Monrovia, 1979, 77.

19. National Legislature of Liberia, *An Act to Adopt a New Panel Law* (Monrovia, Government Printing Office, 1978), 2.

20. See Tuan Wreh, *The Love of Liberty Brought Us Here* (London, C. Hurst, 1976), 111. Henry B. Fahnbulleh, the Liberian ambassador to East Africa, was arrested, charged with treason, and imprisoned for holding a meeting with his Chinese counterpart in Nairobi. The Tubman regime, which was staunchly anti-communist, sought to avoid official contacts with communist countries.

21. Wreh, *The Love of Liberty Brought Us Here*, xi.

case involving a local bank and some of its depositors. The court had ruled against the bank to the chagrin of President Taylor, who had a vested interest in it. Taylor simply ordered the court to withhold its ruling pending what he termed his ‘executive review’.²² As Human Rights Watch wrote, ‘President Taylor’s government functioned without accountability, independent of an ineffective judiciary and legislature that operated in fear of the executive.’²³

Another example of such excess was the routine suppression of constitutionally guaranteed freedoms, including of assembly, speech, and thought. The annual reports of Freedom House (from 1972 through 2003) consistently classified Liberia as an ‘authoritarian state.’²⁴ During the Tubman, Tolbert, Samuel Doe, and Taylor regimes, average citizens along with leaders of various civil society organizations, including the media, student and labor unions, and political parties were harassed, intimidated, arrested, and forced into exile. For example, under Tubman, Didwo Tweh, the presidential candidate of the opposition Reformation Party, was forced into exile after being charged with treason.²⁵ Under the Tolbert government, on 14 April 1979, hundreds of Liberians were wounded and killed when security forces opened fire on unarmed demonstrators protesting the government’s plan to increase the price of rice, the country’s staple, and the excesses of the authoritarian state in general.²⁶

As head of state, Master-Sergeant Doe ordered the military to invade the University of Liberia on 22 August 1984 in response to student demonstrations over the arrest of Amos Sawyer, the then dean of the College of Humanities and Social Sciences, and George Kieh, then a lecturer of political science at the university.²⁷ The soldiers raped and killed and otherwise injured scores of students, faculty members, and staff.²⁸ As for the Taylor regime, in November 1997, the president ordered the murder of Samuel Dokie, his one-time former confidante, along with his wife and two other relatives, after Dokie fell out of favor.²⁹

In a similar vein, various regimes stifled the frank and open discussion of public policy issues in the larger society as well as in the legislature. In the case of the former, those citizens who challenged the de facto ban on the debate of public policies were routinely harassed and intimidated by the state’s security apparatus. Furthermore, as has been discussed, various laws enabled the president to criminalize and punish public debate. While there was no debate in the legislature, bills that originated from the presidency were passed without question. During the heyday of True Whig Party rule, the legislature employed the ‘so say one, so say all approach’ to law-making—that is, once a bill sent by the presidency was read, a legislator would simply announce, ‘So say one, so say all.’³⁰ The bill was thus passed, forwarded to the other chamber for its concurrence, and signed into law by the president.

22. ‘Topical issues’, Radio Veritas, 19 July 1999.

23. Human Rights Watch, ‘Liberia’, *World Report, 1998* (New York, 1999), 65.

24. See Freedom House, *Freedoms in the World, 1972–2009* (Washington, D.C., 2010).

25. See Wreh, *The Love of Liberty Brought Us Here*, 84.

26. For a discussion of the crisis, see Cordor, ‘April 14 crisis’.

27. See Paul Gifford, *Christianity and Politics in Doe’s Liberia* (Cambridge, Cambridge University Press, 2002), 63–64.

28. See *ibid.*

29. See Human Rights Watch, ‘Liberia’, 3.

30. See Wreh, *The Love of Liberty Brought Us Here*.

Ramifications

The Liberian political system and its governance arrangements dictated by the imperatives of the authoritarian state and attendant hegemonic presidency occasioned multifaceted crises of underdevelopment, which were the major causes of the two civil wars and evident in various sectors. In the economic sector, the vast majority of Liberians lived perilously at the margins, as recorded in several indices, reflecting gross inequities in income and wealth. For example, in 1985 the subaltern classes, comprising more than 75 percent of the population, accounted for about 22 percent of national income, while the upper class, about 5 percent of the population, controlled about 68 percent.³¹ By 1989, the ruling class consisting of approximately 6 percent of the population owned and controlled about 70 percent of the national wealth.³² In 1988, approximately 36.2 percent of the population was unemployed.³³ Also, the implementation of two structural adjustment programs mandated by the International Monetary Fund led to declines in real income of 16.7 percent and 25 percent in 1981 and 1985, respectively.³⁴

Added to these mass economic woes was the failure of the various regimes to invest in such public services as education, health care, and housing. As a consequence, for example, the illiteracy rate stood at 77 percent in 1985.³⁵ During the same period, only 35 percent of the population had access to health care.³⁶ By 1989 one million people, about half of the country's population, lived in slums.³⁷ The failure of successive governments to address the basic human needs of the overwhelming majority of Liberians made the state irrelevant to their lives.

By 1989, the erosion of the state's legitimacy, as reflected in the loss of support of the majority of citizens, reached a crescendo. The resultant groundswell of anger and resentment provided fertile ground for the mobilization of support to effect regime change through an insurgency. The Taylor-led National Patriotic Front of Liberia (NPFL) took advantage of this by starting the armed rebellion that culminated in the first civil war. Using neighboring Côte d'Ivoire as a bridgehead, the NPFL launched an armed attack against Liberia in Nimba County, in the north-central region. The Doe regime responded militarily, and the country plunged into civil war.

The failure of the Taylor regime to democratically reconstitute the neo-colonial Liberian state, and to address the underlying political, economic, and social crises that caused the first civil war, coupled with its own excesses, led to the second civil war in 1999. Taylor relied primarily on repression as the vehicle for conducting state-society relations. The regime arrested and imprisoned journalists and leaders of civil society organizations for exercising their constitutionally guaranteed human rights.³⁸

31. See Ministry of Planning and Economic Affairs, *Liberia: Economic Survey of Liberia, 1986* (Monrovia, Government Printing Office, 1987).

32. See George Klay Kieh, Jr. 'The crisis of democracy in Liberia', *Liberian Studies Journal*, 21:1 (1997), 27.

33. See UNDP, *Human Development to Eradicate Poverty*, 156.

34. See Kieh, *Liberia's First Civil War*, 102.

35. See United Nations Development Programme, *Liberia: National Human Development Report* (New York, Oxford University Press, 2006), 1.

36. See Ministry of Planning and Economic Affairs, *Liberia*, 50.

37. See United Nations Settlement Programme, *Liberia: Urban Center Profile* (Nairobi, UN HABITAT, 2006), 2.

38. See Human Rights Watch, 'Liberia', *World Report, 2002* (New York, 2003).

When faced with its own crisis of legitimacy, the Taylor regime employed ethnic scapegoating to distract public attention from the government's failures, blaming the Mandingo and Krahn for its problems. It persecuted various members of these two ethnic groups, including Hassan Bility, a Mandingo and the managing editor of the *National* newspaper. Bility was arrested in June 2002 and tortured for being part of a so-called Mandingo-based conspiracy to topple the Taylor regime.³⁹ In October 1998, several members of the Krahn ethnic group were arrested and subsequently charged with treason.⁴⁰ After being tried before a kangaroo court, thirteen of them were found guilty and sentenced to ten years in prison.⁴¹

In short, Liberians were plagued by unemployment, widespread poverty, and a lack of adequate health care and related problems. In 1999, 76.2 percent lived on \$1 a day, with 52 percent in the firm grip of abject poverty.⁴² Eighty-five percent of them were unemployed.⁴³ Those lucky enough to be employed, especially in the public sector, did not earn salaries commensurate with the cost of living; the average civil servant earned about \$10 a month.⁴⁴ The public schools and health services could only be called poor and inadequate.

Taking advantage of the mass disillusionment with the state of the country, Liberians United for Reconciliation and Democracy (LURD) launched an insurgency against the Taylor regime from neighboring Guinea. Fearful of the ramifications of the insurrection, the government responded with maximum military force. Thus, Liberia became consumed in its second civil war barely two years after the end of the first one.

THE SIRLEAF REGIME

During her initial run for the presidency in 2005, Ellen Johnson Sirleaf made dismantling the hegemonic presidency one of the major themes of her campaign. More than six years later—and now in her second term following a controversial election in 2011—Sirleaf's pledge has not been matched by praxis. In fact, the Sirleaf government has taken actions that further entrench the hegemonic presidency. First, it took the unprecedented step of expanding presidential appointive powers. In September 2006, President Sirleaf requested that the legislature grant her the authority to appoint city mayors because of an alleged lack of money to hold municipal elections. Critics argued that the request was unconstitutional.⁴⁵ In a stunning ruling in January 2008, the country's highest court asserted that Article 54 of the constitution gives the president the authority to appoint mayors.⁴⁶ With that ruling, for the first time in Liberian his-

39. See U.S. Department of State, *Liberia: Country Report on Human Rights* (Washington, D.C., 1998), 3.

40. See Liberian Democratic Future, 'The treason trial: A mockery of justice', *Perspective*, October–December 1998, 1–3.

41. See Liberian Democratic Future, 'Liberian democratic future condemns and rejects the treason trial verdict', *Perspective*, April 1999, 3–4.

42. See UNDP, *Liberia: National Human Development Report*.

43. *Ibid.*

44. See Bureau of the Budget, *The National Budget of Liberia, 1998–1999* (Monrovia, Government Printing Office, 1999).

45. See Joey Kennedy, 'President Sirleaf writes Senate, wants to appoint city mayors', *Star Radio*, 12 September 2006, 1.

46. See Bruce Boweh, 'No municipal elections: Supreme Court recognizes President Sirleaf's appointment of mayors', *Star Radio*, 11 January 2008, 1.

tory, the president has the power to appoint virtually every official in the executive and judicial branches.

Second, in another unprecedented action, President Sirleaf appointed herself chair ex-officio of the Board of Trustees of the Booker Washington Institute (BWI), the state-owned technical high school.⁴⁷ No sitting president of the country had ever served on the board of a state-owned educational institution. Third, in a related action, the Sirleaf regime has retained presidential control over the appointment of presidents of public tertiary institutions. In April 2008, Sirleaf dismissed the president of the University of Liberia, thus continuing the legacy of the politicization of the administration of state-run educational institutions.⁴⁸ In line with a hegemonic presidency, various Liberian chief executives have appointed and removed at will the presidents of the country's public colleges and universities for failure to effectively perform their roles as 'gatekeepers'. Given the history of the adversarial relationship between students at the country's public tertiary institutions, especially the flagship University of Liberia, and the government, presidents have always been quite keen on appointing administrators who would muzzle student opposition to the regime.

Fourth, the president still has unbridled control over the state's financial resources through the warrant system. Despite a pledge to institute reforms in the country's budgetary and fiscal systems, President Sirleaf has not taken the requisite steps to end the president's unconstitutional control over public funds, a function legally within the purview of the legislature. By maintaining presidential control over the 'public's purse', Sirleaf, like her predecessors, has retained the capacity to withdraw money from state coffers without legislative oversight and outside the provisions of annual budgets. Such control over public funds enhances the ability of the hegemonic presidency to use money as a major instrument of control.

Fifth, like previous presidents, Sirleaf has interfered with the operations of the judicial branch in violation of the separation of powers. The most prominent case was her interference with the assignment of Judge Charles Williams in February 2008. Angered by the judge's failure to render a guilty verdict in a bogus treason trial involving persons accused of plotting to overthrow her government, Sirleaf ensured that Williams was removed from the First Circuit Court of Montserrado County.⁴⁹ This also helped ensure that Williams would not preside over the retrial.

What are the implications of the Sirleaf regime's failure to provide the leadership critical to dismantling the hegemonic presidency and transforming the political system and its governance multiplex? In the big picture, it will ultimately undermine gains made in some areas of governance. This is because post-conflict peacebuilding cannot be successfully prosecuted within the ambit of the very authoritarian peripheral state that has perennially visited violence, repression, marginalization, exploitation, and neglect on Liberians. A derivative of this failure could be to undermine peacebuilding, because the phenomenon's pathologies are inimical to democratization and stability. Thus, its continuing deleterious effects could make the country

47. See Government of Liberia, 'BWI Board, Inter-Ministerial Forestry Concessions Committee constituted', press release, 20 December 2007, 1.

48. 'President Sirleaf removes U.L. president Dr. Conteh', press release, Executive Mansion, Monrovia, 14 April 2008.

49. See George Borteh, 'Julu, Dorbor retrial begins today', *Analyst*, 14 February 2008, 1.

vulnerable to the recurrence of what Paul Collier and his colleagues call the conflict trap and its attendant cyclical dynamics.⁵⁰

POST-CONFLICT PEACEBUILDING AND THE EXIGENCY OF CAGING THE HEGEMONIC PRESIDENCY

So, what steps need to be taken to dismantle the hegemonic presidency and to set into motion the process of addressing the undercurrents of the country's civil conflict and resulting civil wars?

The Fundament: Democratic Reconstitution of the Liberian State

The democratic reconstitution of the authoritarian Liberian state should cover three major areas: the issue of inclusion; the nature, character, and mission of the state; and the political economy. During the settler phase, the design—the purpose and character—of the state reflected the interest of the settler Americo-Liberians. Indigenous Liberians were thus denied citizenship and excluded from participating in governance. In other words, the design was based on exclusion and marginalization. Since the dawn of the neo-colonial phase, the design has reflected the interests of the local ruling class and its metropolitan-based patrons. Hence, the interests of the subaltern classes—working, peasantry, and so on—have been neglected. The post-conflict design should reflect the interests of all citizens, respecting the historical and cultural experiences of Liberia's various ethnic groups including the Americo-Liberians' descendants.

Implementing inclusiveness should involve changing Liberian national symbols, such as the flag, motto, and seal. For example, the current motto—"The Love of Liberty Brought Us Here"—is obviously exclusive to the experiences of the Americo-Liberians and their descendants, but the mission of the democratically reconstituted Liberian state should revolve around the protection and promotion of the cultural, economic, political, and social rights and freedoms of all Liberians. In doing so, it must address the critical issues of poverty and inequities in wealth and income and the provision of basic human needs—jobs, healthcare, education, housing, food security, and so on. The state's new character should be democratic, developmental, inclusive, pluralistic, independent, and unbiased. Of importance, the state's character must be consistently reflected in the way it deals with society at large and how it mediates its relations with it as well as among various groups. In short, the state must not be an instrument for class or ethnic domination.

This transformed portrait of the state should be brought to bear in the restructuring of the domestic political economy. In short, the nature, mission, and character of the state should serve as guideposts for redesigning the nation's political economy. At the center of the transformative process should be the replacement of the peripheral capitalist mode of production with a mixed economic system. The new system would feature ownership of the major means of production (natural resources) by a strong,

50. See Paul Collier et al., *Breaking the Conflict Trap: Civil War and Development Policy* (Washington, D.C., World Bank, 2003), 4.

democratic, and developmental state, while other elements of production, such as capital, land, and technology would be in the hands of private firms as well as the state. The democratic developmental state would perform several functions, including the provision of the basic needs of all citizens.

Another area of change would address the issues of inequities and inequalities in income and wealth and overall class inequalities. The ultimate purpose is to narrow the gaps in income and wealth and address the underlying causes of class inequalities, including the asymmetrical power relationships that undergird them. The resultant public policies covering virtually every sector should be pro-people. That is, the well-being of the citizens should be at the center of all state policies. This would require investment of state resources in areas such as job creation, education, health care, public housing and transportation, clean drinking water, and sanitation and food security. Also, state policies should be protective of the interests of citizens, including protecting them from the predatory proclivities of domestic and metropolitan-based businesses.

The Effects

In the transformation of the Liberian political system, the driving force should be a process of re-socialization involving the family, the schools, and civil society organizations. The ostensible goal should be the development of a new mindset based on a nationalism with an attendant commitment to the welfare of the country and its people. Based on this, measures should be employed by the various sectors to demystify the hegemonic presidency and its associated cult of personality. An inclusive citizenship should be fashioned so all citizens have the opportunity to participate in the formulation of public policies.

Within the context of the democratically reconstituted Liberian state, the governance architecture can be transformed to curb and ultimately dismantle the excesses of the hegemonic presidency. First, the thrust of governance and the larger democratization project would need to be comprehensive, involving the cultural, economic, political, and social sectors of society. In short, democratic governance should permeate relations between and among ethnic groups and the functioning of the economy and educational and other public institutions.

Second, presidential appointive powers should be limited to particular classes of executive and judicial officials. For example, positions below the rank of assistant minister in the executive branch should be made part of the civil service; thus, recruitment for these positions would be based on merit. The same holds for judicial officials, such as sheriffs and bailiffs. In addition, the president's power to remove traditional chiefs from office should be abolished. In the security sector, promotion in the military, police, and security services should be based on merit.

Third, the legislature would need to be aggressive in performing its constitutionally assigned functions, including oversight. This would require the election of legislators fully committed to the welfare of the Liberian people who have the requisite educational background and willingness to learn and master the myriad public policy issues. Moreover, legislators should understand the importance of, and protect, the constitutional principles of separation of powers and checks and balances. Furthermore, the legislature needs to undertake a thorough review of the statutes and

overturn those that promote the hegemonic presidency. The sedition law should be among them.

Fourth, only people with a proven record of a commitment to compliance with the principles of the constitution, the rule of law, the role of the courts as an impartial arbiter, and demonstrated integrity should be appointed to serve as justices of the Supreme Court and judges of subordinate courts. One of the ways to do this is to establish a judicial service commission with the authority to vet the qualifications of judicial nominees. In addition, the commission should be empowered to monitor and conduct periodic reviews of judges' performances.

Fifth, the importance of curbing the president's unbridled control over state financial resources cannot be overstated. The legislature should ensure that all disbursements of funds be consistent with the allotments appropriated in the annual budget. In particular, the warrant system should be abolished and a law enacted making it an impeachable offense for the president to disburse state funds outside of the annual budget approved by the legislature.

CONCLUSION

The dismantling of the hegemonic presidency is indispensable to addressing the underlying causes of Liberia's civil conflict. In this vein, two sets of interrelated steps need to be taken. The crux is the democratic reconstitution of the authoritarian state. The Liberian state heretofore based on exclusion needs to be replaced with one that promotes inclusivity; the mission and character of the state's design should be changed from serving the interests of the Liberian ruling class and their relations to catering to the needs of all Liberians. Also, the domestic political economy must be based on equity, equality, and social justice at the various levels of the society and government.

Such a transformation of the country's political system would promote the state's addressing basic human needs and tenets of democratic governance and development. Within this context—along with a reduction of presidential appointive powers and strengthening of the legislative and judicial branches—it would be difficult for the hegemonic presidency to survive.



Kenyan Elections, 2013: Can the Precipice Be Avoided?

John Ahere

The 2007 general elections in Kenya witnessed unprecedented levels of violent conflicts, especially after the results of the presidential tally were declared. The situation was settled through mediation talks that led to power sharing. The mediation also involved restructuring the political system and institutions. The electoral system has been restructured and a new body formed to oversee electoral processes in Kenya. The judiciary as an arbiter of electoral disputes has also been reformed. Ethnic consciousness still remains a threat to peaceful elections. Although things are looking up, governmental and non-governmental actors need to be more prepared to prevent incidences of violence during the campaign period in the lead up to general elections in 2013.

SINCE THE INTRODUCTION OF MULTIPARTY POLITICS IN KENYA IN 1991, various parts of the country have experienced violence in the periods shortly before, during, and after every general election. The first general elections held in the multiparty era were in 1992, followed by others in 1997, 2002, and 2007. As the next general election approaches in March 2013, there is anxiety among Kenyans and the international community about the possible recurrence of violence.

Georg Kössler has documented the varying forms of electoral manipulations that exist in Kenya.¹ It is these manipulations that have cultivated resentment among opposing political groupings. The political system during the pre-2007 multiparty era was one in which political parties had to pull out all the stops to ensure that they obtained power. The cost of losing became a high-stakes affair because exclusion from power meant exclusion from the distribution of resources for five years; losing meant 'the sacking of permanent secretaries, parastatal heads, directors of state corporations and other public officials. . . . [W]inning an election also means preferential treatment of companies owned by the president's tribe in the award of government contracts

1. G. Kössler, *The Neighbour with the Machete: An Explaining View at the Violence in Kenya Following the General Elections on Dec. 27, 2007 from the Perspective of Four Different Theoretical Models*, masters thesis (Santa Cruz, Grin Verlag, 2008), 13.

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and the major procurement deals floated by public corporations.² To this end, the clamour for political power in every general election year led to the adoption of campaign strategies and mobilizations by politicians that in light of other historically underlying conflict issues resulted in violence.

The improvements and progress introduced by electoral and related reforms after the 2008 post-election violence and how they are affecting the dynamics of peace in Kenya can be evaluated by examining agenda item four of the Kenya National Dialogue and Reconciliation (KNDR). In addition, analyzing parallels between the 2007 elections in Kenya and the peaceful, free, and fair 2008 elections in Ghana is helpful in making recommendations for Kenya's upcoming elections.

THE CASE OF GHANA

As Ghana prepared to hold elections in 2008, the National Democratic Congress (NDC) and the New Patriotic Party (NPP), the two main political parties, were competing for the nation's votes. Each had held power for two terms following Ghana's democratic transition in 1992,³ and each had experienced political and economic exclusion while the other party ruled. The recent discovery of oil contributed to making the stakes higher in the 2008 election.

Barak Hoffman and Evan Smith assert that Ghanaian civil society leaders were aware of the possibility of fraud and violence, and therefore mobilized ahead of time to take actions to avoid these outcomes.⁴ As preparations hit top gear in mid-2008, civil society members monitored activities and prepared to tackle problems that might emerge during the electoral process. Controversy surrounding delays and an unexpected increase in voter registration rattled nerves regarding the credibility of the exercise, party manipulation of it, and the competency of the Electoral Commission of Ghana (EC). The Civic Forum Initiative (CFI), aware of the tensions generated by the voter registration issue, began to develop and implement confidence-building programs in a bid to stem any violent fallout during and after the elections.

The first round of voting, held on 7 December, did not produce a winner with a clear majority, so the EC scheduled a constitutionally required runoff for 28 December. During the first and second rounds of voting, civil society leaders played a crucial role in maintaining the peace between the parties and the integrity of the electoral process. The CFI engaged Cardinal Appiah Turkson, a prominent Catholic leader and chair of the National Peace Council, to urge the public to remain calm. At the same time, leaders of the CFI met with both candidates to 'find opportunities to bring about calm and peaceful resolution to the emerging crisis'.⁵ The CFI also brought President John Kufuor and EC chairman Kwadwo Afari Gyan into the discussions with the candidates. As a result of CFI's outreach, the two candidates pledged to accept the results as communicated by the EC, abide by the rules, and make a plea to their supporters to remain peaceful.

2. J. Kiseru, 'Kenya: Why the cost of losing elections is just too high', *East African*, 7 January 2008.

3. D. Zounmenou, *Ghana's 2008 Election: Towards a Consolidated Democracy?* (Pretoria, Institute for Security Studies, 2009), 1.

4. B. Hoffman and E. Smith, 'Preventing postelection violence in Africa', Democracy International for the United States Agency for International Development, Bethesda, Maryland, 2010, 3.

5. *Ibid.*

On 30 December, the EC announced that the NDC held a slim lead, but the election was too close to call. It also stated that because of the narrow margin, it needed to hold a vote in Tain, which had been unable to do so on Election Day, to determine the final victor.⁶ The Tain election, to be held on 2 January 2009, would likely determine the winner. As the NDC had won Tain in the first round, it seemed certain that it would win the election if the NPP chose not to challenge the EC results. Civil society leaders used the time until the Tain balloting to try to convince the NPP leadership that conceding the election would be in the best interest of the country, while contesting it would likely lead to violence. Their efforts ultimately proved successful.

In the Ghanaian election a domestic group of actors outside the electoral management body and political contenders came together to maintain peace and safeguard the democratic process. The CFI proved to be critical in disseminating information to the media and the public as well as mediating between political parties and the EC. The CFI's messaging played an instrumental role in efforts aimed at peaceful coexistence because it dispelled false information, built trust between the competing parties, and persuaded the NPP to accept the results as reported by the EC.⁷

THE KENYAN SITUATION

The incumbent president of Kenya, Mwai Kibaki, had formed the Party of National Unity (PNU) in 2007. His main opponent in the 2007 presidential race was Raila Odinga of the Orange Democratic Movement (ODM). Opinion polls leading up to election day showed a tight race. The period immediately after the announcement of the election results was characterised by unprecedented levels of violence. To properly distill events, it is important to look at the structural or root causes, the proximate causes, and the triggers of electoral violence in Kenya.

Structural or Root Causes of Electoral Violence

Root or structural causes are underlying sources of discontent. Many structural causes are linked to the relationship between the state and its citizens, the legitimacy of the government, and the government's ability to provide basic services.⁸ Structural causes of conflict can include inequality, discrimination, breakdown of the rule of law, and unequal access to means of production and services, such as education and health care. They may variably include relative or absolute poverty.

Reintroduction of Multiparty Democracy. Before 1991, when multiparty democracy was reintroduced, Kenya had been sliding into poverty for decades and suffered from

6. B. Okyere and B. Opoku, *Ghana: Conversation and Development* (Bloomington, Indiana, AuthorHouse, 2009), 176.

7. E. Bombande, 'Building peace through inter-party political dialogue and strengthening the democratic state: The Ghana experience', 2009, available online.

8. C. L. Sriram and Z. Nielsen, 'Introduction: Why examine subregional sources and dynamics of conflict?' in C. L. Sriram and Z. Nielsen (eds.), *Exploring Subregional Conflict: Opportunities for Conflict Prevention* (London, Lynne Rienner Publishers, 2004), 3.

the inequitable distribution of resources and perceptions of historical injustices as well as exclusion of large segments of the society. These constituted the underlying causes of prevailing social tensions, instability, and cycles of violence during elections.⁹ The introduction of multiparty politics rekindled an age-old rivalry between the Kalenjin and the Kikuyu communities and provided new frontiers for its manifestations. Social relations between the Kalenjins and the Kikuyus had been frosty since the pre-colonial era; the demand for and control of scarce arable land often resulted in conflicts. This relationship, laden with mutual suspicion, has been persistent, passed on from one generation to the next.¹⁰

Multiparty politics brought about a shift in Kenya's political landscape, which was henceforth marked by party zones, as each party's support and affiliation tended to be concentrated in particular geographical areas. Support especially among opposition parties became ethnically specific, except in urban areas and other multiethnic communities.¹¹

Land Disputes. In Kenya, access to land and its control and use have since independence influenced the resentful manner in which dominant communities, primarily the Kalenjin and the Kikuyus, have related with each other. The allocation of land by authorities after independence was disproportionate and marginalized certain ethnic groups.¹² Most pastoralists, especially the Kalenjins, harbor the opinion that they were dispossessed of their land in the redistribution by the Kikuyu-led government. According to the Kalenjin narrative, the government allocated to the Kikuyus some of the fertile lands originally belonging to the Kalenjins.

These ethnic tensions originated when the British colonists forced the Kalenjin pastoralists off their land to develop the Rift Valley agriculturally.¹³ With the colonialists came Kikuyu farmers to work as sharecroppers in the British fields. During the process of government-led Africanization of the former White Highlands after independence, the Kikuyu—at a cost to other groups, including the Kalenjin—obtained large tracts of the fertile land. Many Kikuyu believed that they had suffered the most during the colonial period and that they therefore should benefit the most from independence. This narrative, passed to successive generations, came to define the relationship between the Kalenjin and the Kikuyu communities.

Demarcation of Electoral Boundaries. Throughout the era that the Kenya African National Union (KANU) held power, from 1992 to 2002, Kenya had malapportioned constituencies (districts) designed to favor the party. In essence, KANU created constituencies to ensure that 'KANU zones' had more of them, which would thus translate

9. Kofi Annan Foundation, *The Kenya National Dialogue and Reconciliation: One Year Later Overview of Events*, 3, <http://kofiannanfoundation.org>.

10. P. M. Kamungi, 'The current situation of internally displaced persons in Kenya', Jesuit Refugee Service, 2001.

11. O. A. Adeagbo and J.-M. Iyi, 'Post-election crisis in Kenya and internally displaced persons: A critical appraisal', *Journal of Politics and Law*, 4:2 (2011), 174.

12. Ibid.

13. Ibid.

into strength in Parliament. This configuration systematically overrepresented residents of the most sparsely populated areas—the Rift Valley and Northern, Eastern, and Southern provinces—and underrepresented the residents of Nairobi as well as other, more densely populated areas—Western and Central provinces.¹⁴

Kamotho Waiganjo notes, for instance, that the vote of the Embakasi constituency, based on 2009 national census computations, was 351 percent of more significance than warranted by its population quota (the average number of persons per constituency), while the Lamu constituency was only 18 percent of the average number of persons per constituency in Kenya.¹⁵ This meant that the weight of a vote cast by an Embakasi voter was nineteen times greater than that of a Lamu voter. In the 1997 elections, KANU won a narrow majority—107 of the 210 seats in the National Assembly—with only 43 percent of the vote, in large part because of the enormous disparity in constituency populations.¹⁶ The system's effects thus supported the perception of rule by the minority, a situation reminiscent of the colonial era.

The Kenyan electoral system was such that an election could be won by a candidate who received the most votes even if the combined total of his or her opponent represented a majority of the votes. In addition, because losing an election meant the loss of power and the loss of resources associated with that power, the voting system encouraged a zero-sum style of politics that led to ethnic campaigning and demarcation of electoral boundaries by KANU in a manner that ensured the party's victory.¹⁷

A Partisan Judiciary. Kenya has had a history of its courts not resolving election disputes in a timely manner, and in the process, has appeared to acquiesce to the whims of the executive. It is not surprising that the moment the ODM disputed the outcome of the 2007 elections, it rejected the PNU's suggestion that it challenge Kibaki's election in court.

The *Kenyan Jurist* blog offers analysis of the discontent, disdain, and lack of trust that election petitioners had for the court processes prior to 2010. It opines that petitions challenging election results are notoriously difficult to prosecute or defend. The process is laden with a litany of technicalities that must be rigorously adhered to because any deviation from the rules can easily lead to the striking of an entire petition, thereby denying the public the opportunity to learn the substantive issues of a case.¹⁸

In 1992, when Kenneth Matiba challenged the election of Daniel arap Moi as president, the case was dismissed on the ground that the petition was not signed by Matiba himself, but by his attorney. In the 1997 elections, when Mwai Kibaki filed a petition

14. L. Handley, 'Challenging the norms and standards of election administration: Boundary delimitation', International Foundation for Electoral Systems, Washington, D.C., 2007, 59.

15. K. Waiganjo, 'Delimitation of constitutional boundaries: International standards and best international practises', Kenya Institute of Governance, 2011,1 <http://kigafrica.org/downloads/Delimitation%20of%20constituency%20boundaries%5B2%5D.pdf>.

16. Handley, 'Challenging the norms and standards of election administration', 59.

17. P. Kagwanja and R. Southall, 'Introduction: Kenya—A democracy in retreat?' *Journal of Contemporary African Studies*, 27:3 (2009), 269.

18. 'Random thoughts on election petitions', *Kenyan Jurist*, 1 January 2012, <http://kenyanjurist.blogspot.com/2008/01/random-thoughts-on-election-petitions.html>.

against the reelection of President Moi, the court struck it on the basis that Moi was not personally served with the petition. David Throup and Charles Hornsby contend that events in 1992—when all election petitions were disposed of on procedural grounds—demonstrate the limitations of the law when it conflicts with the executive in a state where the judiciary's authority is incomplete.¹⁹

Proximate Causes of Electoral Violence

Proximate causes are generally necessary to move a society closer to conflict. They vary from root causes by degree only and include such things as the entrenchment of discrimination, manipulation of group identities for political purposes, systematic corruption in governance or the electoral system, mismanagement of state resources, corrupt or abusive security forces, and widespread human rights violations.²⁰

Inadequate Transparency in the Electoral Process and Partisan Electoral Commissioners. After the 1992 elections, the impartiality of electoral commissioners came under scrutiny due to the fact that the executive always found a way to appoint cronies or people perceived to be cronies to the Electoral Commission of Kenya (ECK).

As the 1992 general elections approached, President Moi appointed Justice Richard Chesoni as chairman of the ECK, which consisted of eleven commissioners, all appointed by Moi.²¹ In the 1997 elections, negotiations in the Inter Party Parliamentary Group (IPPG) led to the adoption of reforms that somewhat leveled the playing field in that the IPPG agreement stipulated that half of the commissioners would be nominated by the opposition although they would still be appointed by the president.²² The 2002 elections did not produce manipulation of the composition of the ECK because there had been no radical overhauls of the commission by the executive. The 2007 elections struck a match in a highly combustible chamber.

In January 2007, without consulting the opposition parties in Parliament as required, President Kibaki appointed nine new ECK commissioners. In November 2007, a month before general elections, Kibaki again, without reference to the opposition parliamentary parties, appointed seven commissioners to the ECK. Though the appointment of Samuel Kivuitu as chairperson was popular due to his effective handling of the 2002 elections and the 2005 referendum, the Kibaki's unilateralism triggered national outrage. His actions were seen as a blatant attempt to stack the ECK with his supporters in order to influence the outcome of the 2007 elections.²³

19. D. Throup and C. Hornsby, *Multi-Party Politics in Kenya: The Kenyatta and Moi States and the Triumph of the System in the 1992 Election* (Oxford, James Currey, 1998), 556.

20. Sriram and Nielsen, 'Why examine subregional sources and dynamics of conflict?' 3.

21. A. Cussac, 'Institutional shortfalls and a political crisis' in J. Lafargue (ed.), *The General Elections in Kenya, 2007* (Nairobi, French Institute for Research in Africa, 2009), 253.

22. The IPPG was a committee that brought together KANU and the opposition parties. It agreed on some minimal electoral reforms before the December 1997 general elections, including the selection of nominated members of Parliament according to the proportion of elected seats in the National Assembly. Another reform was agreement on a procedure to refer election petitions to the Court of Appeal.

23. K. Muli, 'Reflections about the events at Kenyatta International Conference Centre (KICC) on 27th–31st December 2007' in K. Njogu (ed.), *Reflections on Citizenship, Violence and the 2007 General Elections in Kenya* (Nairobi, Twaweza Communications, 2011), 23.

Fraud in the Voter Registration. Voter registration in Kenya has had a chequered history due to perceived malpractices that have led to claims of vote rigging. During June–July 1992, opposition political parties and church leaders boycotted voter registration efforts in an attempt have the ECK replaced with an impartial body and to force concessions on the issue of identity cards. Many young Kenyans, most of whom were believed to favor the opposition, had not been issued their cards.²⁴ The registration process experienced widespread abuses. In many KANU strongholds, residence requirements were not checked and underage voters were registered. Meanwhile, according to the opposition, officials had made it difficult for people from other communities to register.

During the multiparty era, ethnic clashes were also used to manipulate voter registration. A. G. R. Oloo opines that KANU, through the state, instigated ethnic clashes during the 1992 and the 1997 elections to intimidate opposition supporters.²⁵ In the countdown to the 1992 balloting, the clashes mainly targeted opposition supporters in the districts declared by state operatives as KANU zones. Similar clashes were again unleashed immediately before the 1997 registration of voters in the Rift Valley and Coast provinces in an effort to lower the number of opposition supporters registered that year. During the 1992 and the 1997 general elections, the election commission was heavily criticized for its inability to prevent double registration. By the 2007 general elections, the fundamentals had not changed much. During voter registration for that poll, some 15 percent of people registered to vote were dead.²⁶

Ethnic Consciousness and Pre- and Post-election Pacts. In elections over the years, Kenyan communities have largely supported their tribal compatriots vying for the presidency or for positions in areas that are cosmopolitan. Prior to the 2002 general elections, Mwai Kibaki and Raila Odinga entered into a memorandum of understanding, which stipulated, among other things, that if Kibaki won, he would share power with the Odinga. The memorandum was not legally enforceable, however, and Kibaki did not honor it after he won. This abrogation heightened ethnic consciousness, which remained manifest in a 2005 plebiscite on a proposed constitution when voters cast their ballots along ethnic lines.²⁷

Triggers of 2008 Post-Election Violence

Where significant root and proximate causes are present in a particular context, a possibly unforeseen and difficult-to-prevent event may produce outright conflict. This is a triggering event. Triggers are wide ranging, for instance in a political context from

24. C. Hornsby, *Kenya: A History since Independence* (New York, I. B. Tauris and Co., 2012), 512.

25. A. G. R. Oloo, 'The contemporary opposition in Kenya: Between internal traits and state manipulation' in G. R. Murunga and S. W. Nasong'o (ed.), *Kenya: The Struggle for Democracy* (London, Zed Books Ltd., 2007), 109.

26. B. Calas, 'From rigging to violence: Mapping of political regression' in J. Lafargue (ed.), *The General Elections in Kenya, 2007* (Nairobi, IFRA, 2009), 167.

27. K. Njogu, *Healing the Wound: Personal Narratives about the 2007 Post-Election Violence in Kenya* (Nairobi, Twaweza Communications, 2009), 133.

the violent removal of a leader from office, wide-scale election fraud, and abuses by institutions or leaders to the destruction of important cultural or religious sites.²⁸

On 30 December 2012, ECK chair Samuel Kivuitu attempted to hold a press conference to announce the final results from later-reporting constituencies and the presidential winner. Scuffles between ODM supporters as well as officials and personnel of the paramilitary General Services Unit (GSU) broke out, shutting down the press conference. ODM members then held their own press conference, in which they highlighted discrepancies in the presidential count from select constituencies.

At about 5.30 p.m. from ECK headquarters in Nairobi, Kivuitu announced Kibaki's reelection through the state-run Kenya Broadcasting Corporation (KBC). Kibaki had emerged victorious by a margin of 225,174 votes.²⁹ His swearing in was broadcast within an hour by KBC, and the country erupted in protest and violence. Odinga's supporters overwhelmingly believed that the election had been rigged. The media also expressed doubts, as did the Commonwealth, the African Union, and local and international observers.³⁰

FRAMEWORKS TO PREVENT POST-ELECTION VIOLENCE

On 10 January 2012, around a time that the post-election violence threatened to rise to new heights, the situation was mitigated by the arrival in Nairobi of former UN secretary-general Kofi Annan, who headed the African Union Panel of Eminent Personalities, including Mozambican Graça Machel and Tanzania's Benjamin Mkapa. Both the ODM and PNU had accepted Annan as the African Union chief mediator.³¹ The talks lasted until 28 February, when a power-sharing agreement was reached establishing Kibaki as president and Raila Odinga as prime minister. This succeeded in stabilizing the situation and creating space for preventive actions and programmes.³² To resolve the political crisis, the main protagonists agreed that there was need for enactment of the National Accord and Reconciliation Act 2008, whose provisions were agreed on in their entirety by the two parties.³³ The entire negotiations were done under the framework of the Kenya National Dialogue and Reconciliation.

The KNDR developed a four-item agenda: immediate action to stop the violence and restoration of fundamental rights and liberties; immediate measures to address the humanitarian crisis, promote reconciliation, healing, and restoration of calm; overcome the political crisis; and address long-term issues and solutions.³⁴ The first three items had a direct, immediate impact, while number four, because it deals with

28. Sriram and Nielsen, 'Why examine subregional sources and dynamics of conflict?' 3.

29. Ibid.

30. D. Lorch, 'Kenya's post election violence and the plight of its internally displaced', <http://www.donatellalorch.com/consultancies.html>.

31. O. Ramsbotham et al., *Contemporary Conflict Resolution* (Cambridge, Polity Press, 2011), 142.

32. Ibid.

33. K. Njogu, 'Putting out the flames: The Kenya National Dialogue and Reconciliation process' in K. Njogu (ed.), *Defining Moments: Reflections on Citizenship, Violence and the 2007 General Elections in Kenya* (Nairobi, Twaweza Communications, 2011), 139.

34. Africa Youth Trust, 'What is agenda 4?', <http://www.africayouthtrust.org/ma4arky/what-is-agenda-4>.

structural causes of conflict, is of far-reaching importance. The spirit guiding the KNDR was that poverty, the inequitable distribution of resources, and perceptions of historical injustices and exclusion constituted the underlying causes of the prevailing social tensions, instability, and cycle of violence.³⁵ Agenda item four of the KNDR identified institutions that needed strengthening. The reforms proposed were to focus on the public service, the ECK, the judiciary, the police, and Parliament. Some of the reforms related to the electoral process are discussed below.

Reform of the Electoral Commission. Through Gazette Notice 1983 of 2008, President Kibaki appointed the Independent Review Commission (IREC) on the General Elections. The IREC, headed by Judge Johann Kriegler of South Africa, was to place particular emphasis on presidential elections. One of the commission's recommendations was for a reconstitution of the ECK. Toward that end, in December 2008 under the Constitution of Kenya Review Act, Parliament voted to dissolve the ECK, thus making way for the formation of the Interim Independent Electoral Commission (IIEC), to take charge of electoral operations, and the Interim Independent Boundaries Review Commission (IIBRC), to delimit constituencies and other electoral districts.³⁶

The IIBRC was established by an act of Parliament on 12 May 2009. It was charged with the review of existing constituency boundaries to make them equitable based on geographical size and population. It was anticipated that the commission would complete its task of redrawing boundaries by January 2011. In late 2011, as the commission prepared to release its report, which proposed eighty new constituencies, some members of Parliament (MPs) managed to obtain copies of it. The plan irked a faction of MPs, leading the Parliamentary Committee on Justice and Legal Affairs to ask the IIBRC on 13 November 2010 to explain how it had arrived at the constituencies and which it had intended to gazette.

While awaiting a response from the IIBRC, two MPs went to court and obtained orders to block the gazettelement of the new constituencies. One might be interested in why the IIBRC report evoked a lot of emotions across the political divide. In the new dispensation, constituencies determine electoral blocs as well as the allocation and distribution of state resources. Amid very sharp divisions, on the evening of 21 December 2010 Parliament adopted the findings of the IIBRC in a report recommending they form the basis of future reviews of electoral units.

Amid acrimony and political emotions, the task of delimiting the new constituencies fell to the Independent Electoral Boundaries Commission (IEBC), formed in November 2011 after the merging of the IIBRC and IIEC. On 9 January 2012, the IEBC launched a preliminary report on the delimitation of boundaries. Whereas some parties and MPs welcomed the report and called for sober debate about the contentious issues regarding the creation of eight new constituencies, others faulted the commission for inadequate consultation and, given the contentiousness of the IIBRC

35. B. Mkangi and N. Githaiga, *Kenya's New Constitution and Conflict Transformation* (Pretoria, Institute of Security Studies, 2012), 2.

36. *African Economic Outlook, 2009: Country Notes, Volumes 1 and 2* (Paris, Organisation for Economic Co-operation and Development and African Development Bank, 2009), 332.

report, for using that same report as its primary reference material. The dissenting voices came mostly from MPs from Central province and parts of Eastern province. Be that as it may, Mwangi Kiunjuri, an MP affiliated with the Grand National Unity Party (GNU), stated, 'We have reluctantly given a nod to the report because rejecting it would return the country miles away in reviewing the boundaries.'³⁷

As required by law, the IEBC welcomed comments and proposals on the report for twenty-one days. During this period, it held forums in all forty-seven counties to provide the public an opportunity to offer feedback on the report. In some constituencies, including Lagdera, disagreements led to violence and pandemonium among supporters of politicians of opposing positions.³⁸ In essence, those politicians whose constituencies were delimited feared the loss of reliable blocs of voters. The issues at play were similar in most of the forums, ranging from differences about geographical boundaries, resources, clan interests, ethnic considerations, and political concerns.³⁹ As the process of creating the new constituencies progressed, the propaganda about them threatened to create more division if left unchecked. In the past, similar divisions among communities in Trans Mara district have tended to escalate into violence.

Voter Registration. In mid-January 2012, Kenya's High Court ruled that presidential and Parliamentary elections must be held by March 2013, after the end of the sitting Parliament's five-year term. A rider in the ruling stated that the elections could be held earlier if the president and the prime minister reached agreement to dissolve Parliament. The president supported the ruling, but the prime minister disagreed with it, preferring a December election. (Since the reintroduction of multiparty democracy in 1992, all general elections had been held in December.) Martha Karua, leader of Narc Kenya, disagreed with both of them, stating that the constitution needed to be followed to the letter. The constitution stipulates that elections be held on the second Tuesday of August every fifth year, which would have meant holding them on 13 August 2012. On 31 July 2012, the Court of Appeal upheld the decision of the High Court.

The court rulings must have been sweet to the ears of IEBC officials as they gave them more time to adequately prepare for the elections. Voters, including those in the diaspora, had to be registered afresh. Not undertaking this exercise in an above-board manner could lead to all manner of pandemonium, including more court cases in an increasingly litigious Kenya.

The Pace of Judicial Reform. Under the constitution, the Supreme Court is the only institution that can hear and determine cases challenging the election of the president. Article 140 provides that a person may file a petition to the court within seven days after the date of the declaration of the results and that the court will hear and determine

37. S. Makabila, 'Row rages over IEBC report on new boundaries,' *Standard Digital*, 15 January 2012.

38. See NTV Kenya, 'Heated exchange at IEBC meeting,' YouTube, <http://www.youtube.com/watch?v=oESG4XUEdMQ>.

39. 'Controversy as public presents plan on units,' *Standard Digital*, 22 January 2012.

the petition within fourteen days. As it stands, the Supreme Court has been established as per the 2010 constitution.⁴⁰ If the next presidential election is disputed, the aftermath will likely not be so controversial as to require another political solution, but rather a judicial one. In that case, with the Supreme Court functional, it is hoped that it will act in a fair, swift, and timely manner. The other electoral disputes are to be determined by the High Court with an appeal to the Court of Appeal.

Article 87 of the constitution provides that petitions for elections other than the presidential contest shall be filed within twenty-eight days after the declaration of the election results by the IEBC. Section 75(2) of the Elections Act of 2011 provides that such a petition shall be heard and determined within six months of the date of lodging the petition. This essentially means that after seven or so months, the courts should have dispensed of all the petitions filed after general elections. In as much as the judiciary is being transformed—the vetting of judges commenced in March 2012—it remains to be seen whether the public will have confidence in those sitting judges who might not have been vetted by the time of the elections and petition filings.

Integration of Communities and Prohibition of Hate Speech. The National Cohesion and Integration Commission (NCIC) was established in December 2008 to ‘facilitate and promote equality of opportunity, good relations, harmony, and peaceful co-existence between persons of different ethnic and racial communities and to advise the government on all aspects thereof.’⁴¹ Most important, the NCIC was established to ‘investigate complaints of ethnic or racial discrimination or any issue affecting ethnic and racial relations.’⁴² It has recommended that the director of public prosecution indict at least six politicians—two of them cabinet ministers—and three musicians for hate speech.

There are some drawbacks to tackling hate speech in the courts. The definition of hate speech under the law is broad, so providing evidence that passes the prosecutorial threshold has tended to be challenging. The lack of sufficient evidence has led to charges being dropped against three politicians accused of using hate speech during a 2010 referendum on a new constitution. There have been some successful prosecutions of personalities for hate speech, so politicians are becoming more cautious about their statements when addressing political rallies. This is in stark contrast to the period shortly before the 2007 general elections when politicians openly incited their followers to violence. The mass media is also more cautious about the content it disseminates.

CIVIL SOCIETY INITIATIVES

Following the 2008 post-election violence, the Electoral Violence Response Initiative (EVRI) was created by PeaceNet in collaboration with Partnership for Peace, an umbrella body of peacebuilding organizations. EVRI brought together stakeholders in Kenya’s peacebuilding infrastructure to form a lobby capable of getting the attention

40. Previously, the Court of Appeal was the highest court in the country.

41. National Cohesion and Integration Commission, ‘Goals and objectives’, <http://www.cohesion.or.ke>.

42. Integrate Regional Information Networks (IRIN), ‘Analysis: Taming hate speech in Kenya’, 24 August 2012.

of the political and economic elites who influence the perception of large constituencies in conflict hot spots.⁴³ This initiative, working in tandem with others, was instrumental in mobilization of Kenyans to be peaceful during the period in the lead-up to the successful constitutional referendum in 2010.

Another major initiative is the Kenya Civil Society Strengthening Program. Jointly implemented by Pact Inc. and Pact Kenya (now known as Act Change Transform [Act!]), this program aims to strengthen the capacity of civil society organizations (CSOs), community-based organizations, local peace structures, and the government of Kenya to reduce violent conflict in target areas and ultimately advance peace in the society. The uniqueness of this program is that it has a bottom-up approach to conflict management but remains aware of the need for top-bottom approaches, that is, most of its initiatives are grassroots based, while a minority of initiatives target policy makers and political leaders. This is instrumental for conflict transformation since the more positive the relationships between communities are at the grassroots, the greater the likelihood for dialogue to resolve conflict as opposed to a resort to violence. This program has funded hundreds of CSOs since its inception in 2006. A particularly notable intervention having a positive impact is the Mount Elgon Peace and Development Project, which is already helping local communities work collectively toward developing local capacities for peace. Previously, these communities were sharply divided as a result of the distribution of land in the settlement schemes in the fertile region.

Also worthy of noting is the institutional framework provided by the National Steering Committee on Peace Building and Conflict Management (NSC), an inter-agency body that aims to strengthen and provide coordination of peacebuilding and conflict management initiatives run by the government and civil society organizations.⁴⁴ The NSC brings together different agencies in an effort to coordinate and consolidate efforts geared toward peacebuilding and conflict management in Kenya. It has been reviewing the National Policy on Peace Building and Conflict Management, which after receiving cabinet approval in August 2012 after years of review, may finally lead to better coordination among agencies and make their work more effective. The NSC also doubles as the country's Conflict Early Warning and Response Unit (CEWRU) for the implementation of the CEWARN Protocol acceded to by Inter-Governmental Authority on Development (IGAD) member states in 2002. The information collected through the CEWERU is availed in real-time and forwarded to decision makers in relevant agencies, including law enforcement for intervention.

There are many other local and international agencies and initiatives that have contributed to peacebuilding and conflict management in Kenya over the years. The biggest flaw has been inadequate coordination. It has not been uncommon that agencies working in the same district remain oblivious of each other's activities and thus

43. The stakeholders included Maendeleo ya Wanawake, PeaceNet Kenya, International Development Research Centre (IDRC), Amani Parliamentary Forum, NPI Africa, Kenya Private Sector Alliance (KEPSA), the Ministry of State for Youth Affairs, the National Steering Committee on Peace Building and Conflict Management (NSC), the Media Owners Association and the Media Council of Kenya, Action Aid, Oxfam GB, and World Vision.

44. See National Steering Committee on Peace Building and Conflict Management, <http://www.nsc.peace.go.ke/nsc/index.php/home>.

fail to take advantage of synergies to increase their impact. In other instances, agencies do not properly assess what has been implemented in their area of intervention in previous years, or if they do, they may choose to overlook the findings or recommendations of the assessments. This has led to the duplication of projects in some places, wasting funds and doing nothing to contribute to conflict transformation. Limited information sharing due to competing interests has also impeded better coordination of peacebuilding. One particularly worrisome situation is the limited collaboration between the NSC and the NCIC, government institutions situated in different ministries. They and their respective partners have tended to work more competitively than in concert.

LOOKING AHEAD: AVOIDING THE PRECIPICE

Kristina Höglund and Anna Jarstad offer recommendations that can be used in trying to prevent and manage electoral violence:

- developing an approach to support the victims of violence so that they can cope with its consequences;
- continuous monitoring of the situation contexts and mass education;
- including conflict-mitigating measures in the electoral process design;
- finding the right balance between deterrence and confidence building; and
- coordinating electoral violence management activities to avoid overlap and identifying gaps in peacebuilding.⁴⁵

In the Kenyan context, the following must be taken into consideration:

Synergy between the NSC and NCIC. These two institutional frameworks need to find a point of convergence to synergize their work and by extension provide better coordination to CSOs and other stakeholders with which they work. The 2008 post-election violence was complex, and prevention of a repeat will require a formidable front by these two institutions.

Enhancement of Dialogue. During extensive work in the Karamoja Cluster as well as the Mandera Triangle conflict, the Resource Based Conflicts (RBC) Management Network carried out studies in the Northern and North Eastern provinces between 2007 and 2009 that pointed to the fact that spaces for inter- and intra-community dialogue can go a long way in dispelling mutual suspicions between and among communities. Peace builders must invest in fostering community dialogue, especially in potential flash points.⁴⁶

Voter Education. The IEBC and its partners must embark on, as a matter of urgency, education of Kenyan voters. A basic understanding and demystification of the voting

45. K. Höglund and A. K. Jarstad, 'Strategies to prevent and manage electoral violence: Considerations for policy', Policy and Practice Brief, ACCORD, June 2010.

46. See Resource Based Conflicts Management Network, <http://www.rbc.or.ke>.

process is important for empowering voters in volatile regions about making decisions that do not encourage resort to violence.

Adequate Preparation by the IEBC. Poor preparation can lead to bungled elections. The IEBC must strive to ensure that the electoral processes run as smoothly as possible. This cannot happen without adequate preparation. As of September 2012, voters had not been registered for the March 2013 general elections. In fact, the voter registration equipment had not even been purchased. This situation does not inspire confidence and might leave voters apprehensive or alienated.

Government Fulfilling Its Role. The government of Kenya is the ultimate duty bearer in the provision of security to the residents of the nation. The presence of law enforcement agents can help in deterring violence, especially at polling stations. The government must invest heavily in developing a comprehensive strategy that will incorporate the prevention and management of violence during the electioneering period. At the 21 July 2008 hearings of the Commission of Inquiry on Post Election Violence, the National Security Intelligence Service provided testimony that it had collected information pointing to a strong possibility of violence during the period before, during, and after the 2007 elections. The agency intimated that all relevant departments were adequately briefed but then failed to act accordingly. This kind of situation must not prevail during the approach of the 2013 elections.

The work of the IEBC largely depends on support from the government, which must provide pecuniary and logistical assistance where and when the IEBC requests, to ensure that the discharge of its mandate is not prohibited.

In late 2012, Kenya is in a much better position to prevent another round of post-election violence than it was in 2007. A number of structural changes have been made to address latent conflict. Despite this, the government and the IEBC will need to move with haste to ensure that adequate preparations are made so that the 2013 elections are free and fair. The civil society must also work diligently with grassroots communities to enhance dialogue and contribute to dispelling mutual suspicions that fan electoral violence.



Somalia, 2006–2012: Theories on Conflict and Its Continuance

Philip Lewis and Preeti Patel

Conflict in Somalia is frequently depicted as a never-ending cycle of violence. Such a perspective has thus far constrained and largely left neglected any attempt to understand the actual causes of the conflict and perpetuating factors, which include novel as well as pre-existing dynamics. A temporal focus on the revitalisation of the conflict in 2006 allows for a case study of the economic and political causes of it utilising four theoretical discourses: greed theory, horizontal inequalities, coming anarchy, and new wars. This is done within a broader analysis of the economic perspectives of the conflict, the impact of Somali clans, radical Islam, governance, and the influence of external actors.

IN 2006 AFTER A PERIOD OF RELATIVE CALM IN SOMALIA, outright conflict erupted, sparked by a long-term land dispute between Abukor Omar Adaani and Bashir Raghe, two members of the Hawiye Abgaal clan, over control of the hugely profitable El Ma'an port. The two men were supported, respectively, by the Islamic Courts Union (ICU) and the U.S.-backed Alliance for the Restoration of Peace and Counter-Terrorism (ARPCT).¹ Following the ICU's quick victory over the ARPCT, the ICU consolidated control over most of Somalia, including the capital, Mogadishu. Within the broader movement of the ICU were the beginnings of the rise of radical elements propelling it into a war with Ethiopia in December 2006 that led to the routing of ICU forces and precipitated a two-year Ethiopian occupation that spawned an insurgency by the radical Islamic militia al-Shabaab.²

1. Somalia refers here to south-central Somalia and excludes Somaliland and Puntland, both of which have had different conflict trajectories. On the dispute, see Gerard Prunier, 'A world of conflict since 9/11: The CIA coup in Somalia', *Review of African Political Economy*, 33:110 (2006), 750; Martin N. Murphy, *Somalia: The New Barbary? Piracy and Islam in the Horn of Africa* (London, Hurst and Company, 2011), 80–81; Ken Menkhaus, *Somalia and the Horn of Africa*, World Development Report, 2011, Background Case Study, 2011, 8.

2. Menkhaus, *Somalia and the Horn of Africa*, 8.

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An overarching analysis of the dynamics of conflict in Somalia since 2006 is of particular importance due to its wide-ranging impact at the local, regional, and global levels. The resumption of conflict in 2006 led to one of the worst humanitarian crises in the world at the time, with massive displacements of people, an exceptionally difficult environment for humanitarian aid agencies, and in 2011, a terrible famine.³

The renewed conflict not only drew in, at a formal national level, neighbouring states (Ethiopia, Eritrea, and Kenya), but also became the centre of a regional conflict formation predicated on a pervasive, informal war economy with developed vested interests in on-going conflict.⁴ The Somali conflict since 2006 has been driven by external actors that are not only regional but also global, with the United States being a prime actor through the backdrop of the global war on terror. The continued interest of the international community was most recently stressed in February 2012 at the London Conference on Somalia, aimed at trying new approaches for dealing with the root causes of the conflict and the widespread ramifications of it.⁵ Furthermore, the conflict has developed alongside growing policy and academic interest in failed and fragile states, and such states, of which Somalia is seen as archetypal, are now considered the greatest development and security challenges of the post-9/11 era.⁶

Focus on the Somali conflict, post-2006, provides a specific moment at which to analyse the conflict through the lens of existing theoretical discourses on economic and political causes of conflict and an opportunity to challenge these theories vis-à-vis a longstanding conflict environment. The outbreak of conflict in 2006 can be considered a distinct period due to the 'seismic changes' it initiated.⁷ Prior to 2006, there were clear signs of a tentative reassertion of social control, with conflict gradually dampening to allow for a thriving business trade to flourish. This came to a stark and destructive end in 2006 with violent conflict dynamics re-emerging and propelling the country along a different and far more damaging path than that of the 1991–1992 civil war and famine.⁸ This environment and the causes that drove renewed conflict have received insufficient academic and policy analysis.

There is considerable scholarly debate on the causes of conflict. Here the applicability of Paul Collier's greed theory, Frances Stewart's horizontal inequalities, Robert

3. Solomon A. Dersso, 'The Somalia conflict: Implications for peacemaking and peacekeeping efforts', ISS Paper 198, Institute for Security Studies, Pretoria, 2009, 7; Mark Bradbury, 'State-building, counterterrorism, and licensing humanitarianism in Somalia', Feinstein International Center Briefing Paper, Tufts University, Somerville, Massachusetts, 2010, 16.

4. Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, 2d edn (New Haven, Yale University Press, 2002), xxv.

5. 'Britain leads dash to explore for oil in war-torn Somalia', *Observer*, 25 February 2012; International Crisis Group, 'Somalia: An opportunity that should not be missed', Africa Briefing no. 87, Brussels, 2012, 5.

6. Mary Harper, *Getting Somalia Wrong? Faith, War and Hope in a Shattered State* (London and New York, Zed Books, 2012), 1, 4; Robert B. Zoellick, 'Fragile states: Securing development', *Survival*, 506 (2008), 68; Robert M. Gates, 'Helping others defend themselves: The future of U.S. security assistance', *Foreign Affairs*, May/June 2010.

7. Ken Menkhaus, 'Stabilisation and humanitarian access in a collapsed state: The Somali case', *Disasters*, 343 (2010), 321, 331; Menkhaus, *Somalia and the Horn of Africa*, 6.

8. Laura Hammond and Hannah Vaughn-Lee, 'Humanitarian space in Somalia: A scarce commodity', Humanitarian Policy Group Working Paper, Overseas Development Institute, London, 2012, 3, 9.

Kaplan's coming anarchy, and Mary Kaldor's new wars is analysed in terms of the 2006 conflict and within a broader analysis of its economic perspectives and the impact of Somali clans, governance, and external actors. Although these theories can provoke helpful insights, based on what they include and what they exclude, none of them adequately portrays the transformative and multi-dimensional nature of conflict, at which point static theories of conflict struggle to encapsulate the dynamism of conflict formation. This emphasises how the causes of conflict are context specific, relying on multiple intertwined factors that have the ability to change in importance and influence over time.

ECONOMIC PERSPECTIVES

Paul Collier's original greed theory argued that the risk of conflict was linked to three economic conditions. In order of importance, these were, whether a country earned a large share of its gross domestic product (GDP) from primary commodity exports (as a proxy for the influence of natural resources); whether the country had low revenues; and whether a country had slow economic growth coupled with rapid population growth.⁹ In response to substantial criticism, Collier later softened this argument, arguing instead that natural resources were rarely the sole root cause of conflict, but that in time economic factors become the predominant and perpetuating factors in causing armed conflict.¹⁰ With an on-going conflict of some duration, Somalia in 2006 should represent a case in which economic factors would be of critical importance.

A major difficulty in analysing the importance of economic factors in Somalia is the lack of reliable and quality data.¹¹ The World Bank, for example, provides little meaningful data after 1989.¹² There is, however, considerable evidence that business and trade were flourishing prior to 2006. This is illustrated by a business-led push for a certain level of stability that developed in the late 1990s, enabling trade to be conducted more freely and providing basic security for business investments.¹³ Somalia's state collapse led, to some extent, to modernisation, facilitating the spread of money transfer companies and telecommunications and turning Somalia into the world's

9. Paul Collier, 'Economic causes of civil conflict and their implications for policy', World Bank, Washington, D.C., 2000, 9–11.

10. C. Cramer, 'Homo economicus goes to war: Methodological individualism, rational choice and the political economy of war', *World Development*, 30:11 (2002), 1849, 1852–53, 1856; Mats Berdal, 'Beyond greed and grievance—and not too soon . . .', *Review of International Studies*, 31 (2005), 688–90; David Keen, *Complex Emergencies* (Cambridge, Polity Press, 2008), 28–31; Paul Collier et al., *Breaking the Conflict Trap: Civil War and Development Policy*, World Bank Policy Research Report (Washington, D.C., World Bank and Oxford University Press, 2003), 60–64, 79.

11. Paul Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done about It* (Oxford and New York, Oxford University Press, 2007), 9.

12. World Bank, *Somalia at a Glance*, 2011, http://devdata.worldbank.org/AAG/som_aag.pdf.

13. Ken Menkhous, 'Governance without government in Somalia: Spoilers, state building, and the politics of coping', *International Security*, 31:3 (2006/2007), 88; Menkhous, *Somalia and the Horn of Africa*, 62; Murphy, *Somalia*, 76.

largest duty free shop.¹⁴ The low economic growth and GDP per capita that Collier suggests causes conflict does not fit easily within this analysis. This is not to suggest that Somalia was a budding emerging market, but that its economic fundamentals were not characterised by stagnation, decline, and lack of opportunity, which undermines two of Collier's pre-conditions for conflict. This is also not to deny that Somalia suffered from low per capita GDP and youth unemployment, but that in 2006 its economic situation was far brighter than it had been in earlier years, when there had been conflict, and thus these factors were not suddenly newly or increasingly apparent by 2006. Instead, Somalia experienced the opposite trend of economic growth and private entrepreneurship.

As noted, Collier's most significant risk factor is the size of a country's primary commodity exports as a share of GDP.¹⁵ This is used as a proxy for the influence of natural resources on conflict. Somalia, however, has only limited natural resources. Before 1991 livestock accounted for around 80 percent of Somalia's income earnings, but in 2000 Saudi Arabia and other Persian Gulf states banned the import of Somali livestock, which effectively froze the country's main export market.¹⁶ There is substantial evidence, however, of Somali merchants, traders, and herders significantly increasing the livestock trade via the Somali-Kenya border.¹⁷ Nevertheless, if accurate data were available, the banning of Somali livestock from its major market would have meant that the share of primary commodity exports, already low prior to 1991, would most likely have decreased, or remained stable at the least, in the intervening years to show only a negligible percentage of GDP based on primary commodity exports.

This highlights a failing of Collier's use of primary commodity exports as a proxy for natural resources. Collier is more interested in natural resource exploitation and extraction than natural resources per se. He thus focuses on oil, diamonds, and minerals rather than more basic resources, such as livestock and land resources. Although Collier's proxy for natural resources would not necessarily mimic the influence of these commodities, it does not mean that they are not a factor in driving conflict.¹⁸ It is therefore vital to utilise a broader economic perspective that incorporates economic, business, and resource activity as a central theme perpetuating conflict. As David Keen has shown, conflict is often regarded incorrectly as a system breakdown rather than the development of an alternative system of power and profit.¹⁹ Such an

14. Tobias Hagmann, 'From state collapse to duty-free shop: Somalia's path to modernity', *African Affairs*, 104:416 (2005), 535; Mark Bradbury, *Becoming Somaliland* (London, Progressio, 2008), 147; 'Press 1 for modernity', *Economist*, 28 April 2012.

15. Collier, 'Economic causes of civil conflict', 7; Paul Collier and Anke Hoefler, 'Greed and grievance in civil war', World Bank Policy Research Paper 2355, World Bank, Washington, D.C., 2000, 27.

16. World Bank, *Conflict in Somalia: Drivers and Dynamics*, 2005, 24; Peter D. Little, *Somalia: Economy without State* (Oxford, International African Institute in association with James Currey, 2003), 37. The ban was lifted in 2009.

17. Little, *Somalia*, 2, 38, 84, 91; Lee Cassanelli, 'The opportunistic economics of the Kenya-Somali borderland in historical perspective' in Dereje Feyissa and Markus Virgil Hoehne (eds.), *Borders and Borderlands as Resources in the Horn of Africa* (Woodbridge, U.K., and New York, James Currey, 2010), 147–48.

18. World Bank, *Conflict in Somalia*, 28–31.

19. Keen, *Complex Emergencies*, 15; David Keen, *The Economic Functions of Violence in Civil Wars*, Adelphi Papers, no. 320 (Oxford, Routledge for the International Institute for Strategic Studies, 1998), 9.

understanding would emphasise that conflict is produced by a diverse range of actors who benefit in the midst of what appears as state and economic breakdown.²⁰

Such resources as land and khat have helped to propel conflict throughout Somalia's troubled recent history.²¹ The importance of land in the current conflict is evident in localised conflicts over key productive or strategic areas, including ports like El Ma'an and airstrips.²² The revenue streams from khat are a vital component, enabling conflict through the financing of militia mobilisation, equipment, and maintenance, as well as providing the means to transport weapons, equipment, and even troops via the planes used to deliver the plant.²³ Warlords recruited and paid their fighters through the provision of khat, and these activities, coupled with economic power through control of the khat trade, illustrate why fighting over strategic locations—that is, those involving the importation of khat and other economic resources—contributed so much to perpetuating conflict.²⁴ Khat is a vital economic resource for conflict's perpetuation, but it would not be considered a factor by Collier's thesis, as it is almost entirely imported, not exported, from Ethiopia and Kenya.

A broader analysis of the economic interests operating around 2006 therefore indicates the importance of and the connections between such resources as land and the khat trade in creating a war economy constituency benefiting from on-going conflict. The use and control of natural resources and economic factors are a key element in the causes of conflict in Somalia through their maintenance of political and economic interests that perpetuate conflict.

Collier also stresses the importance of remittances from diasporas in perpetuating conflict.²⁵ Given the large and extensive Somali diaspora, remittances should serve as a key factor in driving conflict; there is evidence that remittances have found their way

20. Keen, *Complex Emergencies*, 15.

21. Alex de Waal, 'Land tenure, the creation of famine, and prospects for peace in Somalia' in M. A. Mohamed Salih and Lennart Wohlgemuth (eds.), *Crisis Management and the Politics of Reconciliation in Somalia: Statements from the Uppsala Forum, 17–19 January 1994* (Uppsala, Nordiska Afrikainstitutet, 1994), 29; Lee V. Cassanelli, 'Somali land resource issues in historical perspective' in Walter Clarke and Jeffrey Herbst (eds.), *Learning from Somalia: The Lessons of Armed Humanitarian Intervention* (Boulder, Colorado, and London, Westview Press, 1997), 72; Juha Auvinen and Timo Kivimäki, 'Somalia: The struggle for resources' in Wayne E. Nafziger, Frances Stewart, and Raimo Väyrynen (eds.), *War, Hunger, and Displacement: The Origins of Humanitarian Emergencies*, vol. 2: *Case Studies* (Oxford and New York, Oxford University Press, 2000), 206–207; Cassanelli, 'Economics of Kenya-Somali borderland', 67–70; Little, *Somalia*, 35–36; Christian Webersik, 'Fighting for the plenty: The banana trade in southern Somalia', *Oxford Development Studies*, 331 (2005), 1473–74.

22. World Bank, *Conflict in Somalia*, 28; D. K. Leonard with M. S. Samantar, 'What does the Somali experience teach us about the social contract and the state', *Development and Change*, 42:2 (2011), 579.

23. Ernst Jan Hogendoorn, Mohamed Abdoulaye M'Backe, and Brynjulf Mugaas, 'Report of the Panel of Experts on Somalia pursuant to Security Council Resolution 1425 (2002)', UN Security Council, doc. S/2003/223, 2003, 9, 36–39; Reginald Herbold Green, "'Khatt" and the realities of Somalis: Historic, social, household, political and economic', *Review of African Political Economy*, 26:79 (1999), 43; Sabine Grosse-Kettler, 'External actors in stateless Somalia: A war economy and its promoters', Bonn International Center for Conversion Paper 39, Bonn International Center for Conversion, 2004, 18.

24. Peter Hansen, 'The ambiguity of khat in Somaliland', *Journal of Ethnopharmacology*, 132 (2010), 597; Michael Odenwald et al., 'The consumption of khat and other drugs in Somali combatants: A cross-sectional study', *PLoS Medicine*, 412 (2007), 1968.

25. Collier, 'Economic causes of civil conflict', 7; Collier and Hoeffler, 'Greed and grievance', 26–27; Collier et al., *Breaking the Conflict Trap*, 84–86.

to militias, including al-Shabaab.²⁶ The overwhelming evidence, however, is that remittances have been an even more essential lifeline for the vast majority of the Somali population. Around 2006 remittances totaled roughly \$1 billion per annum. The total since 1991 is some \$11.2 billion, which is more than the \$9.2 billion in humanitarian and development aid Somalia has received over the same period.²⁷

Conceiving of remittances only as a source of funding for conflict is misleading and inaccurate; the intertwined nature of conflict, shadow, and coping economies also exists in other conflict-affected countries, such as Afghanistan.²⁸ At times remittances have undoubtedly been used to fund conflict, but for the vast majority of populations, remittances are fundamental to livelihoods and wellbeing. They save lives, provide a social safety net, and drive economic growth. This illustrates the importance of taking a broad perspective regarding the economics underpinning conflict and society. Factors such as remittances, land, livestock, and the khat trade can have many different purposes, which must be carefully analysed and differentiated to accurately discern their impact on the causes of armed conflict in Somalia and elsewhere.

This analysis indicates the importance of Somalia's war economy to its continued conflict. It does not, however, entirely explain the outbreak of conflict in 2006. Rather, it illustrates that relative stability within the context of a collapsed state was of considerable benefit to many of those interested in the perpetuation of conflict and demonstrates how conflict can be financed and organised, but it fails to account for the desire for open warfare. In the case of Somalia in 2006, economic factors provided the tools and means for conflict more so than they did the cause and drive.

THE CLANS

Frances Stewart has argued that the existence of severe inequalities between culturally defined groups, known as horizontal inequalities, is vital in causing conflict.²⁹ Somalia is ethnically homogenous, but it has deep-seated clan rivalries that play a role in perpetuating conflict.³⁰ This was evident in 2006. The transitional federal government (TFG) established in 2004 was dominated by the Darood clan, which was opposed by

26. Menkhaus, *Somalia and the Horn of Africa*, 8–9; Kevin West, 'The money laundering regulatory challenge facing Somali remittance companies' in Samuel Munzele Maimbo (ed.), *Remittances and Economic Development in Somalia: An Overview*, Social Development Papers: Conflict Prevention and Reconstruction, Paper no. 38 (Washington, D.C., World Bank, 2006), 33; International Crisis Group, 'Somalia: To move beyond the failed state', Africa Report no. 147, 2008, 15.

27. John Norris and Bronwyn Bruton, 'Twenty years of collapse and counting: The cost of failure in Somalia', report from the Center for American Progress and One Earth Future Foundation, Washington, D.C., 2011, 15, 19; for an analysis of the Somali diaspora and remittances, see Laura Hammond et al., 'Cash and compassion: The role of the Somali Diaspora in relief, development and peace-building', vol. 1, United Nations Development Programme, 2011).

28. Jonathan Goodhand, 'Afghanistan in Central Asia' in Michael Pugh and Neil Cooper, with Jonathan Goodhand, *War Economies in a Regional Context* (Boulder, Colorado, and London, Lynne Rienner Publishers, 2004), 61–69.

29. Frances Stewart, 'Horizontal inequalities: A neglected dimension of development', UNU/WIDER Annual Lecture, Helsinki, 14 December 2001, 2.

30. Murphy, *Somalia*, 41.

the Hawiye-dominated ICU based in Mogadishu.³¹ At the outset of the 1991 civil war, inter-clan hostilities, which had developed and had been encouraged under the Barre regime, became a prime factor in retaliatory attacks on clans associated with the regime.³² By 2006, however, the conflict had mutated away from this largely grievance-based insurgency.³³ The trigger for the conflict, after all, was a land dispute between two members of the same sub-clan, the Hawiye Abgaal, who were fighting over economic and political control of a strategic resource and were supported by external actors, including Eritrea, Ethiopia, and the United States. It is a stretch also to view the ensuing conflict between the ICU and the ARPCT, the rise of radical Islamic elements within the ICU, and the Ethiopian invasion solely through the analytical lens of clanism. This is not to negate clan influence entirely; rather its influence should be qualified and placed alongside other essential ingredients.

The importance and limitations of Somali clans can simultaneously be seen in the ICU's composition. It was dominated by the Hawiye, but the unifying force of political Islam and the security that Islamists delivered drew in non-Hawiye Somalis. For a time around 2006, it appeared as though the unifying principle of political Islam would succeed in overcoming clan-based differences. After the ICU's defeat of the ARPCT, and following the Ethiopian occupation and al-Shabaab's insurgency, the ICU's growing radicalism and increasingly strict Islamic punishments and prohibitions foreign to Somalia's traditional version of Islam exposed the narrow base of popular support for radical Islam.³⁴ The swift defeat of ICU forces by the Ethiopian army in December 2006 led quickly to Somalis looking for security among their own clans.³⁵ Religion was an important new conflict dynamic that gained significance in 2006, but it worked in conjunction with longstanding conflict drivers, among them the history and interaction of clan forces. Thus, focusing solely on Stewart's horizontal inequalities belies the range and intertwined nature of factors causing conflict in Somalia.

By 2006 the Somali conflict had morphed into a complex situation driven by political and economic interests, external actors, radical Islam, and clan rivalries. A multi-dimensional political economy had developed that cannot be accurately envisioned by viewing the Somali conflict as one caused by inter-clan hostilities. The introduction of religion in the form of political and radical Islam underlines how the causes of conflict can mutate and be freshly generated within an existing conflict environment. The causes of conflict can shift with time and place, with the Somali conflict underscoring

31. International Crisis Group, 'Somalia: To move beyond a failed state', 3–4; Ken Menkhaus, 'The crisis in Somalia: Tragedy in five acts', *African Affairs*, 106:204 (2007), 363, 374.

32. Menkhaus, *Somalia and the Horn of Africa*, 3.

33. *Ibid.*, 6; Collier, 'Economic causes of civil conflict', 12–13, interprets differently clan motivations during 1991–1992.

34. Ioan M. Lewis, *Understanding Somalia and Somaliland: Culture, History, Society* (London, Hurst and Company, 2008), 87; Haggai Erlich, *Islam and Christianity in the Horn of Africa: Somalia, Ethiopia, Sudan* (Boulder, Colorado, and London, Lynne Rienner Publishers, 2000), 196; Bronwyn Bruton and J. Peter Pham, 'How to end the stalemate in Somalia', *Foreign Affairs*, 30 September 2011.

35. Murphy, *Somalia*, 90; Said S. Samatar, 'An open letter to Uncle Sam: America, pray leave Somalia to its own devices', *Journal of Contemporary African Studies*, 283 (2010), 321.

the importance of context and specificity in understanding the dynamic drivers of conflict.

GOVERNANCE

Amid the influence of clan- and economic-based shifts in Somalia, the absence of a central authority stands as a constant since 1991. It could be argued that this loss of sovereign legitimacy is an archetypal case of the coming anarchy envisioned by Robert Kaplan.³⁶ This theory, however, has only superficial relevance to Somalia. Somali society has a dense network of ties and linkages that include commercial, social, traditional, and religious relations that before 2006 had produced a modicum of security despite the collapse of the state.³⁷ Renewed conflict in 2006 should not be attributed to some inherent anarchic Somali condition, because a process of social control was increasingly moderating conflict within the collapsed state.

Somalia is often held up as the classic failed state; even those who argue that the failed state concept is largely useless still believe it can be applied in this case.³⁸ Somalia can thus be seen as 'a failure among failed states' due to its total and sustained lack of central government and its inability to deliver crucial public goods, particularly security.³⁹ Somalia, however, is not simply a failed state, and such an analysis is both ahistorical and narrowly conceived.

In terms of this ahistorical analysis, the Somali state had failed long before the government's fall in January 1991. The decline of the state, services, and the social fabric goes back to at least the 1977 Ogaden conflict, if not further, after which the state faced multiple rebellions supported by regional states while its capacity to respond gradually weakened with the development of an informal economy and the rise of kinship identity.⁴⁰ This illustrates that the failure of the state is not linked necessarily to the collapse of state institutions and state authority, but exists along a continuum of state performance. More important, it also indicates that the state is not the sole factor working within and without a nation's borders generating the environment in which conflict occurs. Conflict in Somalia did not simply begin because its state institutions ceased to work. The roots of its conflict are far deeper and more complex.

It is also arguable whether the Somali state created in June 1960 should ever have been empirically considered as a state. There is a distinct difference between the international community endorsing the juridical statehood of a nation and that nation being

36. Robert D. Kaplan, 'The coming anarchy', *Atlantic Monthly*, February 1994.

37. Menkhaus, 'Governance without government', 86–87.

38. Stewart Patrick, *Weak Links: Fragile States, Global Threats, and International Security* (Oxford and New York, Oxford University Press, 2011), 32; Robert I. Rotberg, 'The failure and collapse of nation-states: Breakdown, prevention, and repair' in Robert I. Rotberg (ed.), *When States Fail: Causes and Consequences* (Princeton and Oxford, Princeton University Press, 2004), 11; Charles T. Call, 'The fallacy of the "failed state"', *Third World Quarterly*, 29:8 (2008), 1492.

39. Ken Menkhaus, *Somalia: State Collapse and the Threat of Terrorism*, Adelphi Papers, no. 364 (Oxford, Oxford University Press for the International Institute for Strategic Studies, 2004), 17; Rotberg, 'The failure and collapse of nation-states', 26.

40. International Crisis Group, 'Somalia: An opportunity', 2; Hagmann, 'State collapse', 528.

capable of exercising and performing its empirical responsibilities.⁴¹ In this light, it is possible to illuminate the teleological Western assumptions that underlie the concept of state failure. The notion of a failed state posits an optimal state by which all other states are benchmarked, but in a historical perspective, the state is a relatively new and novel invention. In Somalia's case, it was created from colonisation.⁴² The Somali state was never a solid or organic structure that flourished only to decline and fail. Rather it was an external and flawed construct that never took effective root. This illustrates that state failure is an ineffective analytical lens with which to analyse the Somali conflict because it fails to understand and incorporate vital historical, cultural, and political processes that have and are taking place within, through, and around the Somali state.

The prism of state failure is narrowly conceived on three accounts. First, failed state terminology lays the blame for state weakness on dysfunctional governments whilst neglecting and forgetting the role of external actors.⁴³ The importance of external actors in causing renewed conflict in Somalia in 2006 was crucial in the outbreak and perpetuation of conflict. Thus, solely viewing conflict as an internal manifestation of the state is distinctly unhelpful. This is highlighted even more when considering that conflict and survival in Somalia rely heavily on informal economies that operate outside a state framework.

Second, international policy towards failed states is predicated on the assumption that state failure is a problem of low capacity.⁴⁴ This, however, ignores that elites often view state failure as desirable and work to perpetuate the status quo for their personal gain.⁴⁵ For Somalia, this underlines that peacebuilding should not be conflated with statebuilding when statebuilding can jeopardise peace and contribute to insecurity and group tensions. Third, the concept of state failure has a technical perspective, which fails to account for human agency. People, however, are not passive actors. Instead, they actively attempt to manage risk, and their actions and activities in doing so are vital to understanding the political economy of conflict.⁴⁶ As Ken Menkhaus has argued, it would therefore be a serious misreading to view failed states as anarchic, as informal systems of governance are created highlighting that there is a difference between an interest in governance and an interest in the revival of a strong central government.⁴⁷

Somalia could also be viewed as an extreme case of the challenge to territorially based sovereignty elucidated in Mary Kaldor's new wars theory.⁴⁸ This argues that in the context of globalisation, the nation-state's legitimacy and monopoly on organisation is being eroded and that a new reality exists in the social relations of warfare. This per-

41. Robert H. Jackson and Carl G. Rosberg, 'Why Africa's weak states persist: The empirical and the juridical in statehood', *World Politics*, 351 (1982), 12–13, 22.

42. Bradbury, *Becoming Somaliland*, 9.

43. Patrick, *Weak Links*, 22.

44. Ken Menkhaus, 'State failure and ungoverned space' in Mats Berdal and Achim Wennmann (eds.), *Ending Wars, Consolidating Peace: Economic Perspectives*, Adelphi Series, no. 412–413 (Oxford, Routledge for the International Institute for Strategic Studies, 2010), 176.

45. International Crisis Group, 'Somalia: An opportunity', 10.

46. Ken Menkhaus, 'Vicious circles and the security development nexus in Somalia', *Journal of Conflict, Security and Development*, 42 (2004), 163.

47. Menkhaus, 'State failure and ungoverned space', 180–81.

48. Mary Kaldor, *New and Old Wars*, 2d edn (Stanford, Stanford University Press, 2007), 1–10.

spective makes a much more telling contribution to understanding the Somali conflict. The conflict's array of militias, factions, and war entrepreneurs points to the growth of private war-making organisations, indicating that the goals of the war were driven by identity, with different groups attempting to capture the state and resources whilst controlling territory by instilling fear and forced displacement. The finances propelling the conflict were decentralised with foreign assistance and plundering.

This perspective, however, is only a partial rendering of the conflict. The causes of conflict in Somalia have deep historical roots extending well beyond the post-cold war era. Identity politics is important in the causes of conflict, but Somalia's conflict cannot be solely viewed as one driven by clan or any other identity. The impact and dynamic of clanism was present well before the outbreak of conflict in 2006, and even in 1991, extending throughout the modern history of the state of Somalia and beyond.

The finances supporting conflict in Somalia are decentralised. It would be impossible for them not to be given the absence of a central authority. Although external assistance is indeed important, it has been shown that remittances, which Kaldor stresses, were more a source for survival than conflict in Somalia.⁴⁹ It is also difficult to see plundering as a new condition. It has a considerable historical pedigree, however much it is preferred to romanticise about war in the past.⁵⁰ The new wars theory, however, is not entirely unhelpful when analysing the Somali conflict. Although it may not explain the 2006 outbreak of conflict, it alternatively shines a light on the necessity of exploring the financial, political, and military contours that shape and create conflict. In contrast to Collier's narrow framework, Kaldor's thesis provides a more valuable over-arching tool with which to interrogate a broad range of causes of conflict.

EXTERNAL ACTORS

The greed and new wars perspectives reflect a broad post-cold war conceptual shift away from theories on the causes of conflict that stem solely or largely from super-power politics. In Somalia's case, however, the impact of external actors was essential in causing conflict in 2006. The influence of external actors is clear in U.S. support of the ARPCT and Ethiopia's invasion. Menkhaus has argued that a decade's worth of conflict trends were reversed in 2006 with the globalisation of the Somali conflict.⁵¹

The struggle between the United States and its allies against radical Islamic militias supported by external state and non-state actors transformed the Somali conflict from one that appeared to have been providing growing security and economic growth to a full-blown war that during 2007–2008 was as damaging to Somalia as the 1991–1992 civil war and famine.⁵² By 2008 some 1.5 million Somalis had become internally displaced persons, and 3.5 million, which is close to half of the population of south-

49. Ibid., 109–110.

50. Keen, *The Economic Functions of Violence*, 46–47; Christopher Cramer, *Civil War Is Not a Stupid Thing: Accounting for Violence in Developing Countries* (London, Hurst and Company, 2006), 79–80.

51. Menkhaus, 'Governance without government', 88; Menkhaus, *Somalia and the Horn of Africa*, 12.

52. Ken Menkhaus, 'Somalia: "They created a desert and called it peace(building)"', *Review of African Political Economy*, 36:120 (2009), 224; Bradbury, 'State-building in Somalia', 2, 7–8.

central Somalia, were in need of emergency aid, making the country the worst humanitarian crisis in the world. The consequences were also disastrous for the once vibrant economy of Mogadishu, which lost millions of dollars of investment as approximately two-thirds of its population fled, some to areas where it was even too dangerous for humanitarian supplies to be delivered.⁵³ These numbers do not include the 750,000 refugees the renewed conflict created in 2010, when most refugees fled to Kenya and the Dabaab refugee camp, the largest in the world, with 460,000 people.⁵⁴

The United States' active involvement in the Somali conflict, including air strikes against ICU strongholds, and the reaction in Somalia and abroad were crucial in determining the intensity and nature of the 2006 fighting and its perpetuation. This international dimension played a vital part in re-orienting the conflict into a jihadist insurgency overlying Somalia's fundamental war economy and clan rivalries.

U.S. involvement was also part of a regional, hegemonic power struggle with Ethiopia on one side and Eritrea and its Arab state supporters on the other. Somalia served as the battlefield in this proxy war.⁵⁵ Ethiopia supported the transitional federal government, ensuring that Abdullahi Yusuf was elected its president by orchestrating a vote-buying operation in parliament. President Yusuf was, in turn, pro-Ethiopian and anti-Islamist, supporting a vision of a federal Somalia rather than a strong central state, which Ethiopia feared.⁵⁶

Meanwhile, Eritrea provided military support to the ICU and Islamist militias.⁵⁷ The support of Somalia's neighbours to opposing factions, in violation of a UN Security Council arms embargo, was a crucial factor in causing the 2006 conflict.⁵⁸ Ethiopia and Eritrea's financial and military support to the government and the ICU, respectively, proved crucial in establishing the pre-conditions and ability of local Somali factions to engage in a new round of fighting. The renewed conflict also drew regional states deeper into the conflict. In October 2011, Kenya sent forces into Somalia in pursuit of al-Shabaab, prior to which, in early 2010, its concern about protecting itself from Somali incursions had led to it denying the transitional government the right to deploy Kenyan-trained TFG troops to Mogadishu.⁵⁹

53. Menkhaus, 'Stabilisation and humanitarian access', 332; Menkhaus, *Somalia and the Horn of Africa*, 8; Harper, *Getting Somalia Wrong?*, 173.

54. Theo Farrell and Olivier Schmitt, 'The causes, character and conduct of armed conflict, and the effects on civilian populations, 1990–2010', Legal and Protection Policy Research Series, United Nations High Commissioner for Refugees, Division of International Protection, Geneva, 2012, 26.

55. Grosse-Kettler, 'External actors', 25–26; Menkhaus, *Somalia: State Collapse and the Threat of Terrorism*, 8–9.

56. Menkhaus, 'The crisis in Somalia', 364; World Bank, *Conflict in Somalia*, 37–38; Dersso, 'The Somali conflict', 11; Leonard with Samantar, 'Somali experience', 575.

57. Terrence Lyons, 'The Ethiopia-Eritrea conflict and the search for peace in the Horn of Africa', *Review of the African Political Economy*, 36:120 (2009), 173–74; International Crisis Group, 'Somalia: To move beyond the failed state', 25; Leonard with Samantar, 'Somali experience', 575.

58. Hogendoorn, M'Backe, and Mugaas, *Report of the Panel of Experts*, 16–31; Bruno Schiemsy et al., 'Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1587 (2005)', UN Security Council, doc. S/2005/625, 2005, 12–17; Bruno Schiemsy et al., 'Report of the Monitoring Group on Somalia pursuant to Security Council Resolution 1676 (2006)', UN Security Council, doc. S/2006/913, 2006, 9–29.

59. Farrell and Schmitt, 'Causes, character and conduct of armed conflict, and the effects on civilian populations, 1990–2010', 25; Leonard with Samantar, 'Somali experience', 575.

In the long line of externally led peace processes, the external actors failed to perceive how Somali statebuilding produces and exacerbates conflict because the central government's revival is viewed as a zero-sum game.⁶⁰ The misguided peacebuilding approach led to the inherently antagonistic nature of the TFG as well as the predecessor transitional national government (TNG), whereby certain interests and groups were excluded, sowing the seeds for future conflict. Thus in the lopsided peace process that led to the TFG's creation, one can see the origins of the outbreak of conflict in 2006. This process was dominated by Ethiopia, reacting against the TNG administration, which succeeded in its candidate gaining the presidency. This, however, only intensified the political contest for power. Thus external intervention altered Somalia's course away from the business-led stability of the late 1990s and early 2000s and towards renewed conflict and insurgency.

This pattern continued with the 2012 London Conference, where competing interests included those of the United States, which focused on counterterrorism; the United Kingdom, France, and Italy, the former colonial powers in Somali areas; Kenya and Ethiopia, which have direct security concerns in Somalia; Uganda, whose government is fighting to maintain its dominance against regional rivals in the African Union Mission in Somalia (AMISOM) command; Gulf states that oppose the Ethiopian and Western agendas; and Turkey, which is struggling to gain influence by pursuing a more forceful foreign policy in the light of the Arab Spring and is suspicious of Western intentions.

There were reported tensions between the United Kingdom and Italy with the latter calling for a United Nations–African Union international administration in Somalia whilst some saw the conference itself as an attempt by the British to undermine new Turkish initiatives spanning humanitarian aid to military cooperation operating outside existing coordination mechanisms for international assistance.⁶¹ This analysis underlines the dynamic and transformative nature of conflict. Longstanding and new processes and actors are constantly shifting in importance in the creation of conflict and are directly and indirectly shaping the political and socio-economic contours of their surroundings for stability and for conflict. In 2006 external actors were crucial in causing and perpetuating conflict, but their actions were inextricably linked to other, new conflict dynamics, such as the emergence of radical Islam, and took place within the context of significant historical, socio-economic, and political processes.

CONCLUSION

The causes of armed conflict in 2006 were multi-dimensional and inter-linked. None of the theories examined here adequately explains the multiplicity and intertwined nature of the causes of conflict. Collier's greed theory belies the broad economic drivers underlying Somalia's war economy. The intertwined nature of business, resources, and conflict are vital to understanding Somalia's conflict environment, particularly its financing and organisation. The causes of the 2006 conflict cannot be seen through an economic lens alone. The situation was transformed from a relative stable one into

60. Menkhaus, 'Governance without government', 94; Menkhaus, *Somalia*, 18, 28.

61. International Crisis Group, 'Somalia: An opportunity', 5–6, 11–12.

open warfare, with the rise of radical Islam and substantial external involvement introducing new conflict dynamics. Furthermore, the case of Somalia demonstrates that contrary to Collier's argument that economic factors are key to the perpetuation of conflict, they can at times or simultaneously produce relative stability. The outbreak in 2006 illustrates that conflict, even one of considerable duration, is a dynamic process without a single line of causation. New conflict drivers appear, decline, and perhaps re-appear alongside historical, political, and social factors whose impacts also wax and wane over time.

Stewart's horizontal inequalities perspective between competing groups provides insight into the importance of clans in Somali society and conflict. The legacy of inter-clan hostility is a crucial element in conflict's perpetuation, but it fails to explain the diversity and complexity of the causes of conflict and ignores the dynamic process of conflict formation. Kaldor's new wars theory provides illuminating avenues of analysis with which to explore the causes of conflict. Nevertheless, describing the Somali conflict as a new war ineffectively pigeonholes its causes and does an injustice to the historical, economic, and political forces interacting to cause conflict.

All of these theories are part of a post-cold war mindset wherein the dichotomy of superpower politics and ensuing proxy battles have diminished. It is, however, critical to understand the significant impact of external actors on the development, function, and creation of conflict in Somalia. External intervention, financial and military support, as well as misguided and confrontational diplomacy were vital in setting the conditions, capacity, and will for the re-emergence of armed conflict in 2006. The Somali situation represents a stark example of the dynamic, transformative, and multi-dimensional nature of conflict. It underlines the importance of analysing on a context-specific basis the range of interacting and mutating economic, human, social, political, local, and external factors that together have the potential, directly and indirectly, to cause conflict.



i-Verified Voting: An Option for South Sudan?

Danny Thiemann

One option for improving election verification in states emerging from armed conflict is the i-Verified election, in which individual voters can verify that their ballots have been accurately recorded and counted from their mobile phones. If adopted, an i-Verified system in a place such as South Sudan could offer a glimpse into how countries emerging from conflict can encourage citizen-managed transparency. In addition, by giving constitutional designers an extra tool in their electoral design toolkit, information communications technology in elections might complement other constitutional design elements to shape party and politicians' incentives in the name of broad-based, inclusive development.

WITH GENERAL ELECTIONS FAST APPROACHING IN 2015, South Sudan faces the challenge of making the vote transparent. Some believe that in addition to transparent elections, well-designed electoral systems can incentivize politicians to pursue development policies that are beneficial to broad segments of society.¹ Today, new technology gives citizens an unprecedented opportunity to verify that elections are free and fair by confirming that their vote was accurately counted. In short, the potential exists to crowd-source traditional notions of transparency. Whether one can do so in multi-ethnic and divided societies is a serious question because of the immense peace dividends it could potentially generate.

The application of South Sudan's National Elections Act, which was signed into law on 6 July 2012, will govern the 2015 elections and, in part, determine how fair and free they will be.² With additional reforms, however, South Sudan could ideally position itself to design an election system that encourages politicians to heed the constitution's mandate to involve citizens in the processes that shape development outcomes.

1. See International Institute for Democracy and Electoral Assistance (International IDEA), *Electoral System Design: The New International IDEA Handbook* (Strömsborg, 2008). The design of elections can influence politicians to reach out to a broader or a narrower sector of society, party inclusiveness, and how marginalized people feel about elected officials' programs.

2. Carter Center, 'South Sudan: Carter Center praises progress on legal framework, urges informed debate on electoral bill', press release, 17 March 2012; see also 'Report of the Secretary-General on South Sudan', UN Security Council, doc. S/2012/820, 8 November 2012.

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Information communication technology (ICT) is one way to involve citizens in this process. In conjunction with smart constitutional design, ICT can provide South Sudan the necessary tools to run elections in a way that is not only transparent but that also incentivizes politicians to pursue broad-based development agendas.

In 2010 Sudan held an election that included a referendum on whether the South should remain part of the country or seek to form a new, independent nation. This election evolved as one of the most complex contests ever. Southern Sudanese voters had to sort through twelve different ballots involving twenty-three political parties. Some 20 percent of voters had to be re-polled due to balloting issues. In the end, southern voters elected to form an independent nation, with Salva Kiir as their president. Kiir received 92.9 percent of the vote; his party, the Sudan People's Liberation Movement/Army (SPLM/A), won 93 percent of the seats in the South Sudanese Legislative Assembly.³ A year later, on 3 April 2011, 99 percent of southerners voted to secede from the North. Soon after, the Transitional Constitution of South Sudan (TCSS) was drafted to govern the new nation for five-years. President Kiir signed the constitution into law, declaring the independence of South Sudan on 9 July 2011. The TCSS remains the governing law of South Sudan until 2015.

The SPLM/A's road to establishing an independent South Sudan was not an easy one, and the implications of this history will be felt during the country's next round of general elections, in 2015. After the historic 1972 Addis Ababa Agreement that granted the South greater autonomy, the SPLM/A issued a manifesto outlining the South's continuing grievances, including underdevelopment, national identity, and religious issues. The manifesto also outlined the movement's objectives for liberation according to the vision of its leader, John Garang, to unite all rebel forces under a centralized command for a 'New Sudan.'⁴

Having learned from the earlier struggles of the South Sudan Liberation Movement, the SPLM/A made suppression of internal dissent a keystone of its policy. Indeed, the movement often relied on brute force rather than persuasion for support. This policy, while effective in strengthening its military organization, stunted the development of the civil base of the movement.⁵ South Sudan's current, transitional constitution, however, refocuses on that civil base. It endorses the UN Millennium Development Goals (MDGs) in a shift away from a culture of militarization and toward a culture based on civil society. The TCSS proposes a strategy for achieving these goals—involve everyday citizens in the processes and formulation of development objectives.⁶ Technology now exists that can empower citizens to be involved in these processes. The technology platform, known as an i-Verified election, is one in which ballots are designed and counted in a way that allows all voters to use mobile phones

3. European Union Election Observation Mission, 'Sudan: Final report—Executive and legislative elections, 11–15 April 2010', April 2010, 47.

4. Douglas Johnson, *The Root Causes of Sudan's Civil Wars: Peace or Truce*, rev. edn (Rochester, New York, Fountain Publishers, 2011), 64–65, 70.

5. Øystein H. Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s* (Uppsala: Nordiska Afrikainstitutet, 2005), 29.

6. See the Transitional Constitution of South Sudan (TCSS), Arts. 169(1) and 37(2)(d).

or other means to verify that their ballots have been accurately recorded and without compromising the secrecy of each vote.

CONCEPTUAL FRAMEWORK AND RESEARCH

This study is guided by a constitutional design perspective that looks at elections as just one part of the political incentives and laws that create and constrain democracy. Electoral designers have many options for South Sudan, but they must take into consideration the risk of a strong central government manipulating elections. This puts pressure on constitutional designers to choose less-than-optimal electoral systems, preferring those systems that are simpler to administer, tally, and explain to the citizens.

The conceptual framework here is to consider the optimal electoral system for South Sudan in the context of the political realities that limit design choices. One constraint is the National Elections Act of 2012 and the political will behind it. In accordance, this study asks three questions: Does an i-Verified election appear to be constitutionally compatible with South Sudan's current legal framework? How, legally and technically, could the country implement this system for 2015? What impact might an i-Verified election have on the core challenges to South Sudan's development agenda?

Research Goals and Design

The goal of this research is to assess the feasibility and appropriateness of an i-Verified election in 2015 for South Sudan and how to implement such an election. An ancillary goal is to begin a serious conversation about the use of an i-Verified system in the elections. It is hoped that the discussion will elicit responses from academics and practitioners on the appropriateness of such a proposal as well as an inquiry into the legal and technical hurdles necessary to encourage citizen-managed transparency in South Sudan as well as Africa as a whole.

Electoral design requires examining issues ranging from constitutional law to ballot design. The materials used in this study include the TCSS, the National Elections Acts of 2008, 2011, and 2012, literature on electoral design, election law, telecommunications law, political reports from Juba, and conversations with contacts on the ground.

The study employs qualitative research methodology, which allowed for conversations with lawmakers, constitutional designers, and ICT engineers to generate detailed information about South Sudan's potential use of i-Verified elections. The procedure involved discussing the situation with constitutional and electoral designers, examining the current law constraining their options, and finally exploring how ICT-verified elections can incentivize politicians to follow the constitution's mandate of promoting broader-based development.

A major limitation to this study has been that much of the research on the legal and technical aspects of South Sudan has been conducted without the desired amount of information and reports from people on the ground, in Juba and the countryside. Further, this study examined the research materials in light of only the legal and technical obstacles to implementing i-Verified elections, without an inquiry into the social or cultural obstacles of doing so. Another major limitation of this study is its focus on law and ICT as a road to development. Scholarship in ICT and the law-development nexus seriously

questions whether legal reforms or ICT can impact development in meaningful ways.⁷ Conscious of these limitations, this study has identified how new information communication technology and smart design can better ensure that elections incentivize politicians to honor South Sudan's inclusive constitutional agenda for development.

THE LAW ON DEVELOPMENT AND ELECTIONS

According to the letter of the law, South Sudan advocates for an inclusive strategy of development, rejecting development as a state-owned project. Its overall strategy is a 'decentralized, broad based, balanced and participatory' approach to development based on the 'devolution of governmental functions and powers to the appropriate levels where the people can best manage and direct their own affairs'.⁸ This challenge to development as a state-owned project is also reflected in Chapter 2 of the TCSS, entitled Duties of the Citizen, and the principles that guide any devolution of government power. One objective of this non-state-centered approach to development is to promote the MDGs, and to do so, all levels of government should 'create a secure and stable political environment for socio-economic development'.⁹

Of interest, the constitution almost seems to adopt a Senian approach to development, meaning that it promotes development as freedom rather than just development as growth. For example, the TCSS states that the 'principal objective of the economic development' shall not be only growth, but also a decent life for the people of South Sudan, as well as attainment of the MDGs.¹⁰ In light of the export-led growth of northern Sudan that cost so many lives, this view on the law-development project may not be so surprising and provides a hopeful message.

After South Sudan's transitional period ends in 2015, its election system will be governed by the National Elections Act of 2012.¹¹ At the close of 2012, the most up-to-date version of the 2012 NEA had not been published in its entirety online. The Carter Center reports, however, that it leaves the National Elections Act of 2008 largely intact.¹² Getting the 2012 act 'right' is important because its reforms could incentivize actors to behave in certain ways and thereby breathe the spirit of broad-based development into the letter of South Sudan's constitutional law.

South Sudan's national legislature consists of the National Legislative Assembly and the Council of States.¹³ The assembly is elected through a parallel system. In

7. See, for example, David Trubek and Alvaro Santos (eds.), *The New Law and Economic Development: A Critical Appraisal* (New York, Cambridge University Press, 2006), 3–4.

8. TCSS, Art. 169(1).

9. *Ibid.*, 46(2)(e)–48(1)(d); preamble and Art. 36(2)(a).

10. *Ibid.*, 37(1)(a)–(e).

11. 'Review presidential term limits, Carter Center tells S. Sudan MPs', *Sudan Tribune*, 17 November 2011.

12. Carter Center, 'South Sudan'.

13. The National Legislative Assembly of the Republic of South Sudan was established through Presidential Decree no. 10/2011 issued on 1 August 2011. It is composed of all 170 members of the former South Sudan Liberation Army, 96 former members of the National Legislative Assembly of the Republic of Sudan elected from constituencies in southern Sudan, and 66 members appointed under Article 94(2)(b) of the TCSS. In the Council of States, thirty members are appointed by the president, and the remaining twenty come from the Council of States of the north. TCSS, Art. 58(2)(b).

South Sudan, this means that 60 percent of the chamber is elected in first-past-the-post (FPTP) plurality voting, where the winner is the first person to get the most votes in his or her district. Next, 15 percent is selected via party lists, whereby voters choose a party instead of an individual candidate.¹⁴ Finally, the last 25 percent is elected through a party's women's list, whereby people vote for a party and that party gets to send a certain number of female representatives to the legislature depending on the number of votes the party receives.

Once 60 percent of the National Legislative Assembly is elected by the FPTP method, the National Election Commission oversees the voting for the women and party lists, which, under the 2012 National Elections Act, are on a single ballot. The commission then discards any women's or party list that receives less than 4 percent of the total number of valid votes and then divides the number of votes obtained on each list by the total votes for the contested seats.¹⁵ If the 25 percent women's allocation or the 15 percent party quota is not fully met, the commission distributes the remaining seats on the basis of the largest divisor method.¹⁶ Both the party list and women's list are closed, meaning that voters do not see the candidates for whom they voted; rather, they only see the party for whom they voted.¹⁷ All votes are by secret ballot.¹⁸

In contrast, state assemblies elect the representatives for the Council of States, the upper house of the legislature. Every member of the State Legislative Assembly casts two votes for the candidates he or she prefers. The two candidates with the largest number of valid votes are elected. The president and governors are elected by a 50 percent + 1 two-round system, meaning the winner has to have a majority or the election goes into a second round.

If ICT were ever to be used in verifying these elections, it would be important to consider that telecommunications and mass media are under the authority of the national government. State information and mass media are under the power of the states. Concurrent powers include media and information, but not telecommunications or elections regulation, which remain under the exclusive jurisdiction of the national government.¹⁹

The 'third area of optimism', in reference to the law-development nexus, is a term coined and first outlined by Ken Davis and Michael Trebilcock.²⁰ Its advocates believe that identifying the right legal reforms can lead to development. South Sudan's laws on elections and development beg questions about whether laws can be im-

14. International IDEA, *Electoral System Design*, para. 68.

15. National Elections Act of 2008, section 33.

16. *Ibid.*, section 33(6).

17. *Ibid.*, section 3, 30(b)–(c). The 2012 National Elections Act may, however, have remedied this problem.

18. TCSS, Art. 56(1)(a).

19. *Ibid.*, Schedule A (30), listing elections at all levels of government; Schedule A (45); Schedule B (4); Schedule C.

20. Ken Davis and Michael Trebilcock, 'The relationship between law and development: Optimists versus skeptics', Public Law and Legal Theory Research Paper Series no. 08-14, New York University Law School, 5.

proved to avoid South Sudan succumbing to threats from super-presidentialism and a military culture at the expense of civil society. South Sudan's development law adopts a decentralized approach by involving citizens, at least in theory, in the processes as well as the formulation of development goals.²¹ In sum, the letter of South Sudan's electoral and development law is promising, but legal reformers, electoral designers, and constitutional engineers should recognize that further reforms are necessary to design the kind of incentives that will protect the spirit of broad-based development.

Notably missing from South Sudanese law on development is any kind of integration with the country's electoral design that would make politicians follow through on this participatory approach to development. For example, under the current electoral design framework, politicians have incentives to curry favor with the SPLM because problems endogenous to South Sudan's electoral design have made association with the party more advantageous for getting elected than developing grassroots popularity with voters.²² What some overlook in this equation is that healthy political competition, which can be encouraged by tweaking the country's electoral design, may incentivize politicians to align their objectives with the letter of South Sudan's law on participatory development.

Most laws and regulations on ICT would fall under the purview of the national government. Considering Juba's strong hold on power, ICT regulation will likely be controlled from the center, and any ICT that contributes to citizen participation in development could be restrained, denied, or manipulated by incumbents. The danger therefore may be that ICT will exacerbate power imbalances and further entrench those in power.²³ Although the constitution is clear that the devolution of power to lower levels of government and individuals should follow the political objective of promoting democratic principles, the reality is that a strong SPLM would likely resist relinquishing powers, especially any relating to ICT that might facilitate more transparent and verifiable elections with the potential of diminishing the party's position.²⁴ This need not be the case, however. The SPLM, if it seizes the opportunity, can use ICT to prove its legitimacy in 2015, dispelling any doubts, and consolidate its pro-democratic development agenda.

I-VERIFIED: THE SYSTEM AND ITS POTENTIAL

The positive impact of a well-designed electoral framework has been acknowledged, but skeptics continue to question whether a causal relationship exists between legal re-

21. TCSS, Art. 169(1), 37(2)(d).

22. See, generally, Mareike Schomerus et al., 'South Sudan at odds with itself: Dynamics of conflict and predicaments of peace', London School of Economics, 2011.

23. See e.g., Kevin McNamara 'Why be wired? The importance of access to information and communication technologies', *TechKnowLogia*, March/April 2000; see also Erwin A. Alampay 'Beyond access to ICTs: Measuring capabilities in the information society', *International Journal of Education Development Using ICT*, 2:3 (2006), 6.

24. See TCSS, Art. 36(1).

forms and development.²⁵ The ways that ICT can strengthen this relationship should be examined when making proposals for South Sudan in 2015 and elsewhere.

First, theory on development and elections focuses ‘on the extent of competition for and conflict over political power’.²⁶ At a micro level, this emphasis on the process of competition for political power is important for Amartya Sen’s conception of ‘freedoms’. Sen asserts that ‘unfreedoms’ arise from inadequate processes (e.g., voting privileges) just as easily as from inadequate opportunities (e.g., infant mortality).²⁷ One could argue that in the modern era, Sen’s ideas of development as freedom are best safeguarded by citizens tackling unfreedoms at the community, state, or national level. In other words, ICT and the growing prevalence of hand-held devices could enable citizens with newfound freedoms to get involved in defining development agendas that best protect their interests. A concrete example of this is through citizen-managed transparency of elections.²⁸

Some who disagree with Sen see development not as freedom but as growth. Proponents of the latter argue that development for the poorest of the poor should focus on jobs, production, and increases in gross domestic product.²⁹ ICT and election technology represent a middle way. South Sudan is showing how a country facing multiple ‘traps’—conflict, being landlocked, and corruption—can engage citizens in the processes of development on the path to development as growth. New ICTs in elections would ‘enable [state] officials to assess the practical feasibility of proposed norms regarding ‘development’ by allowing citizens to comment on the “fit” between proposed norms and the issue addressed’.³⁰

In sum, ICT in elections has the potential to help formal legal norms more closely mimic local non-legal norms, which Hernando De Soto has noted helps law take root in society, promotes a more stable and predictable system within which actors oper-

25. Davis and Trebilcock, ‘The relationship between law and development’, 28; see also, P. Tlakula, ‘Democratic elections in a global context’, paper presented at The Effect of Globalisation on the Development of Constitutionalism in Southern Africa, Potchefstroom, 26 October 2007; Douglas Johnston, *The Historical Foundations of World Order: The Tower and the Arena* (Leiden, Martinus Nijhoff, 2008), 420–22, discussing Montesquieu’s *Spirit of the Laws* and constitutional checks on the state to act in the social interest, of which electoral law forms an integral part.

26. International IDEA, *Electoral System Design*, 39.

27. See Amartya Sen, *Development as Freedom* (New York, Knopf, 1999).

28. See International IDEA, *Electoral System Design*, noting that development policies and political outcomes often depend on or are influenced by the type of electoral system, legal framework, and ballot system chosen; see also Timothy D. Sisk, *Carnegie Commission on Preventing Deadly Conflict Power Sharing and International Mediation in Ethnic Conflicts* (Washington, D.C., United States Institute of Peace, 1996), noting that some electoral designs can encourage candidates to campaign on policy platforms and the development they bring to their people instead of campaigning on their ability to dole out favors as a form of clientelism or corruption; Nicolas van de Walle, ‘Presidentialism and clientelism in Africa’s emerging party systems’, *Journal of Modern African Studies*, 41:2 (2003), 297–321, explaining that clientelism in conjunction with super-presidentialism in Africa is a recipe for entrenching whichever party wins founding elections after a conflict, leading to further alienation of the electorate from the development project of the state.

29. See Paul Collier, *The Bottom Billion: Why the Poorest Countries Are Failing and What Can Be Done About It* (New York, Oxford University Press, 2007).

30. *Ibid.*, 259.

ate, and furthers development.³¹ An election system verified by citizens would be most appropriate when laws call for citizens to take a more participatory approach to development. Because South Sudan at least nominally professes these norms in its transitional constitution and the National Elections Act, its legal framework is well suited to seriously consider an era in which citizens are involved in the process of election verification.

In light of the potential for corruption and manipulation of the 2015 elections, and the impact this could have on South Sudan's development, how can politicians be incentivized to abide by the constitution and its participatory approach to development? One possible answer is to try to design an election that incentivizes politicians to campaign on a platform of broad-based development and to make those elections transparent so that honest politicians have a fair shot. An i-Verified election system—where citizens verify how their ballots were recorded, using cost-effective mobile technology—is a step toward meeting this challenge. The Prêt à Voter, designed by Peter Y. A. Ryan and a team of researchers at Surrey University, represents one such system.³²

With Prêt à Voter, citizens mark their ballots in a typical manner—such as placing an X next to a candidate's name—to indicate their selection. The entire list containing the candidates is then torn from the ballot, the vote is scanned, and the voter goes home with a receipt of his or her ballot that contains a serial number as well as a 2D bar code. The 'receipt'—the part of the ballot that the voter retains—records the vote as cast, but contains no voter identification, in order to maintain secrecy. The order of candidates is randomly printed on each ballot. After the votes are tallied and the election results are posted, voters can verify that their choices were correctly recorded by matching their receipt against an online central data bank.

Voters are not required to verify their votes. Rather, being able to do so is one aspect of 'end-to-end verifiability', meaning that independent parties can check that shuffling and tallying have been done properly; anyone (including international NGOs and election observation missions) can independently replicate the count; and voters can confirm that their votes were included in the tally and that their vote as recorded matches their receipt. The system, as it currently stands, can be used wherever internet and computer access is ubiquitous, which, unfortunately, is not always the case in countries emerging from conflict. Thus, there is a need to improve this system, both technically and with an awareness of the legal reforms necessary to make the technology appropriate before it can be implemented in places like South Sudan.

Problems and Remedies

The first problem with the i-Verified system is cost. The 2D bar code of the Prêt à Voter system requires scanners or mobile phones. In addition, individuals need to have access to a home computer or an internet café to check the tally. Internet and personal computer usage can be prohibitively costly and is severely limited in South

31. See Davis and Trebilcock, 'The relationship between law and development', 13, citing Hernando De Soto, *The Other Path: The Invisible Revolution in the Third World* (New York, Harper Collins, 1989).

32. See the Prêt à Voter Web site, <http://www.pretavoter.com/about.php>.

Sudan.³³ The second problem relates to the law on elections. The National Elections Act of 2008, which served as the basis for the National Elections Act of 2012, gave minimal protections to voters. For example, only candidates or political parties that participated in an election can contest the results or how ballots were counted.³⁴ Individual, registered voters were allowed to contest the details of the electoral register,³⁵ but not any perceived unfairness of how their vote was counted. Moreover, only observers, agents of the mass media, or the candidates themselves can attend the vote sorting, counting, and verification.³⁶

Regarding the first problem of internet coverage and costs, one should note that there are almost three times as many mobile phone users as internet users in Sudan.³⁷ While the exact figures for South Sudan are harder to come by, a project funded by the United States Agency for International Development noted that the South Sudanese government will begin relying more on mobile phones for data collection rather than internet or door-to-door surveys, as roads and internet connectivity are relatively lacking while mobile phone coverage is more widespread.³⁸ Mobile phone access is also generally less costly than computer access.³⁹

Given these problems, a redesign of voter verification is proposed here for the Prêt à Voter system. Under the current system, voters visit an online bulletin board and use their serial number to verify that their vote was recorded accurately, if at all. Rather than relying only on computer access, which many people do not have, voters should be able to send a text message with their serial number in order to access the same information. As the Prêt à Voter system describes, there is no threat to the secrecy of the ballot from the information posted on the bulletin board, and no way that politicians could check a text message or serial number to verify that a person voted in their favor because the candidate list appears differently on each ballot.

In regard to electoral law, if voters are able to verify their votes, they should have rights to a private cause of action, or standing, to challenge a count. Such a right should not be limited to candidates and political parties. Opposition political parties would have incentives to support individuals in these suits. An added benefit is that the opposition parties would want to encourage a strong, independent judiciary beyond the influence of the SPLM when deciding cases. If the slightest possibility of a Prêt à Voter system could be entertained in South Sudan, then amendments to the National Elections Act of 2012 should ensure that the law clearly and expressly states that individuals must be granted the right to verify whether their vote was cast accurately.

33. 'Telecommunications Overview—Sudan', InfoAsAid, 2011, <http://infoasaid.org/guide/south-sudan/telecommunications-overview>.

34. National Elections Act 2008, section 81(1)–(2).

35. *Ibid.*, section 24(1).

36. *Ibid.*, section 76(3).

37. The Rural Poverty Portal cites 28.3 percent versus 10.2 percent in 2008, <http://www.ruralpovertyportal.org/web/guest/country/statistics/tags/sudan>.

38. See GBI, 'How mobiles could revolutionize data collection', <http://www.integrallc.com/2011/06/29/could-mobile-phones-revolutionize-data-collection-in-africa>.

39. See generally, World Bank, *Information and Communications for Development 2009: Extending Reach and Increasing Impact* (Washington, D.C., 2009).

Moreover, ICT law should be under the schedule of concurrent powers rather than under the exclusive regulation of the SPLM-dominated national government.

i-Verified and South Sudan's Challenges

On 1 January 2012, a medical relief worker in the Nuba Mountains sent the Genocide Prevention Network a message: Sudanese aircraft had mounted nighttime bombing campaigns in Kauda, along South Sudan's northern border; thousands had fled their homes.⁴⁰ The yellow and green-tinted flashes of artillery in the night sky have come to represent a familiar presence, a kind of Northern Lights for South Sudan. Along the northern border, the moonlight wanders among the people in the dark like the flashlight of an ancient usher, lost in a theater. Images of war have renewed alarm. There is also greater pressure for a more militarized and authoritative government, but the 2015 elections offer an opportunity for South Sudan to demonstrate a commitment to a participatory approach to solving development problems and encouraging civil society rather than a culture of authoritarianism and distrust. An i-Verified election system can help correct for a certain kind of SPLM dominance, super-presidentialism, military clientelism, and political violence.

SPLM Dominance. After nearly 40 years of civil war (1955–1972 and 1983–2005), the SPLM/A signed the Comprehensive Peace Agreement (CPA) with the Republic of Sudan in January 2005. The CPA provided regional autonomy for the South and the right to self-determination via a vote for secession. Since the CPA, opposition parties in the South have been frustrated, arguing that the SPLM has used coercion, threats, and other heavy-handed tactics to diffuse opposition and maintain its dominance in the political process.⁴¹ Indeed, the extent to which independent voices can emerge in the political process is a critical factor affecting the degree of pluralized governance during the transitional period, which ends in 2015.⁴² The absence of meaningful political participation can lead to continued marginalization of the periphery, a situation that has previously ignited violent conflict in the Sudan and impeded development.⁴³

An i-Verified election system does not necessarily mean less SPLM dominance. More open and transparent elections, however, would at least generate more competition within the SPLM, as its candidates compete for votes on the strength of their platform rather than on their ability to cater favor with the SPLM in Juba. In addition, more transparent elections would give independent candidates added incentive to enter races, as they would have greater confidence that the judges of each electoral race are indeed the voters and not the politicians in Juba.

40. Eric Reeves, 'They bombed everything that moved: Aerial military attacks on civilians and humanitarians in Sudan, 1999–2012'; Genocide Prevention Advisory Network, 12 January 2012 update; BBC, 'South Sudan bombing despite UN sanctions deadline', 4 May 2012.

41. For example, in the 2010 elections, there were allegations that the SPLM had interfered in the opposition's campaign. See International Crisis Group, 'Politics and transition in the new South Sudan', Africa Report no. 172, April 2011.

42. International Crisis Group, 'Politics and transition in the new South Sudan'.

43. Schomerus et al., *South Sudan at Odds with Itself*, 87.

Super-presidentialism. The Transitional Constitution of South Sudan provides for a strong president. Coupled with a dominant SPLM and impending war, these conditions create the opportunity for centralization of power in Juba within the SPLM. Indeed, the decentralized systems provided for in the constitution are in name only, as Juba has become the economic and political power center in South Sudan.⁴⁴ This centralization is in part due to an abuse of existing structural links between the center and the periphery, whether through administrative channels (e.g., distribution of resources whereby the periphery relies on the center for revenue), constitutional provisions that give the president extraordinary power to intervene in state affairs (e.g., removal of governors and dissolution of state legislatures), or the perception that laws are literally handed down from the president to governors and then to commissioners and so on.⁴⁵ In conclusion, development benefitting the marginalized is less likely in a system where the purse strings, the laws, and the distribution of resources are all controlled at the center.

An i-Verified election system can lead to legislatures being perceived as legitimate and popular; as a result, they can wield more power. The payoff would be a strong, independent representative body capable of checking executive power. An i-Verified election system would check super-presidentialism not through transparency, but through the potential to provide legitimacy and power to legislators, who are supposed to check and balance the power of the executive.

Military Clientelism. Fiscal accountability and transparency are essential if the government of South Sudan hopes to enjoy legitimacy from the people and provide development opportunities.⁴⁶ Some officials in the government have abused their positions for personal enrichment, for example, through the awarding of government contracts, which are often not subject to competitive bidding.⁴⁷ Combined with nepotism in public appointments, the misappropriation of public funds has a detrimental effect on governance; this was particularly the case during the formation of the regional government in the interim period. According to the International Crisis Group, access to resources is enjoyed by a few in the center, which facilitates patronage relationships with the periphery.⁴⁸ This in turn contributes to the public perception that the provision of basic resources at the local level is contingent upon affiliation or direct access to the president in Juba.⁴⁹

This is a fundamental concern for the electoral system, as some observers have noted, that the prevalence of clientelism in conjunction with super-presidentialism in

44. Schomerus et al., *South Sudan at Odds with Itself*, 38.

45. *Ibid.*, 39.

46. Thomas Hale, 'Transparency, accountability, and global governance', *Global Governance*, 14:1 (January–March 2008), 73–94; see also Commission for Africa, 'Getting systems right: Governance and capacity-building—Excerpt from the report of the Commission for Africa', *International Journal of Civil Society Law*, 3:2 (2005), 20–51.

47. Julius Uma, 'Civil society is a watchdog in fighting corruption: Petroleum minister', *Sudan Tribune*, 3 September 2012.

48. International Crisis Group, 'Politics and transition in the new South Sudan'.

49. *Ibid.*, 39.

Africa is a recipe for entrenching whichever party wins the first election after a conflict.⁵⁰ Clientelism poses other dangers for an electoral system, such as incentivizing the dominant party to reward loyal followers along ethno-linguistic lines rather than reaching out to small opposition parties for support.⁵¹ I-Verified elections check clientelism by requiring candidates to perform well at home, regardless of how popular they are in Juba, and giving independent candidates a more verifiably fair shot at office.⁵²

Political Violence. Political violence within South Sudan can, in part, be viewed as a problem exogenous to electoral design.⁵³ An electoral system can, however, contain a number of endogenous problems that exacerbate the risk of political violence and diminish prospects for development. Endogenous problems could include, for example, a system that produces a large-majority premium, which may lead political opponents to perceive that winning the ‘next time around’ is too difficult to justify the effort necessary to reap the expected benefits of winning a seat against the incumbent.⁵⁴ In this way, constitutional design is inextricably linked to shaping political realities on the ground.

Moreover, an electoral system that has other endogenous problems—such as making voter registration difficult, producing a large number of wasted votes, or translating votes disproportionately into seats of power—may lead voters to perceive the political process as ‘unfair’, thus further exacerbating the potential for violence. Based on surveys conducted by the London School of Economics, these problems would likely increase the risk of political violence by leading people to reject ballots in favor of bullets.⁵⁵

I-Verified elections do not make elections more free. Incumbent governments can still place procedural hurdles in front of voters, intimidate them, or deny citizens any meaningful recourse in the event of an ‘un-free’ or unfair election. Furthermore, a less-than-optimal constitutional design can negatively shape political incentives that cancel out any benefits that more transparent elections could hope to bring. However, i-Verified elections do make elections fairer. Giving objective international observers and domestic citizens the chance to check their ballots against the electoral commission’s declared results would reduce the chance that losers would claim foul play and take up arms.

CONCLUSION

I-Verified elections could make South Sudan’s 2015 election more transparent, fair, and useful for shaping party incentives in the name of broader-based, inclusive devel-

50. See, generally, Nicolas van de Walle, ‘Presidentialism and clientelism in Africa’s emerging party systems’, *Journal of Modern African Studies*, 41:2 (2003), 297–321.

51. Ibid.

52. A limitation of this study is its focus on law and elections. It is recognized that i-Verified elections are not a ‘silver bullet’.

53. See Mareike Schomerus, ‘Violent legacies: Insecurity in Sudan’s Central and Eastern Equatoria’, HSBA Working Paper 13, Small Arms Survey, Geneva, 2008.

54. International IDEA, *Electoral System Design*, 6; Jens Hainmueller and Holger Lutz Kern, ‘Incumbency as a source of spillover effects in mixed electoral systems: Evidence from a regression-discontinuity design’, *Electoral Studies*, 27:2 (2008), 213–227.

55. Schomerus et al., ‘South Sudan at odds with Itself’, 9 (explaining that there is a real risk of opposition leaders choosing military over political engagement due to unfair distribution of the peace dividend).

opment. There are, however, three primary political realities constraining the proposal.⁵⁶ First, the SPLM, in conjunction with its incentives and history of ‘restrain[ing]’ elections, may resist i-Verification, even though this technology could be just as beneficial for promoting a pro-democratic SPLM.⁵⁷ Second, one must remain aware that healthy elections leading to gridlock have the potential to result in weak legislatures, which increases the risk of super-presidentialism. Third, assumptions about how electoral systems can incentivize inclusive government may rest on assumptions that do not apply to South Sudan.⁵⁸

ICT has helped to expand the number of tools in an electoral designer’s toolkit. Relatively cheap mobile phone technology has given rise to the possibility of i-Verified elections, which in the short term, may only result in more transparent election results, but in the long term, could allow constitutional designers to choose more optimal electoral systems, such as a single transferrable vote (STV). The STV system has ‘long been advocated by political scientists as one of the most attractive electoral systems’, but ignored because of the ease of a dominant party manipulating the vote tally.⁵⁹ I-Verified elections, in short, may make the STV system more appropriate in countries emerging from conflict or dominated by one party.

Citizen-managed transparency is not special to the realm of elections. It has been implemented in Alaska in order to avoid the ‘resource-curse’ by directly depositing money from oil into citizens’ bank accounts and then taxing the payments as a way of encouraging citizens to ask questions and to increase transparency.⁶⁰ The same system has been proposed for Ghana.⁶¹ Now, South Sudan has the opportunity to capitalize on the possibilities of ICT and citizen-managed transparency.

South Sudan is still walking the road toward 2015, which is the end of its transitional period. Many of the laws and civil society groups that will be involved in those future elections are still forming. There is time for readers, government officials, and activists to take a hard look at how citizens might participate more actively in the country’s development agenda, and if so, whether it is time to take a concrete step toward citizen-managed transparency. South Sudan has the opportunity to set an example for the African continent and the world—an example that, from an unlikely place, would generate more interest about how the global community can use law, social innovation, and technology to promote peace.

56. There are a multitude of others. See, generally, Marc Gustafson, ‘Electoral designs, proportionality, representation, and constituency boundaries in Sudan’s 2010 Elections’, Rift Valley Institute, London, 2010.

57. One incentive is political advantage. See International IDEA, *Electoral System Design*, 2, noting that political advantage ‘is almost always a factor in the choice of electoral systems—sometimes the only consideration’; see also European Union Election Observation Mission, ‘Sudan: Final report’, 5.

58. The assumptions include those related to party proliferation, heterogeneous constituencies, and electoral incentives that make vote pooling politically profitable. See Donald Horowitz, *Democratic South Africa? Constitutional Engineering in a Divided Society* (Berkeley, University of California Press, 1991), 182.

59. *Ibid.*, 71.

60. See the Alaska Permanent Fund Dividend Division, <http://pfd.alaska.gov/DivisionInfo/AboutUs>.

61. Todd Moss and Lauren Young, ‘Saving Ghana from its oil: The case for direct cash distribution’, Working Paper 186, Center for Global Development, October 2009.



Resettlement of Abducted Girls in Northern Uganda: The Case of Gulu District

Sarah Kamya

Members of the Lord's Resistance Army have abducted scores of girls, who were then forced to live among them in the bush. Most of these girls were subjected to sexual violence and forced to bear children resulting from their abuse. When 'girl mothers' who leave the bush have attempted to resettle with their families and communities, they have found themselves overwhelmed by numerous challenges, including social exclusion and rejection, problems related to having children fathered in captivity, economic hardship and issues related to land tenure, and difficulties in making use of reception center services designed to ease their re-entry. Their experience points to the need for a holistic approach to strengthen the families and communities of returning girl mothers so they can respond positively to the girls' reintegration needs.

NORTHERN UGANDA HAS BEEN BESET BY CONFLICT for more than twenty years as a result of the insurgency by the Lord's Resistance Army (LRA). The conflict there has been devastating to people's lives. Large numbers of residents, including women and girls, have been abducted, raped, tortured, or killed. Of an estimated 25,000 to 38,000 children abducted by the LRA between 1986 and 2006, some 7,500 were girls, of which an estimated 1,000 became 'girl mothers', conceiving children while in captivity.¹

Most of the children abducted were taken from their homes and forced to live in the bush and fight in the LRA militia.² It is believed that between 1986 and 2007, about 80 percent of the LRA fighters were children between nine and seventeen years of age.³ While in captivity, the children perform different roles, such as fighting, cooking, collecting firewood, and looting; some are forced to commit various atrocities

1. P. N. Pham, P. Vinek, and E. Stover, 'The Lord's Resistance Army and forced conscription in northern Uganda', *Human Rights Quarterly*, 30:2 (2008), 404–11.

2. A. Veale and A. Stavrou, 'Violence, reconciliation and identity: The reintegration of Lord's Resistance Army child abductees in northern Uganda', Monograph 92, Institute of Security Studies, Kampala, 2011.

3. I. P. Oringa, 'Working through thick and thin: A case study of Gulu Support the Children Organization', n.d., Gulu, Uganda

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against their families and communities. The girls have the additional burden of providing sex for commanders and lower-level fighters.⁴ Most girls experience sexual violence, including rape, forced marriage, and enforced pregnancies, which put them at risk for sexually transmitted diseases and other health problems. Although women and girls were abducted principally to serve as wives and mothers, rather than fighters,⁵ in some cases females perform as soldiers, perpetrating the same violence as males.⁶

The roles forced on the children while in captivity have tended to alienate them from their communities, facilitating the need to reintegrate them into society when rescued or when they manage to flee the bush.⁷ Most post-war reintegration programs have been designed in the belief that females, particularly girls returning from armed groups, are more vulnerable than their male counterparts and thus need specialized assistance for reintegration.⁸ In this regard, the most vulnerable are the forced wives, those who bore children through unwanted sex, and those otherwise sexually abused.⁹ Most studies on the return and resettlement of abducted children have focused on child soldiers, and thus typically boys.¹⁰ Girls who go through reception centers after time spent among the LRA receive psychosocial support through western-developed processes and activities, but little is known about what happens to them when they return to their communities. In Gulu district, some returning girl mothers have been welcomed and supported by their families, which had to confront economic hardship, rejection, exploitation, and discrimination. Their difficulties in resettling point to the need to strengthen their families and communities to help ease their reentry, which thus far has not been a smooth process.

THEORETICAL FRAMEWORK AND METHODOLOGY

This study is guided by the social ecological model with a systems perspectives adopted from Uri Bronfenbrenner's work, which is based on the person and environment and interactions between the two.¹¹ This model allows examination of the multiple effects and interrelatedness of social elements in an environment. The social

4. M. Angucia, J. Zeelen, and G. de Jong, 'Researching the reintegration of formerly abducted children in northern Uganda through action research', *Journal of Community and Applied Psychology*, 20:3 (2010), 219.

5. J. Annan et al., 'Civil war, reintegration, and gender in northern Uganda', *Journal of Conflict Resolution*, 55:6 (2011), 877–908.

6. R. Corbin, 'Returning home: Resettlement of formerly abducted in northern Uganda', *Disasters*, 32:2 (2008), 317.

7. Angucia, Zeelen, and de Jong, 'Researching the reintegration of formerly abducted children'; Veal and Stavrou, 'Violence, reconciliation and identity'.

8. Annan et al., 'Civil war, reintegration, and gender in northern Uganda'.

9. E. Apio, 'Uganda's forgotten children of war' in R. C. Carpenter, *Born of War: Protecting Children of Sexual Violence Survivors in Conflict Zones* (Bloomfield, Connecticut, Kumarian Press, 2007), 9.

10. Angucia, Zeelen, and de Jong, 'Researching the reintegration of formerly abducted children', 218. The term *girl mothers* is used here because the girls were abducted and produced children when they were still very young.

11. U. Bronfenbrenner, *The Ecology of Human Development: Experiments by Nature and Design* (Cambridge, Massachusetts, Harvard University Press, 1979), 3.

ecology perspective can contribute to a better understanding of how children develop amid changing social, political, economic, and cultural environments.¹²

Psychosocial well-being—in this case that of abducted girls in northern Uganda as they attempt to resettle—depends on a number of factors, including stressors, inner resources and coping strategies, and availability of support from family and community. This perspective also allows that as children interact with their environment, in war zones or elsewhere, they are active participants who make choices about how they live, how they negotiate roles within groups, and how they cope with stresses and risks. The use of the social ecological model as a framework to study abducted girls can improve understanding about how support systems and the girls' responses upon returning home affect their resettlement.

This study employed qualitative methodology to obtain detailed information about the experiences faced by abducted girls upon returning to Gulu district, which lies 332 kilometers north (and slightly west) of Kampala. Gulu district has traditionally been acknowledged as the regional capital of the northern region. The study was carried out in Gulu municipality, peri-urban areas (Pece and Unyama), and villages (Bungatira and Pabo).

The study population consisted primarily of girls between thirteen and eighteen years of age and young women ages nineteen to twenty-five who had gone through reception centers, such as the Gulu Support for Children Organisation (GUSCO) and World Vision's Children of War Rehabilitation Center. Also included in the study were key informants, between twenty-five and forty-nine years of age, consisting of officials and practitioners in charge of rehabilitation and reintegration of returnees. They were affiliated with such non-government organizations as the Christian Children's Fund and World Vision as well as community-based organizations working with children. Others, such as probation and welfare officers and community leaders, held relevant government positions. They were all selected on the basis of their knowledge about the girls' experiences when they returned to their families and communities.

The purposive sampling method was used to select the girl mothers. The snowballing technique was also employed, whereby those girls interviewed early on in the process were asked to identify other potential respondents. Ultimately, fifty girls were selected to participate in the study. Purposive sampling was also used to select twenty key informants.

In-depth interviews were conducted with the girl mothers to probe their needs and resettlement experiences. Two focus group discussions, of eight girls each, sought to draw out information about the challenges they faced when they returned home and to assess the gap between their needs and the available services. All the girls voluntarily consented to participate, which contributed to their willingness to provide information. Semi-structured interviews were conducted with key informants.

All the interviews and group discussions were audiotaped and made use of an interview guide. The recording helped to ensure the accuracy of the data collected and also provided later, additional insight into the performance of the respondents and

12. N. Boothby, A. Strang, and M. Wessells, *World Turned Upside Down: Social Ecological Approaches in War Zones* (Bloomfield, Connecticut, Kumarian Press, 2006), 5.

the interviewer.¹³ The qualitative data obtained was examined through content analysis. Broad themes reflecting the descriptive responses were developed, and these became the basis for analyzing the text of the in-depth interviews. The responses were then classified under the different themes and integrated into the text.

RESULTS AND DISCUSSION

The in-depth interviews of the girl mothers revealed that most of them had been abducted between 1998 and 2004, while between the vulnerable ages of eight and sixteen. While most had been abducted only once, some reported having suffered multiple kidnappings. They were taken from their homes as they were sleeping, seated around a fire, or hiding; some had left camps for internally displaced persons (IDPs) in search of food. Others were abducted as they worked in gardens, visited trading centers, traveled to or from school, or walked to a well to fetch water. The rebels typically entered villages in the evenings or at night as people slept. They also raided villages during the morning hours, usually from around 7:00 a.m. to 10:00 a.m. and between 1:00 a.m. and 2:00 a.m. Most girls reported that when the LRA attacked their village to abduct people, they were also engaged in mass killings.

The majority of the girls experienced acts of violence and forced labor during their abductions. Most of them were involved in carrying heavy loads of looted food and other goods, such as beans, salt, maize flour, sim sim, and sugar along with clothes and soap. One of the girls reported that her brother was given fifty kilograms of maize flour to carry but was unable to do so; he managed to stealthily abandon it. The rebels gave one girl a heavy bag of salt to transport on her head to Sudan; she consequently got chest pains and lost her hair.

The abducted children experienced severe beatings when they attempted to escape or were unable to move fast enough or dropped a heavy load. Some girls reported being sexually assaulted and raped at the time of their abduction. Other abuses included long, forced treks, for instance to Sudan, while bound together by rope to prevent escape. Those who could not keep up with the pace were often killed. Most abducted girls were conscripted as LRA fighters, like their male counterparts, but were then forced to serve as wives as well. As widely known, the use of child soldiers became widespread in the LRA conflict in contravention of international law.

The girls reported that following their abduction they were given to men as wives. Girls thirteen and fourteen years old would be paired with a man aged forty-five or sixty. Some could not tell the age of the man to whom they had been given, only that he had gray hair. In some cases, the girls were told to choose from a group of shirts, after which the owner of the shirt selected would become the husband of the girl who had chosen it. In other cases, the girls would be brought together and each man would simply point at the one he wanted. Commanders were given priority in the selection process, and after they had selected the girls of their choosing, they matched the rest

13. K. L. Barriball and A. While, 'Collecting data using a semi-structured interview: A discussion paper', *Advanced Nursing*, 19:2 (1994), 332.

of them to men of lower military rank. Some children were not given to men because they were considered, even by the rebels' standards, to be too young; instead they were forced to serve as babysitters. The majority of the girls were attending school at the primary level before their abduction. When the younger girls became older and started their menstruation cycle, they were then given to men as wives.

Most girls, regardless of the age of the man to whom they were given, experienced rape. 'As long as you are given a man, rape takes place', said one of the girls. A key informant offered a similar assertion, emphasizing that sex under duress occurred with nearly all the girls and young women. Most girls expressed that they were still too young and not ready to be with men. In addition, they had no knowledge about sexuality or sex-related issues. If the girls resisted having sex, the men threatened to axe or shoot them to death; on other occasions, they would threaten the girls with beatings. Some husbands would order the younger soldiers or escorts to beat the girls if they resisted.

One girl revealed that she had been beaten with a metal wire to coerce her into becoming a wife. It was noted that one commander had as many as twenty wives. According to Acholi tradition, marriage is a long process that begins with courting and is entered into when the young man wins the girl's consent and pays a dowry.¹⁴ The experiences of the respondents illustrate that the LRA members dismissed Acholi traditional marriage in the bush in favor of sexual slavery. The majority of girls delivered one to three children while in the bush as a result of forced sex. One key informant speculated, 'It is very unlikely that any girl who returned from captivity at the age of sixteen does not have a child'. When the girls were abused as teenagers, they were obviously at risk of becoming pregnant because they had unprotected sex.

The girls left the bush in different ways. Escape was the most common. Being rescued or released could not be relied on, so most girls escaped during fighting between the Uganda People's Defence Force (UPDF) and the LRA. In most cases, the girls would make a getaway during the fighting, while others would hide and wait for the situation to settle down before setting out on the long walk to reach homesteads and then home. They would usually find people working in gardens and ask them for directions. Oftentimes when a girl came across someone, the first reaction was to flee because they feared strangers. The girls, thus, had to tell the local people that they had just escaped captivity and needed help. If it was late in the day, a kind person might let a girl sleep in his or her home and the following day take her to the Local Council chairperson or to a reception center.

Girls also managed to escape while on the move with the rebels. They would hide, while others went ahead, and then flee their hiding places and escape. Some escaped while crossing national parks and roads, others after a commander instructed them to go out and attack vehicles with the purpose of looting. On the other hand, a number of girls left in pursuit of their children, who were sometimes taken by Sudanese soldiers to Juba and turned over to centers for abducted children. Some girls reported

14. J. Bailey, 'Marriage in conflict: Formerly abducted women's struggles with marriage upon return', Independent Study Project Collection, Paper 813, SIT Study Abroad, 2009, 17.

that they had returned to their communities after being rescued from the LRA by UPDF soldiers during fighting between the two forces. Sudanese fighters also rescued some of the girls in Sudan and turned them over to the UPDF, which took them back to Uganda.

For various reasons, some girls returned to the bush after having been released by the LRA. One of them reported that her husband, an LRA commander, released her to follow their children, who had been taken to Uganda by the UPDF. Other girls were released because their legs were so swollen that they could not walk; some had sick children. At times they were set free in relatively large numbers. In one incident, the LRA released forty-two girls, who walked and walked until they reached UPDF barracks. Another group of one hundred twenty-five girl mothers was let go because the UPDF was in pursuit and they could not keep up.

Some girls reported to a reception center upon their return from captivity, while others went directly to their communities. One key informant noted that ‘the role of the reception centers was to restore hope and help the girls to see a new life and embrace a new situation’. In short, the centers were supposed to be a safe haven for preparing the girls to rejoin their communities. Some girls and young women, however, feared being abducted from the centers and suffered from feelings of insecurity while there.

The girls from Gulu reported stays of one to ten months at the centers. A few stayed for shorter periods, between one and five weeks. The length depended in part, on the nature of the problems with which they were dealing. For instance, some girls’ parents had died or had relocated and first had to be found. Health problems—such as swollen legs, conditions requiring surgery and recovery, and pregnancy—and mental illness necessitated longer stays at the centers.

Among the ailments the girls cited were sexually transmitted diseases (including HIV/AIDS) and damage to reproductive organs. Mental health issues included nightmares and aggressive behavior just to name a few. The rehabilitation centers offered medical care and counseling, as well as recreational activities, such as music, dance, drama, and sports. Their reintegration services also included tracing families for reunification and helping with skills training and income-generation activities. After rehabilitation, the girls were provided reintegration services in preparation for their return to their communities.¹⁵ After the girls left the reception centers, they either moved to Gulu town or to villages in the district.

Changes in Status

Most of the girls who had been abducted experienced profound transformations in their roles and identities largely because they became mothers through forced sex while in captivity.¹⁶ While in the bush, some girls enjoyed privileges from being wives

15. This was a time when most people who had fled the fighting were forcefully moved out of internally displaced persons camps and sent back to their villages or areas near Gulu town.

16. S. McKay, ‘Girl mothers and fighting forces and their children in northern Uganda, Sierra Leone/Liberia: Action research to assess and improve their situation’, study funded by the Rockefeller Foundation, New York and Bellagio, 2006, 100.

of commanders. These included easy access to food and other basic needs obtained mainly from looting and for some, help from servants, such as cooks, babysitters, and escorts. Furthermore, the wives of commanders had authority over other girls and male abductees who had to serve them. Although life in the bush was difficult compared with life in their communities, some of the girls gradually socialized into bush life, including bush marriage.

When the girls returned home to resettle, they again faced problems adjusting to their changed roles and status or identities. In the community the girls no longer enjoyed the privilege of having basic items and their needs met. Their families lived in poverty, so they had to work to earn a living and look after the welfare of their children. This change in status led to self-esteem and self-worth problems and negatively affected the ability of some girls to reconnect with their families and community members. Some felt they could no longer live with their parents, so they moved to Gulu town to try to live independently. On a positive note, however, the presence of mothers in some instances allowed girls to go back to school. According to one key informant, 'Girls who were abducted and found their mothers still living, were lucky because their mothers would take full responsibility of their children.'¹⁷ In general, the girls struggled with the social pressure to reintegrate by adjusting to the roles they had played prior to abduction and also had difficulties with the loss of relative power that some of them had gained as combatants or commanders' wives.

Children Born in Captivity

The phenomenon of sexual violence is an ancient tool of war, not simply a result of brutal contemporary conflict.¹⁸ It is, however, new to Uganda.¹⁹ That children have been adversely affected by the war in northern Uganda has been established through numerous reports and studies, but until recently little attention has been given to children born as a consequence of the conflict's sexual violence.²⁰ The latter—typically children of victims of sexual violence, in most cases single young mothers—are an extremely vulnerable group with regard to psychosocial reintegration.²¹

Most girl mothers reported facing problems related to their children upon returning home. One of the major issues involved the poor reception of their children by their parents and other relatives; in contrast, when the young mothers lived among the LRA, there was no discrimination against their children.²² Although some of the girl mothers were welcomed back as part of their community, among the Acholi the prevailing cultural attitude is that children born out of wedlock are 'illegitimate'.²³ This

17. Interview with Paul Rubangakene, psychosocial program coordinator, Caritas, Gulu, 16 August 2009.

18. Carpenter, *Born of War*, 1.

19. Apio, 'Uganda's forgotten children of war', 106.

20. *Ibid.*, 94.

21. S. McKay and D. E. Mazurana, *Where Are the Girls? Girls in Fighting Forces of Northern Uganda, Sierra Leone and Mozambique: Their Lives during and after War* (Montreal, Rights and Democracy, 2004), 54.

22. Apio, 'Uganda's forgotten children of war', 103.

23. *Ibid.*, 105.

undermines the assimilation of these children even if their families are supportive of them and their mothers.

Poverty, represented by a lack of resources as well as land, made it difficult for the girl mothers to look after their children. Most of them struggled on their own, foraging for basic needs with little support from their immediate family or relatives. The parents could not afford to look after the girls and their children because they had been impoverished by the war. Supporting the girl mothers and their children thus posed a heavy burden.

Reception Center Services and Economic Survival

Key informant interviews shed light on the rehabilitation activities to reintegrate the girls who had been abducted. Some girls received capital to start microenterprises and were advised by the reception center workers to bank the money; unfortunately, most of them returned home with the money in hand. Back in their communities, men sometimes exploited the girls, including by marrying them with the intent of taking their money. After wasting, stealing, or simply seizing the money, such men would then kick the girls (and their children) out of their homes.

The men were able to take advantage of girls because they were living on their own as single parents and moved from place to place, away from their families, in the course of trying to do business. Girls' family members also made use of the money, such as for funeral rites or the dowry for a brother's wife, as revealed by one of the key informants. Thus in a number of instances, girls who returned home were put in a position of having to meet their families' needs, rather than the family taking primary responsibility in providing an environment in which the girls' needs might be met.

A number of girls did manage to hold on to the money for a while with the intention of using it toward a microenterprise. Conditions, however, often militated against that, as the girls had to use the money to pay rent and medical bills and purchase clothing, shoes, and food. The girls would sometimes return to the reception centers in search of additional assistance, although the centers operated on the premise of offering onetime support.

Most girls did not enjoy the benefits of the reinsertion package offered by the reception centers. They reported that this package consisted mainly of basic needs, such as household items, clothing, and food (maize flour, beans, and sugar) along with seeds and agricultural tools. Once at home, parents, guardians, or other caretakers would take everything, leaving the girls with nothing, or if they were lucky, a few of the supplies. Once the items had been consumed, some girls were thrown out by their family members because they were no longer considered to be useful. Such actions greatly frustrated the reception centers' efforts to reintegrate the girls into their communities. In addition, although some girls obtained skills training, such as tailoring, from the reception centers or NGOs, they did not use the skills they had acquired because they would sell the sewing machines obtained from the centers to raise money for living. Others could not use their training to support themselves because they lacked sewing materials. Many girls had to find other options for surviving.

The LRA war itself raised numerous obstacles to the returning girls' livelihoods. Some lost their husbands to war, others were abandoned by their husbands, and some husbands remained in the bush. Thus, in addition to having to cope with the conse-

quences of the sexual violence they had suffered, the girls had to take on the role of sole breadwinner as well.²⁴

The options for economic survival were predominantly through the informal sector. Some girls worked as tailors in the markets, where people brought clothes for repair. Others acquired jobs from NGOs, typically by staff at the reception centers introducing them to NGOs that would then offer them positions. Such an opportunity allowed a girl to engage in vocational skills training as well as to earn a living.

Most of the girls who had been involved in vocational programs eventually worked in petty trade as a way to make money.²⁵ They sold agricultural produce, including vegetables (from farmers) along with cassava, beans, and sim sim (from their own gardens) and baked or cooked cakes, doughnuts, and fried cassava. Some peddled charcoal from their homes or from marketplaces. Most girls became involved in the informal sector because there was only limited formal employment available. This situation was exacerbated by the girls' low level of education, which hindered their efforts at acquiring the few formal jobs that existed. As a consequence, the most logical path was to try to create their own opportunities through small businesses.

Despite working to earn a living, most girls still faced economic hardship, including poverty, in line with findings in the development economics literature pointing to the likelihood of female-headed households remaining trapped in poverty. Such households are more likely to be poor and are less likely to move out of poverty.²⁶ Their economic hardships were characterized by inadequate income, food insecurity, and an inability to buy clothes for themselves and their children. The girl mothers' earnings were low, and their food insecurity stemmed from high food prices and lack of access to land.

The girls' survival strategies included registration with one or more organizations to obtain food from the World Food Programme (WFP) and approaching the reception centers to ask for food items and clothing. The inadequate community response to the girls' needs and the limited economic opportunities available to them contributed to this dependency. Other girls reported that the overwhelming economic hardship made them want to return to their husbands in the bush. Some of the girls who married men in their community reported that their husbands were unsupportive. That said, some husbands were the opposite, for example providing money to their wives to start small businesses. For some girls, prostitution became a survival strategy.

Community Rejection and Exclusion

Rejection—mainly because they were victims of sexual violence and had a formal association with LRA fighting forces—was one of the most excruciating problems that

24. Amnesty International, 'Left to their own devices: The continued suffering of victims of the conflict in northern Uganda and the need for reparations', London, 2008, 12.

25. This corresponds to women's experiences in Sierra Leone. See C. Coulter, *Bush Wives and Girl Soldiers: Women's Lives through War and Peace in Northern Sierra Leone* (Ithaca, New York, Cornell University Press, 2009), 195.

26. P. Justino and P. Verwimp, 'Poverty dynamics, violent conflict and convergence in Rwanda', MICROCON Research Working Paper 4, Institute of Development Studies at the University of Sussex, Brighton, March 2008, 4.

the girl mothers experienced as they tried to resettle in their communities.²⁷ They faced stigmatization at both the family level—where their children might be denied food by the relatives with whom they lived—and at the community level.²⁸ In such cases, the family, obviously, could not be relied on for psychosocial support.²⁹

Some girls were readily received by their families but then, after a month or two, thrown out. Interviews indicate that some of the girls were also beaten by members of their immediate families, such as brothers, who chased them away, sending them back to the reception center for help. Others who were welcomed back found that they could not cope with family life after having gotten accustomed to life in the bush.

In some instances, the girls were stigmatized because of the assistance they had received from the reception centers, namely, the reinsertion packages. This made people in the community bitter toward them. One of the girls said, ‘What they say about children who come back from the bush is what annoys me. They say that those from the bush are possessed, they are wrong doers and they are the very ones who are getting assistance.’³⁰ It is clear that the reinsertion packages, and any other assistance provided to the girl mothers, had the opposite of their intended effect, making their reintegration more difficult, rather than easier.

The girls reported that they were hated by community members because they were viewed as ex-combatants who had participated in atrocities toward the community. Some people intimidated the girls and accused them of being rewarded by the reception centers for having killed their sisters and brothers while in the bush. The children born in captivity were also subjected to stigmatization and discrimination and sometimes infanticide.³¹ In one of the focus group discussions, one girl mother reported, ‘In my case, I came back with children and one of them is a boy. You know my boy is very stubborn, and when he plays with other children, the parents warn them that they are playing with this boy who can easily kill them because he is Kony’. Another offered that when children were playing and a fight started, people in the community would say the children from the bush were possessed.³²

Children faced not only stigmatization from the broader community, but also from their family members and stepfathers.³³ This stigmatization created feelings of insecurity among the girls along with fear for their lives. As a consequence, some moved into Qula town in the hope of a better life.

Access to Land

Having access to land in Uganda is critical to achieving a degree of self-sufficiency. Land represents social status as well as attainment of adulthood. It can be converted

27. B. Baker, ‘Justice for survivors of sexual violence in Kitgum, Uganda’, *Journal of Contemporary African Studies*, 29:3 (2011), 245–62; M. Denov, ‘Girl soldiers and human rights: Lessons learnt from Angola, Mozambique, Sierra Leone and Northern Uganda’, *International Journal of Human Rights*, 12:5 (2008), 827.

28. Amnesty International, ‘Left to their own devices’, 11.

29. On families as a source of support, see Corbin, ‘Returning home’, 323.

30. Interview with one of the girls, Koro Purse Center, Gulu, 4 July 2009.

31. Carpenter, *Born of War*, 2.

32. Focus group discussion with girl mothers, Unyama, 20 July 2009.

33. Amnesty International, ‘Left to their own devices’, 12.

into social capital providing labor, food, and money for relatives and neighbors, and oftentimes inherited land left has symbolic value as a means of identification with one's ancestors, lineage, village, or ethnic group.³⁴ The war in northern Uganda altered land ownership.

The literature indicates that armed conflict often exacerbates women's problems of insecure land tenure and access.³⁵ Margaret Rugadya asserts that land tenure insecurity experienced by women stems mainly from customs and attitudes relating to women's personal rights and status. In northern Uganda, the massive displacement of people meant that some of them came to live in camps for more than twenty years. When they began the process of returning to their villages, some women from female-headed households could not immediately join the exodus, because they had children but no easy access to land, and thus remained IDPs. Both men and women have access to land, but the men have significant advantages in ownership and authority over it. Traditionally it is considered taboo for women to own or inherit land, so a woman has a right to use the land of her parents prior to marriage, and after marriage she can use her husband's land.³⁶ The issue is made worse by land grabs and is not helped by the existing land governance system.

In interviews, most girls expressed that accessing or buying land was one of their most urgent needs. Some of them reported that they had made an attempt to go back to their villages, but faced problems in getting access to what should have been considered their land. For example, if a girl found that her parents had died, she should expect to be able to use her parents' land, but often it had been taken over by relatives. One key informant reported that in most cases the girls' land had been taken over and other girls 'did not know the boundaries of their land. In some cases, some parents have sold the land or died, leaving no written or oral will'.³⁷ Gaining knowledge about the location of family land and where land of another person begins is necessary for a successful return process. Conflicts are likely to intensify as a result of people disputing boundaries and rightful access to land.³⁸

The interviews revealed an optimism among some girls that they would acquire land from their relatives, but this was not likely because they returned with children whose identity was questionable to their families. One of the girls reported being informed by her family, 'Much as you have returned, make sure you take away this child

34. F. Stepputat, 'Dynamics of return and sustainable reintegration in a "mobile livelihoods"–perspective', DIIS Working Paper 2004/10, Danish Institute for International Studies, Copenhagen, 15–16.

35. S. Baranyi and V. Weitzner, 'Transforming land-related conflict: Policy, practice and possibilities', background paper, International Land Coalition, Rome, and North-South Institute, Ottawa, May 2006, 9.

36. M. A. Rugadya, 'Unveiling gender, land and property rights in post-conflict northern Uganda', Associates Research Occasional Paper no. 4, World Bank, Northern Uganda Recovery and Development Program, 2008, 5, available at www.mokoro.co.uk/other-resources/east-africa/Uganda; M. A. Rugadya, 'A review of literature on post conflict land policy and administration issues, during return and resettlement of IDPs: International experience and lessons from Uganda', World Bank, Northern Uganda Recovery and Development Program, Kampala, September 2006, 25.

37. Interview with Dominic Idro, program manager, Action Ministries, Gulu municipality, 14 August 2009.

38. E. Salborn, 'Prerequisites of return and reintegration for long term internally displaced persons in northern Uganda' (bachelor's thesis; Munich, GRIN Verlag, 2011).

because we don't want him here. Try to find the clan or the whereabouts of the family members of this child. You see we have lots of challenges especially where to settle with these children.'³⁹ This kind of reaction led most girl mothers to leave their homes and move to Gulu town to rent houses, as they had no land on which to settle with their children. Some reported trying to rent land in order to plant crops to feed themselves and their children. The study found that land contributed to family conflicts in another way. Some parents chose to give land to their daughter with children from captivity, but the girls' brothers opposed their decision. The male siblings would tell their sisters to take their children back to their fathers' home. Many disputes were more complex, and in some cases resulted in physical harm and destruction of property.

Lacking support or recognition for their children from the paternal clan, the girl mothers genuinely feared for their futures.⁴⁰ One of the key informants said that regarding 'issues of land, these young mothers are lost with their children and don't know how to get to steering of their lives.'⁴¹ Part of the girls' land problems can be attributed to the breakdown of the customary tenure systems, which once protected women's land rights. Unfortunately the clan system, which is supposed to offer protection and support, has also been weakened, making resettlement for the girl mothers, some of them now young women, even more difficult.

CONCLUSION

The return and resettlement of girl mothers has not been a smooth process in northern Uganda. The challenges they have faced can be attributed in part to the inadequate support of their families and communities. The families sometimes lack adequate resources to assist the girls, mainly due to poverty, forced displacement, and disruption of social connections. Some girls' families and communities became sources of risk, due to rejection and social exclusion and failure to protect the girls from exploitation and expropriation of their property. As a result, the girls had to make choices, including whether to return to their husbands in the bush, go back to the reception centers, or relocate.

The challenge in this case is to adopt a holistic approach to strengthen families. This can be achieved by providing the girls' families with the economic resources to assist their resettlement, which might then benefit their psychological well-being. Economic resources directed at the families could improve the girls' human and social capital. The family should be the focus for interventions because it is a great resource for the girl mothers as they resettle. Community-based programs should be strengthened to expand the support network for the returning girls. Families and communities should work hand in hand with service, clan, land tenure, and other systems relevant to the resettlement of the girls.

39. Focus group discussion with girl mothers, Gulu municipality, 4 May 2010.

40. F. I. Kindi, 'Challenges and opportunities for women's land rights in post-conflict northern Uganda', MICROCON Research Working Paper, 26 June 2010, 4.

41. Interview with Single Dora, psycho-social program coordinator, World Vision, 15 July 2009.



The Crossroads of Politics and Law: The Unfinished Debate between the United States and the International Criminal Court

Mathew G. Ituma

In 1998 the United States became a signatory of the Rome Statute that four years later would result in the establishment of the International Criminal Court (ICC). Some critics in the United States, however, argued that ratification of the treaty would be unconstitutional. Others claimed that certain clauses of the Rome Statute were open to subjective interpretation and could jeopardize U.S. national interests. Such opposition led to the United States 'unsigned' the treaty in 2001 and withdrawing as an ICC member state while also pledging its commitment to international justice. The action taken by the U.S. government exposed the sometimes problematic boundary between international law and national politics.

THE ADOPTION OF THE ROME STATUTE on 17 July 1998 under UN auspices established the International Criminal Court (ICC), to be headquartered at The Hague. The ICC was envisioned as an independent international and intergovernmental court to adjudicate crimes against humanity, war crimes, and acts of genocide. The United Nations serves as the centerpiece of this arrangement to ensure that suspects of international crimes are prosecuted. The United States became a member of the ICC on 31 December 2000, when President Bill Clinton signed the Rome Statute despite having some reservations about it, as did some members of Congress. The statute became fully operational in July 2002. In the meantime, however, on 6 May 2002, the administration of President George W. Bush sent a notification letter to UN secretary-general Kofi Annan stating that 'the United States does not intend to become a party to the treaty'.¹ Thus, while the relationship between the United Nations and the United States was clear, that between the United States and the ICC became nebulous at a crossroads of law and politics.

Bush had concerns about the possibility of exposing U.S. military personnel and other American citizens to the jurisdiction of the ICC. In Congress, some representa-

1. The administration delivered its statement in a letter from John Bolton, undersecretary of state for arms control and international security, <http://www.amicc.org/docs/bolton.pdf>.

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tives felt strongly that the U.S. government should retain the right to investigate and try its own citizens rather than delivering them to an international criminal justice system over which the United States had little control. They also argued that the ICC lacked the mechanisms to ensure fair trials because of a potential for political bias in the selection of prosecutions and due process. Variations and possible hazards in interpreting ICC provisions in relation to the U.S. judicial system were also sticking points, but foremost was concern about the primacy of the ICC vis-à-vis U.S. law.

Critics of the ICC also maintained that ‘the U.S. common law system, U.S. constitutional protections for criminal defendants, and the U.S. jury system vary greatly from the Rome Statute provisions and the laws of other member states, triggering a political and legal debate in decisions involving any would-be American defendant sought for prosecution at the Hague.’² Some lawmakers expressed the concern that ‘aggression’, as a crime, had not been fully defined by the statute, and that clarifications for conditions of trials for transgression crimes needed to be elaborated.

Opponents further posited that conditions for the exercise of jurisdiction by the ICC could bring the court into conflict with the Security Council or the UN Charter. An example arose early on, when in July 2002, ‘following the ICC’s entry into force, the United States fought a pitched battle in the UN Security Council, threatening to veto all future peacekeeping operations unless the Council authorized the permanent immunity from legal action by the ICC of all UN peacekeepers whose governments had not ratified the Rome Statute.’³

Some court critics had issues regarding accountability. They argued that the ICC prosecutor would hold too much power, asserting that he or she did not answer to any particular state and would be susceptible to the politics characteristic of the international system. Some of the other contentious clauses that led to the United States ‘un-signing’ pertained to the court’s autonomy and lack of checks and balances. For example, Article 15 (1) of the Rome Statute holds that ‘the prosecutor may initiate investigations proprio motu on the basis of information on crimes within the jurisdiction of the Court’, meaning that the prosecutor can proceed with prosecutions as he or she sees fit.⁴

During the Bush administration, Congress passed the American Servicemembers Protection Act, which included a provision stipulating that parties to bilateral agreements with the United States would not surrender U.S. citizens to the ICC. Article 98 of the Rome Statute prohibits the court from seeking assistance from a state in the apprehension of a suspect if doing so would cause the state to act ‘inconsistently with its obligations under international agreement’—that is, violate its other obligations under international and bilateral agreements—unless the third party agreed to such cooperation.⁵ While these bilateral agreements did not legitimize the U.S. withdrawal from the ICC, they weakened the country’s bargaining power on issues relating to international justice and those related to U.S. involvement in human rights violations.

2. John Stompor, ‘The Darfur dilemma: U.S. policy towards the ICC’, *Georgetown Journal of International Affairs*, 71:1 (2006), 11.

3. Jamie Mayerfeld, ‘Who shall be judged? The United States, the International Criminal Court, and the global enforcement of human rights’, *Human Rights Quarterly*, 25 (2003), 93–129.

4. Rome Statute of the International Criminal Court, UN doc. A/CONF.183/9, <http://untreaty.un.org/cod/icc/statute/romeofra.htm>.

5. *Ibid.*

Despite refusing to take part in the ICC, the United States reaffirmed its commitment to international justice and promised to continue working with ICC member states. This, however, became a point of controversy when the U.S. government began to argue for and to implement other ways of handling international crimes. One such method was 'home trials', through which a person would be tried in his or her own country instead of nations surrendering accused violators to the ICC. In the United States, congressional debates focused on the idea that home trials would be more effective than 'international trials' and that the international community should only be involved in those cases where no mechanisms exist to execute in-country trials. In addition, where there was a will to prosecute suspected war criminals but no mechanism to carry it out, the UN Security Council could intervene to create an international structure, such as creating hybrid courts to conduct local trials in a suspect's home country.

Congressional debates on U.S. withdrawal from the ICC revolved around the intersection of law and politics, with the U.S. government's position ultimately demonstrating the influence of politics over the rule of law. While the Americans questioned the legal standing of the ICC in relation to the U.S. judicial system, the debates were also enmeshed in domestic policy and an already intense opposition to an international court system, in this case in the form of the ICC. This was the genesis of the tensions between member states of the ICC and the United States.

In their defense, the Americans argued that they did not condone crimes committed by its citizens elsewhere, noting that they would be held accountable for offenses perpetrated outside the country's borders through the rubric of the U.S. judicial system. Regardless, U.S. credibility in relation to its legal and political standing on international crimes appeared to be weakened by its backing out of the Rome Statute and the ICC.

U.S. government representatives cited several examples to illustrate Washington's commitment to international justice, including how it had been central in establishing the Rwandan and Yugoslavian international criminal tribunals as well as Sierra Leone's special court proceedings for Foday Sankoh, founder and leader of the Revolutionary United Front, and his sympathizers. It also refreshed critics' memories of the 2002 trial of former Serbian leader Slobodan Milosevic for crimes against humanity. (Milosevic died in jail, on 11 March 2006, before his verdict was delivered.) The examples were few but powerful, helping to silence some critical voices and somewhat legitimizing the withdrawal from the ICC because of a seeming commitment to the core principles of the Rome Statute. Nevertheless, many observers continued to perceive the United States as operating under a double standard and still held the view that the U.S. withdrawal constituted a violation of the international treaty. This legal and political debate remains unfinished.

In this environment, the ICC has at times been framed by its detractors as a toothless bulldog because of unsuccessful prosecutions and attempted, but aborted, prosecutions. One of them involved a Darfur rebel commander against whom the ICC prosecutor could not secure a conviction.⁶ It has also failed to detain some people for whom it has issued arrest warrants, such as President Omar Hassan al-Bashir of Sudan (in 2009).

6. John Crook, 'United States eases opposition to International Criminal Court, opposes efforts to thwart ICC proceedings involving Darfur', *American Journal of International Law*, 103:1 (2009), 152–4.

The image of the neophyte ICC was not helped by a blow from the United Nations in a 2005 determination by a commission of inquiry that the legal framing of the violence in Darfur as genocide was overstated; it conceded, however, that activities there did indeed constitute crimes against humanity. This left the ICC with a 'hot potato' and no alternative mechanisms for facilitating home trials.

The framing of the ICC as ineffective is illustrated by the many challenges it faces in the prosecution of perpetrators of systemic violence and other atrocities. These include failure to execute arrest warrants, lack of financial resources due to the failure of member states to remit contributions, the absence of internal law enforcement, and overreliance on member countries to arrest suspects.

In the absence of a viable legal alternative in trying suspects, establishing alternative trial and hybrid courts for trial, the work of the ICC has been highly politicized. This raises fundamental questions about its ability to uphold the rule of law in general.

This United States' withdrawal from the Rome Statute and ICC weakened U.S. leverage, especially on matters relating to human rights and specifically concerning crimes against humanity. This unfinished debate on the U.S. commitment to the ICC became more heated when the focus shifted from crimes against humanity, such as genocide, to the Bush administration's war on terrorism. The United States effectively changed the narrative on prosecutable crimes to include terrorism and in the process gave itself the ideological and political basis for holding and singlehandedly prosecuting terror suspects without reference to the ICC.

The International Court of Justice (ICJ), the arm of the United Nations that was supposed to act as a world court with dual authority for decision making and dispute resolution invoking international law, followed the same path as the one now being traveled by the ICC. It did not achieve much initially, due to the structure of the United Nations, that is, the influence of the United States and its veto through its seat on the Security Council.

Although there is no evidence suggesting failures or successes by the ICC due to the absence of the United States, the international justice system inherently remains weaker in structure, context, and jurisdiction than it needs to, as did the ICJ in 1945. This does not imply that the ICC cannot succeed without U.S. involvement, but it points to the critical position of the world's sole superpower and U.S. influence on the ICC, international crimes, and the United States' legal position on crimes against humanity.

In sum, the blurred boundary between the legal and political spheres in reference to the ICC and the position of the United States on the Rome Statute illustrates tensions in the international justice system. It also highlights the unfinished legal and political debates in the international justice system that constitute the convergence of law and politics in regard to international crimes. Understanding this discourse helps in sorting through the many layers of political rhetoric and legal jargon surrounding the framing of crimes against humanity. Tracking this discourse is critical for separating the political pebbles from legal matters in order to effectively understand the trap-pings of the international justice system.

The tensions that characterize relations between signatories of the Rome Statute and the United States are driven by the overlap and conflict between national law and politics on the one hand, and state and ICC jurisdictions on the other. Grappling with such contradictions and conflicts from the onset, the United States saw the ICC as a problematic conception that even though carried to full term, might not survive long after birth.



Outside Peacebuilding Interventions: A Positive Interpretation

Ekeno Augustine

THE DIFFICULTY OF ELIMINATING INTRASTATE CONFLICTS and establishing sustainable peace in the post-cold war era has been noted and studied by many scholars and students in the field of peace studies. In the aftermath of the U.S.-led invasions of Iraq and Afghanistan in the early 2000s, an emphasis emerged on peacebuilding missions for interstate and intrastate conflicts.¹ Vulnerable post-conflict societies (VPCSs) require fair, practical, relevant, and contextual peacebuilding interventions toward laying the foundation upon which peace can thrive; some such interventions have successfully transformed post-conflict societies into peaceful states, but others have roundly failed to contribute to sustainable peace. Critics of peacebuilding have argued that it is merely an opportunity for outside intervention, and in some cases produces additional, unforeseen problems and can hamper attempts to achieve sustainable peace. Meanwhile, others contend that the performance by the United Nations thus far provides tangible cause for ‘cautious optimism’ about the effectiveness of peacebuilding.² Thus, an obvious lack of consensus exists among scholars and peace practitioners on the potential effectiveness of peacebuilding.

Of course, it is not always the case that outside intervention fails to contribute to sustainable peace, and there are a few, tangible success stories of outside peacebuilding intervention. Applying Amartya Sen’s capability approach to the example of post-election violence in Kenya during 2007–2008 demonstrates why outside intervention in VPCSs or similar situations can be critical. Subjecting outside peacebuilding intervention to a comprehensive evaluation is a necessity for helping realize its full potential.

Peacebuilding has been defined in broad and different ways, resulting in theoretical and practical inconsistencies in its application. In 1992 in ‘Agenda for peace’, a report to the UN Security Council, Secretary-General Boutros Boutros-Ghali wrote that

1. J. D. Meernik, and D. T. Mason (eds.), *Conflict Prevention and Peacebuilding in Post-War Societies: Sustaining the Peace* (London, Routledge, 2006), 1–2.

2. M. J. Mullenbach, ‘Reconstructing strife-torn societies: Third-party peacebuilding in intrastate disputes’ in Meernik and Mason, *Conflict Prevention and Peacebuilding in Post-War Societies*, 53.

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peacebuilding was ‘action to identify and support structures which will tend to strengthen and solidify peace in order to avoid a relapse into conflict.’³ For the United Nations, peacebuilding missions depend on the achievements of preventive diplomacy through peacekeeping and peacemaking. If preventive diplomacy fails to halt conflict and preserve peace, peacebuilding efforts are rendered inappropriate.

Some scholars and practitioners link peacebuilding with nation building,⁴ a process that targets the transformation of a state’s political, economic, social, and security apparatus with the hope of enhancing a sense of national identity. Even more closely related to peacebuilding is state building, which refers to the establishment of an indigenous functioning government capable of leveling the playing field for all the parties involved in a conflict so their views can be addressed equitably.⁵ Implicit in this debate concerning state building and nation building is the concept that peacebuilding must be viewed as dependent upon the establishment of functioning political and social institutions. Evident in this discourse are the why, how, where, and when a peacebuilding operation should be implemented.

John Paul Lederach has identified characteristics common to VPCSs.⁶ First, most cases of conflict destroy the functioning of already underdeveloped, politically unstable, and economically staggering nations. Conflicts in these settings are cyclical and thus disrupt well-established processes for peace. Second, the use of armed conflict came to be viewed as a reliable means of enforcing economic or political change and as a consequence increased the flow of arms, especially light arms, into polarized societies. Third, polarized ethnic or regional affiliations feature in VPCSs, particularly in developing countries. Fourth, most conflicts are triggered by ‘deep-rooted and long-standing animosities that are reinforced by high levels of violence and direct experiences of atrocities.’⁷ Conflict-driven animosity often exerts (intentionally or unintentionally) a bleak interpretation on reality. The above characteristics not only describe the nature of deeply divided societies, but also point to meaningful economic, political, and social realities justifying the need for peacebuilding operations to establish sustainable peace.⁸

PEACEBUILDING EFFORTS IN AFRICA: THE CASE OF KENYA

Although the situation in Kenya during 2007–2008 does not qualify it as a VPCS, the roles played by the United Nations and regional organizations shed light on the vital place of outside intervention in creating sustainable peace, thus making Kenya an example of the potential of peacebuilding operations in a VPCS. After post-election violence had left more than thirteen hundred people dead, the United Nations ap-

3. ‘Agenda for peace: Preventive diplomacy, peacemaking and peace-keeping’, doc. A/47/277–S/2411, 17 June 1992; also see Mullenbach, ‘Reconstructing strife-torn societies’, 56, where peacebuilding is similarly defined to refer to initiatives to prevent the ‘recurrence of hostilities’ following intrastate conflicts.

4. Mullenbach, ‘Reconstructing strife-torn societies’, 53.

5. Ibid.

6. J. P. Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington, D.C., United States Institute of Peace Press, 1997), 17.

7. Ibid., 17–18.

8. M. Mwagiru, *Conflict in Africa: Theory, Processes and Institutions of Management* (Nairobi, CCR Publication, 2006), 61.

pointed former UN secretary-general Kofi Annan to serve as chief mediator among the opposing factions. Annan's involvement was followed by the intervention of the African Union (AU), represented by Graça Machel, and Tanzanian president Jakaya Kikwete.⁹ These prominent African personalities representing the international community and regional blocs were vested with the mandate to bring about a peaceful settlement in Kenya.

After two months of negotiation, the intermediaries succeeded in brokering a power-sharing agreement between the ruling Party of National Unity, represented by President Mwai Kibaki, and the opposition Orange Democratic Party, represented by Raila Odinga. The assistance of the international community and the AU in quelling the violence is representative of the capacity of outside intervention to address intrastate conflict. This case of Kenya affirms the view of those scholars who argue that the absence of international support, be it in the form of peacekeeping or peacebuilding missions, oftentimes leads to the unraveling of peace settlements and the recurrence of conflict.¹⁰ The Kenyan situation introduces to the intervention debate the need to recognize the significant potential of involving regional blocs in resolving conflicts.

The four main agendas of the agreement reached were to stop the violence and human rights abuses; address the humanitarian crisis and promote reconciliation and healing; overcome the political crisis; and address long-term issues like constitutional and institutional reforms. The 2008 peace agreement not only helped stanch a recurrence of violence but also led to a dialogue on constitutional reforms through the Kenya National Dialogue and Reconciliation Committee. The achievements of the peace agreement include the promulgation of a new constitution that limits the power of the president and provides for an independent judiciary. The new constitution gave hope to Kenyans who had suffered from structural violence stemming from the previous constitution and political system.

According to Makumi Mwangi, conflicts in Kenya had been driven by the country's governance, economic, and constitutional structures. Like many Kenyans, Mwangi believed that overhauling the constitution was essential to bring about peace and create institutions to meet Kenyans' needs and expectations. The overhaul of the constitution was a significant step toward addressing the issues underlying the atrocities witnessed in the post-election violence.¹¹ The peace agreement also ushered in intervention by the International Criminal Court (ICC), which launched investigations into the perpetrators of the violence with the hope of bringing them to justice. So far, four prominent politicians and elites—Finance Minister Uhuru Kenyatta, Eldoret North MP William Ruto, Public Service head Francis Muthaura, and journalist Joshua Sang—are facing charges, accused of bearing the greatest responsibility for the violence. Kenyans who had lost hope amid the culture of impunity that had taken root in their country saw this process as a bold confrontation of Kenya's iniquitous history of freedom from consequence.

9. Machel is well known as an international advocate for women's and children's rights and for her humanitarian work. She is the third wife of former South African president Nelson Mandela and the widow of Mozambican president Samora Machel.

10. Meernik and Mason, *Conflict Prevention and Peacebuilding in Post-War Societies*, 3.

11. Mwangi, *Conflict in Africa*, 34.

CHALLENGES OF PEACEBUILDING EFFORTS AND EXPANSION OF REAL FREEDOMS

Peacebuilding is a complex process dependent on many factors within and external to the country of focus. Tim Murithi alluded to such complexity when he asserted that ‘peacebuilding is an expansive, inclusive and collaborative process which takes place simultaneously at three different levels: the macro, meso and micro levels.’¹² One of the weaknesses of outside interventions is that they ‘often attempt to engage peacebuilding activities without seeking sustainable solutions at the grassroots level.’¹³ Most peacebuilding operations in post-conflict African countries are managed by non-governmental organizations, civil society actors, and expatriates, sometimes with only limited cultural knowledge and social contacts.¹⁴ The programs of peacebuilding initiatives are often designed by the same actors with implementation strategies that do not take into account the complexity of the factors and realities defining the conflicts and the human relationships in the local context. This scenario raises fundamental issues for ownership of the peacebuilding processes. In fact, the whole process can often be reduced to an imposition of western-formulated theories, including democracy, insensitive to the local community’s right to define its history and determine its destiny. This top-down approach falls short in relevance to specific local contexts and therefore fails to address the local problems polarizing societies.¹⁵

Michael Doyle and Nicholas Sambanis observe that the literature depicts the measuring of peace as a practically and methodologically complicated matter.¹⁶ The difficulty of measuring peace has serious implications for peacebuilding operations, particularly in determining what needs to be done and how to go about it. This issue is what recommends peacebuilding approaches or initiatives based on Amartya Sen’s capability approach to development. This framework should guide and inform peacebuilding initiatives aimed at bringing about negative peace and establishing positive peace, a higher order of peace described by Johan Galtung as ‘depolarization, stitching torn tissue, [and] substituting new tissue.’¹⁷

Implementing negative peace includes controlling violence at the interpersonal and communal levels as a prerequisite to establishing a constructive relationship, which is important in transforming adversarial relationships. Establishing positive peace represents the end of peacebuilding and is a development-oriented system defined by reconciliation and human coexistence based on human rights and social, political, and economic justice. Sen argues that development is ‘a process of expanding real freedoms that people enjoy.’¹⁸ He is convinced that expansion of real freedoms implies the removal of major sources of ‘unfreedom’—that is, ‘poverty, tyranny, poor economic opportunities, systematic social deprivation, and neglect of public facilities

12. T. Murithi, *The Ethics of Peacebuilding* (Edinburgh, Edinburgh University Press, 2009), 7.

13. T. Karbo, ‘Peace-building in Africa’, in David J. Francis (ed.), *Peace and Conflict in Africa* (London, Zed Books, 2008), 126.

14. *Ibid.*, 128.

15. *Ibid.*

16. M. W. Doyle and N. Sambanis, *Making War and Building Peace: United Nations Peace Operations* (Princeton, Princeton University Press, 2006), 18.

17. J. Galtung et al., *Searching for Peace: The Road to Transcend* (London, Pluto Press, 2000), 10.

18. A. Sen, *Development as Freedom* (New York, Alfred A. Knopf, 1999), 3.

and intolerance of repressive states or regimes'.¹⁹ Removing these major imbalances that lead to conflict should be the goal of any long-term peacebuilding strategy.

Underlying this discussion is the significant role of development in creating situations or opportunities capable of stimulating progressive ideas as well as nonviolent means of expressing grievances. Ho-won Jeong highlights the place of development in enhancing the positive environments necessary for warring factions to 'work together rather than finding an excuse to attack their adversaries'.²⁰ As in Kenya, disparities in economic and socio-political capabilities generally polarize society to the extent that the interaction necessary for negotiation is obliterated. The peacebuilding process defined by Sen's notion of development strengthens cooperation between people, hence creating a favorable community basis for reconstruction. The prospective advantages of reconstruction in peacebuilding lie in their potential to modify social structures and processes associated with the power imbalance. The success of the international community in the Kenyan situation lay in involving the two principles and the broader population in forming a government capable of depolarizing the power imbalance.

There are two ways in which Sen's capability approach can be used as a tool in exploring the potential of outside peacebuilding intervention. The capability approach stresses that any development process must (a) be evaluated in terms of whether the freedoms that people have are enhanced and (b) determine whether the achievement of development is thoroughly dependent on the free, human agency of the people. Thus the capability approach offers a normative framework for evaluating peacebuilding activities in VPCSs, providing stakeholders in the peacebuilding process—such as the UN Peacebuilding Commission, which has the responsibility of reviewing and monitoring peacebuilding strategies in post-conflict setting—the skills to gauge the outcome of their intervention in promoting sustainable peace.

The evaluative peacebuilding process advanced here acknowledges that freedom is the key and sustainable peace the central aspect of development. This dimension resonates with Socrates' validation of the exercise of examination and re-examination of life—that is, 'the unexamined life is not worth living'. If that principle is applied to outside intervention, success would depend on how often it benefits from regular examination and evaluation. The assessment format proposed by E. O. Opongo is one between formative evaluation and summative evaluation.²¹ Here, formative evaluation aims at reviewing and understanding the strengths and failures of a particular activity in order to capitalize on the strengths and map the way forward on weaknesses. Summative evaluation is more retrospective and aims at reviewing activities carried out with a specific goal of selecting achievements quantitatively. The value of this evaluative process is embedded in its underlying assumption that conflict is a complex reality, typically the product of multiple factors.

Human agency—the ability of humans to do what they value—is connected to the promotion of dignity. In peacebuilding, recognition of human agency requires taking into account 'local decision-making processes to determine the basic political, eco-

19. Meernik and Mason, *Conflict Prevention and Peacebuilding in Post-War Societies*, 4.

20. H. Jeong, *Peacebuilding in Postconflict Societies: Strategy and Processes* (London, Lynne Reinner Publishers, 2005), 126.

21. E. O. Opongo (ed.), *Peace Weavers: Methodologies of Peacebuilding in Africa* (Nairobi, Paulines Publications, 2008), 124.

nomic, and social processes and norms to be institutionalized'.²² In the Kenya example, a peaceful agreement was reached when the indigenous peoples, through their leaders, were given the capacity by the intervention of prominent Africans to make their own history in terms of peacefully uniting Kenya's polarized society. The political space and dialogue that ensued following the active participation of the local community became the bedrock upon which the current government rests.

In effect, the sustainability of peacebuilding projects depends heavily on how much attention is paid to the local political and social contexts. Inclusive and culturally sensitive peacebuilding approaches build the confidence and trust necessary to elicit cooperation and the positive attitudes conducive to the peaceful settlement of differences. A process of sustainable development requires an environment conducive to promoting reconciliation, forgiveness, and a sense of security among inhabitants.²³

Peacebuilding efforts must involve the local communities in establishing institutions for implementing a long-term strategy aimed at addressing 'the principal political, economic, social and ethnic imbalances that led to conflict in the first place'.²⁴ Like Boutros-Ghali, Jeong agrees that more than maintaining negative peace, society must work toward the 'institutionalization of peace',²⁵ which fits well into the long-term strategy of peacebuilding. Such intervention would not only strengthen and consolidate peace, but create institutions to help avoid a recurrence of conflict. As regards the capability approach and peacebuilding, any outside intervention for peacebuilding in VPCS should aim toward expanding freedoms, and the measure for intervention should be the individual as an agent and as a subject.

22. O. P. Richmond (ed.), *Palgrave Advances towards Peacebuilding: Critical Developments and Approaches* (London, Palgrave Macmillan, 2010), 33.

23. Murithi, *Ethics of Peacebuilding*, 6.

24. Jeong, *Peacebuilding in Postconflict Societies*, 4.

25. *Ibid.*, 21.



Conflict, Security and Development: An Introduction, Danielle Beswick and Paul Jackson

London, Routledge, 2011. ix +173 pages. Glossary, bibliographical references, and index.
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Reviewed by Njeri Karuru

IN THE POST–COLD WAR ERA, researchers have come to recognize that state building and development cannot be achieved in the absence of security. Some scholars argue that the ‘securitization of development’ has, to a large extent, been facilitated by globalization, the end of the cold war, and the growth of new wars that are largely intra-state, involving (sometimes nebulous) non-state actors motivated by a variety of issues, including economics, resource extraction, and arms and drug trafficking. Danielle Beswick and Paul Jackson outline and examine the nexus between conflict, development, and security by drawing on academic theory, field research, and policy development. They also explore the implications of these fields’ connections for theory and practice and the ways in which different actors have sought to manage and resolve conflict in the developing world. Lastly, they investigate the challenges arising from post-conflict reconstruction based on the assertion that security and development are linked.

Conflict, Security and Development is organized into nine chapters. Chapter one examines security and development concepts and interrogates their use in academic literature in relation to development processes in the developing world. The authors review the evolution of the securitization debate, noting the linkage of security and development and the transformation of the security discourse from a traditionally military and national security focus to a more people-centered security approach.

In chapter two, Beswick and Johnson discuss conflict in the developing world and provide critical analysis of how conflict has changed in the post–cold war era. They examine Mary Kaldor’s influential work, *New and Old Wars: Organized Violence in a Global Era*, concluding that new wars are not necessarily new but instead represent shifts in emphasis by the actors involved. The third chapter interrogates the prominent narratives used to explain conflict in the developing world. These include the

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greed and grievance theory (Paul Collier and Anke Hoeffler, 2000), environmental conflict theory (Thomas Homer-Dixon, 1994), new barbarism and tribalism (Robert Kaplan, 1994), and structural violence (Samuel Huntington, 1996). The authors acknowledge the challenge of measuring conflict and therefore the difficulty of establishing a definition of it.

While the first three chapters form a theoretical foundation, chapters four through eight offer a practitioner's perspective on how various aspects of intervention affect conflict. Chapter four focuses on refugees and internal displacement and addresses causes of dislocation along with its impact and cost. Chapter five analyzes the role of development actors in conflict. It addresses the various types of aid and aid providers and how different approaches affect conflict. Chapters six and seven deal with international intervention and peacekeeping and private security, respectively. In both cases, the focus is peacekeeping. The authors note that private security is filling a gap and thus cannot be wished away. There is, therefore, a need to ensure accountability by providing regulatory frameworks. The issues of justice and accountability and the rule of law are addressed in chapter eight, in which the authors note the complexity of reestablishing security in post-conflict situations and the multiplicity of approaches and actors typically involved. Chapter nine focuses on future issues in security and development.

Conflict, Security and Development is designed to provide readers an accessible introduction to an extremely complex subject. In this sense, the book achieves its objective in offering a general overview of theories on conflict and development while at the same time critically analyzing existing theories in relation to practice, drawing examples from case studies and operational aspects that help in supporting the critical analysis.

The volume's contribution to the field lies in its moving forward the debate on the development security nexus, which has been growing in the last decade. It also provides a critical analysis of theories on security and development that enhance the understanding of the debate, in addition to making the point that theory does not necessarily translate into practical solutions and can change depending on the context and issues.

The authors bring together different schools of thought in one publication and draw comparisons and linkages in a useful manner for novices. The fact that it draws its analysis from a multidisciplinary perspective, involving political science, economics, and conflict management, points to the fact that conflict reduction and prevention require a holistic approach for success.

The summaries and questions at the end of each chapter prompt reflection on the issues addressed and also provide useful links to the subsequent chapter and issues for additional interrogation. The central arguments are easy to read and comprehend. The glossary features terms in the field of conflict, and the extensive references and bibliography point the reader toward useful resources for further reading.

Conflict, Security and Development is best suited for students, researchers, and practitioners with a basic understanding of post-conflict state building who are interested in reflecting on and interrogating theory and practice in security and development. Students in the social sciences, particularly international relations, law, anthropology, and peace and security studies, will find its overview of security and development helpful.

