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Editorial

Cedric de Coning

Our aim with the African Journal on Conflict Resolution is to curate empirical research on specific conflicts and conflict resolution initiatives in Africa. In this issue we have collected two articles that deal with protection, one in the context of how the African Union (AU)'s policy on the Protection of Civilians has been implemented in Somalia and South Sudan, and the other on the effectiveness of the Responsibility to Protect doctrine in the context of the civil war in Ethiopia. Our third article is about the reform of the United Nations Security Council (UNSC) and the quest for a permanent African seat in the Council. This issue also contains two articles about conflict over access to land in Ghana. One related to a chieftaincy dispute and the other related to tension between farmers and herders. The issue concludes with a book review about the women who chose to join the armed struggle against apartheid in South Africa.

In our first article Andrew E. Yaw Tchie, a Senior Research Fellow with the Norwegian Institute of International Affairs (NUPI) and Liezelle Kumalo, the Acting Gender Manager at the Centre for the Study of Violence and Reconciliation (CSVR), assess the extent to which the AU has been able to influence the capacity of states to protect their own populations where it has deployed peace operations. They find that although the AU has made progress, its protection of civilians policy has not been implemented effectively in South Sudan and Somalia.

In our second article, Israel Nyaburi Nyadera of Egerton University and Census O. Osedo of the Tom Mboya University, both in Kenya, analyse the effectiveness of the Responsibility to Protect (R2P) doctrine in the context of the international community's response to the civil war between the Ethiopian Government and the Tigray People's Liberation Front.

Our third article, by Niguse Mandefero Alene, Mohammed Seid Ali and Kebede Yimam Tadesse, all based at Bahir Dar University in Ethiopia, explore the arguments and challenges surrounding Africa's drive to secure a permanent seat in the UNSC. The debate around Security Council reform has been dormant for a long time, but it has flared up again in the wake of the Russian war on Ukraine. In almost all proposals put forward by various countries and groups, including by current permanent members, there is support for a permanent African seat. However, as the authors point out, the main challenge remains the need to find a formula for deciding which countries will represent Africa and the issues around the veto.

In the first article related to conflict resolution in Ghana, Bernard Okoampah Otu, a lecturer at the Koforidua Technical University and Kwasi Sarfo, a PhD candidate at the Centre for African Studies of the University of Cape Town, write about the conflict between migrant farmers and nomadic herders in the Kwahu Afram Plains District. This article shows that conflict over access to land does not only occur between indigenous and migrant groups but also between migrant groups and offers practical recommendations for managing these and other conflicts over access to land.

In our second article related to Ghana, Aminu Dramani, Sebastian Angzoorokuu Paalo, and Samuel Adu-Gyamfi, who are colleagues at the Kwame Nkrumah University of Science and Technology (KNUST), write about the Bawku chieftaincy conflict in the Upper East Region of Ghana. Their analysis suggests that a shared political and landownership system has the potential to resolve the struggle for absolute control of the Bawku paramountcy, but they also highlight several issues that such a system will have to address. Their article contributes to a growing body of literature in this journal and others on managing and resolving chieftaincy and related landownership issues in Africa.

As usual, this issue of the Journal ends with a book review. Anthea Garman, a professor in the School of Journalism and Media Studies at Rhodes University in South Africa, reviews Siphokazi Magadla's book, published by the University of KwaZulu-Natal Press in 2023, entitled *Guerrillas and Combative Mothers: Women and the Armed Struggle in South Africa*. Garman points out, that as the beneficiaries of their sacrifices, we owe an enormous debt to these women. She also argues that Magadla's book makes a major contribution to gender theory in South Africa.

We hope that you will find this collection of articles by African researchers on African conflict resolution experiences valuable for your research and practice.

Transferring Policy: The African Union's Protection of Civilians Policy in Peacekeeping Missions in Somalia and South Sudan

*Andrew E. Yaw Tchie and Liezelle Kumalo**

Abstract

The African Union's (AU's) doctrine underlying Peace Support Operations (PSOs) highlights the fact that the AU should take the lead in providing political direction for all AU PSOs. This includes mainstreaming the standards and operating procedures applicable to the Protection of Civilians (PoC). The PoC guidelines mandate the AU to support and complement the efforts of the host state by enhancing its capacity to secure civilians and prevent abuse against them. The guidelines have allowed the AU to develop and grow its institutional capacity and emerge as the continent's leading institution. It provides fragile member states with technical support through African-led and AU-mandated missions (crafting the concept of operations, training and implementation and procedures for peace operations). However, little is known about how the AU transfers its PoC policy to member states during peacekeeping missions. This paper assesses the institutional capacity of the AU and its ability to influence specific national PoC

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policies and approaches through AU PSO and United Nations Peacekeeping Operations (UN PKOs). The paper highlights that although the AU has made progress in PoC policy, it has not been implemented effectively and practically in South Sudan and Somalia, despite being a significant priority for the organisation.

Keywords: Protection of Civilians, African Union, AMISOM, UNMISS and Peace Support Operations

1. Introduction

In 2009, the African Union (AU) began developing a framework for a consolidated protection response. This would later lead to draft guidelines for the Protection of Civilians (PoC) in AU Peace Support Operations (PSO) (Williams, 2013:3). Later in 2012, the AU Peace and Security Council (AUPSC) imposed that the PoC should feature in all AU PSOs (PSC, 2012). This effort reflects two patterns often witnessed by international organisations. First, a pattern of leadership where the institution (the AU in this case) leads and demonstrates a bold willingness to pioneer a new agenda. Second, is a pattern where the AU, like other institutions, mirrors other international organisations like the United Nations (UN), the Regional Economic Communities/Mechanisms (RECs Ms) or the European Union (EU). Nevertheless, when it comes to the AU leading on matters related to the PoC during AU PSOs, there has been a particular focus on the military aspect of physical protection (Okeke and William, 2017).

Observations from across the continent note that evolving threats have meant that many of the African-led and AU missions are heavily militarised deploying counterinsurgency strategies within their operations. These missions include the African Union Mission in Somalia (AMISOM) which is now the African Union Transition Mission in Somalia (ATMIS). However, many of these operations miss key multidimensional approaches as intended within the design of their doctrines. These missions often have underlying population-centric or good governance strategies, designed to win the “hearts and minds” of the population as a primary means to counterinsurgencies and building states.

In missions where the AU plays a more supportive role, linked to international peacekeeping efforts like the United Nations Mission in South Sudan (UNMISS), the AU appears to be less visible. Also, its efforts appear to be left to communiques from the AU PSC that attempts to nudge the AU mission into action. As Appiah-Mensah and Eklou-Assogbavi (2012) state, responsibilities in the UN PKO for the PoC rest with the military, police, and civilian components. However, these responsibilities are predominantly a military undertaking in AU PSOs (Appiah-Mensah and Eklou-Assogbayi, 2012). This suggests that AU PSOs are not deployed to implement ceasefires or peace agreements after violent conflict has seized. Rather, they have to intervene amidst ongoing conflict and protect civilians, or stop a violent insurgency or insurrection (Somalia, CAR and Mali).

In addition, it suggests that AU PSOs are deployed to protect and support the state against identified aggressors and it operates in support of and, where feasible, alongside host nation forces. This significantly distinguishes them from the UN peacekeeping doctrine's principles of consent, impartiality, and minimum use of force, naturally allowing for the PoC. Additionally, the AU's civilian component is not formally institutionalised like its military equivalent (Tchie et al., 2022). Therefore, the AU PSOs, for the most part, have focused on carrying out peace enforcement tasks and it lacks multidimensional features like UN PKOs (Bara and Hultman, 2020). Finally, the AU PSOs remain relatively small and underfunded, but due to doctrinal differences from UN PKOs, it produces different PoC responses (de Coning, 2017).

This paper assesses how the AU seeks to achieve its PoC goals in two missions. The first mission is AMISOM, which was deployed in 2007 and ended in 2022 (AMISOM, 2021). The second mission is UNMISS, where the AU provides support through its field mission. The paper draws on qualitative interviews with senior experts from the AU, the UN as well as PoC advisors and civil society organisations working in the two states. The data collection process was conducted remotely due to the COVID-19 pandemic, but it sometimes involved face-to-face interviews with senior officials based in Ethiopia, Kenya and from UN regional offices. The study deployed a series of semi-structured questions with participants and utilised an existing network of officials from the two organisations. Additional interviews were conducted through a snowballing process which assisted the authors to collect more data from experts in the field. Respondents' contributions have been anonymised to ensure security and encourage an open dialogue. The interviews were conducted during the third quarter of 2021 to the end of quarter one in 2022. Finally, the authors went through several AU reports, official documents and PSC reports to ascertain where the AU were officially positioned with regards to the outcomes of the suggested policies.

The paper finds the AU statements and documents highlight a growing commitment to PoC, albeit inconsistent. However, implementation of this policy has not been institutionalised. We also find that acquired knowledge, lessons, expertise and policies on PoC in AU PSOs and through the AU's support to the UN PKOs are not transferred to national and local stakeholders.

The paper is divided into five sections. The first section outlines the AU's history on PoC, exploring how the AU's relationship with PoC has developed and where the institution rests on the PoC matters. It explores how the AU, in partnership with the RECs/RMs, approaches the matter of PoC through the principle of subsidiarity. The second section draws on the first case of Somalia, touching on the initial levels of indiscriminate violence that AMISOM found itself struggling with. It moves to explore how these challenges helped the AU move towards a PoC policy in PSOs. The third section explores the AU's role in PoC in South Sudan. It evaluates how the PoC is intended to be implemented through its field office within: (1) the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS); and (2) the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS). The fourth section examines the AU PSC and African Union Commission's (AUC) response to PoC in South Sudan. It also looks at whether there are advantages of having the AU in South Sudan and if the AU leaves a legacy of PoC to host states. The final section provides some concluding thoughts.

2. The AU's protection of civilian doctrine

Conflicts on the African continent are complex and often linked to the legacy of colonialism and ethnic-regional hostilities (Ifeoma, 2011). However, within this context, the AU is the leading actor responsible for peace maintenance on the continent and ensuring civilian protection. The indigenous model of protection holds that conflict management strategies are local. Also, the effective management of conflict should be aligned to the local context, and solutions should derive from local settings (Lund, 2021). It is in this context that the traditional African perspective of conflict is viewed and considered to be a problem in societal relationships, values, and beliefs (Lund, 2021). Therefore, conflict resolution and management aim at restoring healthy relationships and creating harmony within communities through communal identity initiatives such as healing and resolution (Lund, 2021). Within this framework and following the paralysis of the international community to prevent the genocide in Rwanda and address the horrific situations in Liberia and Sierra Leone, African leaders took preventative action. They made certain provisions in Articles 4(h) and (j) of the Constitutive Act of the AU (2000). These provisions, among others, enable the AU to use force, as a last resort, for the prevention of war crimes, grave violations of human rights, and genocide.[1] The turn from the Organisation of African Unity's (OAU's) non-interventionist principle to the AU's institutionalised mechanisms marked a new direction for the continent (Murithi, 2012). These mechanisms aim to intervene in the internal affairs of member states to protect civilians and respond to war crimes, genocide and mass atrocities against civilians (Apuuli, 2012).

The success of African-led PSOs during the early 1990s to the late 2020s encouraged the AU and the RECs/RMs to develop Africa's capacity to deploy operations to deal with insecurity. This increased the number and capacity of PSOs being deployed across the continent. It resulted in the African Standby Force (ASF) initiative launched in 2003 which forms part of the African Peace and Security Architecture (APSA). The APSA was structured on objectives, principles, values, and decision-making processes to prevent, manage, and resolve crises, conflicts, and post-conflict reconstruction and development on the continent (de Coning et al., 2016). The APSA also included conflict resolution mechanisms focused on protecting and securing the state, with little focus on human security (Sesay and Omotosho, 2011). In this context, the PoC in Africa is underpinned by the APSA which is a crucial AU mechanism to promote peace, security, and stability on the continent. The APSA is underpinned by five pillars: (1) early warning and conflict prevention; (2) peace-making; (3) peace-support operations; (4) peacebuilding and post-conflict reconstruction; and (5) development. This is strengthened by four approaches which fortify the work of the APSA: (1) the promotion of democratic practices; (2) good governance and respect for human rights; (3) humanitarian action; and (4) disaster management (APSA, 2003). Therefore, the transition from the OAU to the AU can be viewed as a regime with normative and institutional change where its stance focuses on "non-indifference" whereas its predecessor focused on "non-interference" (Dersso, 2011).

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[1] Art. 4 of the Protocol on Amendments to the Constitutive Act of the African Union, adopted by the 1st Extra-Ordinary Session of the Assembly of the African Union, Addis Ababa (Ethiopia), 3 February 2003. The Protocol shall enter into force thirty days after the deposit of instruments of ratification by a two-thirds majority of the Member States. The Protocol also amends Article 5 of the Constitutive Act to include the Peace and Security Council as one of the organs of the Union.

In 2009, the AU began working on a framework for the PoC with the AU PSC. They recognised that their previous missions such as the African Union Mission in Burundi (AMIB), the African Union Electoral and Security Assistance Mission to the Comoros (MAES) and the African Union Mission for Support to the Elections in Comoros (AMISEC), and The African Union Mission in Sudan (AMIS I and II) (de Coning et al., 2016) were inadequate to deal with and respond to the protection needs of civilians (AU, 2011). The AU understood that protection in African-led PSOs would have to be paramount in ensuring that the rights of individuals in the conflict-affected areas are safeguarded. As a result, the AU, through the APSA, decided that the PoC should be mainstreamed across the whole spectrum of the AU's peace, security, and stability processes. The PSC defined the PoC as "activities undertaken to improve the security of the population and people at risk, and to ensure [the] full respect of the rights of groups and the individual recognised under the regional instruments" (AU, 2012). This meant, conceptually, that the AU viewed the PoC strategy as part of four tiers (AU 2013a): (1) protection as part of the political process; (2) protection from physical violence; (3) rights-based protection; and (4) the establishment of a protective environment (AU, 2013a). This means the AU conceptually views protection from physical violence in highly insecure environments through four phases (AU, 2012). Phase One is prevention, which is protection based on minimising the risk of escalation of uncontrolled violence. Phase Two is pre-emption, which is protection based on measures that preclude or defeat imminent threats. Phase Three is response, which is protection based on the proportionate use of force. Phase Four is consolidation, which is protection based on ensuring that threatening groups are not able to restore their fighting capability (AU, 2013a).

Essentially, the AU recognised that political engagement is a strategy that will protect civilians, given that combatants often do not fully commit to protecting them. The AU also recognised that the four phases may co-exist in a mission, but protection is not seen as sequential. This demonstrates that protection from an AU perspective separates physical protection from political stabilisation processes, as seen in Somalia and the Central African Republic. In these countries, the AU deployed forces and mandated peacekeepers to support state authorities in protecting their citizens (Alhali and Akpasom, 2015). While the AU's approach to PoC is robust and emphasises a multidimensional approach to PSOs (Dembinski and Schott, 2013), the AU's own track record demonstrates that it has taken a militarised approach towards ensuring PoC (Gelot, 2017). This is largely because the AU is often deployed as a first responder to settings where there is no peace and often has a peace enforcement mandate. However, given the high-risk environment in which AU PSOs are deployed, the AU PoC approach is often associated with high casualty rates among intervention forces (Okeke and Williams, 2017).

2.1 Protection as a political process

The inherent nature of the PoC, whether in the mandating or implementing process, remains a political process. The AU underscores that the peace process should be well-managed, and that justice and accountability are the “best form[s] of protection for a civilian population” (AU, 2012). This is in line with African indigenous models of protection. These models focus on seeking restorative justice and atonement, compared with western concepts of protection which often seek to blame or eliminate the lawbreakers (Okeke and Williams, 2017). However, the AU’s predominant military approach to PoC (contrary to the indigenous model) has not been matched by a robust political strategy that could build sustainable peace when PSOs are deployed (Okeke and Williams, 2017).

The indigenous model understands conflict as a breakdown of societal beliefs, values, networks, and relationships (Brock-Utne, 2001). Whereas rights-based protection is based on monitoring individuals and groups to ensure that human rights are adhered to. It requires that PoC mandates are developed in such a way that they respond in a timely and decisive manner to incidents of human rights violations (Hunt, 2019). The rights-based protection is derived from the Constitute Act of the AU. In this Act, Article 4 (J) does not require the AU to get consent from member states to intervene in the resolution and management of conflict. An example of this approach was the AU’s attempt to deploy 5 000 peacekeepers to Burundi during the 2015 election crisis. In this case the AU responded to early warning indicators and wanted to deploy human rights observers (ICG, 2016).

However, the rescinding of the AU PSC decision to deploy the African Prevention and Protection Mission in Burundi (MAPROBU) demonstrated that the AU required more time. Also, the decision should have been taken at heads-of-state level and not at ambassador level which was limited to providing advice. The MAPROBU (declared on 17 December 2015) was envisaged as deployment under Scenario Six of ASF deployment scenarios. This is to be undertaken with or without the consent of the government to prevent genocide and mass atrocities in line with the ASF-deployment scenarios. However, the Burundian government rejected the force. In fact, the authorisation of Article 4(h) under Scenario Six requires at least a two-thirds majority of heads of state for such a decision to be adopted. In other words, unilateral intervention without the explicit consent of the state requires an assembly-level decision. Eventually, the AU PSC at the heads-of-state level overturned the decision in January 2016 in order to establish MAPROBU (AU PSC, 2016).

2.2 Subsidiarity

The AU Constitutive Act recognised RECs/RMs as building blocks of the AU (Dembinski and Schott, 2013). There are eight recognised RECs/RMs. The AU acknowledges these building blocks. The cooperation between the AU and RECs is based on a memorandum of understanding (MoU) signed in 2008. Also, it is guided by the principles of subsidiarity, complementarity, and comparative advantage (AU, 2022). The principles are not understood in the same way across all RECs/RMs, especially in terms of the division of labour or the correct actions that should be undertaken (Vanheukelom, 2016). This is even more pronounced regarding what constitutes protection and the role of the RECs as opposed to that of the AU. Yet, the PSC protocol does not explicitly refer to subsidiarity or that the partnership modality should be determined by the comparative advantage of each of the RECs/RMs (Vanheukelom, 2016).

Part of the challenges relates to the fact that not all RECs have the same institutional capacities. Moreover, some of the RECs existed before the AU and therefore have longer established processes for dealing with security matters. For example, the Economic Community of West African States (ECOWAS) has been dealing with regional security issues since 1993 through the Treaty of Lagos. The Treaty states that ECOWAS is responsible for the "maintenance of regional peace, stability and security through the promotion and strengthening of good neighbours" (ECOWAS, 2022). Then there is the issue of who takes the lead in protecting civilians during conflicts and within deployed missions. This becomes murky when the AU and the RECs have a different understanding of who is supporting whose initiative on the ground. The next section draws on the case of Somalia, exploring how the mission contributed to assisting the AU to move towards a PoC policy in its PSO.

3. Somalia

AMISOM was a unique African enforcement mission deployed in 2007. It was led by the AU and designed to provide support and protection to civilians of Somalia, with provision by the UN to provide logistics *support* amongst other support (AMISOM, 2021). The AU had initially planned a six-month mission, followed by a UN mission. However, a lack of buy-in from the United Nations Security Council (UNSC) meant the UN could not deploy a multidimensional PKO (Samatar, 2007). Despite AMISOM's challenges, such as a lack of initial investments and resources as well as a reluctance to deploy forces from some African Troop Contributing Countries (TCCs) (TRF, 2007), AMISOM made significant progress. It succeeded in areas where neither the UN nor the United States (US) was able to achieve success during the early 1990s under the United Nations Operation in Somalia I (UNOSOM I) (1992–1993), the United Nations Operation in Somalia II (UNOSOM II) (1993–1995), and the US-led Unified Task Force (1992–1993) Operation Restore Hope (Tchie, 2022). Troops from Burundi and Uganda were among the first to be deployed as part of AMISOM to fight Harakat al Shabaab al-Mujahideen (al-Shabaab) in Mogadishu. The forces had to fight without essential logistical support, training on PoC and the training required for close-quarter urban fighting (Williams, 2017a). This resulted in a steep learning curve for the two TCCs. AMISOM, working with allied armed groups, succeeded in prolonged urban combat against local militia forces, demonstrating a high degree of adaptability. However, it has also led to intense clashes in local areas where civilians resided and gave rise to concerns of indiscriminate fire against civilians. This proceeded with the creation of the Federal Government of Somalia (FGS) and the liberation of areas across the south from al-Shabaab through a clear-hold-build strategy (Williams, 2017b; Bruton and Williams, 2014; 2018). Its core tasks included: (1) protecting senior Somali Transitional Federal Government (TFG) officials and others engaged in the political reconciliation process; (2) conducting an enforcement campaign against al-Shabaab and other actors determined to destroy the TFG; (3) supporting the Somali security forces; (4) implementing a range of civil-military assistance projects (including delivery of water and medical services to the local population); (5) engaging in policing tasks; and (6) providing training and logistical support to TFG security forces (Menkjhaus, 2007).

Over time, AMISOM developed a PoC framework within its AU PSO doctrine by drawing upon the AUC expertise and devising its own strategy, despite not having a clearly defined PoC mandate. In 2010, AMISOM – due to its indirect-fire policies – developed various corrective actions designed to meet its obligations under International Humanitarian Law (IHL) (ICRC, 2002). This reform process was primarily seen as one of the approaches to dealing with the large PoC gap. This gap was emerging in part due to the type of warfare that AMISOM was partaking in. It included developing a refined indirect-fire policy, revising its rules of engagement (ROE), and updating its political communications strategy. Despite the best intentions, the plans to correct the challenges did not fully amount to a PoC policy in order to ensure that AMISOM could effectively realise a proactive PoC mandate. Instead, what emerged was an attempt to avoid the challenges that were emerging from a PoC standpoint. AMISOM was not alone, as the UN was also trying to develop its full PoC policy during this period. Various challenges were facing the UN. These included conceptual clarification over whether protection activities are the mission's primary mandate or part of its many tasks. Also, how this is embedded into the identity and culture of the mission and its staff. While AMISOM had no policy or doctrine with regards to PoC for AU PSOs at the time, it was still obliged under IHL to protect civilians as part of its broader remit. However, AMISOM's mandate to protect the TFG made it part of the armed conflict in many ways, adding a layer of complexity. It also reduced AMISOM's desire to venture further and conduct patrol to ensure PoC (Williams, 2013).

Williams notes that the only other AU PSO mission with a specific PoC language was the AU Mission in Sudan. This mission transformed into the AU-UN Hybrid Operation in Darfur (UNAMID) in early 2008, so it is unclear why the AU never developed this policy earlier (Williams, 2013). AMISOM's ROE, stated that TCCs could use force in some situations beyond self-defence, including "to afford protection to civilians under imminent threat of physical violence" (AMISOM ROE, 2007). However, outside of AMISOM's ROE, there were no formal documents or doctrine on PoC matters. In addition, there was little effort to communicate and transfer this discussion to the national actors or forces, specifically the Somalia National Army (SNA). As one respondent remarked, "We were overworked and trying to do our best given a very restrictive environment and being attacked daily did not help". Further adding, "We could not systematically transfer this to the national force fully … while there was some training etc., our everyday work with state institutions differed" (Non-attributable comment, 2022). Another respondent indicated that some effort was made through AMISOM's training to SNA, but this was nowhere near the levels needed to transfer institutional knowledge to forces (Non-attributable comment, 2022). A further challenge was the flood of actors providing training, and it was unclear "how much knowledge and focus there was on PoC training and capacity building to SNA forces" (Non-attributable comment, 2022). In the revised 2010 ROE, AMISOM was given further direction on how forces were to protect civilians. Rule no. 1.7 stated, "Use of force, up to and including deadly force, to protect civilians, including humanitarian workers, under imminent threat of physical violence is authorised ... sought from the immediate superior commander." However, it is still unclear whether this was ever developed during the mission's lifespan.

Parallel to these developments, in 2010, in Kampala, the AU Assembly requested the AUC to develop a framework for action and provide guidelines on PoC in AU PSOs (AU, 2010). While draft guidelines for PoC in AU PSOs were institutionally developed, the AU was slowly moving to formalise its understanding of PoC in line with global debates. The Assembly, the AUC, and others insisted that the AUC develop this aspect. However, little was reflected in AMISOM's mandate that would allow them to implement and transfer the PoC policy to state entities or to troops operating in AMISOM-deployed sectors. Therefore, the AU would eventually frame the PoC as "all activities aimed at obtaining the full respect for the rights of the individual recognised under regional instruments including the African Charter of Human and Peoples' Rights, the Convention on Internally Displaced Persons, and the

Convention Governing the Specific Aspects of Refugee Problems in Africa, and international law including Humanitarian, Human Rights and Refugee law" and not as a specific PoC policy in AMISOM's mandate. Nevertheless, significant challenges were emerging. Also, pressure arose for the AUC to adopt a PoC policy, especially since AMISOM's resources and capabilities were structurally limited and not set up to do multidimensional PKOs or PSOs. AMISOM would need better monitoring, evaluation and coordination mechanisms and a means of collecting further intelligence and information on operations. This would have been crucial for ensuring compliance with developing a policy on PoC within the IHL framework (Williams, 2013).

AMISOM's Concept of Operations (CONOPS) in late 2011, adopted by the AU in 2012, did not indicate or flag the PoC as part of the mission's mandate nor was there a mention of the need to pass on this developing capacity to the national forces or the state and its institutions. This means that while the PoC was absent from the CONOPS, it primarily focused on the mission. There was no focus on institutionally transferring acquired knowledge to the state as the mission evolved and once the mission had transitioned. Since AMISOM's initial deployment was focused on the military, there was a general lack of relevant PoC doctrine, guidelines, and training (Giffen, 2010). Equivalently, African Training Centres of Excellence were "figuring out what PoC meant as was most of the western world" (Non-attributable comment, 2022). In 2011, the AMISOM Mission Implementation Plan identified PoC as one of AMISOM's five critical diplomatic and political tasks. In its words, "AMISOM is committed to the adherence and implementation of International Humanitarian Laws and Rules of Engagements approved for the mission" (AMISOM, 2011). The AU PSC 326th meeting in June 2012 may have been the trigger for "mainstreaming PoC issues" in its press statement. It indicated that it was important for the AUC to re-examine its standard operating procedures for PSOs and "PoC must form part of the mandate of future AU missions" (AU, 2012). Nevertheless, the AU-PSC memo and subsequent documents also missed several opportunities to transfer the institutional lessons learned on PoC to the state. It also did not support the state's overall capacity to develop long-term and sustainable PoC policies.

Since 2015, AMISOM's operations have been subdivided into smaller operations (Leopard Hunt and Badbaado) in Lower Shabelle. However, little had changed when it came to its PoC policy. AMISOM took five years to adopt an explicit PoC mandate after the mission was deployed. A PoC mandate was only adopted in May 2013. This is the same amount of time that it took to dislodge al-Shabaab from the capital. AMISOM's malfunction on PoC originated from three challenges. First, the failure to protect civilians from attacks conducted by al-Shabaab. Second, AMISOM failed to protect people where the terrorists had become embedded among civilians. Third, a failure to protect civilians when it came to mistaking them for al-Shabaab has led to indiscriminate violence against civilians, especially indirectly by failing to protect others from al-Shabaab snipers and attacks (UK Government, 2017). The sea of change from donors meant that from 2015, AMISOM's focus changed. It pivoted towards degrading threats and creating a stable environment instead of seeking ways to transfer its PoC knowledge to state forces. Leading up to the London conference (2017) and its transition from AMISOM to ATMIS, AMISOM primarily focused on three mandates: (1) reduce the threat posed by al-Shabaab and other armed opposition groups; (2) enable the gradual handing over of security responsibilities from AMISOM to the Somali Security Forces (SSF) contingent on the SSF's abilities and political and security progress in Somalia; and (3) provide security to enable the political process at all levels and stabilise efforts, reconciliation and peacebuilding in Somalia. The UNSC Resolution 2372 (2017), which was re-authorised by Resolution 2520 (2020), endorsed AMISOM to carry out these three priority tasks. By mid-2018, the Somali Transition Plan was endorsed and stipulated a phasing of AMISOM based on a transfer of security responsibility to SSF and other state security institutions between 2018–2021 (AMISOM, 2017). The reduction of AMISOM forces was intended to phase in and increase effective SNA as part of the broader SSF efforts. However, due to past political disagreements, progress was limited, and AMISOM has been working in an ad hoc manner to accommodate a growing suite of demands.

The AU would adopt a PoC policy for AU PSOs. However, the mandated task of protection for AMISOM would move away from being mandate-focused to adopting an institutional focus through its AU-PSO doctrine in an attempt to meet the mission's IHL and international obligations to donors (Tchie, 2022). However, AMISOM did not reconfigure its operations to carry out holistic forms of PoC. Instead, it continued with heavy military operations designed to degrade al-Shabaab while trying to uphold its obligations under IHL. The AU has moved to institutionalise its AU PoC doctrine within PSOs, but this is yet to transfer to newly formed African-led PSOs conducted by the RECs/RMs or member states. For example, there has been a growing trend across the continent to move away from large-scale PKO and AU PSO to coalitions of the willing, labelled Ad-hoc Security Initiatives (ASIs) such as: (1) the AU-authorised Regional Cooperation Initiative against the Lord's Resistance Army, RCI-LRA (2011–2019); (2) the Multinational Joint Task Force against Boko Haram in the Lake Chad Basin, MNJTF (2015–ongoing) (MNJTF, 2022); and (3) the G5 Sahel Joint Force (FC-G5S) (2017–ongoing) (UN, 2021; de Coning et al., 2022). However, there is no specific PoC policy for each mission, despite the AU providing support to these missions. Finally, with this new emergence, it is unclear how much engagement the AU has with these ASIs on its PoC policy and how it ensures that ASIs adhere to these policies.

4. South Sudan

South Sudan's independence was built upon half a century of wars (Wassara, 2015). Factionalism within the national government saw the formation of two distinct camps. These two camps supported either President Salva Kiir or Vice President Riek Machar, contributing to the outbreak of violent conflict in 2013 (Tchie, 2021). These factions extended into the military, with President Kiir reported having independently recruited up to 7 500 soldiers that were not absorbed into the national army (AUCISS, 2014). Factionalism within the leadership trickled into broader society and the conflict would later be characterised as an ethnic war (Jok, 2021). The armament of ethnicity was demonstrated mainly by the independent mobilisation of militaries along ethnic lines that saw the specific confrontation between Dinka and Nuer soldiers

(Tchie, 2019 in IISS; Wassara, 2015). Despite signing the R-ARCSS in September 2018, the conflict has been continued by non-signatory armed groups (Cone, 2019). As a result, South-Sudanese citizens are finding themselves in an awkward situation of neither war nor peace.

Partly as a response to deal with ongoing conflict in South Sudan, the United Nations Mission in South Sudan (UNMISS) was mandated to ensure the protection of civilians. However, as a cross-cutting issue they also focused on preventing and responding to conflict-related sexual violence, child protection, and human rights (Verneij, 2022). Nonetheless, the AU was allocated the role of leading the Commission of Inquiry into human rights violations during the civil war. The commission was positioned to have a more forceful and direct role (Day, 2022). Economic issues that mainly related to oil and water were addressed, whether through the Comprehensive Peace Agreement (2005) or the Agreement of the Resolution of the Conflict in South Sudan (2015) (Day, 2022). In addition, the peace processes were negotiated on the wrong assumption that South Sudanese political elites would implement an agreement toward the well-being of the people (Donais and Solomon, 2022). In fact, ongoing conflicts are also part of the "unresolved power struggle among an ageing political class" (Donais and Solomon, 2022). Muddying the rivalry contestation is the promise of economic spoils gained from a high political office used for self-enrichment and ethnic military patronage. Towns like Yei were the centre of the conflict, where government soldiers during a counterinsurgency killed, raped, and tortured civilians. This led to the displacement of thousands of people (HRW, 2016). Finally, violence has shifted from the public to the personal domain, with increasing evidence of sexual and gender-based violence, especially against women and girls (Ellsberg et al., 2021).

4.1 The African Union Peace and Security Council and the African Union Commission's response

A central feature of the APSA is that PoC and human security should prioritise all AU interventions. By redefining state sovereignty, the AU's Constitutive Act allows for the right of the organisation to intervene in a member state in grave circumstances. This creates the legal basis for the AU to intervene and prevent or stop heinous crimes against civilians.

Therefore, the AU has a legal obligation to pursue PoC across the full spectrum of peace and security processes from prevention to the post-conflict phase, including in South Sudan (Dersso, 2017). Although the AU does not have a PSO in South Sudan, its participation in the country's pre-independence was relatively strong before the civil war broke out. However, the AU's initial support was unclear and uncoordinated, with the organisation often appearing and then handing over the mediation process to the Inter-Governmental Authority on Development (IGAD). Subsidiarity in the APSA context is based on three elements: (1) decision-making; (2) division of labour; and (3) burden-sharing. Therefore, the AU's principles of subsidiarity focused on regional mechanisms dealing with local conflicts (Motsamai, 2017). However, in reality, the partnership between the AU and the RECs/Ms is challenging. The challenges pertain to understanding how, where, and what type of intervention is needed by the AU or the REC/Ms, especially in the area of PoC.

For example, in 2007, the AU PSC, through the 89th Communique, issued the establishment of the AU Liaison Office in Juba. The office was established to monitor the Comprehensive Peace Agreement. It was mandated to monitor and report on the political and security situation and propose options for building a viable nation (AU Juba, 2022). When the conflict broke out in 2013, the AU PSC declared, at its 409th session, its readiness to assist in resolving the conflict through peaceful means (AU, 2013b). At its 411th meeting, the AU PSC mandated the Commission of Inquiry on South Sudan, separate from the formal IGAD-led mediation process. The purpose of the three-month Commission was to investigate,

> human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all South-Sudanese communities (AU, 2014).

The Commission recommended that an African-owned, legal mechanism sponsored by the AU should consist of South-Sudanese judges and lawyers. Therefore, a hybrid court was to be formed and designed to deal with the atrocities of the conflict. The one recommendation of the report was that certain aspects of justice must be deferred. The purpose was so that a peaceful environment could be established to build institutions that could formally support justice processes (Onapsam-Onapa, 2019). The AU Ad Hoc Committee (C5) on South Sudan was also established to bolster continental support for the peace process. The C5 is made up of five African regions, including Algeria, Chad, Nigeria, Rwanda, and South Africa. As per the AU PSC 484th meeting, the initial mandate decided that the C5 would enhance the IGAD-led mediation (Amani Africa, 2019). But in July 2016, the AU announced that it had approved the deployment of a regional military force to South Sudan. The purpose was to enhance the UN force of 12 000 that was already stationed in South Sudan. The regional force was never deployed.

This was later followed by the AU PSC 645th meeting held on 22 December 2016. At this meeting, the PSC adopted a decision regarding the mandate of the AU High-Level Implementation Panel on Sudan and South Sudan (AU HIP) (AU, 2016). The mandate of the AU HIP was extended for another period of twelve months, starting from 01 January 2017; it should be noted that this panel mainly worked on Sudan-South Sudan conflicts and less on the internal South Sudan conflict. This is why in October 2016, the then chairperson of the AUC launched a campaign to address the challenges of women in South Sudan and establish some form of accountability (AU, 2016). The campaign should have been the first step toward establishing a hybrid court in South Sudan. The R-ARCSS in 2018 mandated that a Hybrid Court of South Sudan be established. The AU was to take the lead on its formation. The role of the AUC is to provide structural and institutional guidelines for the Hybrid Court for South Sudan (HCSS). These guidelines should refer to the location of the court, its infrastructure, funding, enforcement mechanism, judges' composition, judges' privileges and immunities, and applicable jurisprudence (IGAD, 2018). The AU Commissioner, Moussa Faki Mahamat, committed to signing a MoU on establishing the AU HCSS in 2021 (AU, 2021). However, by the end of 2022, there was no evidence of any action taken with regard to establishing the court, truth-telling or any sort of compensation mechanism (HRW, 2021).

Nevertheless, by 2019, the implementation of the Revitalised Agreement in South Sudan stagnated. The Ad hoc Committee required that the AU, IGAD and C5 step up their political engagements with political leaders in South Sudan (AU, 2019). All these interventions yielded little results in cementing peace or protecting civilians, as evidenced by the extension of the transitional period (Reuters, 2022) and continued attacks against civilians (Global R2P, 2022).

4.2 The comparative advantage of the African Union in South Sudan

Due to the conflict in South Sudan becoming more localised, there is a critical gap in understanding how different types of conflict affect individuals, households, and communities (Dowd and Kumalo, 2022). According to the AU, UNMISS bears the primary responsibility of PoC. The reason given for this is that the AU does not have the logistical capability, not even complementarily, to support any PoC initiative (Non-attributable comment, 2022). Therefore, political support for peace processes is interpreted in South Sudan as a hands-off approach to PoC regardless of the APSA mandate. The AU has a strategic advantage with regard to political engagement in South Sudan, especially in terms of bringing actors together in support of the UNMISS mandate (Day, 2022). However, despite this, the AU does not consider PoC issues in these forums in South Sudan. In addition, the AU liaison office in Juba does not view its own efforts in relation to PoC, neither does it see PoC as part of its mandate. A challenge in South Sudan is that the AU and external actors seek quick fixes instead of identifying opportunities to work on longer-term engagements (Donais and Solomon, 2022). Beyond high-level visits and engagements in the Reconstituted Joint Monitoring and Evaluation Commission, the AU has not supported a process of accountability or ended impunity and crimes committed against civilians (HRW, 2021). The current achievement has mainly been due to IGAD taking a behind-the-scenes approach without any real PoC strategy or focus from the AU or jointly with UNMISS. Nevertheless, the AU, through its diplomatic influence, ensured that the warring factions signed the various peace agreements. (Non-attributable comment, 2022). Another challenge for the AU regarding PoC in South Sudan is that processes are not institutionalised or passed down to the various institutions at state or regional level in the country (Motsamai, 2017).

5. Conclusion

The paper assesses the AU's PoC efforts in two different cases to shed light on some of the challenges with implementing the AU's PoC policy and ensuring that this is transferred to the host nation. The AU has done well to adapt and approach the PoC needs on paper especially in the field of PSOs. The PoC policy, lessons, and acquired knowledge in the cases of Somalia and South Sudan are of great importance. However, it was not transferred or adopted by the state or its entities within the respective states that the AU operated in, and this remains a challenge. The two cases demonstrate that when the AU leads, there are important consequences. In these cases, the AU is more inclined to meet its PoC commitment (due to the PSC authority) and avoid challenges with what seems to be reputational damage control. However, when it is not leading but instead partnering with a large entity like the UN or a UN PKO through its field office or mission, the situation changes. In these cases, the AU on the ground lacks any ability to fully implement its policies. In addition, the analysis finds no evidence that AU PoC policies are being transferred to national and local actors. It means the institutional knowledge and capacity of PoC are being lost and not transferred to the states beyond the missions. This creates a potential issue for the AU once the missions have left.

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Civil War between the Ethiopian Government and the Tigray People's Liberation Front: A Challenge to Implement the Responsibility to Protect Doctrine

*Israel Nyaburi Nyadera and Census Osedo**

Abstract

How does the 2020–2022 civil war in Ethiopia contribute to our understanding of the Responsibility to Protect (R2P) doctrine? This study seeks to revisit the debate over the effectiveness of the R2P doctrine in the wake of increased intrastate conflicts. The objective is to assess the dilemma that arises with the implementation of R2P when governments are involved in the conflict and the international community is reluctant or unable to intervene. The study adopts the systematic review approach (PRISMA) to identify the shortcomings, trends, and debates around R2P. It uses the Ethiopian civil war to contribute further to the existing body of literature. The paper finds that, indeed, the R2P doctrine is facing serious challenges with its implementation. It shows that when governments fail to acknowledge the other actors as legitimate combatants and instead describe them as terrorist groups, it becomes difficult to uphold the R2P doctrine. The paper also identifies a lack of leadership and coordinated efforts at regional and international levels as

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contributing factors, which further undermine the effectiveness of R2P. The paper concludes that the Ethiopian civil war exposes serious shortcomings in the R2P doctrine that need to be reviewed and reformed urgently. It proposes the adoption of a systems-thinking approach that can streamline the actors and processes of response during civil wars.

Keywords: R2P, Ethiopia, Conflict, Liberalism, return of war

1. Introduction

The adoption of the R2P doctrine was received with both excitement and scepticism among policy makers and researchers alike (Newman, 2013; Junk, 2016; Bellamy, 2022). Researchers have sought to examine the impact of R2P on, among other issues, conflict resolution, state sovereignty, and humanitarian interventions (Martin, 2011; Zimmerman, 2022; Berg, 2022). At the core of these studies was the occurrence of mass atrocities which were witnessed during conflicts in places like Srebrenica and Rwanda in the 1990s. It sparked the need to develop a framework that would address the obstacles that hindered international interventions in countries where governments were unable or unwilling to protect civilians during a conflict.

The ideas of non-interference and sovereignty had emerged during the Treaty of Westphalia. At the time, they were seen as the underlying reason for the inaction by international and regional actors with regard to the domestic affairs of other countries (Cohen and Deng, 2016). Nonetheless, the horrors of genocide and other war-related atrocities motivated the International Committee on Intervention and State Sovereignty (ICISS) to recommend the R2P doctrine in 2001. It was later overwhelmingly ratified by states during the United Nations (UN) General Assembly in New York in 2005. Proponents viewed this as a unique way of preventing the kind of tragedies that had characterised the conflicts in Srebrenica and Rwanda.

This is because the R2P doctrine states that “(1) sovereign states have a responsibility to protect their population against genocide, crimes against humanity, war crimes and ethnic cleansing; (2) the international community should help individual states to live up to that responsibility, and; (3) in those cases where a state is incapable or unwilling to protect its citizens, other states have a responsibility to act promptly, resolutely and in compliance with the UN Charter" (Thakur and Weiss, 2009).

However, since the ratification of the R2P doctrine, its implementation has faced an uphill task and, in many instances, has come under criticism. The Arab spring that had spread across North Africa and the Middle East allowed both proponents and opponents of the R2P doctrine to reflect on their positions. For example, the intervention in Libya (Nuruzzaman, 2022; Kul, 2022), which had a tragic result, gave the opponents of R2P some basis to strengthen their view of non-interference and sovereignty. At the same time, it gave proponents of R2P reasons to rethink and build consensus on how the doctrine could be best reformed. The purpose would be to ensure its longevity and acceptance in the long term (Wamulume et al., 2022; Pison, 2022).

Furthermore, R2P's effectiveness has also come into question during the conflicts in Syria, Yemen, Somalia, South Sudan, and other parts of the world (Nyadera, 2018; Nyadera et al., 2023). This has sparked a serious debate on whether R2P is capable of achieving some of the objectives it has set out to achieve. The grounds upon which R2P was established remain solid and even opponents cannot overlook its importance in ensuring the protection of civilians during conflicts. However, some of the concerns that have emerged relate to the abuse of the R2P doctrine by states seeking to promote their own interests. In addition, there are other normative questions that remain problematic. These include the criteria and timing of interventions, accountability when such interventions worsen the situation, and the issue of whose responsibility it is to intervene (Murray, 2012; Zähringer, 2021; Pedersen, 2021). The challenges facing the implementation of R2P continue to emerge with the conflict in Ethiopia.

The conflict in Ethiopia between the government and Tigray People's Liberation Front (TPLF) has been a key cause of concern for policymakers and researchers. This is because of the devastating impact it continues to have on the civilians. It is also because of the timing given the ravaging effects of the COVID-19 pandemic and how that exacerbates the suffering. Despite emerging literature on the conflict, there has been limited attention directed towards a much bigger question that has the potential of challenging the effectiveness of some international norms and doctrines. In this particular conflict, the challenging question arising is whose responsibility it is to protect civilians during the war? The R2P doctrine is clear on the government's responsibility to protect its citizens from potential genocide. However, certain factors pose a difficult challenge in the implementation of the R2P doctrine. These include crimes against humanity, extrajudicial killings, ethnic cleansing and war crimes, the asymmetric nature of this conflict as well as the actors involved. Indeed, such complexities are not unique in Ethiopia. The crisis in Syria, the war in Libya, and the catastrophe in Yemen can all be understood from this lens. It has been two decades since the R2P doctrine was adopted. It seems to be facing immense challenges domestically where the government does not want to acknowledge that there is a conflict that can lead to mass atrocities. It also faces international challenges where power play within the United Nations Security Council (UNSC) undermines decisions on humanitarian intervention (Lepard, 2021; Welsh, 2021).

With civilians caught up between the government and TPLF forces, the risk of atrocities and war crimes being committed against civilians by both parties increases substantially. Even more importantly, some of the government response measures and narratives such as requesting civilians and other international actors (such as Eritrea) to join its efforts against the TPLF signal problems. It not only signals the complexity of the conflict but also the danger of mass atrocities being committed. The motivation to carry out this study is to examine the complexities of the conflict and propose a systems-thinking approach as an alternative framework. Such a framework can integrate regional organisations into the R2P doctrine creating a new layer of actors who can respond should the government and the international community fail to act on time. While both parties to the conflict have been blamed for committing atrocities and war crimes, it is the weaknesses of existing conflict analyses, resolutions, and management frameworks that call for reforms. The Ethiopian civil war is not only a timely case study to examine, but it also has clear characteristics that would necessitate the activation of the

R2P doctrine. Indeed there is a threat posed to civilians by both parties and there is an inability/lack of commitment by the government to protect civilians in areas where the government experiences opposition. This justifies the choice of this particular civil war.

The paper then examined reports on the nature and intensity of the violence. It used this information to question why the government of Ethiopia has not lived up to the expectations of domestic and international norms as prescribed under R2P. It also assessed the reasons for the slow humanitarian intervention in Ethiopia, given the international obligation to react whenever governments fail to protect their citizens. In the case of Ethiopia, the civilians and government are engaged in a war. This creates a situation where the government is required to protect its adversaries. The author then examined the gaps in the R2P doctrine and recommended alternative approaches. Such approaches will help to strengthen the responsibility to protect especially in instances where the government is part of the conflict. The study will generate policy recommendations.

2. Ethiopia in Context

According to the World Bank (2022), Ethiopia's population as of 2020 was approximately over 115 million people – making it the second-largest country in Africa in terms of population after Nigeria and above Egypt. This population is constitutive of more than 80 ethnic groups, thereby making Ethiopia a multi-ethnic, multi-linguistic, and multi-religious society. However, four ethnic groups namely, the Oromo (35%), the Amhara (26%), the Somali (6.2%), and the Tigre (6%) constitute approximately two-thirds of the total population (Fessha, 2022). Freedom House, an independent democracy watchdog organisation established in 1941, categorises Ethiopia in its 2022 Democracy Index as a "not free state" (Freedom House, 2022). The organisation uses measures such as rule of law, freedom of expression, association and belief, and the rights of women, minority groups, and marginalised groups. Such a low score for Ethiopia can partly be because of turbulent political developments and the conflict between the central government and the security forces in the Tigray Region. In terms of its political structure, more than 13 regional states collectively make up the Federal Democratic Republic of Ethiopia. Some of them include: Afar; Amhara; Benishangul-Gumz; Gambella; Harrari; Oromia; Somali; Southern Nations, Nationalities, and Peoples (SNNP); and Tigray. All of these constitute the national regional states, while Addis Ababa and Dire Dawa are categorised as city administrations.

The regional states operate as semi-autonomous entities with a significant level of self-rule. They are comprised of: regional councils; the executive administration; the constitution; the regional language (used in courts, schools, and public offices); the flag; and the authority to prepare and approve budgets and economic development programmes (Zewde et al., 2002). Despite the constant political problems facing the country, there have been improvements. Ethiopia has recorded significant economic growth and reduction in the levels of absolute poverty as well as improved access to social services such as healthcare and education. Between 2000–2009, the gross domestic product (GDP) expanded by an average of 8.44%, whereas between 2010–2019, GDP grew by an average of 9.27% (Katema and Diriba, 2021). The African Development Bank puts Ethiopia's GDP growth for 2022 at 4.9%. This is while the World Bank puts the number at 5.6% and the International Monetary Fund puts the country's GDP growth for 2022 at 6.1%. Despite the varying figures with regard to growth, the trend indicates that the country's GDP growth is on a positive trajectory.

3. Historical Background of the Conflict

The Constitution of 1995 was created in an attempt to address the complexities of a multi-ethnic society by allowing Ethiopia's diverse ethnic groups some element of cultural, economic, and linguistic autonomy. It also sought to rectify Ethiopia's historical imbalances with regard to political power. However, the Constitution has had unintended consequences that overshadowed the original constitutional promise. The shortcomings within the Constitution of 1995, for instance, played a key role in shaping contemporary conflict dynamics by institutionalising ethnic politics (Bayu, 2022). Not only did it divide regional governments along ethnonational identities, but it also granted the right to secession and self-determination to the “nations, nationalities, and peoples” of Ethiopia (Abdullahi, 1998). The Constitution of 1995 has therefore replaced the general sociological notion of a state existing as a nation, with a new idea of Ethiopia existing as a ‘nation of nations’. Ethnonationalism has therefore evolved to occupy the centre of domestic politics and, with it, a political culture of ethnonational competition and regional hostilities. The Ethiopian People’s Revolutionary Democratic Front (EPRDF) capitalised on ethnonational politics as a political currency, so much so that its policies produced even further sentiments of marginalisation across different ethnic groups.

The lack of inclusivity and consultations in its approach to governance had begun to brew tensions between the federal government and some ethnic groups such as the Oromo. The Oromo historically fought against the federal government and the political domination of the Amhara during the imperial era. For example, in 2014, the federal government developed the Addis Ababa Master Plan. The plan sought to extend the geography of the capital city into the Oromia territory and, in the process, displace thousands of Oromo farmers (Záhořík, 2017). The clash between protestors and the federal government, motivated some political players to use the Oromia grievances to push for an insurgency. These clashes led to the death of hundreds of civilians and many more others who were arrested and imprisoned. Although the government abandoned this plan, it was too little too late as protests had quickly spread to other regions. Also, protestors picked up on other grievances such as the demand for the respect of human rights and freedoms, economic justice, and better representation (Dias and Yetena, 2022). What these nation-wide protests managed to achieve in the long run was that Prime Minister Hailemariam Desalegn (2012–18) ultimately resigned following internal party pressure from the EPRDF politburo. This paved way for Abiy Ahmed’s transition into power as the prime minister in 2018.

Emboldened to take action and address the grievances that the protestors had raised, and which had led to the resignation of his predecessor, Abiy embarked on an ambitious reform agenda. As an Oromo himself, his appointment to the position of prime minister was received with great enthusiasm. This was because of his youthful exuberance. It was also because the Oromo ethnic group hoped that their political marginalisation in Ethiopian politics, which had been dominated by Tigrayan elites, had finally come to an end. Keeping up with the wave of public support, Abiy took certain actions which included: the release of thousands of political prisoners; the lifting of restrictions on freedom of the press and expression; the support of Sahle-Work Zewde (a female) for president; the establishment of gender parity in the cabinet; the signing of a peace agreement with the Oromo Liberation Front; and inviting exiled Ethiopian opposition political leaders back to the country (Ylönen, 2018). To crown these reforms, within less than two years since coming to power, Abiy won the 2019 Nobel Peace Prize. This was for his role in the establishment of a peace agreement between Ethiopia and Eritrea. The agreement put an end to a conflict stalemate that had spanned two decades after the 1998 border dispute. However, these reforms were quickly overtaken by the deterioration of elite political relations. Also, the hope and stability that was engrained at the beginning of Abiy's political term quickly evolved into real concerns for a protracted civil war and a biting humanitarian crisis. But what underlying factors were responsible for this unprecedented change that led to violent conflict in Ethiopia's social and political dynamics?

4. Characteristics of the 2020 Ethiopian Civil War

In November 2020, conflict broke out between the federal government and groups categorised as rebels. These rebel groups are mainly drawn from and affiliated with the TPLF. In the beginning, the conflict was presented as a swift security operation response by the federal government. However, it ultimately developed into a protracted conflict involving the Ethiopian military forces and the Eritrean military forces who support the Ethiopian forces. The immediate cause of the escalation of political tensions into military warfare was an outcome of a pre-emptive attack on Ethiopian military bases by the TPLF in Tigray. The TPLF cited that the attack was anticipatory self-defence against the military build-up by the Ethiopian Defence Forces that was reportedly going on around the Tigray region. At one point in time, significant gains by the TPLF saw it establishing complete military control in Tigray before launching attacks on other regions. These regions include Amhara, Afar, and a march towards the capital city of Addis Ababa – coming as close as 380 kilometres from the city. In response, the federal government declared a state of emergency and embarked on a programme of conscription of youths and retired military personnel loyal to the federal government. The purpose was to counter the incursion by Tigrayan forces towards the capital (Salemot, 2021; Abbink, 2022).

These efforts significantly transformed the battleground in favour of the federal government who managed to push the TPLF forces back to the mountains of Tigray. However, as is with all cases of wars and violent conflicts, these clashes had far-reaching impacts. According to Ghosh (2022), the Ethiopian civil war has left many people dead, and many others exposed to starvation, while properties and land have also been lost in the process. This war is one of the worst the country has experienced in decades. The federal government has been accused of playing a significant role in the number of civilian casualties who starved to death. This was because they as the government prevented the delivery of humanitarian aid. However, the Tigrayan forces have equally been accused of rape, looting, and the murder of the Amhara and Afar groups.

4.1 Immediate causes of the conflict

While there are varying immediate causes that triggered the violent conflict in Ethiopia, this paper examines a number of them. First, the unilateral political decisions and reforms initiated by Abiy were not broadly welcomed across the political divide. It was in particular not welcomed among the Tigrayans who evaluated such actions as exclusive and an attempt by the prime minister to centralise power. It is imperative to recognise that the TPLF was established as a political party with a Marxist–Leninism ideological orientation – one that strongly despises political centralisation in favour of political decentralisation. Therefore, three things triggered the TPLF's fear that Abiy was attempting to centralise power, weaken regional governments, and establish personal rule. These include: key decisions by Abiy's government to indefinitely postpone elections in the name of public health preventive measures against COVID-19 in 2020; the disbandment of the EPRDF as a coalition and; the merger of its constitutive regional political parties into the Prosperity Party. As a sign of defiance, the TPLF regional government in Tigray held its own elections in 2020 against the directives and guidelines of the federal government. It thereby influenced the Ethiopian parliament to take a historic vote that culminated in the decision to cut ties between the federal government and leaders from the Tigray region.

Second, the crisis within the EPRDF also had an impact on the outbreak of the conflict. The EPRDF coalition had been on the periphery of power in Ethiopia until 1991 when it formed a government. The TPLF was a key player in the coalition and dominated governance in Ethiopia for over three decades. Members from the TPLF were in control of critical government institutions such as the defence and security apparatus, public administration, and the economic spheres (Jones, 2020). However, such dominance began to face opposition from the Amhara and Oromo parties which also formed part of the EPRDF coalition. According to Ostebo and Tronvoll (2020), intense rivalry from within the coalition as well as mounting public protests led to the collapse of the EPRDF in 2018. This led to the rise of Prime Minister Abiy. He quickly began to consolidate power with the aggrieved members of the EPRDF to the exclusion of the TPLF who refused to join the new political party (Gavin, 2021). In addition, members of the TPLF began raising concerns over what they considered as deliberate efforts to reduce their influence and level of autonomy in their region. With Abiy reluctant to enter into a power-sharing agreement with the TPLF, and growing grievances among the TPLF members, conflict between the government and the TPLF became inevitable.

Third, the political and constitutional crisis that emerged due to the delayed elections cannot be ignored in trying to understand the causes of the Ethiopian civil war. Jima and Meissner (2021) observe that the government's decision to postpone elections citing challenges that had been brought about by the COVID-19 pandemic was instrumental in leading to the violent conflict. This paper also adds that the political trends at the time had significantly reduced trust among different actors in Ethiopia at the time. Far worse, was the decision by the TPLF to conduct elections in their region. Also, the declaration by the government that such elections were illegal provided the justification to declare war on the TPLF.

The decision by the government to declare its operation a war against terrorists worsened the situation. This happened because it not only justified the use of excessive' force in TPLF-held regions but it also excluded international actors. The reason is that wars on terrorism can be considered as a domestic issue. The hardline and reaction of the TPLF also did very little to save the situation. These combined with other factors contributed to the disaster witnessed during the crisis. The factors included the power struggle between the dominant political parties in Ethiopia; the systematic removal of Tigrayans from government positions; historical land grievances and; the position of Eritrea especially to the extent that it harboured desires to take revenge against the historical actions of the TPLF regime.

5. A Systematic Review Approach

This study adopted a systematic research approach which was divided into three chronological phases. Phases I and II were used to identify useful sources and the arguments and claims advanced in the existing set of literature. Phase III on the other hand was used to expound on the conceptual and theoretical perspectives of the existing studies. It identified the challenges and shortcomings with regard to the current application of the R2P concept/doctrine.

Phase I was instrumental in anchoring this study within the broader context of existing studies. In this phase, the researchers were able to explore the trends in R2P research such as the nature of research questions and the objectives that have influenced previous studies. This study was able to identify issues that have dominated R2P research and those that have been overlooked. Our in-depth analysis of the existing literature also revealed a dichotomy in the debates surrounding R2P with regard to both academic and policy dimensions. Based on the findings of the existing trends in R2P research, this study was able to anchor its objectives and goals on areas that have been generally ignored. In addition to the conceptual and theoretical aspects of R2P, Phase I of the study also provided an in-depth understanding of the conflicts in Ethiopia. It furthermore shed light on how scholars from multidisciplinary and diverse backgrounds have studied the country and its challenges. What we find is a deficiency in using the R2P approach in understanding the dynamics and state of affairs in Ethiopia. Yet, the country offers an interesting example of the potential challenges and strengths of R2P as a doctrine. To fulfil our objectives during Phase I, we were guided with questions such as: (1)What is the historical dimension of the conflict in

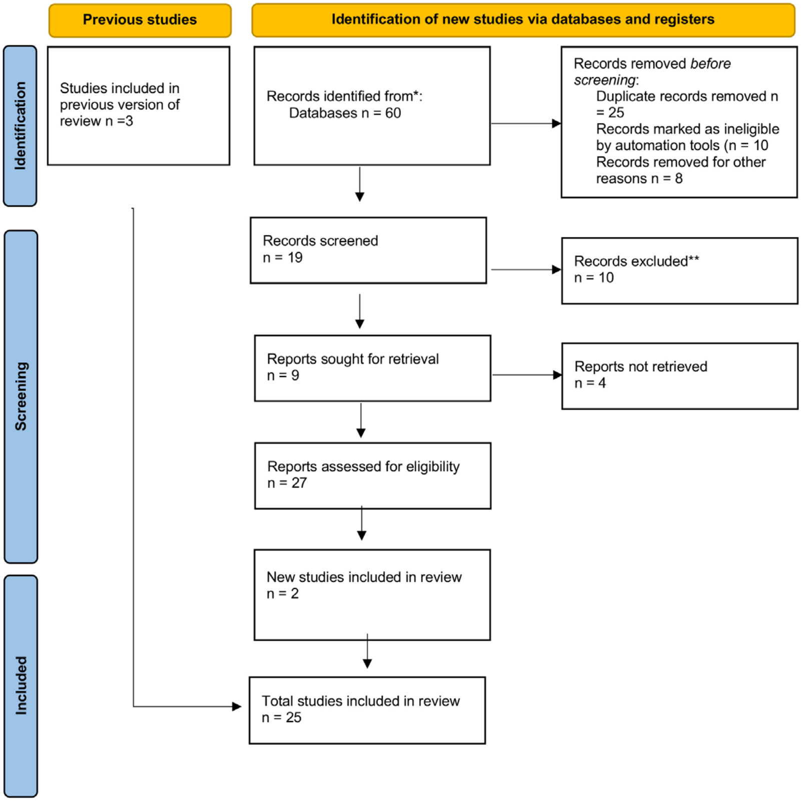
Ethiopia?; (2) What have scholars examined and concluded as fundamental issues in the conflict?; (3) What has been the conduct of the Ethiopian government in the context of the R2P doctrine during this conflict?, (4) What are some of the implications of overlooking R2P in our general understanding of asymmetric conflicts currently dotting many parts of the world?

Phase II involved an extensive search of relevant databases and policy platforms where information relevant to this study could be extracted. Searches into these databases were able to generate reports, books, articles, formal publications, and other reputable publications applicable in our study. Scopus, the Web of Science, university libraries, JSTOR, Ebsco, and institutional and government digital libraries were some of the main databases used in this study. Sources were searched using key words such as R2P, Ethiopia-Tigray, asymmetric conflicts/warfare, international law of armed conflict, peace studies, and Africa (see Table 1). The study used the exclusion and inclusion criteria of PRISMA to narrow down on the most valid and relevant literature which were then analysed for the study. A total of 63 sources were generated from the above search. This was before sources that were ineligible, duplicates, and published in languages that the authors did not have a good command of, were eliminated. The eliminated sources did not feature in the analysis of the study. In the end, a total of 25 sources were adopted and used in the study (see Figure 1).

Table 1. Key search words used in the various databases

Database	Search titles/keywords/terms
Web of Science; Directory of Open Access Journals (DOAJ); Scopus, University Libraries; JSTOR; EBSCO; Academic Databases; Directory of Open Access Journals (DOAJ); Digital institutional libraries such as those that belong to governments and international agencies.	Peace and conflict resolution; R2P; civil wars; Ethiopian conflict; wartime governance; asymmetric conflicts/warfare; international law of armed conflict; peace studies; Africa; TPLF; non-state violent actors; protracted conflicts; ethnic identity; political settlement; rebel alliances; rebel hierarchies; armed conflict; state building; human security

Figure 1. Inclusion and exclusion criteria of PRISMA


Previous studies
Identification of new studies via databases and registers
Identification
Screening
Included
Studies included in previous version of review n =3
Records identified from*:
Databases n = 60
Records removed *before screening*:
Duplicate records removed n = 25
Records marked as ineligible by automation tools (n = 10
Records removed for other reasons n = 8
Records screened
n = 19
Records excluded**
n = 10
Reports sought for retrieval
n = 9
Reports not retrieved
n = 4
Reports assessed for eligibility
n = 27
New studies included in review
n = 2
Total studies included in review
n = 25

In Phase III the authors note that there is a shortcoming in the application of the R2P doctrine to examine conflicts in Africa, more specifically in Ethiopia. This is despite glaring reluctance on the side of government to protect civilians during conflicts. A look at the nature of conflicts in Africa since the turn of the new millennium indicates that most of the conflicts are between state and non-state actors. However, an objective analysis of the violence being experienced in most of the African states gives a different picture. It seems to be overshadowed by narratives of war against terrorism, secessionist movements, or enemies of the state.

Reducing conflicts with regard to these three narratives promotes the need to protect the survival of the state. It underestimates the need to protect civilians which is what R2P seeks to accomplish. Therefore, by using the R2P framework to explore the situation in Ethiopia, the objectives of the paper include: (1) to revisit the debate on the effectiveness/usefulness of international norms or doctrines in dealing with contemporary conflicts; (2) to introduce a new dimension in understanding the situation in Ethiopia. This is a dimension that focuses on the responsibility and obligation of parties involved in conflicts, in this case the responsibility on the part of the Ethiopian government and other parties, including the TPLF and Eritrea; (3) to identify factors that undermine the effectiveness of R2P in Ethiopia and possibly across the world. See Table 2 to understand Karp's (2015) concept of prospective and retrospective responsibility. But such challenges are not unique to the government of Ethiopia. We observe the same trend with the situation in Syria, Afghanistan, Yemen, Somalia, the Democratic Republic of the Congo, and many other countries.

Table 2. Prospective/Retrospective Responsibility and Prevention/Response: What counts as a failure?

	Prospective Responsibility	Retrospective Responsibility
Prevention	Responsibility for a person, outcome, event or object, irrespective of direct causal involvement. One has failed to fulfil one's responsibility if one fails to take appropriate preventive action, regardless of whether the outcome or event actually comes to pass.	The responsibility to take all reasonable steps to avoid future harm. One has failed to fulfil one's responsibility if harm occurs that can be traced back one's actions or inactions that failed to prevent it.

	Prospective Responsibility	Retrospective Responsibility
Response	Responsibility to take future action if a pre-specified set of circumstances arises. One has failed to fulfil one's responsibility if those prespecified circumstances arise, and if one does not respond at all, if one does not respond appropriately, and/or if one is not able to respond.	Responsibility to act in a way that minimises harm or minimises a problem, once harm or a problem is imminent or under way. One has failed to fulfil one's responsibility if one's actions are harmful, or if one callously ignores a problem that one has the capacity to address.

Source: Karp 2015

6. The Concept of the R2P Doctrine (prevention, reaction and reconstruction)

The existing literature has been dominated by studies on R2P. Some of these studies have resulted in a debate about whether R2P is an international norm, doctrine, or principle (Cunliffe, 2011; Pattison, 2010; Ercan, 2014). Other scholars (Hehir, 2010) have even questioned whether R2P is a useful framework or "a mere slogan employed for differing purposes shorn of any real meaning or utility". Murray (2013) has even proposed an interesting argument that the state's involvement in the prevention of mass atrocities is guided by "rational calculations premised on self-interest". This can explain why R2P-inspired interventions have been applied in some conflicts and not in others on the grounds of protecting civilians as was the case in the intervention in Libya in 2011. Still, a similar intervention is yet to be seen in Ethiopia where the civilians are finding themselves in threatening situations as a result of the conflict. However, other scholars have cast doubt on whether R2P was even the basis of intervention in Libya (Morris, 2013). This is while proponents of rational choice in states' intervention such as Nuruzzaman (2014) have a different opinion. Nuruzzaman (2014) uses the lack of intervention in the Syrian conflict, despite the atrocities committed there, as a sign that countries are motivated by their own interests and capacity to intervene.

Can we say that these arguments are justified? Is the R2P an inconsequential framework? If so can it be strengthened or does it need to be abolished altogether? There are emerging debates that R2P should not only be evaluated in instances where it has succeeded but also whenever states have failed to adhere to the doctrine. Then its usefulness becomes visible since it sets measurable and observable standards. This is in line with the definition of norms by Finnemore and Sikkink (1998) who have argued that a norm is "a standard of appropriate behaviour for actors with a given identity". Norms such as the R2P tend to have a socialising effect on states, because they seek conformity, legitimation, and esteem within the international system. This means therefore that despite the challenges facing the implementation of R2P, it should not just be disbanded but improved for better efficiency.

However, despite the pressure to conform to international standards and norms, countries such as Ethiopia, Syria, and even Yemen seem to overlook this pressure. They have committed mass atrocities against civilians. To that end, they violate the R2P norm that requires governments to protect civilians. The question that remains is: Does international reputation matter? And what are some of the reasons for these countries boldly committing atrocities despite the existence of international norms? This study argues that a combination of domestic, regional and international factors contribute to undermining the implementation of the R2P.

One of the justifications is the so-called war on terrorism, which has become a fashionable response by governments that are intent on committing atrocities. As we see in the case of Ethiopia, but also in other cases such as Syria, the government will quickly label a group terming them as a terrorist organisation. By doing so, they legitimise the use of excessive force against them. Such classification could be true based on the fact that civilians and the TPLF also committed acts of violence that can be equated to acts of terrorism. However, it is the limitations that wars on terrorism have on doctrines such as R2P and just war that is of importance to this study. The war on terror is a global phenomenon that has caused both friends and foes to collaborate. The threat of terrorism has also been presented as a serious threat, sometimes even more so than mass atrocities. This can explain how governments are justifying the use of excessive force. The global war on terrorism is also overshadowing the implementation of R2P and this is not a new challenge. In 2001, when the ICISS report was almost being disseminated, the attacks on 11 September in the United States of America (USA) overshadowed the significance of the report. This was because the global attention shifted to international terrorism and counter-terrorism operations.

Even though the government can be unwilling to or incapable of protecting civilians, R2P offers a way to overcome this shortcoming. This is through international interventions which, by looking at the conflict in Ethiopia, seem not to have been implemented. The question is why did the international community become unable or unwilling to intervene in Ethiopia? As we revisit the R2P doctrine, we need to also understand emerging constraints that hinder international actors from intervening. One is the growing nationalist sentiments and the crisis in multilateralism. Scholars such as Algan et al. (2017), Roth (2017), and Stoker (2019) have examined the growing populist and nationalist sentiments across the world. They have focused on how these could impact states' involvement in global affairs. This can explain the rise in an inward looking approach by countries that would otherwise have intervened to help resolve some of the instances of mass atrocities across the world.

Another reason why countries are not responding to calls for intervention has to do with the 'cost' both in terms of resources and reputation. There seems to be little motivation to intervene in some of the contemporary conflicts. This is visible in the failed attempt by the United States (US) to capture warlords in Somalia, the criticism that emerged after the Libyan intervention, and the disastrous outcome of the Saudi-led coalition. With the fear of backlash and being trapped in unending wars, states seem to shy away from getting involved in other disputes. This is especially so when they have little interest in those countries. This can be one of the reasons why the Ethiopian conflict has not seen regional and international intervention.

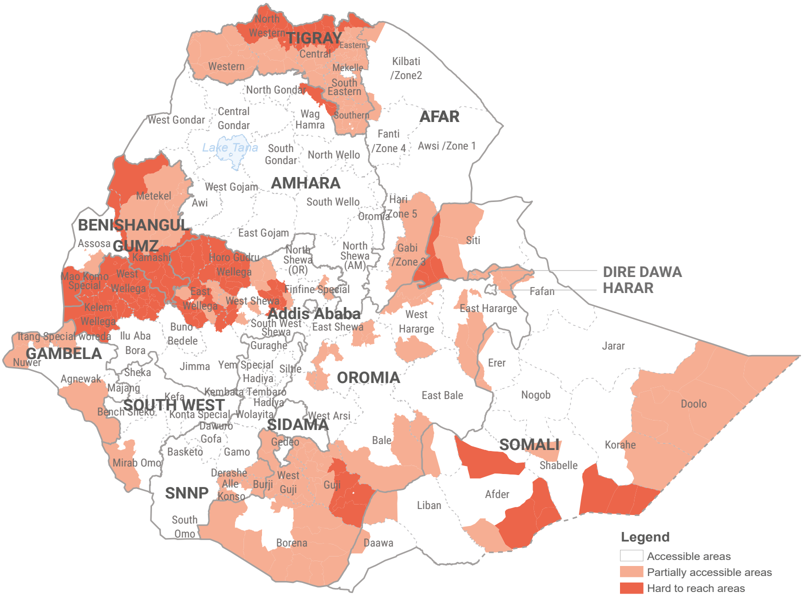
Furthermore, intense rivalry among global powers that sometimes plays out at the UNSC cannot be overlooked as a key factor undermining R2P.

For international actors to intervene in a conflict, a resolution from the UNSC will go a long way in legitimising such a move. However, the UN as an organisation and liberal institutionalism as an approach to global peace and security, are facing serious challenges and limited success. Such challenges are spilling over and affecting the implementation of other international norms and laws (Meunier and Vachudova, 2018; Hout and Onderco, 2022).

7. Implications: R2P and the Ethiopian Conflict

Some steps have been taken by the Ethiopian government to try and end the conflict. The prime minister lifted the state of emergency. He has also collaborated with Tigrayan forces to declare a cessation of hostilities as well as the release of political detainees. More recently, a peace agreement was led by the Intergovernmental Authority on Development (IGAD)/ African Union (AU). It was midwifed by the former president of Kenya, Uhuru Kenyatta, and the former Nigerian president, Olusegun Obasanjo. This has changed the dynamics of the conflict. These positive steps may contribute to reduced hostilities and will probably bring an end to the conflict. However, some atrocities had been committed during the war. Who will bear the responsibility? And how will they be held accountable? For example, the Tigray region has continued to experience a blockade in receiving humanitarian support (Berhe et al., 2022). This is shown in Figure 2.

Figure 2: Map showing areas which humanitarian aid can access, partly access and hard to reach


North Western
TIGRAY
Eastern
Central
Mekelle
South Eastern
Southern
Western
Kilbati /Zone2
North Gondar
AFAR
West Gondar
Central Gondar
Wag Hamra
Fanti /Zone 4
Awsi /Zone 1
Lake Tana
South Gondar
North Wello
Metekel
West Gojam
AMHARA
Awi
South Wello
Hari /Zone 5
Oromia
BENISHANGUL GUMZ
Assosa
Kamashi
East Gojam
Horo Gudru Wellega
North Shewa (OR)
North Shewa (AM)
Gabi /Zone 3
Siti
Mao Komo Special
West Wellega
DIRE DAWA
HARAR
Finfine Special
Fafan
East Wellega
West Shewa
Kelem Wellega
Addis Ababa
West Hararge
East Hararge
South West Shewa
East Shewa
Buno Bedele
Itang Special woreda
Ilu Aba Bora
Nuwer
GAMBELA
Guraghe
Jarar
Jimma
Yem Special
Siltie
Erer
Sheka
Hadiya
OROMIA
Agnewak
Majang
Kembata Tembaro
East Bale
Nogob
Kefa
Hadiya
Doolo
SOUTH WEST
Bench Sheko
Konta Special
Wolayita
West Arsi
Dawuro
SIDAMA
Gofa
Gedeo
Bale
SOMALI
Korahe
Basketo
Gamo
Shabelle
Mirab Omo
Derashe
Alle
West Guji
Burji
Guji
SNNP
Konso
Afder
Liban
South Omo
Borena
Daawa
Legend
Accessible areas
Partially accessible areas
Hard to reach areas

Source: United Nations Office for the Coordination of Humanitarian Affairs, 2022

1. **Accessible:** The population has optimal access to humanitarian assistance and services. The operational environment to relief operations – from a security perspective – is enabling, partners should apply caution as per normal. There are no phy sical access constraints impacting relief activities.

2. **Partially accessible:** The population is able to access limited humanitarian assistance and services. Insecurity continues affecting the safety and security of the population and aid workers, impending relief operations on an intermittent basis. There are some restrictions to the operating environment, including in terms of the rights of the population to access aid. While some partners may be operating in the area, caution should be applied in light of risks and mitigation measures put in place. Some physical access constraints may impact relief activities.

3. **Hard-to-reach:** The population's access to humanitarian assistance and services is highly restricted. The security situation is extremely volatile, compromising the safety and security of the population and aid workers, impending relief operations on a permanent basis. Aid personnel need to be extremely cautious when planning and conducting operations, which should be restricted to life-saving activities, and need to put in place extraordinary mitigation measures and consider alternative operational approaches. Physical environment constraints are having a major impact on relief operations and people's access to aid.

As stated before, the Tigray region in the north is highly affected by a government blockade of humanitarian support during the conflict. However, we also see that this is not the only region facing these type of problems; other parts of the country such as Sidama, Somali, and Benishangul Gumz are also facing a serious lack of access to humanitarian support (Gesesew et al., 2021; Mulugeta and Gebregziabher, 2022). People living in the said regions face a combination of problems. These include the negative impact of the conflict, the COVID-19 pandemic, and economic woes. This has been further exacerbated by the lack of access to humanitarian support, thereby threatening their human security and ability to survive during these tough times (Nyadera and Bingol, 2021; Agwanda et al., 2021). It can be argued that the various efforts to pressure the belligerents in the conflict to end the war could be in line with the R2P spirit. However, such efforts did not yield a lot. For example, the United States sent its Special Envoy for the Horn of Africa, Jeffrey Feltman in 2021 to hold peace talks with the parties involved in the conflict. He did not manage to resolve the war (Oxford Analytica, 2021). Perhaps the view that the United States was not a neutral player in the conflict could have undermined its leverage on the conflict.

Similarly, efforts by the AU to send a delegation to Addis Ababa to broker peace did not materialise. The response from the government that they were dealing with a terrorism challenge meant that the conflict could only be addressed through internal means. Also, since the government declared their actions with regard to the conflict, a counter-terrorism operation, the extent of force to be applied could not be restrained. The UNSC's response to the conflict also reflects the very challenge of implementing R2P. For example, a statement that the council issued during November 2021, when the war was intense, creates a perception that the international body was helpless to intervene. Instead, members of the council "expressed serious concern". They "called for refraining from inflammatory hate speech and incitement to violence and divisiveness". They also "called for the respect of international humanitarian law" without offering any tangible measures of how these issues would be implemented (Tefera, 2022).

Another challenge that could have hindered the implementation of R2P in Ethiopia can be found in legal controversies that characterise the

R2P and existing international norms. For example, the UN Charter discourages and even limits the use of force by its members in other states. Specifically, Article 2, paragraph 4 of the UN Charter states that member states “shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or any other manner inconsistent with the purposes of the United Nations”. This leaves many countries in a state of dilemma on whether to intervene in other countries’ internal affairs or not. This is further strengthened by Article 2(1) of the UN Charter which emphasises that the organisation “is based on the principle of the sovereign equality of all its members”. This explains why the Ethiopian government was opposed to international efforts, citing the issue as an internal problem.

Ethical considerations also impact the implementation of R2P. This is especially the case when states consider stopping violations of human rights, even if it means adopting coercive measures. However, the use of coercive measures to stop violations of human rights does not guarantee that civilians will not be victims of such interventions. Furthermore, nationalists tend to dispute the assumption that governments have an ethical obligation to protect the human rights of people in other countries (Yazici, 2019; Williams et al., 2020).

8. Conclusion

This paper aims to examine the challenges facing the implementation of R2P. It examines the Ethiopian civil war and argues that it offers a unique example of the constraints involved with the protection of civilians and curbing mass atrocities during conflicts. The findings show that the situation in Ethiopia is a result of several factors including: (1) the failure in past interventions such as the situation in Libya, which resulted in more destruction than was intended; (2) the global war on terrorism and how it gives states an ‘excuse’ to use excessive force against a segment of its population; (3) the rise in populism and nationalist sentiments has not only resulted in a crisis in multilateralism, but it has also created a more inward focus by some states, instead of them focusing on international roles; (4) there are also legal challenges that make it difficult to implement R2P. These include constraints that are a result of other international laws and norms that restrain countries from interfering with other countries' internal affairs; (5) ethical considerations are becoming increasingly important. This is the case given the critique from a nationalist theorist that states do not have to intervene in other countries and protect the human rights of those countries' citizens.

However, despite the challenges facing R2P, it remains an important international norm that can be used to set standards of how states and international actors are supposed to act during conflicts. The R2P gives an idea of what has been violated and by whom. Such information can be used to hold perpetrators accountable for their actions. Indeed, R2P has great potential. It can be used as a yardstick to measure the commission or omission of mass atrocities. However, it can also be improved to become an effective tool for protecting civilians, especially in the wake of the 'return of wars'.

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Africa's Quest for Reform of the United Nations Security Council: A Just Cause Curbed by Unrealistic Proposals

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Abstract

The debate around viable global governance has become increasingly topical, particularly from the perspective of countries in the Global South. Concerning Africa, despite the continent's quest to reform the United Nations Security Council (UNSC), existing research has failed to comprehensively address the topic. Consequently, this article explores the arguments and challenges surrounding Africa's drive to secure a permanent voice in the UNSC. It argues that despite the enduring legacies of colonialism, neocolonial interventions, and being the primary concern of the UNSC agenda, Africa's claim for fair representation in the Council remains. The article attempts to address the research gap and contribute to the existing debate by examining why Africa has failed to be represented in the UNSC. Africa's collective initiative towards reforming the UN system is instrumental in ensuring inclusive and

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sustainable global governance. Nonetheless, Africa's insistence on immediate and full veto power for new entrants and its demand for representation merely through numbers inside the UN are unfeasible.

Keywords: Decolonisation, Security Council, African Union, Ezulwini Consensus, Veto, Representation

1. Introduction

The United Nations Security Council (UNSC) is the most potent body in charge of ensuring global peace and security. It is endowed with the power to pass binding resolutions on member states. In spite of this, its credibility has been steadily eroding. This is due to its composition being perceived as unrepresentative, as it is a constellation of the victors of World War II and lacks being an inclusive and participatory model. Also, it has an increasing ineffectiveness in achieving its institutional objectives (Kugel, 2009:2 and Thakur, 2006:302-03).

Another area of contention is related to the veto power. This has been criticised since the beginning by United Nations (UN) members other than the Permanent Five (P5), namely China, France, Russia, the United Kingdom (UK), and the United States (US). The opposition against veto power has arisen due to its contradiction of the sovereign equality of states. The latter is one of the guiding principles of the UN as stated under Article 2 (1) of the UN Charter. Moreover, in practice, there has been growing discontent that the P5 are using veto power for promoting self-interest. This is the case both with regard to: (1) the actual vetoing of a resolution and; (2) as a threat of the use of the veto, thereby dissuading supporters of a resolution from bringing it to a vote (Gasimova, 2012:276).

The call for reform is driven by certain issues. These include institutional constraints and flaws in the Security Council's (SC's) working methods as a result of UN members' exclusion in its decisions and a lack of transparency in Council meetings (Fitzgerald, 2000). This signifies that the call for reforming the SC is justified by the need for greater legitimacy, representation, effectiveness, and enhanced capacity and willingness to act in defence of common peace (Thakur, 2017:340).

Africa has been a proponent of SC reform for a long time. African leaders have emphasised this in numerous forums, most notably at a series of annual summits of the UN General Assembly. This was demonstrated at the 77th session of the General Assembly in 2022. President Macky Sall of the Republic of Senegal, who was also chairman of the African Union (AU), led the charge for the SC's reform (African Union, 20 December 2022).

This article examines the major premises for Africa's quest to reform the SC, as well as the viability of the demands based on the Ezulwini Consensus. The latter is presented as the common African position. The article argues that that the continent's quest is legitimate though bridled by impractical demands. The issue of Africa's quest is not addressed as a standalone matter. It is therefore significantly overlooked and usually relegated to a discussion which include other SC reform proposals. There are a handful of publications about African states' (Nigeria, South Africa and Egypt) positions on the SC reform. They are written from the perspective of defending the bidding nation and berating potential contenders[1] or providing a commentary[2]. With its comprehensive analysis and strong theoretical perspectives, this manuscript fills a void in this regard. The article begins by laying the theoretical groundwork for the major debates with regard to the research problem, which is then integrated into the context of the ongoing SC reform debates. The next section contains the analysis and findings, which are followed by the conclusion. This article is based on AU declarations, statements by leaders, UN resolutions, topical scholarly articles, and books.

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[1] See S. Akpotor and P. E. Agbebaku, 'The United Nations Reforms and Nigeria's Quest for a Permanent Seat', J Soc Sci, 24(1) (2010): 51–55, Abolade Adeniji, 'Power and Representation at the United Nations: A Critique of Nigeria's Bid for Permanent Seat in the Security Council', *India Quarterly Journal*, 61(2) (2005): 1–12, and Peter Kagwanja, 'Cry Sovereignty: South Africa in the UN Security Council, 2007–2008', in, *State of the Nation: South Africa 2008 eds*. Peter Kagwanja and Kwandiwe Kondolo, (Cape Town: Human Sciences Research Council, 2009), 275–302.

[2] See Albert Venter, 'Reform of the United Nations Security Council: A Comment on the South African Position', *International Journal on World Peace*, 20 (4) (2003), 29–47.

2. Debates and Historical Context

Because the article intends to investigate Africa's quest for UNSC reform and the feasibility of its demands, various theories are employed. The decolonisation argument is the most compelling explanation for Africa's claim to fair representation in the SC. At the same time, the rationalistic approach of liberal institutionalism and realism are appropriated to analyse the major barriers to Africa's ongoing claim in the Council.

The conflict over the UN began even before it was established. The great powers' interests dominated UN planning. As a result, the UN Charter strongly reflected those interests, most notably in the structure of the UNSC and the P5 veto (Sinclair, 2019:257). The SC origins are deeply colonial; in 1945 and subsequent years, the P5 were either colonial states or used colonial issues as a bargaining chip (Ryder et al., 2020 and Falcon, 2016:32). As a result, the decolonisation perspective is used to explain Africa's just causes for seeking representation in the SC. The decolonisation perspective is based on the fact that most international organisations have their origins in colonial ideas, categories and practices. Also, they continued as facilitators of a neocolonial project (Chimni, 2016:123–124). By the time the UN was established, almost all African[3] countries were under colonial rule; only four African states[4] attended the founding conference. In the UN, African countries were confronted with the fact that the UN Charter had established institutional hierarchies that favoured the great powers through their status in the SC (Bernstorff and Dann, 2019:29). During the Cold War, the decolonisation of African countries, and its subsequent admission to the UN led to a major rise in UN membership. There were also major power shifts as Britain and France, for example, lost relative power while others gained it, most notably Germany (particularly after unification) and Japan. The end of the Cold War prompted significant international developments, most notably the breakup of the Union of Soviet Socialist

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[3] During the discussions about the trusteeship system, colonialism in Africa was entirely neglected. The focus was on the islands in the Pacific (Falcon, 2016:43).

[4] See <https://www.un.org/africarenewal/magazine/october-2020/africa-countries-founding-un-san-francisco-1945>, accessed on December 27, 2022.

Republic (USSR). This severely weakened its capacities, particularly its economic and political capacities, casting doubt on its international influence. Furthermore, the disintegration of the USSR and Yugoslavia resulted in the formation of new states, expanding UN membership even further (Bourantonis, 2005 and Morris, 2000:266).

The African group now has 54 members but no seat on the SC permanent membership. As a result, Africa's exclusion from the SC has become a notable anomaly (Zifcak, 2009:20). Reforming the Council in accordance with the maxim of fair and permanent representation for Africans has become increasingly important in the decolonisation debate.

In a similar vein, while the UN played a role in the decolonisation process, the responses of the Big Powers in the SC have not always been supportive. Most African states gained independence during the Cold War. However, the account of SC politics on decolonisation makes it abundantly clear that the Big Powers only supported the concept when it served their own interests. On the one hand, the US position on decolonization has been contradictory. This is because it appears to have created a psychological conflict between its loyalty to NATO allies and its ostensible commitment to freedom and self-determination. Also, the former USSR has not been much help. It has been more interested in using decolonisation as a tool for propagandistic vituperation against the West, than using it for the rapid liberation of African peoples (Ojo, 1981:88, O'Sullivan, 2005 and Welz, 2021). The decolonisation argument emphasises Africa's claim for a permanent seat on the SC as a form of restorative justice. This is a response to the above Big Powers' tacit approval of the resumption of colonial rule in Africa. However, there are practical implications of expanding the continent's sphere of influence with regard to international peace and security. It must be noted that the decolonisation initiative is an imperative to heal Africans from the enduring psychological and diplomatic harms they have been through during the colonial era.

Furthermore, colonialism had profound political consequences and African states faced significant challenges after independence. One of the long-lasting repercussions is the colonial redistribution of Africa by drawing borders in accordance with the mandate of partitioning the continent according to colonial powers' interests. Because the boundaries were established without the participation of the African people, tensions frequently arose within or between African states. It leads to irredentism, as seen in the Greater Somalia vision, and efforts to achieve autonomy, or even secession, as seen in Nigeria (Welz, 2021:56). Violent interstate conflicts between or among many African states continue to pose serious challenges to international peace and security as a result of erroneous colonial boundaries. Such African issues remain on the UNSC's agenda. As a result of their vested interests in such continental issues, African countries deserve to be permanently represented in the UNSC to ensure international peace and security.

The UNSC failed Africa as epitomised by the run up to the Rwandan Genocide. Although the US and France were aware of the potential for genocide, they made no attempt to convene a meeting of the UNSC to investigate the warnings (Wheeler, 2000:216 and Scheffer, 2004). Major-General Roméo Dallaire of Canada, force commander of the UN Assistance Mission in Rwanda (UNAMIR), made a famous statement in this regard. He alleged that he could have prevented the slaughter of hundreds of thousands of Rwandans with 5 000 properly equipped and duly authorised troops. Ten years[5] later, the Major-General still held this opinion. Instead, the Council enacted Resolution 912, which decreased UNAMIR's strength from 2 558 to 270, in a move that will live in eternal and surreal infamy. The first troops landed in Rwanda three months after Resolution 918 on May 17, 1994 authorised a force size of 5 500 for UNAMIR-II. The New Zealand ambassador and Council president at the time, Colin Keating, has written about his futile attempts to have the UNSC declare what was taking place to be "genocide". The US would have none of it. They feared that the word would increase domestic and international political-legal pressure to intervene in order to end the carnage in accordance with the Genocide Convention. China also vehemently opposed any mention of human rights violations in the SC in private and construed the Genocide Convention accordingly. Nigeria made every effort, but the non-aligned caucus also failed to produce results (Thakur, 2017:332). If Africa had been a permanent member, this tragedy could have been avoided.

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[5] This statement refers to 2004 when Thakur, the reference cited in the paragraph, had a conversation with the Major-General.

The issues of mandate, time, and being case-tailored tarnished many UN peacekeeping missions in Africa. Examples are the UN's hesitant responses to the carnage in the DRC, its inability to successfully end the conflict in Sierra Leone, and its belated response to the conflict in Liberia. These all point to a lingering UNSC resistance against a more assertive UN involvement in peace missions in Africa (Bariagaber, 2006:13).

Despite being the Council's primary concern, Africa is largely excluded from its deliberations (Zifcak, 2009:21 and Adebajo, 2006:25). The UNSC has spent the last several decades focusing on Africa. Interactions between Africa and the UN's main decision-making body are crucial for addressing and resolving conflicts on the continent (Silva, 2015). Nonetheless, the Council's dominance by Western countries and its lack of permanent African members give it dwindling authority to issue binding international decisions. This is particularly the case in Africa, where most UN peacekeeping operations take place[6]. The absence of Global South perspectives reinforces perceptions of the Council as a neocolonial club deciding on war and peace issues for the poor without their input (McDonald and Patrick, 2010:7). Similarly, the majority of UNSC resolutions deal with African issues[7]. "It [is] unfair that the continent is not sitting at the top table, especially when so many decisions have a direct impact on the peoples of Africa", Adekeye Adebajo pronounces (Nordic Africa Institute, 2022). This is an unusual situation that necessitates correction, thereby justifying Africa's call for reform.

The SC is becoming a case of historic injustice for Africa in two ways. First, the Council was founded without the participation of African states, as the majority of them were under direct colonial administration. Second, following the end of direct colonial rule, former colonial powers have made decisions on behalf of Africans. According to these explanations, the Council played a role in maintaining Western colonial and neocolonial dominance. To address this, Africa's call for reform of the Council has grown into a compelling imperative for decolonising or deconstructing the Council's existing unilateralism in its decision-making scheme.

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[6] Six of the twelve current peacekeeping operations led by the Department of Peace Operations are in Africa. See <https://peacekeeping.un.org/en/where-we-operate>, accessed on December 23, 2022.

[7] See <https://www.un.org/securitycouncil/content/resolutions>, accessed on December 23, 2022.

With a reformed Council, Africa would have an enhanced presence at the top table of global diplomacy. This will in turn ensure viable representation for the continent in the global governance architecture. As a result, the continent's key international security concerns will be addressed in a deliberative, fair and democratic decision-making process. Furthermore, this mitigates the frustrations of getting the assistance of the SC in the many conflicts of Africa and it will ultimately contribute to the sustainable peace and security on the continent (Adebajo, 2006).

Regardless of the preceding explanations, which justify Africa's permanent representation in the UNSC, the pressing question is how to materialise this legitimate demand in light of the challenges. The article analyses the feasibility of African demands in the Council, using the rationalistic approach of international institutions. The rationalistic approach's underlying claim is based on the premise that institutions do emerge and survive because they perform important functions for members, thereby necessitating sacrifices. According to this viewpoint, international institutions should surface whenever the costs of communication, monitoring, and enforcement are low in comparison to the benefits of political exchange (Keohane, 1988:387 and 1984).

Similarly, the rationalistic approach holds that institutions should exist only as long as their members have incentives to maintain them. However, these institutions' effects will not be politically neutral. As a result, institutions can be expected to benefit those to whom their rules grant access and a share of political power. Furthermore, because the transaction costs of reaching agreements outside of an established institution are high, governments that are disadvantaged within an institution will be disadvantaged overall. More broadly, any institution's rules will reflect the relative power positions of its actual and potential members, which will constrain the feasible bargaining space and affect transaction costs (Keohane, 1988:387).

Based on the preceding assumptions, it is reasonable to argue that international institutions are primarily self-interested arrangements. They are components of systems in which sovereignty remains a constitutive principle. Also, the institutions will be largely shaped by their most powerful members, while these members pursue their own interests. This assumption of the rationalistic theory clarifies the drawbacks of certain calls to reform the Council. What incentives, if any, would exist for the P5 to agree to give up/limit their veto power, their obvious trump card, or to allow other aspirants to be granted veto? This is the central question that this study looks into.

In the process of reforming the Council, a trade-off must be made between having a motion that has the support of the P5 and having a two-third majority in the General Assembly. So far this has not been considered by aspirants. There is a fundamental need for balance between the interests of the P5 and aspirants. This claim is also supported by the rationalistic assumption that,

> Once the structure of the game is specified, that is, identifying the set of players, the likelihoods of each player's pattern of preferences[8], each player's information at every choice point, and how they see their moves as related to the possible outcomes, an equilibrium is required. An equilibrium is a strategy assignment to the players in such a way that each player's strategy maximizes his or her expected utility, assuming the others use their assigned strategies. As a result, an equilibrium is a strategy from which a rational actor has no incentive to deviate unilaterally" (Walt 1999:10–11).

The article also employs realism to explain the squabble within the African group, as states present their case based on their own self-interest. This is consistent with the assumption of realism that when states operate through institutions, rules reflect state calculations of self-interest based primarily on the international distribution of power. The system's most powerful states create and shape institutions in order to maintain or even increase their share of global power (Mearsheimer 1994-1995:13). As a result, states' self-interest, which is a central tenet of realism and rational choice theories, played a role in derailing UNSC reform efforts.

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[8] This is also best explained Riker (1990:173–174) as substantive rationality or posited preference (in which particular goals are stipulated in advance).

The quest to reform the UNSC structure and mode of operation has become a perennial source of debate in academic and policy circles (McDonald and Patrick, 2010:11). For nearly three decades, what has been proposed and debated has not been a call for a revolutionary arrangement of the UN, but rather a call for improved legitimacy and effectiveness. Despite this, the process has been hampered by competing national (and, to a lesser extent, regional) self-interest and egotism (Fassbender, 2020:15–16).

The 1990s' Open-ended Working Group was rendered ineffective, and the much-anticipated 2005 World Summit ended with no agreement on reforming the Council. Three major negotiating blocs emerged in response to the 2005 Reform Proposal contained in *In Larger Freedom: Towards Development, Security, and Human Rights for All* (United Nations, 2005a). These are the Group of Four (or G4; composed of Brazil, Germany, India, and Japan), the Uniting for Consensus (UfC) coalition, and the AU. The impasse in the General Assembly plenary's intergovernmental negotiations persists with the major camps, where the African Group is one of them, repeating their positions on well-known issues. This has resulted in contentious, repetitive, and slow deliberations (Security Council Report, 2022; Swart, 2013; McDonald and Patrick, 2010). There has been no breakthrough, and the Council's reform issue remains unresolved. "The current situation is analogous to a group of doctors who all agree on the patient's illness but cannot agree on the remedy; and then for those who agree, the prescription is not available" (Weiss et al., 2017:141).

3. The Ezulwini Consensus: Genesis, Vitalities and Pitfalls

Despite the fact that a 1963 amendment[9] to the UN Charter granted Africa three non-permanent seats on the Council, Africa was denied permanent membership. The African group, which has 54 members in the General Assembly, is a significant voting bloc. Therefore, Africa's exclusion from the Council is a glaring anomaly that justifies the African group's desire for the Council to be reformed (Zifcak, 2009:20).

The Organization of African Unity (OAU)[10] issued the Harare Declaration on 2–4 June 1997, during its 33rd Ordinary Session in Harare, Zimbabwe. It asked for two permanent seats in an expanded 26-member Council, each with the same rights and authority as the P5, as well as five non-permanent seats. Although it had no effect, the declaration was based on the SC's equitable geographical representation.

The AU decided in January 2005 to consider the recommendations contained in the High-Level Panel Report[11]. A committee of 15 foreign ministers was tasked with developing the African common position, and they presented their joint proposal, known as the Ezulwini Consensus, a month later (Spies, 2008: 104). At its 7th extraordinary session on 7–8 March 2005, the AU Executive Council endorsed the Ezulwini Consensus (African Union, 2005a). The Ezulwini Consensus was formally endorsed by the AU summit in July 2005 as the Sirte Declaration on UN Reform (African Union, 2005b). It was presented to the General Assembly that same month as the official African position (United Nations, 2005c).

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[9] It was approved by an overwhelming majority on 17 December 1963 as Resolution 1991 A (XVIII) with France and the former Soviet Union voting against it, the UK and the US abstaining, and China (Taiwan) voting in favour. The amendment became effective in 1965 after being ratified by two-thirds of UN members and all permanent members of the Council, as required by Article 108 of the UN Charter (Bourantonis 2005:22).

[10] It seems to be a follow-up of the establishment of the Open-ended Working Group to discuss the "Question of equitable representation on and increase in the membership of the Security Council and related matters" in 1993.

[11] Three of the sixteen members of the group were from African countries: Mary Chinery-Hesse from Ghana, Amre Moussa from Egypt, as well as Salim Ahmed Salim from Tanzania.

The Ezulwini Consensus remains the AU's official document nearly two decades after its publication. In his speech on behalf of the AU, President Macky Sall of the Republic of Senegal and then chairman of the AU, stated that "it is time to do justice to Africa's just and legitimate demand for Security Council reform, as reflected in the Ezulwini Consensus" at the 77th GA annual summit in 2022 (African Union, 2022).

The primary tenet of the African common position is that the majority of Africa was not represented when the UN was founded. Also, Africa did not have strong representation in 1963. As a result, the Ezulwini Consensus demands that Africa be given two permanent seats with all the rights and privileges of permanent membership, including the veto, as well as five non-permanent seats (African Union, 2005b). The Ezulwini Consensus also correlates the veto with justice, stating that "…even though Africa is opposed in principle to the veto, it is of the view that so long as it exists, and as a matter of common justice, it should be made available to all permanent members of the SC" (African Union, 2005b).

Africa's call to reform the SC is highlighted in the Secretary-General's 10 September 2021 report titled, *Our Common Agenda*. The report, on Article 127, takes note of the calls for reform of the Council stating that, "the majority of Member States now acknowledge that the Security Council could be made more representative of the twenty-first century, such as through enlargement, including better representation for Africa, as well as more systematic arrangements for more voices at the table" (United Nations, 2021). This was also echoed by the P5[12] at the 77th summit in 2022 in that the Russian Foreign Minister, Sergey Lavrov, called for representation which included Africa (Security Council Report, 13 December 2022). Likewise, US President Joe Biden confirmed the support of the US for increasing the number of both permanent and non-permanent representatives of the Council including permanent seats for countries in Africa (White House, 21 September 2022). At the

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[12] The problem is such general statements by the P5 are part of the pattern of promise for enticing African leaders with regard to their strategic interests. It is not genuine in that the statements are not accompanied by practical details. They have many strings attached. It has been part of too much talk but too little action in the saga of reforming the SC during the last three decades. However, the statements themselves can be a sign of optimism.

17 November General Assembly plenary session, the ambassador of China, Zhang Jun, underscored the need to redress the overrepresentation of developed countries. The solution would be to have small and medium-sized countries from underrepresented regions such as Africa serve on the Council (Security Council Report, 13 December 2022).

Nonetheless, Africa's case for increased representation in both permanent and non-permanent categories faced significant political challenges. The African common position contains elements that cannot be implemented in practice (Zifcak, 2009:21). The AU position is impractical in two ways: the veto requirement and the admission criterion.

4. The insistence on veto power

The veto power is one of the most difficult obstacles to overcome in reforming the SC. There was no other major proposal as radical as the AU's on veto at a time when the Council was under pressure to reform, namely in the run-up to the 2005 World Summit.

The High-Level Panel's report states that there should be no veto expansion. Rather, it requests that the P5 pledge not to use the veto in their individual capacities in cases of genocide and widespread human rights violations. Keeping the anachronistic nature of veto in mind, the panel urges that its use be limited to matters involving truly vital interests, and it proposes indicative voting to reduce veto use (United Nations, 2004). New permanent members should have the same responsibilities and obligations as existing permanent members, according to paragraph 5 of the G4 proposal. However, the right to veto is postponed for at least fifteen years after their admission to the Council (United Nations, 2005b). According to the AU's proposal, the new permanent members will have the same rights and privileges as the current permanent members, including veto power, so long as it exists (United Nations, 2005c).

The AU's call for immediate veto acquisition sparked international opposition. This was because expecting the P5 to agree on providing veto rights to the new permanent members or accepting any limitations on the veto was unrealistic (Welz, 2013:428 and Wouters and Ruys, 2005:22).

Article 108 states that the amendment of the UN Charter requires the support of all P5 members. The African perspective is impractical in this regard. This is because it does not consider the strict requirements with regard to the modification of the UN Charter in order to achieve any change in the Council's membership and veto. Any of the P5 would be able to veto any attempt to limit or constrain their veto power (Luck, 2006:15). As a result, most current proposals appear to be doomed to failure from the start, as it appears clear that the permanent members are unlikely to dilute their own veto power (Trahan, 2020: 48).

Furthermore, it causes schisms among UN member states, making a two-thirds majority of UN members required to amend the UN Charter, as stated in the aforementioned article, unlikely. Charges of impracticality and inflexibility came from the G4, where Germany and Japan are frequently among the four largest donors to the UN budget (Zifcak, 2009; United Nations, 2019).

Some African countries were calling for a compromise. For example, President Olusegun Obasanjo, who was Nigeria's president at the time, argued during an extraordinary session of the AU Assembly in early August 2005 that "it is obvious that Africa with its [54] members in the UN is a sizeable group, but so is Asia-[Pacific] with its 54 members. We Africans cannot impose our wishes on the [193] members of the [UN General Assembly] in isolation; we must negotiate with other groups unless our goal is to prevent any decision from being made. If that happens, let us be under no illusion Africa stands to lose more than any other region" (Welz 2013: 429).

Some African states, most notably Nigeria and South Africa (major contenders to represent Africa), recognised that SC reform would require new permanent members not to have veto rights; that is, if the AU agreed to the G4 and UN's Model A, even though they eventually accepted the common African position (Welz, 2013:429 and Adebajo, 2006:26). Though Nigeria and South Africa had disagreements, they resolved them in May 2005. They attempted to persuade the AU to consider flexibility in its approach to the issue of the right to veto. However, they failed. The conviction informed the position that accepting the G4 proposal was the most realistic way for Africa to secure permanent seats (without veto) on the Council (Maseng and Lekaba, 2014:397 and Adebajo, 2006:26).

Furthermore, the African position is unrealistic because the trade-offs provide no incentive for the P5 to accept the proposal to grant the veto to new entrants. Membership in international organisations necessitates a variety of sacrifices. The sacrifice of the SC involves raw coercive power. The Council has become the global focal point for legitimising forceful foreign policies, either symbolically or by conveying credible information (Vreeland and Dreher, 2014). The Council is influential enough to sway P5 domestic public opinion. The SC resolutions have aided US presidents in gaining public support for tough foreign policies. As a result, the US, the largest donor to the UN budget, is unlikely to provide support to new entrants or relinquish its power through the mere claim of representation, as discussed further below (Chapman, 2011). The same is true for the other permanent members. After all, organisations should not be judged by utopian standards, but rather by other realistic equilibria, such as the option of having no international organisations at all (Vreeland and Dreher, 2014:221).

5. The criterion of representation for new admissions

Non-permanent members of the SC have been appointed in accordance with UN Charter Article 23, which states:

> … the General Assembly shall elect ten members of the UN to be non-permanent members of the Security Council, due regard being paid, in the first instance to the contribution of the maintenance of international peace and security and to the other purposes of the organization, and also to equitable geographical distribution.

Despite the fact that there is a significant difference between the two, equitable distribution and equitable representation are frequently confused. To different people, the evaluative phrase ‘equitable’ means different things. It could be argued that the UN’s founders did not envision equal opportunity for all states. They rather envisioned a fair or reasonable opportunity for UN member states to participate in the management of UN institutions. For the vast majority of members, the term 'equitable' simply refers to the right and opportunity to directly participate in the UN's decision-making process through elections. Except for the African Group, which uses a fair and equitable rotational approach, no other regional groups provide their members with a fair and equitable opportunity to participate in UN decision-making. For example, the genuine aspirations of the Asian Group's smaller members have not been adequately realised (Agam, 1999:41; Daws, 1999). Equitable representation is inextricably linked to the important principle of sovereign equality of states, which is enshrined in Article 2 of the UN Charter. It serves as the foundation for state membership in the organisation. The concept of equitable representation has more to do with member nations' rights and benefits than with their ability to contribute. It is a major motivator in the race for positions in the UN system (Agam, 1999:41).

Article 23 of the UN Charter prioritises member states' potential contributions to the UN, so it is a matter of geographical distribution rather than representation. As a result, regional powers such as Japan[13] and Brazil[14] serve more frequently than less powerful states such as Laos[15] or Paraguay[16]. It can be argued that by broadening equity in the UN context, more attention will be paid to member states' rights, benefits, responsibilities and commitments. Indeed, most member states are unlikely to be persuaded of the importance of fair and equitable representation in the UN system (Lia and Lefler, 2009).

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[13] Japan served as non-permanent member of the SC twelve times including during the term which terminates in 2024, available at <https://www.un.org/securitycouncil/content/countries-elected-members>, accessed on February 20, 2023.

[14] Brazil served in the SC eleven times including its present seat till the end of 2023, available at <https://www.un.org/securitycouncil/content/countries-elected-members>, accessed on February 20, 2023.

[15] Laos, being in the same regional group (Asia) with Japan, was never to become non-permanent member of the Council.

[16] Paraguay is in the regional group of the Latin America and the Caribbean states to which Brazil also belongs. However, it was non-permanent member of the Council only once, from 1968-1969, available at <https://www.un.org/securitycouncil/content/countries-elected-members>, accessed on February 20, 2023.

In contrast to the 2005 reform proposal, the G4, and the UfC coalition, the AU proposal prioritises representation over distribution. However, a claim for a permanent SC seat based on the representation criterion is unlikely to succeed. Permanent members of the Council were never chosen on the basis of representation or parity. Also, non-permanent members are only elected on the basis of 'equitable geographic distribution' as a secondary consideration.

Permanent membership of the SC has both rights and obligations attached to it. However, certain privileges garner the majority of attention. These include privileges such as: (1) the right to veto and; (2) 'unwritten' privileges, commonly referred to as the 'cascade effect of permanent membership,'[17] to win seats on other principal organs and specialised agencies of the UN. As a result, less emphasis is placed on the commitment that comes with permanent membership (Lee, 2011:415).

Although not often publicly expressed, there were reservations in some quarters about the entire concept of African permanent membership. This was based on the argument advanced most forcefully in the Western European and Other States Group, but the sentiment was also shared elsewhere. With the possible exception of South Africa, the claim was simply that no African state was yet sufficiently stable. Nor did they have sufficient political and military influence and capacity to be considered for a permanent position (Zifcak, 2009:21). This demonstrates that the claim of permanent membership based on representation is precarious.

Other than asserting representation, the African group is unable to determine the precise criteria for selecting the two candidates. No agreement on which of its 54 members is qualified for permanent seats has been reached, demonstrating the group's lack of cohesion (Lättilä and Ylönen 2019:170; Welz 2021:270; Adebajo 2006:26). The Ezulwini

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[17] See the *'Cascade Effect' of Permanent Membership* A/AC.247/5 (a) available at <https://archive.globalpolicy.org/security-council/security-council-reform/regional-representation/49942-the-qcascade-effectq-of-permanent-membership.html>, accessed on 14 April, 2023.

Consensus (Ext/EX.CL/2 (VII):10) simply states that the right to choose its representatives, as well as the criteria for selecting African members of the SC, should be determined by the AU. This statement is impeding Africa's efforts to reform the UNSC. The inability to name candidates creates a void for the P5, which prefers to assess aspirant countries individually. The US is an example. It has stated that it will only accept new permanent SC members after considering their ability and willingness to contribute to the maintenance of international peace and security. New permanent SC members will also have to demonstrate their commitment to other UN goals (Lättilä and Ylönen, 2019:171; McDonald and Patrick, 2010). Furthermore, Nigeria's accusation of South Africa as "not really [being] a black country, that South Africa isn't black enough" (Welz 2013: 429–30) reflects the fuzziness of representation18 and rivalry among leading contenders. Beyond this disagreement among the potential candidates, there is scepticism about them. There is a criticism that Nigeria is too 'anarchic', Egypt is too 'Arab' and South Africa is too 'albinocratic'. This indicates the fracture within the African group as to which country should represent the continent (Adebajo, 2006:26).

In summary, the unrealistic nature of the AU's position is succinctly put by *Business Monitor International* (October 2005:4) as "morally defensible […] but politically futile" (cited in Welz 2013:431).

6. Conclusion

The UNSC, which is at the heart of the global collective security system, is becoming increasingly anachronistic, reflecting 1945 world realities. Its membership fails to reflect current realities, casting serious doubt on its representativeness. The P5 are using the veto power to advance their own interests or protect their allies, limiting the Council's effectiveness. As a result, there are persistent calls for reforming the Council, despite the fact that reforming the Council has proven to be impossible since the last restructuring in the mid-1960s. The numerous attempts to do so recall Sisyphus' fate, who was condemned to watch his boulder roll down every time he pushed it to the top of the hill (Thakur, 2017: 339).

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[18] For more on the nebulous nature representation see Thakur, 2017: 342–343.

There was hardly a sovereign African nation at the San Francisco UN founding conference; only four countries participated. By contrast, the African group is currently a major voting bloc at the UN, consisting of 54 members. Besides, the majority of UN resolutions are on African issues, and the majority of UN peacekeeping is in Africa. Despite this, Africa does not have a permanent member on the SC. Furthermore, the SC is remembered for its inaction in preventing the Rwandan genocide. From two perspectives, these confirm that the Council is the epitome of historical injustice with regard to Africa. First, it has a colonial legacy, as it was founded without the participation of African states, the majority of which were directly colonised. Second, following the end of direct colonial rule, former colonial powers have made decisions on behalf of Africans, a practice known as neocolonialism.

As a result, Africans have been calling for the Council's reform for decades. In the run-up to the 2005 World Summit, the AU adopted the Ezulwini Consensus as the African common position. However, due to the fact that Africa lacks a single permanent member, the continent's position on the Council remains unchanged.

The proposal is compelling because Africa's exclusion is obvious. Nonetheless, impractical demands obstruct legitimate demands in two ways. The first is the insistence on veto power. The P5 are unlikely to accept a proposal that requires new entrants to immediately provide a veto. The P5 are also unlikely to accept a proposal which limits veto's use at the list level without a clear indication of the incentives to do so. Furthermore, Africa's insistence on veto power is problematic. It makes reaching an agreement with others, in order to obtain the two-thirds majority, which is required for an amendment to the UN Charter to materialise the Council's restructuring, difficult. The second point is that calling for Council reform by claiming representation is impractical. Representation is not even mentioned as a criterion for non-permanent member election; rather, geographic distribution is a secondary consideration. Furthermore, the African group is unable to name candidates, indicating a lack of unity.

For Africa's call to gain traction, there is a need for a *Pax Africana*, a peace "protected and maintained by Africa herself" (Mazrui, 1967:203), combined with unity in the spirit of Pan-Africanism. For this to happen, Africa's leaders must act decisively in both the political and economic spheres; also a decolonisation of power (Ndlovu-Gatsheni, 2020) is required. Africa must demonstrate that it is a force to be reckoned with, thereby highlighting its significance and, as a result, changing the continent's image. This will enable Africa to get or increase its voice in global institutions, the SC in this case, which is also spelled out in the AU Agenda 2063 (Aspiration 7). It will also address the contention on representation. Furthermore, in order to achieve its goal of reforming the Council, the African group needs to be flexible and pragmatic. An evolutionary change to the veto should be sought in this regard.

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The Political Ecology of Farmer-Herder Conflict in Ghana: A Case Study of the Kwahu Afram Plains South District

*Bernard Okoampah Otu and Kwasi Sarfo**

Abstract

Farmer-herder conflict is an age-old phenomenon, which is widely spread in the West African sub-region. Current studies on the Ghanaian farmer-herder conflict have emphasised the land-related conflicts between indigenous farmers and nomadic herders. It has focused especially on environmental scarcity and climate change approaches. However, this study adopts the political ecology framework to highlight land conflicts between migrant farmers and nomadic herders, two migrant groups that are considered "strangers" to the Kwahu Afram Plains District. The study contributes to the broader debates on farmer-herder conflict. It provides contrary evidence with regard to the popular notion in literature and theory about the prevalence of land insecurity among nomadic herders. The study argues that migrant farmers in the study area experience more land insecurity compared to the nomadic herders. This is because of their history of immigration, their relationship with the Kwahu landowners, which is driving the escalating cost of accessing land, and disputes between landowning groups.

Keywords: Political ecology, farmer, herder, conflict, Afram Plains, Ghana

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1. Introduction

Farmer-herder conflict is a long-standing phenomenon. From a Christian-centred analytical lens, the biblical story of Cain and Abel's conflict, which resulted in the former killing the latter, is a prototypical example of farmer-herder conflict (Benjaminsen et al., 2009). The biblical illustration depicts the past co-existence of farmers and herders, despite some level of animosity between them. According to Seddon and Sumberg (1997), past relationships between farmers and herders were mutually beneficial and complementary. Such interactions were crucial in preventing and resolving conflicts between farmers and herders. The current widespread and intense conflicts in Africa between farmers and herders suggest that the symbiotic relationships between the two groups are becoming less important. As a consequence, it has become more difficult to regulate conflict between the two feuding parties.

These conflicts in Ghana are characterised by retaliatory attacks. According to Otu and Impraim (2021) citing the 2018 report of the West African Network for Peacebuilding (WANEP), there are widespread incidents of armed attacks. These attacks are launched by herders at Zabzugu, Boliga Nkwanta, Agogo, Drobonso, Geduako, Nsuta, Abokpa, Afram Plains, and Ntrongnan. Similar violent farmer-herder conflicts have been documented in Dumso, Nangodi, Gushegu, Atebubu/Amanten, and Pru (Olaniyan et al., 2015). The outcomes of these conflicts have resulted in the loss of lives, injuries, and property.

The reason for these conflicts on the African continent is a subject of extensive academic debate. These debates are highly contested, with perspectives and arguments on the phenomenon differing in their intricacies (Otu, 2022). Cultural diversity, power dynamics, and changes in livelihood have all contributed to conflict between farmers and herders. However, the present study focuses on conflict arising between the two groups over land access challenges. Past studies on farmer-herder conflicts have typically concentrated on conflicts between indigenous farmers and migrant herders (see Tonah, 2005; Moritz, 2006; Mbih, 2020; Paalo, 2021; Issifu et al., 2022). Such studies have focused on the stronger claims of indigeneity by indigenous farmers.

This is opposed to the weaker claims of migrants to land and the spatiotemporal nature of the land rights of the herders (Kugbega and Aboagye, 2021).

These studies also draw on the modernisation discourse of the environment and the perception that the activities of the nomadic herders are destructive to the environment. Therefore, they do not enjoy the support of policymakers and policy processes leading to their marginalisation and limited access to land (Benjaminsen et al., 2009). Moreover, the assumption was that land insecurity was more common among nomadic herders. However, this case study shows that land insecurity is more prevalent among settler farmers. Also, in the struggle for access to land between settler farmers and the nomadic herders in the Kwahu Afram Plains South District, the situation of the settler farmers is more precarious and dire. Acquiring the often-overlooked perspective of migrant groups has changed the lens. It draws attention to migrant groups as victims of the financial calculations of landowning groups, fundamentally changing both popular and academic narratives of the so-called Fulani menace (Kuusaana and Bukari, 2015; Tonah, 2005).

The rest of the article is organised as follows. Section 2 discusses the usefulness of the political ecology approach in interrogating farmer-herder conflicts. This is followed by an overview of farmer-herder conflicts in the Kwahu Afram Plains South District. Section 3 introduces the study area and the methodology used to conduct the study, while Sections 4 and 5 present the results and discussion. The conclusion in Section 6 reinforces the relevance of the political ecology theory. It highlights the plight of settler farmers who are victims of the financial calculations of landowning groups due to their weaker claim to customary land. As a result, some recommendations are made with regard to peacebuilding in the West African sub-region. These recommendations focus more specifically on a peaceful coexistence between farmers and nomadic herders in Ghana.

2. Understanding farmer-herder conflict through the political ecology lens

The study of the farmer-herder conflict across Africa has taken a variety of approaches, ranging from the impact of environmental scarcity

(Homer-Dixon, 1999; Homer-Dixon and Percival, 1995) to climate change (Froese and Schilling, 2019; Dosu, 2011; Reuveny, 2007). Environmental scarcity and climate change are useful in explicating how increasing numbers in population, large-scale land acquisition, and climate variability are affecting the availability of land. This leads to increased contestation and competition for land that engenders conflicts. However, these approaches ignore the power dynamics among the actors involved. This is where political ecology is needed (Robbins, 2012; Benjaminsen et al., 2009; Watts, 2000).

Political ecology which emanated from the field of geography has become a principal approach in many fields of study in recent years. There are five overriding narratives or foci of political ecology which include, degradation and marginalisation; conservation and control; environmental conflict and exclusion; the environmental subjects and identity; and political objects and actor thesis (Robbins, 2019). However, the fundamental element that unites all these narratives is the interplay of power. As espoused by Robbins (2004:12), in his definition, cited by Benjaminsen & Svarstad (2021), political ecology is "empirical, research-based explorations to explain linkages in the condition and change of social/environmental systems, with explicit consideration of relations of power" (Benjaminsen & Svarstad, 2021:15). Watts (2000) also argues that political ecology necessitates a careful examination of the different ways that resources are accessed and controlled, as well as what their effects are on sustainable livelihood. The centrality of powers in political ecology is not limited to only one level of analysis. Instead, the power relations among different actors within the local setting are linked to political and economic influences emanating from national and international levels (Benjaminsen & Svarstad, 2021; Robbins, 2019). This idea is succinctly articulated in a comment that "any tug on the strands of the global web of humans-environment linkages reverberates throughout the system as a whole" (Robbins, 2019:10). The power dynamics are critical to this study. It provides useful information about the composition of the case study communities and how not to perceive the actors within such communities as a homogeneous group. Rather they should be viewed as heterogeneous power-wielding groups with different levels of bargaining power and different ways of interacting with the landowners. This generates different reactions that sometimes leads to conflict.

Three different processes are often pursued in political ecology. First is the process that involves how international capital investment affects livelihood through its impact on the environment and access to land as seen in mining, agricultural production and manufacturing ventures (Benjaminsen & Svarstad, 2021). Second, it also studies how international conservationist institutions rely on national governments to alter the local use of land and natural resources in an attempt to solve global environmental and climate problems. This takes place through the establishment of "new national parks, or climate mitigation projects such as the production of biofuel or to sequester carbon to conserve forests or establish new forest plantations" (Benjaminsen & Svarstad, 2021:5). Finally, political ecology also focuses on environmental change by addressing the processes of change, its causes, and impacts (Benjaminsen & Svarstad, 2021). Even though all three issues raised are useful analytical frameworks, for this study our focus is on the power dynamics with regard to access to land and natural resources. This study draws on political ecology in the discussion of the conflict between settler farmers and nomadic herders. It argues that to improve the appreciation of farmer-herder conflicts in the Kwahu Afram Plains South District, a thorough understanding is needed of: (1) the historical context; (2) the role of political elites; and (3) the politics of land ownership between traditional authorities that empower one group over and above the other.

Drawing on the foregoing, the use of political ecology theory to assess farmer-herder conflict is based on an important premise. The premise suggests that the reciprocal and monetary gains between societal "big men" (traditional authorities and landowners) grant nomadic herders land access, harming settler farmers. It is a situation which is contrary to several studies that always found the herders to be in a disadvantaged position (Benjaminsen and Ba, 2019; Kuusaana and Bukari, 2015). The herders are granted land at the expense of the settler farming communities. This results in competition for land between the two migrant groups, which inevitably leads to violent conflict in the research study area.

3. Farmer-herder conflict in the Kwahu Afram Plains South District: An overview

Conflicts between farmers and herders have been recorded in many areas in Ghana. In 1988/89 and 1999/2000, the repeated clashes between the Fulani pastoralists and farmers resulted in the expulsion of the former (Olaniyan et al., 2015; Tonah, 2002). More recently, the farmer-herder conflicts in the Agogo area which is conterminous to the Kwahu Afram Plains have not escaped scrutiny from academics (Setrana, 2021). In the Afram Plains, the conflict between farmers and herders has been very rife. Both local and national media published articles reporting clashes between the two migrant groups, portraying it as gruesome, violent, and on the rise (Otu and Impraim, 2021). These media reportages further enhance the narratives about the effects of the conflict on the people's livelihood in the area. Otu and Impraim (2021) documented cases of farm destruction by the cattle of nomadic herders and farmers retaliating in the Kwahu Afram Plains South District. In one instance, in October 2020, crop farmers mobilised and attacked nomadic herders in the Aframso community, essentially to evict the herders from the land. The resultant outcome of the deadly clash led to the death of nine nomadic Fulani herders and two Konkomba settler farmers, including two brothers. Another development portrayed how in a farming village in Gyeneboafo in the case study area, a Fulani herder shot a settler farmer in the abdomen. This occurred when the farmer questioned the Fulani herder on why his cattle were eating crops that the farmer is yet to harvest on his farm. Both actions by the two parties directly impacted the livelihood of the people and exacerbated the level of insecurity.

The Kwahu Afram Plain has been in the hands of the Kwahu people since the Gold Coast border demarcation in 1902 (Wallis, 1953). Historically, the Kwahu Afram Plains South District (KAPSD) was sparsely populated with a few settlements and was used as a hunting ground by the Kwahu landowners (Tonah, 2005). The Kwahu landowners lived in the major towns in the plains and only a few of them resided in the villages as the representatives of the landowning group. They mainly engage in trading and formal work in the communities and only a minority engage in farming activities around the main settlements. The area has witnessed an influx of migrants from all parts of Ghana and the neighbouring West African countries since the 1960s (Tonah, 2005). Apart from the favourable ecological environment, the presence of these two migrant groups in the area can be attributed to three things. These three things are construction of the Akosombo dam, the decentralisation of Ghana's political space, and the introduction of cocoa cultivation (Tonah, 2005). These migrants engaged in different activities including commercial and subsistence farming, hunting, fishing, herding, trading, and other related activities. Of all the livelihood activities, farming and herding have generated intense competition for land, leading to inevitable resource conflicts.

The farmers and the fishermen were the first of the migrant groups to have arrived in the area. They requested land from the traditional Kwahu landowners to engage in subsistence agricultural activities. These migrants were predominantly the Ewe and Dangme from Volta and the Greater Accra Regions respectively and the Konkomba, Gonja and Dagaaba from the northern part of the country. The Ewe and Dangme groups settled along the banks of the Afram and Volta rivers to ply their trade of fishing. This is why the Konkombas and the others from the northern sector preferred the hinterland. Here they could access enough land to engage in food crop cultivation under the system of shifting cultivation and bush fallowing (Sarfo, 2011). In recent times, there has been increased interest from multinational corporations engaging in large-scale land acquisition and commercial farmers from the major cities in Ghana for various forms of investment. Parallel to the migration of the above groups is the influx of nomadic Fulani herders looking for the same land in order to graze their cattle. Interestingly, these nomads previously avoided the area due to its dense nature and the presence of tsetse flies. The nomads have moved into the area because of the dwindling ecological resources in the Sahel and its extension to the northern regions of Ghana (Tonah, 2002).

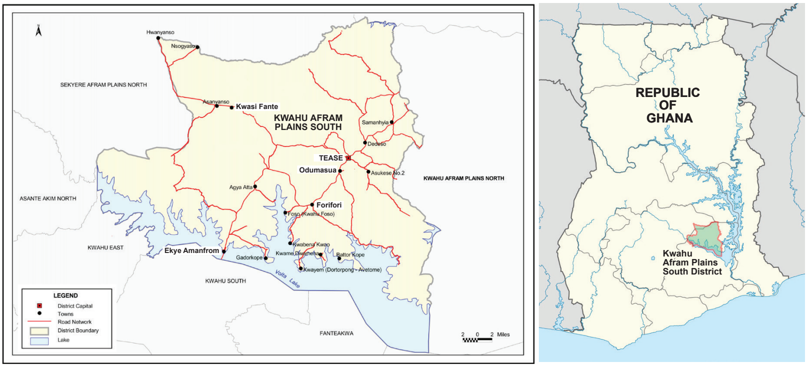
The interactions of these two migrant groups within the same ecological space have resulted in a struggle for land and natural resources in pursuit of their respective livelihood activities. While the settler farmers need more land to expand their crop farms, nomadic herders require the same amount of land to graze their cattle. The settler farmers believe that because they have cultivated the land for a longer period, their use rights to the land must be respected. The nomads, on the other hand, argued for having a legitimate agreement to use the land with the traditional authorities, which must be respected by the farmers. Both migrant groups claim legitimate use rights of land in the research study area.

The jostling for land between the two migrant groups has opened up an opportunity for some traditional leaders to exploit the situation. The actions taken by the landowners have resulted in the majority of settler farmers becoming landless and, in some cases, losing their crops to the herders. This situation has arisen because most of the lands that the farmers once cultivated have now been allocated to the nomadic herders, without their knowledge or consent. This brings the herds closer to the crop fields of farmers, leading to the destruction of farms and other retaliatory consequences (Yambilah and Grant, 2014; Tonah, 2006). As a result, both migrant groups are now at odds with one another because they perceive each other as an obstacle to obtaining their means of sustenance. Since then, farmer-herder conflicts have been a recurring problem in the case study area.

4. Materials and Methods

The study was done in the Kwahu Afram Plains South District. The district was created in 2012 by Legislative Instrument (LI) 2045 (GSS, 2014). Even though farmer-herder conflict occurs in many parts of the country, the Kwahu Afram Plains South District presents an unusual situation. This is because the majority of the residents are primarily non-indigenous people with weaker claims to customary lands in the area. This is contrary to farmer-herder conflicts between indigenes and migrant herders in other parts of the country with the former asserting their claim to land. Additionally, as part of the cattle migratory corridor of Ghana (Tonah, 2005), the Afram Plains area serves an important purpose. It is the final destination of the nomadic herders from the Sahelian region of West Africa during the seasonal migration. This has caused the area to experience a heavy presence of cattle from both the Fulani nomadic herders and locally based herders, particularly during the dry season. The expansion of farm sizes and the heavy presence of cattle brought by the nomadic herders amidst insecure land tenure have created tensions. These tensions usually escalate into conflicts between farmers and herders in the Afram Plains. Farmer-herder conflict in the area has gained notorious status to the extent that the farmer-herder conflict in Ghana has become synonymous with Afram Plains. The area has also been identified as part of the bread basket of Ghana (Yeboah, Codjoe and Maingi, 2013). Therefore, the Kwahu Afram Plains South District serves as an ideal place to interrogate the political ecology of farmer-herder conflicts in Ghana. Data for the study had been collected in 2019. However, further field visits were made in 2021 to validate and confirm the findings. In the case study district, fieldwork was conducted in the communities of Kwasi Fante, Ekye Amanfrom, Odumasua, Tease and Forifori. These are well-known areas in the study district where residents resist the presence of nomadic herders and their cattle.

Figure 1: Research study areas in the Kwahu Afram Plains South District (KAPSD).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SEKYERE AFRAM PLAINS NORTH
Asanyanso
Kwasi Fante
KWAHU AFRAM PLAINS SOUTH
Samanhyia
Dedeso
TEASE
Odumasua
Asukese No.2
KWAHU AFRAM PLAINS NORTH
ASANTE AKIM NORTH
Agya Atta
Forifori
Foso (Kwahu Foso)
KWAHU EAST
Ekye Amanfrom
Kwabena Kwao
Gadorkope
Kwame Dwamena
Battor Kope
Kwayem (Dortorpong - Avetome)
Volta Lake
KWAHU SOUTH
LEGEND
District Capital
Towns
Road Network
District Boundary
Lake
FANTEAKWA
2 0 2 Miles
REPUBLIC OF GHANA
Kwahu Afram Plains South District

Source: University of Ghana, GIS – 2020

To obtain qualitative data for the study, semi-structured interviews and focus group discussions (FGDs) were used. Focus group discussions and interviews were conducted primarily with settler farmers who live in nucleated settlements and are easier to mobilise. For nomadic herders who were dispersed in their camps, semi-structured interviews were used. Additional information was obtained through interviews with stakeholders in the area, including traditional/opinion leaders and local government officials. A total of 29 participants participated in the study: fourteen settler farmers, seven nomadic herders, four traditional/opinion leaders, and four government officials. The information gathered, primarily in the Ghanaian language (Twi) and Hausa, was transcribed into English. This was made possible through the use of NVivo, a qualitative software that helped to generate the dominant themes and patterns in the research. The descriptive information and the direct quotes used in the research were derived from the transcript analysis.

5. Results

5.1 Land Relations in the Kwahu Afram Plains South District

In Ghana, there is a plurality of land tenure and land administration. Land has been classified into three categories, state lands, vested land and customary land (Amanor, 2009; Kasanga and Kotei, 2001). Land in the study area belongs to the customary sector where the customary norms of the particular community mediate land tenure relations. The customary tenure recognises several rights over land including the allodial or ultimate title vested in the traditional leaders and family heads to manage land on behalf of their subjects. There is also the usufructuary right that enjoins the indigenes of the area unhindered access to land once such land is not in use or claimed by another. Tenancy grants individuals access rights to use the land in exchange for payment through tributes or royalties in cash or in kind. Access rights could also be obtained through leases and licences. In the Kwahu Afram Plains South District, the allodial title is vested in the Kwahu landowners. This is where the two migrant groups have for several years been obtaining access to land through tenancies when tributes or royalties have been marginal.

The population explosion and increasing infiltration of nomadic herders in the area have contributed to complex consequences. As a result, in the research study area, the relations over the land between traditional landowners and migrants have evolved over the years. Interviews revealed that land access has changed from the traditional egalitarian mode to more market-determined pathways. This has led to strained relations between the Kwahu landowners and the settler farmers. An opinion leader explained that:

> It is necessary to understand that there was already an uneasy calm between traditional authorities who are custodians of the customary lands in the area and the settler farmers, particularly the Ewe settler farmers, before the arrival of nomadic herders in the area (Interview, opinion leader, November 2019).

Further interviews with key stakeholders revealed that the long-standing conflict between landowners and migrant settlers stems from who controls the resettlement lands in the area. The Kwahu landowners claim ownership of the resettlement lands. By contrast, Ewe migrants also have a claim. They were displaced because of the construction of the Akosombo dam and resettled in the area. Therefore, they claim that they or the government have control over such resettlement areas. The age-old tension between the two parties explains why the Kwahu landowners prefer to give nomadic herders priority access to land in the area. More so, the money derived from giving land access rights to nomadic herders and commercial farmers far exceeds that of the settler peasant farmers.

A 56-year-old settler farmer in an interview lamented:

> The landowners want to displace us from the land which is why they give the same piece of land we are cultivating to the herdsmen. They say the money we pay for accessing land is too small but the Fulani people can give much money. Sometimes when we complain about the destruction of our crops, the landowners will tell us to leave the place if we are uncomfortable with the presence of the Fulani herders (Interview, settler farmer, November 2019).

This view was shared by several settler farmers and partly accounts for the escalating cost of accessing land by the settler farmers. A settler farmer expressed his opinion on the arbitrary nature of land rent as follows, “I rented an acre of land last year for 20 Ghana Cedis. This year, the landowner wants me to pay 250 Ghana Cedis (1$=12Ghana cedis) for the same piece of land. How can I afford this considering that I am a smallholder who grows food crops for the consumption of my family? There is a threat to our livelihood" (Interview, settler farmer, November 2019). This view is not different from the interviews and discussions with other settler farmers in the district.

Discussants during FGDs strongly expressed the following sentiments:

> Some traditional authorities show favour in land allocation and access to nomadic herders because of money and, in some cases, cattle that have exchanged hands between them, as well as the landowners' subtle attempt to evict us from the land. Some chiefs' reluctance to rent farming land during a specific time of the year, particularly during the dry season, in anticipation of higher rent from nomadic herders, is one example of unfair land practices in the area. Furthermore, some chiefs purposefully assign grazing lands nearer to places where settler farmers cultivate, thereby, bringing cattle closer and creating the condition for conflict between farmers and herders (FGDs, settler farmers, December 2019).

A herder who was incensed commented as follows:

> The farmers say we are herding close to their crop fields. Did we rent the land from them? If they have any concerns, they should direct them to the landowners and leave us alone. Our cattle will graze in the area that has been demarcated to us by the chiefs (Interview, nomadic herder, November 2019).

The tension relative to the conflict of allocating land to nomadic herders hinges on the fact that the two groups are competing for land in pursuit of their livelihood. The farmers have cultivated the land for many years. This is while the new arrivals, the nomadic herders, have courted the support of traditional landowners. They used the support of traditional landowners to allocate land to them that is already under cultivation by farmers or closer to crop fields. This has ultimately led to crop destruction by the herders' cattle. These contested areas are fertile lands and mostly closer to the river banks. Therefore, the landowners, by the power vested in them to allocate land, expropriated the land to the highest bidder. This emboldened the nomadic herders in their confrontation with the migrant farmers. The aforementioned situation has strained relations between farmers and herders. The settler farmers' inability to challenge landowners has led them to undermine nomadic herders' land use rights. According to a nomadic herder, "Farmers see us as a soft target in their conflict with landowners, which is why they attack us at the slightest provocation" (Interview, nomadic herder, November 2019).

The traditional landowners in the area are therefore using their fiduciary position to drive the escalating cost of accessing land. Thereby placing the smallholder settler farmers in a disadvantageous position in terms of access to land. This leads to tenure insecurity among the farmers as opposed to the nomads with the financial power. The resultant effect of this occurrence is an imbalance in the power to access land and natural resources leading to conflict between the two migrant groups in the area.

5.2 Access to Political and Business Elites

The research found that nomadic herders have access to the political and business elites, putting them in a position to access resources, particularly land. The study revealed that most nomads, in addition to caring for their cattle, also care for the cattle of some influential members while in the country. These political and business elites have made investments that have allowed them to own sizable cattle herds in a short time, thereby, making money off the presence of the nomadic herders. As a result, the political and business elites play an important role in the escalating tensions between the two migrant groups in the research study area. A settler farmer summarised the support of the political and business elites as follows:

> The presence of nomadic herders benefits the political elites enormously. The majority of the cattle in this area are for the big men who live in the city. You cannot tell the difference between a foreigner's cattle and an indigenous person's cattle. The nomads on the outskirts of these communities are tendering the cattle of these powerful members of society (Interview, settler farmers, November 2019).

A 68-year-old settler farmer avers that the association of the herders with the political and business elites has emboldened them to engage in activities that the law frowns upon. He argued strongly that:

> The support of the political and business elites has impelled the nomadic herders to engage in activities that violate national laws and, more specifically the district by-laws on the movement of livestock. The marauding herds destroy crop fields and contaminate water bodies with no remorse because they know they have the support of the 'big men' (Interview, settler farmer, December 2019).

Further interviews with some key stakeholders illustrated the impunity with which the herders operate in the case study district. Some engage in vices such as rape and shooting of farmers who confront them on their farms. This is while others brandish guns openly while herding their cattle either on the highways or through the bushes. This is a blatant violation of national laws on the carrying of guns and specifically of the district by-laws on the movement of livestock. These by-laws require all cattle to be sent to the ranch in the district. The herders by virtue of their closeness with the political and business elites are often under the illusion that they possess power and hence commit such infractions with impunity. The herders are aware that their political and business associates will use their influence to sabotage state institutions involved in managing the conflict, protecting them when violations occur.

What is significant relative to the association of the nomads with the political elites is the easy access to land. One striking narrative was the fact that while the settler farmers struggle to gain access to land, the nomads easily gain access. To a larger extent, they can even access land that is still under cultivation by the settler farmers. The resultant effect of this situation has been the struggle between settler farmers and nomadic herders to access land, especially areas closer to water bodies. The role of the political elites is, therefore, integral to the conflict process. This is because their interest in the community is more paramount than the general welfare of the community members. With the support of the political elites, the nomads incur the anger of the settler farmers. This creates enmity and tensions that easily culminate into reprisal aggression between the feuding parties, leading to mutual hostility and reverse-violent attacks at the least provocation.

In furtherance of the above, because of the support that the nomadic herders receive from the political elite and law enforcement agencies, there are complaints from the farmers. The complaints from the settler farmers about the destruction of their crops are not dealt with promptly. A settler farmer, in an interview, noted that the "go and come" attitude of the law enforcement agencies makes it unattractive to send their complaints about crop destruction to the police. Again, the burden of proof related to crop destruction lies with the farmer. The farmers not only have to prove that the crops have been destroyed but they also have to identify the herd that did the destruction. The task of identifying the herd is enormous as the destruction is done at night when the farmer might be asleep (Sarfo, 2011; Tonah, 2002). An opinion leader avers that wherever they go, the herdsmen have agents who are well-connected to the state institutions and political parties. Anytime that there is a dispute between the settler farmers and the nomadic herders, these agents, through their influence, would help the Fulani herders to circumvent the due process (Interview, opinion leader, December 2019). A farmer retorted angrily about the agents of the herders as follows, "The Fulani herders do not annoy me as their agents." The common opinion about the agents was that they deprive farmers of their due compensation in the case of crop destruction, even when the nomadic herders have agreed to pay. In situations where the settler farmers feel that they are treated unfairly by law enforcement agencies during confrontations with the herders, they resort to violence. The Fulani herders retaliate in most instances.

5.3 Conflict over Rights to Landownership

Landownership rights are essential for gaining access to land. Indigenes, unlike migrant farmers, can assert their claim to the land in order to improve their livelihood. However, where migrants' access to land is based on the discretion of the traditional landowners, a problem arises. In these cases, smallholders, especially migrant farmers with weaker land claims, are deprived of their already cultivated land and left landless. The study found that migrants gain access to land in the area through the traditional authorities, who control approximately 70% of the land in the area. Due to the migrants' reliance on chiefs for land, any dispute between chiefs over claims to the same piece of land engenders tension. It negatively impacts the livelihood of the migrants, especially the settler farmers. The presence of several chiefs laying claim to, for example, Forifori, a resettlement community, poses a serious challenge. All the traditional leaders who have staked claims in the area have explicitly instructed migrants to seek their permission before cultivating the land. As a result, different chiefs have given the same plot of land to multiple users who are settler farmers and nomadic cattle herders. An opinion leader vividly described a violent incident that occurred when two different chiefs, disputing a piece of land, allocated it to different users as follows:

> Not long ago our village was plunged into a state of mourning when two young newly married couples were shot at and killed instantly when some herders confronted them on why they were spraying weedicide on land they claimed had been rented to them. The said piece of land has been cultivated by the couples for about two years when they rented it from a chief in the next village. The same piece of land has also been allocated to the herders by a different chief in the area. The confrontation between the farmers and the herders led to an altercation which resulted in one of the herders shooting and killing the two farmers. The unfortunate incident occurred because the same piece of land was allocated to different users by two disputing chiefs laying claim to that piece of land (Interview, opinion leader, December 2019).

In a related development, a settler farmer described his experience of how the claims by different chiefs to the same piece of land affected him as follows:

> I can't understand why some of the landowners are inconsiderate. Last year, I was on the verge of losing my two-acre yam farm. Without a friend's advice to pay rent to both chiefs laying claim to the land, the unthinkable could have

> occurred, and my family could have struggled to survive during the lean season. How long can I continue to pay rent to these disputing chiefs on the same piece of land as a smallholder farmer who cultivates mainly for home consumption (Interview, settler farmer, November 2019).

Observations and discussions reveal strikingly similar experiences in which farmers were required to pay land rent to different chiefs for a piece of land in the area. The settler farmers argue that refusing to pay to all the chiefs laying claim to the land means losing the land, thereby, adversely affecting their livelihoods. Again, landowners in the study area are noted for allocating land in the hinterlands occupied by migrant farmers to herders. This is especially the case when these lands are subject to contestation from other chiefs which exacerbates the already volatile relations between the farmers and nomadic herders.

The nomadic herders on their part confirmed the occurrence of different chiefs renting the same piece of land to different users. The herders, however, allege that the farmers are envious of them and always stake claim to the land where their cattle graze. A herder intimated that:

> When we first rented and moved to graze our cattle here, there were no farms on the land. We have been grazing our cattle in peace until three months ago when a middle aged man came to inform us that the area has been rented to him and so we should move our cattle. Upon inquiring about the chief, he rented the land from and when the land was rented, we realised that it was not the same chief who rented out the land to us. We, however, insisted that we will not move anywhere and that the farmer should go and collect his money from the said chief. Although the farmer was not happy to hear that from us, he promised to come back with some community members to evict us from the land. We are fully prepared and ready for them. They should come and evict us from the land if they are men (Interview, nomadic herders, December 2019).

When multiple users are granted the same piece of land by different chiefs, the stage is set for conflict to erupt. Therefore, the conflict between settler farmers and nomadic herders is exacerbated by the dispute over which chief owns what land in the area.

6. Discussion

As observed earlier, political ecology deals with human-nature interaction and how these interactions are mediated through power dynamics. Access to natural resources including land is influenced by the individual's position vis-a-vis others in his or her claim over such resources. Several studies have applied political ecology to analyse the farmer-herder conflicts between the indigenous farmers and the nomadic herders. It causes these conflicts to become a conflict between the autochthonous and immigrants who are often described as foreigners, leading to the conclusion that the pastoralists are often marginalised (Benjaminsen et al., 2009; Mbih, 2020). In this study, the theory has been applied to farmer-herder conflicts, particularly when both disputants are migrants with no land ownership rights in the area. Analysis of the findings suggests that the nature of landownership in the area causes a great deal of conflict. Because the traditional authorities control the majority of land in the area, migrants' access to land is at the behest of the chiefs. It is no secret that the chiefs prefer allocating land to nomadic herders instead of to settler farmers in the area. This study also revealed that comparatively, the nomadic herders are more financially endowed and politically connected than the migrant farmers and can access favour far and above the migrant farmers. However, these two groups are in constant competition because of the nature of their activities. Whereas the farmers are interested in the land in the hinterland for their activities, the nomadic herders are also looking for a vast territory to graze their cattle. This results in confrontation. The situation engenders animosity between migrant farmers and nomadic herders, resulting in tensions and, the eventual outbreak of conflict.

The findings are consistent with previous research, in which Tonah (2002) stated unequivocally that the chiefs prefer nomadic herders. Tonah claims that their presence has provided the traditional authorities, who control customary lands, with opportunities for prosperity. The largely customary land controlled by traditional authorities across Africa has made migrants vulnerable, as they are exploited through labour and cash prestation. This lends credence to the assertion that migrant farmers cultivating customary land are the most vulnerable to exploitation and eviction (Kuusaana, 2016). The literature demonstrates the vulnerability of migrants who lack land ownership rights. The stringent requirement for access to land, shorter lease terms, and arbitrary land rental fees all point to this vulnerability (Alhassan and Manuh, 2005). In some areas, attempts by traditional authorities to renegotiate terms on land access have occurred, leaving migrant farmers exploited in terms of the land they have farmed for many years (Chauveau and Colin, 2010; Ubink and Quan, 2008). This study has argued that the migrants, in general, are marginalised and exploited with regard to access to land and natural resources. However, the nomadic herders have an advantageous position over settler farmers in the study area. In the case study area, the nature of landownership has led to some traditional authorities taking the land from smallholder settler farmers. They then transferred the right to land to the "highest bidder" who are primarily nomadic cattle herders and large-scale agricultural investors. These opportunistic tendencies of some traditional leaders who control customary land create a perilous situation. It causes smallholder settler farmers to lose access to farmland, resulting in land-use conflict.

7. Conclusion and the way forward

For a large portion of the African population, access to land is essential for survival. This is because many people rely on it for a living. Therefore, any obstacle that prevents access to land threatens and deprives them of their livelihood. The struggle for access to land increases the value of land and opens a door for opportunistic actors to profit from. Because of this situation, the majority of migrant settlers are deprived of their farmlands. They find it even harder to gain access to new land for cultivation, which leads to conflict between settler farmers and nomadic herders. The occurrence of this particular type of land conflict has provided valuable insight. It shed light on the fact that land conflict can occur not only between indigenous and migrant groups but also between migrant groups. They both lack indigenous land rights and have weaker land claims as migrants, making them vulnerable and more prone to conflict. Farmer-herder conflict should not always be perceived from the indigenous-migrants standpoint. This is because there are different permutations involved and each situation should be analysed based on the prevailing power dynamics.

The study recommends the establishment of the Customary Land Secretariat (CLS) to streamline land management practices. The purpose is to improve proper records keeping, accurate and transparent management structures, and effective conflict resolution procedures such as Alternative Dispute Resolution (ADR). In line with the new Land Act (Act 1036 of 2020), the CLS will give meaning to the establishment of grants based on oral agreements. It will safeguard the tenure security of smallholders whose land access is predominately based on oral agreements. It will also minimise multiple allocations of land to competing groups. The establishment of this specialised agency should be done with the technical assistance of: (1) the Lands Commission; (2) the Office of the Administrator of Stool Lands and; (3) the Land Use and Spatial Authority. These measures, among others, will ensure the complete zoning for exclusive herding and farming activities leading to coexistence and relative peace between settler farmers and nomadic cattle herders.

There is also the need to facilitate communicative engagement with the feuding parties. In order to end the mistrust between farmers and herders, a favourable safe space for communication must be created. In such a space, the feuding parties will be able to talk openly and freely about the many bases of their claims in the conflict. This approach will further allow each party to see and think about the situation from the other party’s viewpoint. It will thereby establish a readiness to seek common ground collectively to enhance social cohesion. Open and honest communication can produce desirable peace outcomes for co-existence rather than the use of force by security agencies to curtail the conflict.

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Emerging Local Voices and New Possibilities toward Attaining Sustainable Peace in Bawku, north-eastern Ghana

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Abstract

Globally, conflicts continue to change dynamics and increase in complexity, weakening the potential of various peacebuilding interventions, especially in the Global South. The Bawku crisis is a notable protracted conflict in Ghana and West Africa, which attracts enormous scholarly debates, especially on how to attain sustained peace in the area. However, there remains some important dynamics that are not significantly explored in the discussions on achieving sustained peace in Bawku. Drawing on in-depth field interviews, we present a new perspective on chieftaincy and landownership (and use), shifting from absolute control to a shared system, aimed at potentially resolving conflicts. The proposed shared political and landownership system also reveals important weaknesses relating to existing court verdicts and scholarly advocacy for a parallel system or the resettlement of the Mamprusi outside of the area. However, this empirical contribution offers a new possibility to resolve the Bawku crisis and similar challenges in Ghana and Africa.

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Keywords: Bawku conflict, chieftaincy conflict, peacebuilding, conflict resolution, Ghana

1. Introduction

The Bawku conflict in the Upper East Region of Ghana is one of the notable violent conflicts in the country. While usually seen as a beacon of democracy and a relatively stable polity in Africa (Gyimah-Boadi, 2009; Akin and Ade, 2018), Ghana has witnessed a lot of protracted internal conflicts for many decades. According to Aapengnuo (2013:2), the country has recorded at least 2 000 violent conflicts since gaining independence in 1957. Most of the conflicts occur in the northern part of the country. This is due to a peculiar context of colonial social engineering (of ethnic identity and traditional leadership), which causes protracted chieftaincy and land-related violent contestations in the northern half of the country (see Brukum, 2001). The Bawku conflict forms part of the many violent contestations surrounding chieftaincy and landownership and use in northern Ghana. Other key violent conflicts, most of which recur (albeit with varying effects and duration of relapse), involve, for instance, Gonja-Nawuri-Nchumuru in 1991, 1992, and 1994; Kokomba-Bimoba in 1984, 1986, and 1989 (Debrah et al., 2016); Nanumba-Konkomba in 1980, 1994, and 1995; the Dagbon conflicts in 1991 and 2002; Dagomba-Konkomba in 1994 (Brukum, 2000:131); and the ongoing Mamprusi–Kusasi conflict in Bawku.

The notoriously recurrent and intractable nature of the Bawku chieftaincy conflict has attracted conflict resolution and peacebuilding efforts from both state and non-state actors (Bukari, 2013; Issifu, 2017). The literature on peacebuilding in Bawku and related conflict-affected areas in Ghana is broadly situated within two dominant discourses. The one is on liberal peace, concerning the establishment and/or strengthening of local government structures, courts of law, and improvement of state capacity (Bukari, 2013; Issifu, 2017). The other is on local and/or traditional or indigenous approaches to enhance the local capacity for peace (Olowu, 2017; Paalo, 2023). However, these bodies of the peace-and-conflict literature suggest that the existing approaches to peace are not successful. It is more about continuous compromises through mediation and negotiations accompanied by an uneasy state presence in Bawku. It does not substantially address the root causes of the conflict.

Some scholars have asserted that the limited success of the various peacebuilding interventions in Bawku are caused by four broad challenges in the peacebuilding engagements: limited local engagement (Paalo, 2022); political interference and exclusionary traditional structures (Bombande, 2007); conflict-spoiling behaviour from conflicting parties and allies (Longi, 2014) and; the disregard for indigenous peacebuilding practices in many cases (Bukari, 2013). Such difficulties weaken the existing peacebuilding efforts. However, the ongoing security crises and political instability in neighbouring countries in West Africa and the Sahel have further justified the need to attain sustained peace in Bawku. This is in order to address potential sources of security volatilities that may use Bawku as an entry point to Ghana. Therefore, this paper draws on field data to present an emerging perspective – a shared political system – to potentially resolve the long-standing Bawku crisis. This crisis concerns entrenched positions between the Mamprusi and Kusasi on chieftaincy and landownership.

This paper therefore offers a nuanced approach to peacebuilding in Bawku. The proposed shared system is presented in a way that incorporates three existing viewpoints on resolving the conflict, as outlined in the literature. First, this paper delves deeper than the historical accounts of regime-backed curfews, court rulings, and commissions of inquiry. The purpose is to explore the underlying factors that have influenced the shifts in traditional rulership between the Kusasi and Mamprusi (Bombande, 2007; Issifu, 2017). Second, the shared system perspective presented here adds depth to the scholarly discussions on conflict resolution and peacebuilding in Bawku. It expands the focus beyond civil society-led negotiations, mediations and compromises (Bukari, 2013; Paalo, 2023) by proposing potential permanent solutions. This reduces the potential for conflict relapse. Third, the paper further offers an alternative solution to the challenges of the proposed parallel political system (Awedoba, 2010) which further suggests a possible resettlement of the Mamprusi outside of Bawku (Alhassan Commission, 1978). However, it will subsequently be seen that the idea of a shared system also exhibits some important challenges that threaten its potential to enhance lasting peace. Yet, it is our opinion that this added perspective offers a platform for further research and policy engagements on the possibility of a context-informed restructuring of local power and landownership.

In laying out the argument, the paper proceeds in the following four sections after the introduction. The first section presents the methods of the study, including the research design and strategy, data collection, and analysis. The second section provides a history of the Bawku conflict and offers a relevant background for conflict resolution and peacebuilding efforts. This is followed by a section on the key existing peacebuilding approaches that have been used to intervene in the Bawku conflict. Here we further point out the strengths and weaknesses of the respective approaches. The fourth section constitutes the discussion, where we examine the emerging perspectives of a shared political and landownership system to resolve the Bawku crisis. Following the conclusion, we raise the need for further research to address possible new challenges. These challenges include a split instead of a shared system, as well as issues of minority rights within the shared system.

2. Methodology

Data for this study forms part of a bigger data collection process by the authors for a broader study on the Bawku conflict. This study adopts a case study design of the Bawku traditional area using a qualitative approach to data collection and analysis. The researchers, therefore, observed events and conducted in-depth face-to-face interviews with interlocutors in Bawku. The study used both primary and secondary sources of data. Primary data were collected from key informants from surrounding local communities such as Pusiga, Gingande, Hausa Zongo, Yoruba Zongo, Zotinga west and east, and Sabon Gari in the Bawku traditional area. Data gathered from primary sources were supplemented with information from the internet and secondary sources. Interlocutors were mainly selected using the purposive sampling technique. Interviews were therefore conducted with the traditional rulers of the Mamprusi and the Kusasi ethnic groups; leaders of four other settler ethnic groups, namely, the Hausa, Dagomba, Moshie, and the Bissa were interviewed. Others were personnel of the security agencies; some members of the Bawku Inter-Ethnic Peace Committee (BIEPC); traders; the national president of the Bissa Youth Associations; ordinary community members; and teachers and directors of civil society and non-governmental organisations that are directly or indirectly involved in the Bawku peace process. In all, 39 interviews were conducted between October 2018 and December 2019, as indicated under the following categories or groups:

1) Mamprusi traditional leaders (1)
2) Mamprusi ethnic group (3)
3) Kusasi traditional leaders (1)
4) Kusasi ethnic group (3)
5) Hausa ethnic group (3)
6) Dagomba ethnic group (3)
7) Moshie ethnic group (3)
8) Bissa ethnic group (3)
9) Bawku security agencies (2)
10) The Bawku Inter- Ethnic Peace Committee (BIEPC-2)
11) Farmers (4)
12) Youth Associations (1)
13) Other Ordinary community members (5)
14) Teachers (3)
15) Civil society organisations (2)

Given the sensitivity of the conflict, the authors used pseudonyms, mainly identifying respondents by their professions or positions in ways that did not reveal their true identity. The interviews mainly sought individual perspectives and lived experiences concerning how sustainable peace could be attained in the Bawku traditional area. The use of in-depth interviews with open-ended questions allowed not only for greater flexibility but also greater insights into obscured angles of the subject matter under investigation. Data were either recorded through audio or captured in a field notebook.

The field data collection faced the following three major challenges, in no particular order. First was the refusal by some participants to have their interviews captured by the audio recording device. Under such circumstances, we jotted down the key issues in a field notebook. We then conducted post-interview follow-ups to make sure our interpretations were right. Second, given the patrilineal nature of the study area, it was difficult to include many female participants, as few women are assigned responsibilities outside the domestic sphere in the research site. In fact, the women themselves preferred that the researchers talked to their husbands as they saw the conflict as a 'men's' affair. However, with the help of our local contact and research assistant, a Gonja primary school teacher, we succeeded in interviewing four female community members. Third, due to the sensitive nature of the Bawku conflict, we encountered initial difficulties in convincing participants to grant us interviews. Others turned down our request arguing that the research may produce biased findings that do not help their course. The research assistant once again helped to overcome this challenge, by linking us with two opinion leaders (each from the Mamprusi and Kusasi ethnic groups). They facilitated our access to more target participants. Despite these challenges, the research produced great insights and saturation across the categories of respondents, producing the themes for data analysis.

Following the qualitative approach employed in the study, data analysis was inductive in nature. That is, the researchers coded (through a manual textual analysis of the transcriptions) the data according to key emerging themes from the data. The major theme – shared chieftaincy and landownership – was reflected across all the respondents, albeit with important nuances, as will be seen.

3. Understanding the Bawku Conflict

The relevant literature on the Bawku conflict has mainly explored the empirical contexts of the conflict involving the two main ethnic groups (Mamprusi and the Kusasi). These groups are in contention for the right to occupy the position of the paramount chief (*Bawku Naba*) of the Bawku traditional area (see Ladourceur, 1972; Lentz, 1993; Bombande, 2007). This conflict dates back to the colonial era, and it is known for its recurrence and protraction. It is characterised by deep-seated and increasing complexity. This complexity is further exacerbated by the various conflict-spoiling behaviours of the ruling elite and political parties in the country. In this sense, it is particularly the country's two main political parties, the New Patriotic Party (NPP) and the National Democratic Congress (NDC), which are involved in the conflict (Bukari, 2013; Issifu, 2017). Other factors such as the proliferation of weapons and the seizure of farmlands have also contributed to the escalation of the conflict, thereby making it intractable.

Like in many other contexts in northern Ghana, the root cause of the Bawku conflict is attributed to the impact of colonialism. This impact is particularly evident in local political structures and therefore inter-ethnic relations. The indirect rule by the British colonial administration in the Gold Coast created deprivation among ethnic groups by forcing some under the control of others. This social engineering was especially suffered by the so-called acephalous groups (e.g., Kusasi, Talensi, and Vagala), who were forced under the centralised groups such as Mamprusi, Dagomba, and Gonja. This condition has caused hostile relations and relapses of conflict between ethnic groups in the country for decades (Kendie, 2010; Awedoba, 2010). The Mamprusi–Kusasi chieftaincy contention, which embodies the Bawku conflict, is traced to two main reinforcing dimensions: the British colonial administration in Zotinga and the introduction of party politics in Ghana (see Yirimea, 2009). This has been sustained and protracted by the activities of spoilers in the form of post-colonial politicians, particularly ethno-politicians from the Upper East Region. These factors are exacerbated by the proliferation of weapons and the seizure of farmlands, which have also contributed to the frequent escalation and protraction of conflict.

The complex interplay of these factors is subsumed under the history of occupancy and/or ownership of the Bawku land and therefore traditional leadership practice in the Bawku traditional area. As McGovern (2011) notes, the fundamental basis of political legitimacy in Ghanaian traditional societies is autochthony, which could be through first comer/first-settler in the area or by conquest. The belief is that the founder of an area or chiefdom is the first person to borrow land from the earth spirits who inhabit it before humans settled in (McGovern, 2012). Latecomers, also known as new settlers (tenants), borrow land from the village or town owners. 'Firstcomership' is recognised in northern Ghana as the basis for landownership (Alhassan Commission, 1978).

However, the question of contested autochthony or traditional leadership differs from the structure of landownership and underpins the Bawku conflict. This follows from historical examples of persistent warfare, village-raiding, slave-raiding, and displacement in pre-colonial Africa and beyond. Here settlers could usually be the traditional leaders through warfare or colonial social (re-)engineering. An example can be found in Guinea where the Loma-speakers in south-eastern Guinea were historically the weaker autochthones through kinship and marriage relationships known as the *keke-Daabe*. They tried to bind powerful conquerors to themselves by granting conquerors the symbolic legitimacy (and the attendant responsibilities) that comes with becoming 'owners of the land'. Such a relationship was usually meant to assist in the management of the land and the protection of economic interest against known enemies. However, such arrangements have transformed latecomers into autochthones while the aboriginals or early settlers rather become latecomers by being less powerful and not in control of their land and leadership (McGovern, 2012). This is reflected in the Mamprusi-Kusasi situation in Bawku. In post-colonial Ghana, both the Kusasi and the Mamprusi make claims and counter-claims of ownership of Bawku. These claims are shrouded in their narrative of histories of origin, derived from claims of autochthony. The 1978 Alhassan Committee's investigations into landownership in Northern Ghana identified first ‘settlership’ as one of the bases to claim ownership of land. However, in Bawku, the question of first ‘settlership’ is inconclusive and is still a matter of controversy between the Mamprusi and the Kusasi.

The Mamprusi claim to be descendants of Naa Gbewa. They trace their origin to Tanga (located east of Lake Chad) and the Troari clan, from where their great grandfather, Naa Gbewa, migrated with his nine children: Tofogo (founder of Mamprugu); Sitobo (founder of Dagbon); Zirili (founder of Nanum); Sibie (founder of Kuga); Biebone (founder of Kariga); Bogo Yelgo (founder of Sunsong) and; Kachigo (woman progenitor of Gundona, Burkina Faso) to Fada N’Gourma in Burkina Faso. As a result of Gbewa’s spiritual capabilities and courage, the Gurma requested him to stay with them and he eventually became their ruler. However, the Gurmas lost interest in Gbewa when he killed two of their important chiefs. This act compelled Gbewa to leave Fada N’Gourma, accompanied by some Gurmas, and settled at Pusiga near Bawku. At Pusiga, Gbewa became chief over the indigenous Gurma and some Kusasi (Yirimea, 2009). It was after Naa Gbewa’s death at Pusiga that his three sons: Tusugu, Sitobo and Zirili, migrated further afield and found Mamprugu, Dagomba, and Nanumba respectively (Longi, 2015).

The Mamprusi, therefore, claim that their presence in Bawku dates back to the seventeenth century. This is when it became necessary for Naa Atabia, the *Nayiri* (1690–1741) to provide military protection to trade routes within his jurisdiction. Prince Ali, son of Naa Atabia, was among the first Mamprusi settlers mandated by the *Nayiri* to establish a “police post” at Bawku (Bombande, 2007). Therefore, the military intervention from the *Nayiri*, who has a jurisdictional oversight over the area, became necessary as a result of the Bissa’s incessant incursions into Kusasi. The Bissa were aggressively abducting and selling mostly the Kusasi migrating from Biengu, Zawga and Yuiga (now communities in Burkina Faso) to Bawku. The *Nayiri* therefore established military security posts in Bawku, Sinnebaga, Binduri, Teshi, Tanga, and Worikambo.

The Mamprusi argue that the security posts, which were administered by Mamprusi-garrisoned men or warrior princes, became necessary as a result of the slave raiding activities in the area. The Bissa and the Chokosi in particular were abducting and selling the Kusasi, who were migrating into

Bawku from Anglo-French (now Burkina Faso), into slavery. Syme (1932) described the Kusasi as the worst victims of the slave raiding activities of the Bissa and the others such as the Zaberimies. As if to confirm Syme's assertion, a Bussanga interlocutor also indicated that "the Mamprusi efforts to check slavery activities in the area was the source of bitter wars between us the Bissa and the Mamprusi" (Interview, Bussanga opinion leader, Bawku, 2018). In sync with this narrative, the literature points out that chieftaincy, which is the primary cause of the conflict, was introduced by the Mamprusi around the sixteenth century. It is on these grounds that the Mamprusi claim to be the first to settle on the land (Atuguba et al., 2006).

While the Kusasi have always argued that they are the original settlers in Bawku, there are varied accounts about their settlement in the area. According to Rattray (1932), when the Mamprusi migrated from Gambaga to Bawku, the Kusasi had already settled in the area as *tindaana* (earth priests). The Kusasi were believed to have migrated mainly from Biengu, Zawga and Yuiga (currently located in Burkina Faso) and settled in the outskirts of Bawku. Here they engaged in animal rearing and crop farming (Awedoba, 2010). The Kusasi claim to be the first to have settled in the area and they have lived there for many years thereby becoming the *tindaana* of the area (Awedoba, 2010). Rattray (1932) furthermore reveals that the Kusasi, who are traditionally farmers, are deeply rooted in their traditions. They worshiped the cult of the earth spirit and other gods of the area. By the 1900s, the Kusasi population had grown and spread to occupy many areas in the Bawku traditional area. Bawku grew steadily and became the capital of the local council when the Northern Protectorate was formed in 1900/1901 (Hilton, 1962). Some Kusasi research participants partly confirmed this narrative by indicating that the Mamprusi came to Bawku because the Kusasi appealed to the *Nayiri* for military protection, therefore the Mamprusi met the Kusasi in Bawku. Nonetheless, the name "Bawku" is believed to have originated from a Mamprusi usage, "Bawku". It is a corrupted Mamprusi word which means a "hole" or valley, when viewed from the top of the Gambaga scarp (Syme, 1932).

Beyond the British colonial rule, the introduction of party politics in Ghana further influenced the Mamprusi–Kusasi chieftaincy conflict in Bawku (Longi, 2014). Soon after Ghana's independence the conflict took political twists. To court support in the conflict, the two ethnic groups aligned themselves to political parties. While the Kusasi supported the Convention Peoples Party (CPP) government, the Mamprusi supported the United Party (UP), the then two major political parties in immediate post-independence Ghana. These alignments were mainly to gain electoral support for the two political parties (Adam, 2008). Coincidentally, the Mamprusi–Kusasi tension was exacerbated by the death of the *Bawku Naba*, the overlord of the Bawku Traditional Area, Na Awuni in December 1956. His death created a vacancy on the Bawku Skin. Per Mamprusi tradition, all qualified princes from all four royal families, commonly called 'gates' among the Mamprusis (i.e. *Na Mahama, Na Azangbeoga, Na Abugri* and *Na Yakubu* gates), had the right to contest the Skin in a rotational manner. Accordingly, the qualified princes contested the Skin. At the end of the contest, the enskinning authority (the *Nayiri*) chose Yirimea of the *Na Mahama* gate as the next *Bawku Naba* to the displeasure of the unsuccessful princes. The embittered princes protested against the *Nayiri's* decision and betrayed the Mamprusis. They teamed up with some Kusasi youth from the CPP to enskin a Kusasi, Abugarago, as a parallel paramount chief to the *Bawku Naba*.

This act of enskinning a Kusasi provoked violent clashes between the Mamprusi and the Kusasi in 1957, as the Mamprusi saw that as an affront. This conflict led to loss of lives and property. Consequently, in 1958, the then colonial Governor General, Lord Listowel, in consultation with the Prime Minister, Kwame Nkrumah, appointed a three-member committee of inquiry, chaired by S. D. Opoku-Afari. The committee was to investigate the causes of the clashes and make recommendations. Eventually, the committee found in favour of the Kusasi's claim that chieftaincy was an imposition on their political structures. The Mamprusi had earlier reacted vehemently to the composition of the committee and later to the committee's findings, claiming that it was biased in favour of the Kusasi. Nonetheless, in April 1958, some Mamprusi chiefs who opposed were replaced with Kusasi and pro-CPP supporters as chiefs (Longi, 2015). The Mamprusi interpreted Nkrumah and the CPP government's action as a reward for the Kusasi's support of the CPP during the 1957 election. The Mamprusi contested the matter in the High Court of Ghana and the court set aside the committee's report and its findings. The committee appealed against the judgement of the high court and won. The CPP government accepted the verdict of the appeal court which upheld Abugrago Azoka (the Kusasi) as the *Bawku Naba* (Longi, 2015).

However, the clashes resurfaced in 1966 after the overthrow of the CPP government by the National Liberation Council (NLC), a military regime. The NLC passed the Chieftaincy Amendment Decree, NLCD 112 (1966), which reversed some key decisions under Nkrumah, by placing all newly created paramountcies since 1957 under their former paramount chiefs (Bombande, 2007). The application of the decree in the case of the Bawku paramountcy meant that the Kusasi had lost the paramountcy title to the Mamprusi. Also, the *Nayiri* regained the right to select and install the *Bawku Naba*, starting with Adam Azangbeo, which renewed the conflict between the groups.

In 1969, there was another election in Ghana and the Progress Party (PP) emerged as the winner. The Mamprusi became the key supporters of the PP government and supported a number of structural changes in the Bawku Traditional Area. For instance, the name of the district was changed from the Kusasi District to the Bawku District. The traditional council changed from the Kusasi Traditional Council to the Bawku Traditional Council (Akwetey, 1996). While the Kusasi opposed these changes, the Mamprusi were in full support. Consequently, from 1970 to 1980, Adam Azangbeo, a Mamprusi, ruled Bawku until 1983, when there was another military takeover. After the military takeover by the Provisional National Defence Council (PNDC), the events turned in favour of the Kusasi again. The Kusasi found comfort with the new government and therefore petitioned it to reverse the status quo. In 1983, the PNDC passed the PNDC Law 75 (the Restoration of Status of Chiefs Law). This law reversed the NLCD 112 and restored all the affected paramountcies to their former status as independent paramountcies. Consequently, Adam Azangbeo, together with some 18 subchiefs, were deskinned and Ninchema Abugrago Azoka II, son of the first Kusasi *Bawku Naba* (Abugrago Azoka), was enskinned. This made Bawku a Kusasi paramountcy once again.

According to Brukum (2001), the conflict subsequently degenerated into recurrent confrontations between the two ethnic groups in the decades that followed. These included confrontations in 1983, 1984, 1985, 2000, 2001, 2007, 2008, 2009 and 2010, as well as the ongoing clashes since late 2021. The partisan interferences in the conflict have, in contemporary times, transformed it into the NDC and NPP struggle, with the Kusasi largely supporting the NDC and the Mamprusi, the NPP. For instance, the clash between the Kusasi and the Mamprusi in the year 2000 emanated from a confrontation between the supporters of the NDC and the NPP (Brukum, 2001). Following from this partisan-related influence on the conflict, since 1993, the Bawku conflict has been complicated by the politics of Ghana's Fourth Republic. To partly address the partisan influence in the conflict, the current President of Ghana, Nana Akufo Addo, and former President John Agyekum Kuffour (while in office) have both made public statements. They called for political non-interference in the conflict.

While this assurance suggests the government's neutrality to forestall further clashes, this sign of impartiality instead caused further tensions among the Mamprusi. They consider the statements a betrayal and stab in the back, especially since they are mostly associated with the NPP. Furthermore, they expect the backing of the government to gain access to the Bawku paramountcy anytime that the NPP is in power. This indicates the deep-seated role that multiparty politics play in the Bawku conflict. This was corroborated by the following interview statements:

> […] I told you before that, politicians are the problem. I also told you how our Member of Parliament played tricks on our youth some time ago which nearly resulted in violence… After politics had created the conflict, politicisation nurtured it and ethno-politicians, using state institutions and political offices, have sustained the conflict. I blame politicians for the level of mistrust and suspicions in this Bawku community. They say

> one thing to this group and a completely different thing to the other. They don't face facts. All they care about is votes and power (Interview, retired educationist, Bawku 2018).

> […] Politics has made us look at each other with suspicion and fear. I mean politics is the number one fuel for the Bawku conflict (Interview, teacher at Bawku 2018).

The partisan understanding of the Bawku crisis is further sustained by the lack of confidence among the factions about the neutrality or impartiality of the judicial system in Ghana. This is because both the Mamprusi and Kusasi see legal instruments and court rulings on the conflict as being influenced by partisan politics (Bombande, 2007). A legal practitioner argued during an interview:

> […] Before you go to court, you need to test the grounds. We don't have confidence in the system. We don't want to repeat the mistake of 1983. The grounds are not that fertile for us to go to court. (Interview, legal practitioner, Bawku 2018).

By testing the ground, he meant the political terrain. This is to ensure that the ruling government is on their side before sending a case to the court. This suggests endemic mistrust characterised by ethno-partisanship, which replays in different conflict occurrences in Bawku. The above background illustrates the protracted nature of the Bawku conflict, which has always elicited various state and non-state efforts to build sustained peace in the area.

4. Existing peacebuilding approaches in Bawku

Several attempts have been made to address the Bawku conflict which gained notoriety since Ghana's independence. The approaches to peacebuilding in Bawku are rooted in three dimensions: state-led, traditional or local actors-led, and NGO-led. The state's involvement in resolving the conflict has been the most dominant. This is in line with the Weberian view of the state as the main provider of security for citizens, and the absolute monopoly on the use of power (Markus, 2005). Successive governments of Ghana have employed different approaches. These include mostly peace-keeping operations, curfews, peace agreements, committees of inquiry, and judicial procedures coupled with the provision of financial and logistical support at various stages of the conflict. These approaches align with liberal peace. It thereby tries to strengthen and/or establish state institutions such as the law courts, political institutions, and the security sector toward developing resilience and sustainable peace in the Bawku traditional area (Bukari, 2013; Issifu, 2017). Nonetheless, Bukari (2013) and Issifu (2017) further indicate that state-centric peacebuilding has mainly produced temporary, negative peace, which fails to address recurrence of the conflict. The weakness of state-centric peacebuilding lies in its top-down, non-participatory approach to address conflicts. It fails to capture local realities and it reduces legitimacy in the elite-centred state-led peacebuilding (Issifu, 2017).

The limited success of the top-down approaches provoked advocacy by some scholars and practitioners for home-grown, traditional strategies to attaining sustainable peace in the area. The broad understanding is that traditional practices resonate with local contexts. This does not only potentially increase the degree of legitimacy, but it also enhances local participation and commitment, thereby promising sustainable peace (Olowu, 2017). Bukari (2013) and Paalo (2023) have observed that given the ethno-partisan nature of the conflict in Bawku, contemporary traditional peacebuilding processes in the area are usually moderated by local non-governmental organisations (NGOs). These NGOs include the West African Network for Peacebuilding (WANEP) and the Center for Conflict Transformation and Peace Studies (CECOTAPS), as well as the district Peace Council. These NGOs represent neutral actors who carefully select local leaders based on ethnic, partisan, religious, and sectional proportionality. The purpose is to further mobilise grassroots actors such as women and youth groups for traditional peacebuilding.

As indicated before, the effectiveness of traditional peacebuilding is rooted in its people-centredness, reflecting the values, culture, and history of the conflicting parties (Paalo & Issifu, 2021; Simangan, 2018). Here, the aim is to build trust, reconcile, and reach a consensus. This contrasts the state-centred peacebuilding, which aims to punish perpetrators, thereby causing further reprisal attacks (Jachtenfuchs, 2005; Ingelaere, 2009; Ani, 2017; Agyman, 2021). With the aim of fostering social cohesion between the Kusasi and Mamprusi, the Bawku Inter-Ethnic Peace Committee was formed in 2009. The purpose was to build trust, create a compromise between the two factions, and explore traditional mechanisms for building sustained peace. According to Bukari (2013) and Issifu (2017), the inter-ethnic committee, consisting of ethnic representation and usually moderated by NGOs, promised some peace. This could be attained for some years with the cooperation of the conflict factions and therefore local participation and legitimacy in the peacebuilding process (see Paalo and Issifu, 2021).

However, the committee failed to arrive at a single traditional solution, and the Bawku conflict subsequently recurred (ongoing since 2021). This challenges the potential of traditional peacebuilding in Bawku. As understood, for instance, from the accounts of Murithi (2006), Mac Gimty (2011), and Taye (2021), traditional peacebuilding practices are mostly fraught with challenges. These include dominant patriarchal procedures and participation, the exclusion of less privileged groups, and the ineffectiveness of traditional approaches in addressing large-scale conflicts. It was observed by Paalo (2023) that traditional peacebuilding is strictly protected by gatekeeping traditional leaders who are usually disinterested about significantly changing the status-quo towards inclusive local governance, which could contribute to resilience. This is because such transformations will reduce their privileges such as the monopoly of local power structures and resource ownership and distribution.

Besides the debates about state-centric and locally informed peacebuilding approaches, NGOs have also become active players in the peace process in Bawku and other settings in Ghana. Now, NGOs play key roles in peacebuilding in Bawku, as in most parts of the global South.

Following the wave of democratisation across Africa from the early 1990s, NGOs have gained significant voice in development and politics. They claim to link local communities with the state and, in doing so, have led many attempts at peacebuilding (Tallberg and Uhlin, 2011). Goodhand (2004) is sceptical about the potential of NGOs to influence social transformation due to the entrenched nature of local structures in conflict-affected areas. However, NGOs such as the United Nations International Children's Emergency Fund (UNICEF), WANEP, World Vision Ghana, and Action Aid Ghana, have contributed significantly to relative peace in Bawku (Issifu, 2017; Bukari, 2013). Besides moderating traditional peacebuilding processes, NGO-led peacebuilding activities include peace education, mediation, training and capacity-building, financing of peacebuilding programmes, and small-scale economic empowerment projects among others (Konunoy, 2015). Most of the respondents corroborated the accounts of Assefa (2001) and Bukari (2013) that NGOs working in tandem with local stakeholders have produced a positive result. This includes creating an atmosphere of relative cohesion and compromise among factions in the conflict.

Furthermore, it is worth noting that for many decades, the state, traditional leaders, NGOs, and other actors involved in the conflict and peacebuilding efforts have worked jointly under different collaborative arrangements. This hybridity of a liberal-oriented state and so-called traditional/local arrangements became necessary after successive failures of state interventions in northern Ghana in the 1990s. Hybrid peace arrangements in Bawku therefore followed a global policy discourse on hybrid governance in the Global South. The purpose was to embrace local norms and practices in international peacebuilding-and-development processes (Bukari, 2013; Issifu, 2017; Paalo and Issifu 2021). Consequently, in contemporary peacebuilding processes in Bawku, local actors and NGO collaborators serve as critical sources of information for early warning action and conflict prevention. Also, there is a network of state and NGO actors and local agents such as chiefs, queen mothers, and youth and women’s groups across all the ethnic groups. They collaborate in undertaking peacebuilding programmes. This enhances bottom-up intelligence-gathering and participatory mobilisation of critical resources for peacebuilding (Paalo and Issifu, 2021; Paalo, 2022).

Despite the array of efforts to attain sustained peace, Bawku remains perhaps the most volatile area in Ghana today. It is characterised by the recurrence of the Mamprusi–Kusasi conflict. The conflict relapsed and has been ongoing since late 2021. This has resulted in many deaths and the loss of property. It caused professionals (e.g., educational and health personnel) to flee the Bawku Municipality, with its attendant effects on the development of the area. The protraction and intractability of the conflict is rooted in claims of the right to occupy the Bawku paramountcy. This translates to conflict over landownership, belonging, or identity between the Kusasi and Mumprusi ethnic groups. This suggests that existing approaches to peacebuilding in Bawku conflict have mostly produced temporal, negative peace through mediations and negotiations by NGOs, state actors, and traditional leaders, who usually champion the smoking of ‘peace pipes’ by representatives of the conflict factions. This often ends the violence for a short while, but the limited structural transformation causes the recurrence of the conflict. The other scholarly suggestions about a parallel political system or a possible resettlement of the Mamprusi in Mamprugu, also appears to fall short or may not fully resolve the conflict. This invites further research and different perspectives. Therefore, this paper introduces the concept of the shared chieftaincy and landownership system. This is a potential measure to attain lasting peace in Bawku, to enhance political stability in Ghana, and to forestall the potential widespread security crisis across sub-Saharan Africa.

5. Resolving the Bawku conflict through shared chieftaincy and landownership?

The findings intersect significantly with the literature on the conflict and peacebuilding in Bawku. It raises chieftaincy and land as the centre of the recurrent Mamprusi–Kusasi violent contestations. Yet, this paper represents an important point of departure, offering a nuanced perspective on resolving the chieftaincy and landownership crisis beyond the existing debates. As indicated in the preceding sections, the previous and/or existing efforts at resolving the conflict have revolved around state intervention, traditional/local intervention, and NGO intervention. It also focused on hybrid peace arrangements involving actors and processes across the three broad areas. As indicated before, NGOs and traditional/local peacebuilding involves negotiations, mediations, and related alternative dispute resolution (ADR) mechanisms to transform relations. These approaches provide little suggestion or consequence with regard to significantly changing the structure and claims of chieftaincy title and land. However, state-backed commissions of inquiry, court rulings, and attendant state security support, have largely favoured absolute control of the Bawku chieftaincy by either the Kusasi (the Opoku-Afari committee 1957) or the Mamprusi (see the Chieftaincy Amendment Decree, NLCD 112, 1966). This has led to the Bawku chieftaincy title alternating between the Kusasi and Mamprusi, with correspondent political implications (Akwetey, 1996; Bombande, 2007). Furthermore, Awedoba (2010) suggests parallel traditional leadership, which raises further questions on the implications of having chiefs from both ethnic groups to the rank of a paramount chief. This poses a grave challenge to landownership, which is intimately linked to traditional leadership.

Our findings present an emerging perspective – a shared political authority system – targeting the restructuring of the twin chieftaincy and land problem, beyond the existing approaches. The proposed restructuring of traditional leadership and landownership also provokes new difficulties. However, the data suggest that the potential of the shared system mainly depends on the broader participation by all key actors and institutions as well as the exhibition of strong political will. This is particularly important in the processes of cataloguing and resolving the historical and contemporary realities on chieftaincy and land in the Bawku area.

5.1 Emerging perspectives on a shared chieftaincy system

The most important factor which protracts the conflict is the claims of rights over the Bawku Skin, thereby the Mamprusi–Kusasi contestations for absolute control of the Bawku paramountcy. The findings reflect the strong desire across the divide for absolute control of traditional leadership. It also offers some nuance concerning the possibility of a shared and not parallel rulership. The 'shared' system here means some sort of autonomy or self-rule is granted to a conflicting party. However, this party nonetheless remains part of and under the paramountcy of the other. According to some of the respondents, the purpose of this is to address the potential conflict emanating from Awedoba's (2010) proposal of a dual paramountcy. Longi (2014: 171) calls such dual paramountcy the crisis of the "two kings in one kingdom" system. It concerns a failed proposal that both Kusasi and Mamprusi representatives serve as overlords within the Bawku traditional area. However, this emerging perspective of a shared traditional leadership system, which both Mamprusi and Kusasi see as the best compromise to their absolute control of the paramountcy, varies across the conflicting parties.

On the side of the Mamprusi, most of their respondents held the view that they could compromise by having Mamprusi chiefs enskinned in Mamprusi jurisdictions in the Bawku traditional area. This view was supported by their Kusasi counterparts who also favoured the enskinment of Mamprusi chiefs in Mamprusi-dominated communities. By virtue of their claim of autochthony in the Bawku traditional area, the traditional landowners, the Kusasi believe this arrangement helps to cement their control over chieftaincy and land. As one Kusasi respondent indicated, "…The best solution to this problem is that the Mamprusis should recognise the Bawkunaba and he is ever ready and prepared to enskin the Mamprusis over the Mamprusi dominated communities" (Interview, resident in Bawku 2018). This creates the scenario of what the respondents called, "Mamprusi man rule over Mamprusi man" and "Kusasi man rule over Kusasi man". According to some of the respondents, this could resolve the conflict. One respondent, for instance, argued, "…because I am a Mamprusi man ruling myself, why will I want to fight. If the Kusasis are ruling themselves in the surrounding areas, why do you plant a Kusasi on us here in Bawku and say all is right" (Interview, A retired educationist and Mamprusi opinion leader, Bawku 2018). Another respondent corroborated this indicating that " … the only thing I believe can help is for the Kusasis to have their chiefs and the Maprusis too to have theirs so that Mamprusi can go to their own chief and Kusasis to theirs. That way, they judge their cases and we judge our own cases" (Interview, business man from the Yanga ethnic group, Bawku 2018). This alternative system deviates from the two-gate system as practiced in Dagbon, which involves one extended family, therefore one ethnic group (see Ladouceur, 1972).

However, there is a disagreement between the two groups about the recognition accorded to the Bawku overlord, a Kusasi. The Kusasi see the Mamprusi chiefs in Mamprusi-dominated areas as sub-chiefs to be enskinned by and therefore owing allegiance to the Kusasi *Bawku Naba*. However, the Mamprusi respondents rather prefer an autonomous process in which the Mamprusi independently select their sub-chiefs, who should not hold allegiance to the overlord, a Kusasi. The proposed shared system varies from the idea of a parallel rule (Awedoba, 2010; Longi, 2014). However, in the end, the notion of a shared leadership could be characterised by a split/parallel, conflicting set-up of unequal powers.

This dilemma of a shared rulership system with entrenched power play provokes two critical concerns. First, some respondents expressed worries about the possibility of producing a parallel traditional leadership, which may worsen the conflict situation. This is because the Mamprusi's failure to recognise the overlord powers of the *Bawku Naba* under the shared leadership system could produce another source of contestation between the two groups. This is especially the case given the history of the Bawku conflict which is rooted in power play. Second, this proposed shared system is largely mute on the rights of minority groups, many of whom have significant numbers, for instance, the Bissa, Dagomba, and Mossi. During the field interviews, the respondents failed to address the researchers' concern of minority rights within the shared, split system. Yet, minority rights have gained immense importance in global governance (Barata, 2012; Medda-Windischer, 2017) and issues of minority rights are active sources of conflicts in some places (Ako and Okonmah, 2009; Kyriakou and Kaya, 2011). This means ignoring the issue of minority rights in the potential shared system sets the tone for possible, even many identity-based conflicts beyond the current Mamprusi–Kusasi struggle. Addressing these related concerns could increase the chances of the shared system contributing to sustained peace in the Bawku traditional area.

5.2 Emerging perspectives on shared landownership

The findings indicate that a possible shared traditional leadership is intimately linked to a shared system of land or territorial ownership. This contrasts with the long-standing claims of absolute ownership of land. The latter swings with the change in the control of chieftaincy between the Kusasi and Mamprusi, and revolves around the question of foreigners versus autochthones (Awedoba, 2010; Rattray, 1932). The emerging, broad perspective from most of the respondents is that a compromise in landownership should be in the form of a shared system. In such a system, Mamprusi and Kusasi-dominated areas own the lands that they occupy. This differs from the current system whereby holders of the paramount chieftaincy control all lands in Bawku. This shared landownership system furthermore differs from the idea of a possible resettlement of the Mamprusi in Mamprugu under the *Nayiri's* jurisdiction, where the Mamprusi are claimed to belong there, as captured by the Alhassan Commission (1978), Rattray (1932), and Yirimea (2009).

Some respondents further suggested a way to ensure an effective operationalisation of the shared land tenure system to attain peace. They argued that previous attempts to address the landownership dilemma through an attempted resolution of the chieftaincy conflict, usually involved single source-solutions. These solutions were proposed by the courts, commissions of inquiry, and scholarly literature (e.g., Awedoba, 2010). They added that these propositions produced little success because they were narrow in approach and did not involve all the key stakeholders. The respondents then proffered a broad view that the possibility of such a restructuring (or transforming) entrenched positions on land and traditional leadership must be backed by the broader participation of all key actors and institutions. It must also be supported by the exhibition of strong political will in the processes of cataloguing and resolving conflicting historical and contemporary realities in Bawku. Such a process, they argued, should be led by historians, anthropologists, lawyers, and other knowledgeable, neutral actors. Their participation in the exercise will likely be acceptable and binding to the major sides in the conflict.

Most importantly, the respondents stressed, any outcome from this broader engagement on the shared system must be implemented with the state as a binding force. This is unlike other reports by commissions and committees of inquiry that could not be executed. This invites the question of political will into the efforts to instill sustained peace in Bawku. The link between political will and sustainable peace is one of the relevant themes in the peacebuilding literature. It is deemed to ensure transparency, fairness, and firmness. The latter helps to prevent conflict-spoiling behaviour and promotes the required structures for stable peace (Moghaddam and Harré, 2010; Walton and Hushang, 2022). Yet, the nature of the Bawku conflict is partisan. Also, there is a general lack of political will in development across Africa (Berg and Whitaker, 2021), and influential actors play an active role as conflict spoilers. This is an indication that the proposed conflict resolution approach may not receive the required political backing.

Nonetheless, the respondents saw more promise than failure in the shared landownership system. However, they failed to address two important concerns about land distribution under the shared system within the Mamprusi areas. These pertain to the requirement of a new *tindaana* (known within the Kusasi), and concerns of minorities' access to land under the new system. Still, the data are largely positive about this compromise of shared landownership. According to the respondents, the shared system offers potential solutions to the political struggle between the Kusasi and Mamprusi. Also, it could further address important socio-economic challenges within the Bawku traditional area. Most of the respondents argued that the shared landownership arrangement could solve the challenge of food insecurity in the catchment area. This is especially the case since the conflict surrounds farming lands. This concerns the livelihoods of most of the residents in the area. As the International Committee of the Red Cross (ICRC) reported, food insecurity is caused by two things in conflict-affected areas. These are conflict escalations, which prevent people from accessing farms and farm produce, and the lack of access to cultivable farmlands (ICRC, 25 August 2010). Therefore, the proposed landownership arrangement promises to enhance food security and create empowerment with regard to broader livelihood in the area.

In the context of the broader northern Ghana and West Africa, the respondents indicated that the potential shared landownership, informed by shared traditional leadership, could reduce security volatilities within the sub-region. The Bawku traditional area is a border town and has attracted several interest-based players in the conflicts for decades. Therefore, the Bawku traditional area has witnessed an increasing proliferation of small arms, which increases casualties during conflict escalations. The respondents are concerned that an increase in arms can promote the activities of insurgents in the area. This is especially the case given that terrorism and insurgency are gaining enormous grounds in the Sahel and West African sub-regions.

6. Conclusion

The paper set out to examine how a possible shared chieftaincy and landownership system could potentially resolve the Bawku conflict which dates back to decades. This paper traced the history of the Bawku conflict to the pre-colonial settlement and the British colonial administration in the Gold Coast. In doing so, it illustrated a new perspective on attaining sustainable peace in the Bawku traditional area. We gathered from the literature that the Bawku conflict became immediately evident in the decades after Ghana's independence. It has since relapsed many times and included ongoing tensions since 2021. The conflict relapse is usually caused by many triggers rooted in politics and everyday mundane practices and relations especially between the Mamprusi and Kusasi. The conflict has since gained notoriety as one of the most destructive conflicts in the country, with increasing complexity and intractability over the decades.

Subsequent governments of Ghana have made attempts to address the conflict through direct security clampdowns, curfews, the law courts, and committees of inquiry among others. Non-state actors such as traditional leaders, youth and women's groups, religious bodies, and NGOs have made respective and collaborative terms efforts to build peace in the area. They have done so through mediations and other alternative dispute resolution mechanisms. Furthermore, some scholars also recommended a parallel political system. This involves both the Kusasi and Mamprusi, and the resettlement of the Mamprusi outside of Bawku, either of which has not been pursued. Nonetheless, these peacebuilding efforts have exhibited significant weaknesses and failed to address the root cause of the conflict.

This paper offers a nuanced perspective – a shared political and landownership system – to potentially resolve the crisis of the struggle for absolute control of the Bawku paramountcy. The shared system is viewed by all the respondents as the best alternative. It advocates that the Kusasi remain in control of the paramountcy, while the Mamprusi also hold a semi-autonomous status under the Kusasi paramount chief. This invariably also includes a shared landownership system with each of the divides controlling lands under their respective jurisdictions. However, this arrangement also exhibits some flaws that threaten its potential to contribute resilience against conflict relapse. First, there is no common agreement between the Kusasi and Mamprusi about the nature and operationalisation of the shared system. While the Mamprusi wish to have full autonomy though under the Kusasi *Bawku Naba*, the Kusasi propose that the Mamprusi traditional leaders be seen as sub-chiefs under the Kusasi overlord. This is even though the Mamprusi will be allowed to mainly handle the affairs of the Mamprusi. This suggests a potential parallel set-up which could cause further conflicts. Also, the respondents could not significantly address questions about possible challenges of minority rights under the shared system. Furthermore, they could not address how the Mamprusi areas could determine new *tindaana* as custodians of lands under the new system.

Therefore, while the notions surrounding the shared system also raise new challenges, this empirical contribution adds more nuance to the debates on resolving the protracted Bawku conflicts. The paper establishes that the potential to implement this suggestion lies in the broader engagement of all key actors with corresponding political will. This will help to increase food and human security in the Bawku traditional area and tackle increasing security volatilities across West

Africa. The foregoing conclusion therefore suggests that the potential of the shared system requires more research on the new challenges emerging from the proposed set-up. Thus, more research is also needed on certain issues including the discord about the level autonomy of the Mamprusi under the Kusasi overlord, issues of minority rights, and the new *tindaana* set-up within the Mamprusi jurisdiction.

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Book review

Guerrillas and Combative Mothers: Women and the Armed Struggle in South Africa

Siphokazi Magadla

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Review by Anthea Garman*

Siphokazi Magadla's *Guerrillas and Combative Mothers* rests on 40 life histories of women who joined armed struggles of many kinds to fight apartheid. The book is a result of her doctorate which in turn rests on work she did while being a research consultant at the Institute for Security Studies. In 2010, on the tenth anniversary of the United Nations' (UN's) adoption of Resolution 1325[1], Magadla and Chery Hendricks produced the documentary *Women and Security Sector Transformation*

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[1] Security Council resolution (S/RES/1325) reaffirms the important role of women in the prevention and resolution of conflicts, peace negotiations, peace-building, peacekeeping, humanitarian response and in post-conflict reconstruction. It stresses the importance of their equal participation and full involvement in all efforts for the maintenance and promotion of peace and security.

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in South Africa (2010). Magadla interviewed Major General Ntsiki Memela-Motumi, then chief director of transformation management in the South African National Defence Force (SANDF); Thandi Modise, a previous chair of the Portfolio Committee on Defence in the National Assembly and; Mala Singh, former deputy national commissioner of the South African Police Service (SAPS). Memela-Motumi and Modise are both former combatants in Umkhonto weSizwe (MK). They provided rich accounts of how their experiences as women in MK informed their later roles in transforming the SANDF. However, the study also has a prior genesis in Magadla's own experience of being the daughter of a soldier in the Transkei Defence Force. He ended his military career at 40 after that force was integrated into the SANDF. Her mother, a psychiatric nurse, also made her aware of the unstable mental conditions of many soldiers who were demobilised from the various armed forces in the period around 1994. This personal knowledge plus the experience of working with the Institute for Security Studies (ISS) gives the impetus for an important study. It is a study arising out of the complicated and turbulent moment in time when seven armies were integrated. These seven armies include the South African Defence Force (SADF), MK, the Azanian People's Liberation Army (APLA) and the four 'homeland' armies. This was a period in which those who had chosen to fight apartheid were faced with the question of whether they were career soldiers or not; and whether a return to civilian life was possible now that there was no longer a war.

The author used the methodological route of life histories, with their richness, complexity, and mixed motivations. She also interviewed women from MK (22 of the 40); APLA (6 women); the Amabutho (11 women from township units organised to make the country "ungovernable" in the 1980s) and; one person from a self-defence unit. The author furthermore chose to situate this firmly in the terrain of contested gender understandings in the post-apartheid era. All of this gives this study its depth and range. In addition, Magadla draws on: (1) existing autobiographies and interviews; (2) poetry published by some of these combatants in *Malingbongwe: Poems from the Struggle by ANC Women* (edited by Lindiwe Mabuza, 2020) and; (3) on speeches and comments from a conference she organised in 2016, '*S'obashaya Ngamatye: Women and 60 Years of the Armed Struggle in South Africa*, as well as one or two other conferences. In this way she roots the whole study powerfully in the actual lives, actual experiences, actual words, and understandings of the women. As a result, one senses an enormous respect and care from the author in the way she treats these lives that she has had in her hands for the duration of this study.

As a reader and a journalist, I lived through this period. I met many of these women when they returned, and was so deeply impressed with their convictions, their choices, and their clarity about the future. Therefore, I take the following two lessons from this book:

First, there is the lesson regarding gender and the racial politics of feminism. Magadla uses the words "combative mothers" in the title deliberately. This is because she intends to walk right into the thorny thicket around being female, being mothers (or not), and being black under apartheid. She shows very persuasively – via their life stories – that many women chose to go into exile to fight. This was because apartheid forces had pushed the violence right into their homes and into their families. The attack from the state was multipronged: against their blackness, against their bodies, against their femaleness, against their loved ones, against the sanctity of their homes, and against their culture. They had multiple reasons to fight back and they were clear-eyed about what those reasons were. The reasons were both small and big at the same time. It ranged from avenging a lost brother through to changing the country in its entirety for the future. Magadla argues that it was the particular intimate nature of the experience of apartheid violence which shaped the combative experiences of these women. She describes this as a "politicised, militant and combative motherhood that defined women's collective mobilisation and participation in the armed struggle inside and outside South Africa" (p. 96). But the nature of this militant response was also historical and deeply imbedded in African cultures of resistance. And Magadla makes this clear when she discusses Poqo and the Pan Africanist Congress whose resistance has a deep root in this country in the rural areas (in Chapter 2). It is interesting that many of the women interviewed did not consider themselves women-soldiers. They were women *and* they were soldiers. And then, on integration in the transition period, many of these women (most of Magadla's subjects) decided that they were not career soldiers. They had taken up arms to achieve a goal, not to fight endless wars, and they chose to be demobilised. This discussion in Chapter 2 on "combative mothers" makes a major contribution to gender theory in South Africa.

Second, there is the lesson about the age of those who went into exile to fight. Again and again the phrase "I was seventeen" crops up in the book. It is very sobering to now sit with the debt owed to those who gave their youth to the struggle for the end of apartheid. It is extraordinary to feel and grasp – in their own words – the formation of the will to fight, to undo great wrongs at such a young age. It is astounding to realise that apartheid made instant adults of them. Magadla quotes Thenjiwe Mtintso (responding to a student at the University of the Witwatersrand's conference *Politics of the Armed Struggle in Southern Africa*, 2016) as saying: "… [we] actually left patriarchal societies and with a very clear intention, which is the liberation of the[ir] country … We were our own agents" (p. 191). She also quotes Makhosazana Xaba's words of realisation: "Wow, I can do something in the world" (p. 49). These choices and motivations are so clearly agentic. Also the choices and motivations point to clarity around the root cause of the suffering being not just apartheid but societies rooted in violent patriarchy. It pervades these life stories and gives every one of these women a much larger cause to take on.

They certainly took on the patriarchy. Magadla points to how sexual violence in the MK camps has been sensationalised. She resituates this violence within the experiences of the waves of women who arrived in the 1970s and 1980s and confronted it – again with agency and clarity. Their struggle against patriarchal aggression and norms was made visible in the camps. They learned from those experiences, they changed situations, and they made life better for the oncoming waves of exile female combatants. Then they came back into the country with these strategies and understandings honed for the next round of struggle – the formation of a new gender order in a post-apartheid South Africa.

The truly sobering part of the book is the enormity of the debt owed to these women and the paltry ways in which they were compensated. Some received a once-off payment for their years of military service – ranging from R12 000 for under a year through to R42 000 for up to 23 years. Some, certainly not all, received special pensions. Women who had led platoons and instructed cadres found their ranks downgraded because of their lack of education once they entered the SANDF. Those who decided on a career in the armed forces found themselves dismantling the patriarchal culture inside the SANDF all over again. But more than that, there was severe trauma and wounding to overcome and heal from. In the immediately gripping and engaging introduction, Magadla uses Makhosazana Xaba's poem, "Our wounds, our lips" (pp. 13–14). This is to show that the process of 'truth and reconciliation', which took place immediately after the political transition, was premature. It was just too early for many women combatants to turn up and tell their stories. The words "They wanted us to tell and listen before our wounds healed" speaks directly to the necessity for the time to be given to heal before they could speak. Magadla says: "It [the TRC] assumed that speech, the articulation of violence, ought to precede the healing instead of vice versa" (p. 14).

This is a book, in the fullness of time, full to the brim, of 40 women speaking to us. We are the beneficiaries of their very great sacrifices, from the time when they decided to be soldiers.