Volume III | Issue IV | July-August 2020

The HORN Bulletin

The HORN Bulletin is a bi-monthly publication by the HORN Institute. It contains thematic articles mainly on issues affecting the Horn of Africa region.

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About the HORN Institute

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Talking Nile: Historical Aspects, Current Concerns, and the Stalemate in Grand Ethiopian Renaissance Dam Negotiations

By Aleksi Ylönen, Ph.D.

Abstract

The iconic Nile River is both historically important and currently significant for the peoples inhabiting territories surrounding it. Ensuring continued access to Nile's water resources has for a long time been an issue of concern especially to those whose livelihoods depend on it in the downstream territories. With independence, securing a sufficient supply of Nile water became a national security issue for Egypt and it became the most interested party in the Nile affairs. For years, Egypt, and Sudan as its junior partner, worked as the leading states in studying and exploiting the Nile water resources. However, with its ambitious dam project on the Blue Nile which contributes crucially to Nile's overall flow, Ethiopia rapidly became a contender in Nile affairs. Since then, resolution on equitable use of the Nile water has been pursued on and off in tedious tripartite negotiations. This article discusses the historical Nile treaties and the current negotiations related to the Grand Ethiopian Renaissance Dam (GERD).

Introduction

The iconic Nile is the longest and possibly most emblematic river in the world. The seat of great empires dating back to ancient times, the great river has hosted significant civilizations including the ancient Egyptian and Nubian kingdoms which organized their way of life around the Nile. Its impressive over

Water ministers meet US President Donald Trump in Washington, DC on the filling of Ethiopia's GERD dam on January 13, 2020 (Photo Credit: Seleshi B. Awulachew)

7,000-kilometer length allows the river to flow from its origins in Lake Victoria to the Mediterranean Sea. The White Nile crosses Uganda, gaining strength in Lake Albert, and enters South Sudan where after passing the capital Juba it continues to the thick marshlands of the *Sudd*. From there, it continues its gradual flow through Malakal and Renk, after which it enters the arid lands of Sudan. Passing the symbolic Aba Island, it reaches Khartoum where it meets the more potent Blue Nile, a coming together of tributaries descending from eastern Sudan and the Ethiopian highlands in and around Lake Tana. Gaining further strength, the river meanders through Sudan until it meets Lake Nasser reservoir and the Aswan High Dam. From here, it passes the great ancient cities of Luxor and Asyut, it enters Cairo after which it spreads to form the delta before gradually unleashing into the Mediterranean at Damietta and Rosetta.

The economic, cultural, and political importance of the Nile for the peoples living along its shores cannot be overemphasized. Dependence on the river for livelihoods over thousands of years has generated cultural continuities for which the role of the river has been central. This is particularly the case in Egypt and Sudan, where the river is often not only a source of survival but a symbol of life and prosperity. The Nile waters have therefore been, and continue to be, an essential part of people's daily livelihoods and ways of life.

This article discusses the Nile treaties and the currently ongoing negotiations related to sharing the Nile water resources in the context of the completion of the Grand Ethiopian Renaissance Dam (GERD). It provides a brief historical background to the Nile agreements and explains the issues surrounding the current negotiations.

A Brief Historical Background

In the 19th Century, Egypt under Muhammad Ali formed a largely autonomous part of the Ottoman Empire. In 1867, its status as an Ottoman vassal Khedivate was affirmed. During this period, Egypt's ruler Khedive Ismael embarked on an ambitious modernization campaign which included the promotion of science and engineering innovation and agricultural reforms. Ismael's grand project, the Suez Canal was finalized in 1869, but the ambitious modernization financed by borrowing from Europe resulted in a financial crisis, and almost ten years later, Khedive had been forced to place Egypt under dual control by the British and French creditors.

In a deteriorating economic situation, nationalist currents emerged to challenge the status quo. This led to Britain intervening militarily in 1882 and turning Egypt into a British protectorate. Britain then invaded the Mahdist Sudan, ostensibly in part to secure the Nile waters seen as Egypt's lifeline (Ylönen, 2016, p. 109). After defeating the Mahdists in 1899 it established an Anglo-Egyptian

Condominium which extended Britain's rule further down the Nile. Following the establishment of British colonial Uganda and East Africa protectorates further south, Britain exerted control over the full extension of the White Nile and the surrounding territories from its origins to the Mediterranean. Significantly, however, this excluded much of the Blue Nile and its tributaries descending from the highlands which remained under Abyssinian control.

Following World War I, the issue of rights over the Nile waters became increasingly acute among nationalists in Egypt. In 1920, the Nile Projects Commission was established to assess water needs and possible projects affecting Egypt and Sudan. Concentrating on the main river, it concluded that Egypt's right to Nile waters should be limited to the maximum irrigable land after the completion of the Aswan Dam, and Sudan's irrigation needs would be met by the Blue Nile flow alone (Treverton, 2014, p. 113). A recommendation was made for any additional water or shortfall to be shared equally between Egypt and Sudan (Nile Projects Commission, 1920, p. 71). The concern among Egyptians and some British officials related to Nile waters heightened when a British engineer tabled a proposal of a series of dams beyond Egypt's borders to control the flow of the river (Nile Projects Commission, 1920).

It is, therefore, no surprise that when the British declared Egypt as independent in 1922, Nile waters became a crucial national security issue. In 1925, Egypt established the Nile Waters Commission to probe the 1920 Nile Projects Commission report and update the recommendations on water utilization with an aim to seek an international agreement that would formally secure an adequate share of Nile water resources. Consequently, the commission's work was used as the foundation for the 1929 Nile Waters Agreement between Egypt and Britain.

The 1929 Anglo-Egyptian treaty took place in conditions in which Britain negotiated on behalf of its colonial dominions in Sudan and East Africa. Sympathetic to Egypt's concerns to ensure its water security, and at the same time seeking to diminish Egypt's influence in Sudan, the British agreed to conditions which heavily favored Cairo. Egypt was allocated 48 billion cubic meters of the Nile's total annual flow which had earlier been estimated at 85 billion cubic meters. Sudan was allocated four billion cubic meters and its water usage was restricted during times of the year when the Nile flow was low. Egypt was also given the right to monitor the water flow at Sennar Dam in Sudan, and the British guaranteed that there would not be any developments on the territorial extension of Nile that would undermine its interests (Lumumba, 2007, p. 13).

In the 1940s, remedies were sought to alleviate stress on the Aswan Low Dam which had been operational since 1902. The proposed solutions favored by King Farouk were based on cooperation and involved storing water in colonial Sudan as well as Ethiopia. However, following the 1952 Egyptian Revolution, which led to the establishment of the republic, the approach shifted drastically. Securing direct access to Nile waters again came to be seen as crucial. This motivated the decision to construct a high dam in Aswan and create a larger Nile water reservoir within Egyptian territory to ensure increased water supply for irrigation, electricity generation, and industrial development. The plans to build a high dam in Aswan, which was envisaged to store 156 billion cubic meters of water annually, went ahead after Egypt secured Soviet support in 1958. This, however, necessitated a review of the 1929 treaty and new agreement on sharing the Nile waters.

Since 1954, Egypt had been in contact with the Sudanese political elite about the dam. It was decided that the project should be Egypt's unilateral venture, and the Sudanese concentrated on securing their favorable share of the Nile waters. In 1956 Sudan emerged as an independent state, although Egyptians had applied significant pressure on the Sudanese nationalists to effect a union with Egypt. Two years later, Ibrahim Abboud took power in Khartoum in a military coup, which gave Egypt leverage towards its neighbor and allowed it to push for a new favorable treaty on the Nile.

The 1959 Agreement as a Defining Treaty

On November 8, 1959, Egypt and Sudan signed a bilateral agreement dividing the Nile waters. The accord, which further consolidated Egypt's central role

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in the Nile affairs, drew heavily on the previous 1929 agreement between Egypt and Britain. In the treaty, the parties estimated the annual usable water flow after evaporation to 74 billion cubic meters, divided between the two parties according to the base allocations in the 1929 treaty, and the remaining quantity shared as 7.5 and 14.5 billion cubic meters between Egypt and Sudan, respectively. This led a total of 55.5 and 18.5 billion cupid meters of Nile water being allocated between the parties annually. A Permanent Joint Technical Committee (PJTC) would be in charge of adjusting the water allocation in times of reduced flow and all projects on the Nile, excluding the Aswan Dam, would be shared. Sudan could loan excess water to Egypt and the agreement included compensation to Sudan for the displacement of local communities caused by the Lake Nasser reservoir (AFUNW, 1920).

Since its inception, the 1959 treaty formed the basis for the allocation of the Nile waters. It has often been considered as the most legitimate internationally binding agreement of the Nile. However, a strictly bilateral treaty, the treaty excluded other riparian states. The most notable omission was Ethiopia, which hosts the plateau that generates 86 percent of the overall Nile flow (Swain, 2011, p. 688), but the treaty also excluded the British and Belgian riparian colonies on the White Nile.

From the mid-1960s onwards, Egypt and Sudan led the way in the PJTC. In a collaborative effort with the United Nations Development Program (UNDP) and World Meteorological Organization, PJTC studied water evaporation and catchment of Lake Victoria and surrounding bodies of water contributing to the Nile flow (World Meteorological Organization, 1966; World Meteorological Organization & United Nations Development Program, 1974). A hydro-meteorological survey project (HYDROMET) headquartered in Uganda was also established to promote efficient utilization of water resources among Nile Basin states. In 1993, Egypt and Sudan led the way in setting up a Technical Cooperation Committee for the Promotion of Development and Environmental Protection of the Basin (TECCONILE) ostensibly to pursue a more holistic approach to coordinate among riparian states and develop Nile water resources (Metawie, 2004). While this resulted in an action plan which included establishing wider cooperation, Egypt pursued Nile affairs with key countries bilaterally and signed a framework agreement on general cooperation with Ethiopia in 1993 in which the parties pledged that neither one would pursue development projects that would be harmful to the other. Meanwhile, Ethiopia remained as an observer to the TECCONILE (Treverton, 2014, p. 115).

In 1999, a more extensive multilateral effort to coordinate and conduct Nile affairs became a reality. In February, largely out of Egyptian initiative with international support, riparian states established the Nile Basin Initiative (NBI) with a common vision to "To achieve sustainable socio-economic development through the equitable utilization of, and benefit from, the common Nile Basin water resources" (Nile Basin Initiative, 2020). The institution, comprising 10 Nile riparian states, is governed by a Council of Ministers (Nile-COM) which is assisted by a Technical Advisory Committee (Nile-TAC). International and governmental organizations headed by the World Bank and UNDP have provided support for the institution and its activities (Metawie, 2004, p. 52). Two programs, one for strategic vision and one for subsidiary action, were intended as fora for dialogue and implementation of mutually beneficial projects (Treverton, 2014, p. 115).

The NBI emerged as the first attempt to create a multilateral forum for collaboration among the Nile riparian states. Intended as a transitional body, it formed the first stage of an effort to establish a permanent commission to collaborate and hash out differences in Nile affairs. Such coming together of states with a variety of interests on the Nile, with Egypt seeking to maintain a prominent role, required overcoming contradicting views and approaches as well as lack of trust among states that at times perceived each other as adversaries. To the extent to which riparian states voiced their interests, they challenged Egypt's dominance in Nile affairs. In the course of the 2000s, Ethiopia, which grew increasingly interested

in utilizing the Blue Nile, emerged as Egypt's main rival in its attempts to secure Nile waters. Despite the tensions, in 2010, the parties to the NBI signed an agreement of the Nile River Basin Cooperative Framework which laid the basis for the formation of the Nile River Basin Commission (ANRBCF, 2010). Yet, although it was hoped that the commission would be able to diffuse tensions surrounding the use of Nile waters especially among the main interested parties, Egypt, Sudan, and Ethiopia, controversy emerged over Article 14(b) of the agreement which dealt with the rights to water utilization by the upstream states.

Egypt's position on the allocation and use of Nile waters has been based on the validity of the prior agreements. It has worked closely with Sudan, the other party in the 1959 treaty. However, especially from mid-2000 onwards, other riparian states, headed by Ethiopia, questioned the privileged allocation of Nile waters to Egypt and Sudan and the actual validity of the pre-existing agreements (Treverton, 2014, p. 115). Partly in exchange for support of its position on the water allocation and use, Egypt has accommodated Sudan's aspirations to build several dams on the Nile for power generation and irrigation. Consequently, the Merowe Dam was inaugurated in 2009, the Roseires Dam heightening was completed in 2013, and two other dams in Rumela and Burdana (Verhoeven, 2015, pp. 132-133) have become operational. Reportedly, Egypt has also supported Sudan's projects on the Nile because they reduce sediment at Aswan and an increased electricity production allows extraction of groundwater and lowers the demand for the use of Nile water (Treverton, 2014, p. 116).

"Project X" and Rising Tension

In 2009, in secret, Ethiopian government initiated surveys with an aim to build "Project X", a major dam, on the Blue Nile. Such plans had already been in place in the 1960s after an appropriate site had been identified, but due to political turbulence in Ethiopia, and Egyptian resistance (Water Technology, n.d.), they had failed to materialize. In 2010, a design for the dam was submitted and in the following year, the authorities announced the building of the USD 4.8 billion Ethiopian Grand Millennium Dam, later named the Grand Ethiopian Renaissance Dam (GERD), which was initially set to be completed in 2015.

The announcement was made soon after Arab Spring-related protests had resulted in the fall of the Mubarak

Grand Ethiopia Renaissance Dam (GERD) under construction on the River Nile on September 26, 2019 (Photo Credit: Quartz Africa).

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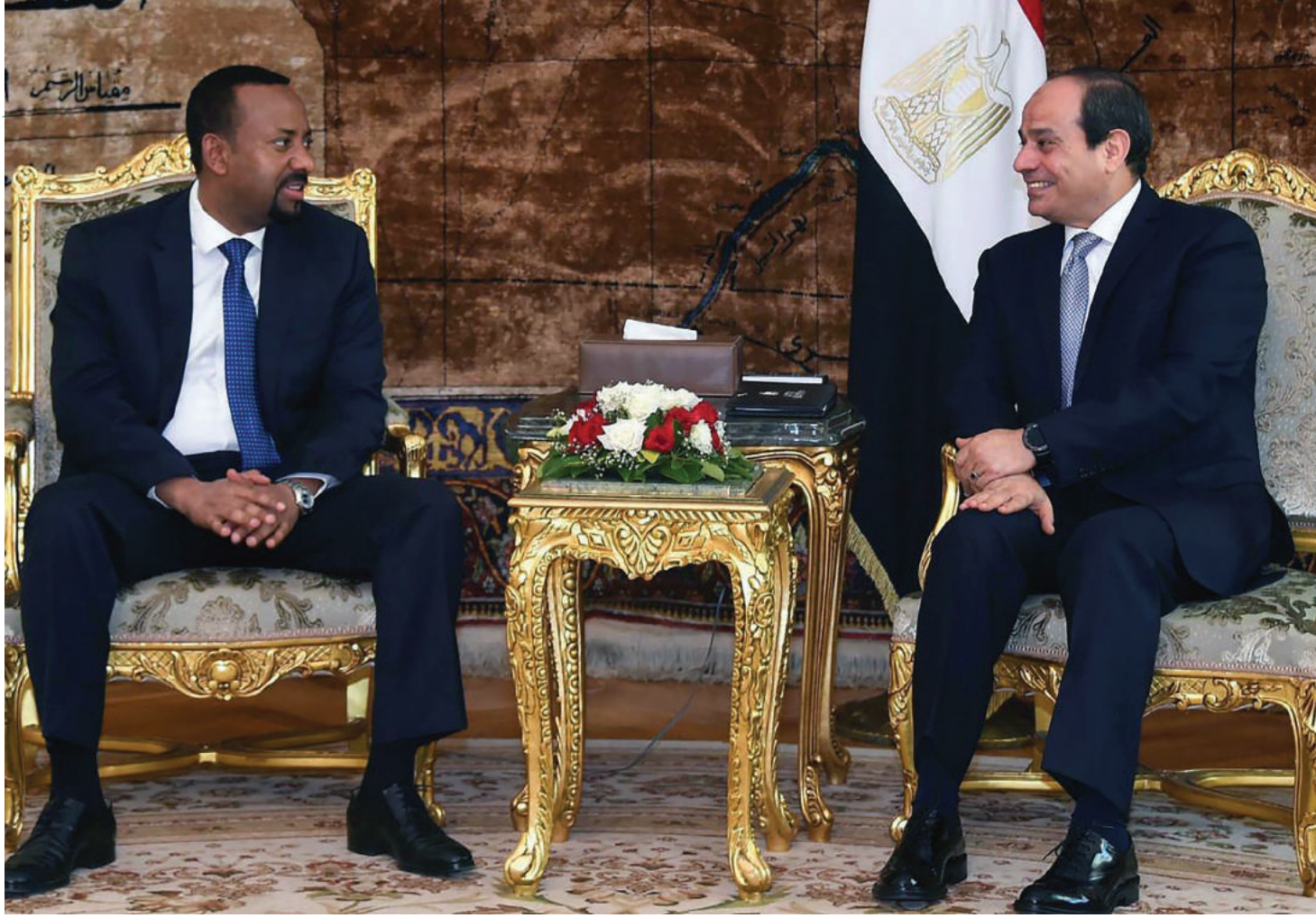
regime and caused political upheaval and uncertainty in Egypt. Ethiopia's unilateral action sparked immediate doubts about its intentions especially when it appeared that Addis Ababa simultaneously pushed for a new treaty to reallocate Nile waters and eliminate Egypt's veto deriving from the 1929 treaty on dams in the Nile upstream states (Egypt Independent, 2011). Largely owing to the mounting distrust, Egypt took a hard stand, making tactical preparations for (Tadesse, 2012), and warning about (British Broadcasting Corporation, 2013), a possible conflict. Ethiopia's position has been that it is prepared to militarily protect the GERD (Meseret, 2020), which is often seen as a source of national pride and unity among Ethiopians.

Egypt continues to depend on the Nile overwhelmingly as a crucial water source for the public, agricultural, and industrial use, and power generation. Sudan also uses Nile water for irrigation and electricity production. Both fear that the GERD, and particularly filling its reservoir, will compromise downstream water flow. Their fear is compounded by the predictions of increasing stress on water resources due to the rise in temperatures and the level of evaporation, and increasing drought duration and intensity especially in the world's dry regions (The Intergovernmental Panel on Climate Change, 2007, p. 54). In 2012 the three parties to the dispute set up an International Panel of Experts. The year after, the panel recommended additional feasibility studies. Ethiopia was also successful in convincing Sudan about the dam's benefits, namely affordable electricity and steadier flow of the Blue Nile. The relations between the two grew warmer and Sudan subsequently assumed a mediating role between Egypt and Ethiopia while seeking to convince Cairo about the new reality on the Nile (Cascão and Nicol, 2016, pp. 109-110). However, following the 2019 popular revolution, Khartoum has positioned itself closer to Egypt, possibly due to its attempt to improve relations with Washington and the military leaders' affinity with Egypt. Meanwhile, Egyptian officials have continued to point out the negative effects of GERD, allegedly causing permanent reduction of the Nile flow and lower water levels at Lake Nasser, leading to a decrease of Aswan Dam's power generation capacity and affecting fisheries (Abd Ellah, 2020, p. 5). On the contrary, Ethiopian negotiators have persistently insisted on the dam's benefits for Egypt and Sudan, including the more regular flow of the Blue Nile, the prevention of flooding, and saving water by a lower rate of evaporation than at Lake Nasser. Sudan's concerns are related to dam safety and coordination, especially related to water management at Roseires Dam (Alrajoula et al., 2016).

In September 2014, the three states set up the Tripartite National Committee to undertake the recommended impact studies. This pushed the focus further on the Blue Nile, and effectively sidelined the White Nile states of the Nile Basin Initiative. The technical assessment subsequently stalled, but in March 2015 heads of state of Egypt, Ethiopia, and Sudan signed a declaration of principles related to GERD in which they agreed to "utilize their shared water resources in their respective territories in an equitable and reasonable manner" (ADP, 2015, p. 2). However, this did not advance the negotiations significantly, and progress on construction of the GERD had slowed down in part due to political turbulence in Ethiopia. In May 2018, in the changing political climate of the new reformist leadership in Addis Ababa, the three states established a National Independent Research Study Group to debate and agree on issues related to operating the GERD as well as its impact and the process of filling the reservoir. A year and a half later, however, the group had not advanced significantly in the negotiations.

Trilateral Negotiations

Due to the urgency related to the nearing completion of the GERD, the efforts to reach an agreement among Egypt, Ethiopia, and Sudan intensified. In late 2019, Egypt invited the United States (US) and the World Bank as observers in the negotiations. The tension between Egypt and Ethiopia heightened further over an acceptable beginning date for filling up the dam reservoir and regarding any prolonged drought's effect on Egypt's water supply. Ethiopian officials insisted on starting to fill the reservoir in July 2020, in the early stages of the rainy season and a month before the postponed Ethiopian general election which has since been rescheduled to 2021 citing the COVID-19 pandemic. Although completing the dam and begin operating it prior to an agreement will likely undermine Ethiopia's relations with its allies, including the US, Saudi Arabia, and the United



Ethiopia's Prime Minister Abiy Ahmed (left) and Egypt's President El-Sisi (right) at a meeting in the past (Photo Credit: Quartz Africa)

Arab Emirates, managing to do so before the election will be symbolically significant for Prime Minister Abiy Ahmed's efforts to achieve victory in national polls.

In February 2020, the US Department of Treasury, the main observer and host of the talks issued a statement in which it announced that an agreement that addressed the concerns of all parties had been reached. However, while Egypt was quick to endorse the agreement, Ethiopia refused to sign the draft agreement because it disagreed with some of its significant provisions. The agreement had been produced in negotiations in Washington which were held principally among Egyptian and Sudanese officials and the observers. Arguing for the need to conduct domestic consultations, Ethiopia had not attended the final round of the negotiations. It alleged that Washington and the World Bank were favoring Cairo (Aljazeera, 2020a), the main US ally in the region, while both appeared to have exceeded their role as observers. From the Ethiopian perspective, the draft agreement appeared biased, especially because it included provisions favoring Egypt's position in terms of water allocation during droughts and dispute resolution.

The draft treaty, referring to a particular interpretation of the 2015 agreement, conditioned Ethiopia's management of the dam. It was part of an attempt of common management of the Nile water, but can also be seen as infringing Ethiopia's national sovereignty in terms of managing its resources. Following the draft agreement, which Ethiopia rejected, Egypt escalated its international diplomatic effort to pressure Ethiopia by writing to the United Nations Security Council (UNSC). US Department of Treasury called on Ethiopia to cooperate and desist causing significant harm by starting to fill the dam reservoir before an agreement (Aljazeera, 2020a). Arab League also advised Ethiopia to avoid any "infringement against Egypt's historical rights to the water resources of the River Nile" (Tekle, 2020).

In early April, however, Ethiopian Prime Minister Abiy Ahmed proposed an interim agreement to resolve issues

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related to the first two years of filling the dam reservoir. Egypt rejected the proposal out of fear that any partial agreement would recognize the GERD but not offer definite resolution on the main issues under dispute, and together with Sudan insisted on the need for a comprehensive agreement. Although siding with Egypt, Sudanese Prime Minister Abdalla Hamdok pushed for another round of talks in June in which each party would select and observer of their preference. The urgency for a resumption of the negotiations was prompted by the approaching rainy season which contributes significantly to the flow of the Blue Nile and Ethiopian intention to take advantage of the rains and begin filling the dam reservoir.

Following a break of two months, the parties resumed negotiations in early June. There were three observers: US Treasury, European Union, and South Africa in its capacity as the Chair of the African Union. However, despite agreeing on most technical aspects ahead of the main talks, including that Ethiopia starting to fill the dam reservoir during the rainy season would not cause any significant shortages downstream, the parties continued to disagree on drought mitigation measures and the legally binding dispute resolution mechanism.

First, while Egypt and Sudan based their drought mitigation positions on the February draft agreement, Ethiopia continued to argue for its sovereign rights and an interim agreement. Egypt expressed fears that without a comprehensive agreement prolonged periods of drought could lead to significant hardship downstream if there is no binding obligation for Ethiopia to supply Egypt and Sudan. A key disagreement was Egypt insisting that Ethiopia should accept a binding agreement in which it owes water to the two other parties in case of reduced flow due to a prolonged drought. Ethiopia, however, rejected entering into a binding water-sharing arrangement as part of drought mitigation, pointing out that it would perpetuate the historical injustice of Egypt's hegemony over Nile waters. Any binding water-sharing agreement would need to be comprehensive among all Nile Basin Initiative states. While Egypt seeks water security that enables planning years ahead, Ethiopia prefers a more dynamic approach which would allow flexibility to adjust according to changing climate and rain patterns. It has also continued to insist on its sovereign right to its water resources and to pursue related upstream developments.

Second, agreeing on an appropriate dispute resolution mechanism persists as a major source of discord. Egypt argues, along with Sudan, that any dispute related to the Nile water resources should be resolved through a binding international arbitration mechanism. According to this position, such an international forum would ensure objectivity. However, Ethiopia fears that Egypt's international reach would allow it to gain an advantage and has therefore argued for resolving disputes by negotiation between the interested parties under the auspices of an African body. This could allow Ethiopia to have more leverage, particularly in an African Union related forum.

The June talks eventually failed primarily due to the impasse on the two abovementioned issues. Immediate statements of officials reflected disappointment over the deadlock. Commenting on the talks, Yasser Abbas, Sudan's Minister of Irrigation, expressed that while the negotiators had agreed to almost all technical issues, the legal aspects of water sharing prevented reaching an agreement. Egyptian Minister of Water Resources and Irrigation Mohamed Abdel-Aty argued that Ethiopia wanted unilateral right to pursue water projects in the Blue Nile, refused a legally binding dispute settlement mechanism, and rejected efficient drought response measures while continuing "its intransigent stances" (El-Shamaa, 2020). Ethiopian position was that although technical issues did not prevent reaching an agreement, resolving legal aspects needed further deliberation. Sudan proposed negotiations at prime ministerial level, but such talks were not immediately scheduled (Aljazeera, 2020b).

Following the failure of the negotiations, Egypt intensified its international diplomatic campaign. It wrote again to the UNSC referring to the impasse as an imminent threat

to international peace and security. Trump Administration continued to back Egypt's position by insisting that Ethiopia must sign an agreement before unilaterally start filling the dam reservoir. Egypt also escalated its legal approach, but Ethiopia's interpretation of the 2015 declaration of principles, the main agreement related to GERD, appears equally justified. The UNSC process is also unlikely to yield a resolution in favor of Egypt in part because any such initiative is likely to be vetoed by China, Ethiopia's major ally.

Conclusion

Breaking the current deadlock in the Nile talks requires the parties to moderate their positions. Egypt's and Ethiopia's stances remain polarized and despite the progress made on technical aspects, the legal issues seen from a rights-based perspective rather than from possibly more useful needs-based standpoint continue to produce an impasse. So far, the presence of new observers to counterbalance the US influence, and Sudan's efforts for more sustained negotiations, have not helped the parties to move significantly closer.

However, there appears to be a consensus on the need to continue the negotiations. While Sudan's initiative to bring the parties together at a higher political level is commendable, it remains to be seen whether or not the prime ministers will endorse the proposal and are able to reach an agreement before Ethiopia commences filling the GERD reservoir.

In the end, any agreement, be it an interim solution or a permanent treaty, which brings further clarity to the sharing of the Nile water resources, would be much needed for enhancing regional stability. For any potential success, all parties should abandon hardline positions and be ready to compromise. Such goodwill would go a long way for establishing a precedent for the necessary future cooperation among the Nile states.

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Human Rights and COVID-19 Responses in the Horn of Africa

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Abstract

The effects of the COVID-19 pandemic in the Horn of Africa are becoming eminent as infection cases increase by the day. Governments in the region have been pushed to step up prevention measures and provide healthcare to those affected. In spite of calls to apply a human rights approach to addressing the pandemic, some of the response measures adopted by some countries have been restrictive, punitive, and discriminatory. The result has been violation of human rights by the state and state officials either through direct action or inaction. This article examines the COVID -19 response mechanisms adopted in Horn of Africa. The region has largely adopted a one size fit all approach there by overlooking the diverse needs of the population. Some of the violations include: policy brutality while enforcing curfews and lockdowns resulting into deaths and injuries; limited protection and weak reporting mechanisms that intensity gender based violence, internal conflicts and displacement and state repression of dissenting voices.This has undermined public trust, intensified vulnerabilities and weakened the local coping networks that populations rely on. This article call for the adoption of a human right based approach that is attentive to the contextual realities of each country.

Contextualizing COVID-19 in the Horn of Africa

The World Health Organization declared COVID19 and a pandemic on March 11, 2020. By the time of the declaration, over 118,000 people had tested positive globally, with 67 per cent of the cases being reported in China and the numbers were soaring (World Health Organization, 2020).

Across the globe, many countries are working to slow down and eventually control the spread of COVID-19. Thousands of people have lost their lives and millions sickened as a result of this pandemic. In Africa, the virus has spread fast since the first case was reported on February 14, 2020. As of June 6, 2020, there were 166,854 confirmed cases of COVID-19 and 1869 deaths reported in more than 50 African countries (John Hopkins University, 2020). In the Horn of Africa, Sudan leads with a total of 5499 cases and 314 deaths (John Hopkins University, 2020). Sudan reported its first case on February 15, 2020 and by the end of April 2020 it had only 422 confirmed cases. However, this number has since risen sharply to over of 5,000 confirmed cases by the end of May. Djibouti recorded its first case on March 21, 2020 and by end of April 2020 it had reached 1089 confirmed cases. This number tripled within the month of May alone. A similar scenario is evident in Kenya, Somali and Ethiopia where the daily confirmed has risen steadily (John Hopkins University, 2020). All countries in the Horn of Africa continue to record a steady rise in the number of confirmed cases. The African Union (AU), in collaboration with both state and non-state actors, is at the forefront of helping states prevent, limit and control the spread of coronavirus. The main concern of AU, as pointed out in the AU's 33rd Ordinary Session of the Assembly of Heads of State and Government in February 2020, is that the pandemic could have devastating effects of African economies if the spread is not controlled early enough. In their study of COVID-19 Mitigation measures in Sub-Saharan Africa, Fletcher and Rouget (2020) identify three major risks. First, the authors concur with AU's prediction that widespread use of the virus will have a significant impact on the economy of the African states. Second, economic hardship and enforced isolation measures will stir security and political tensions. And third, if the rapid responses to COVID-19 are unsuccessful, health systems will be overwhelmed and collapse thus causing the risk of civil unrest.

Cognizant of the health and economic risks associated with this disease, regional organizations and health authorities in most states in the Horn of Africa (such as

A demonstrator is arrested by police during a COVID-19-related protest in Kampala, Uganda in March 2020 (Photo Credit: AFP)

Kenya, Ethiopia, Sudan and Djibouti, among others) were quick to implement measures to limit the spread of the virus. For example, on March 23, 2020, Djibouti instituted a nationwide lockdown; transitional government in Sudan enforced a partial curfew on March 24, 2020 followed by a total lockdown on April 13, 2020 in the state of Khartoum. The lockdowns in some countries in the Horn of Africa, border closures and curfews not only continue to strain the economies of the region but also open room for violation of human rights. For example, scenes of police brutality have been witnessed in enforcement of the curfew in Kenya (Gathara, 2020). There are also allegations of discriminatory treatment of people held in the different quarantine centres, among other human rights issues.

The violation of human rights at the onset of the night curfew in Kenya is a reflection of the state of affairs within the wider Horn of Africa. Given that the region has a history of human rights issues that go unaddressed, the war against COVID-19 raises the question whether the pandemic is yet another precursor for more violation of human rights. This paper sets out to investigate the implications that the COVID-19 response mechanisms have had on human rights in the Horn of Africa. A key limitation was the limited access to secondary data and documentation of the human rights issues in the region during the pandemic.

Human Rights: The Pandemic and Challenges in Africa

According to Pearson (2018), while there are guidelines for implementing a rights-based approach to natural disasters, there is an apparent void in international guidance on promoting a right-based approach to pandemics (especially infectious diseases). Based on the evidence from the Ebola Virus Disease (EVD) in 2014, Pearson (2018) affirms that epidemics have significant implications on a range of human rights. These include freedom from arbitrary detention, rights to health and information, freedom of movement, and other socio-economic rights (the rights to education, food and water). In addition to this, Pearson (2018) mentions the right to privacy as states try to strike a balance between surveillance on disease transmission and unnecessary intrusion into the citizen's private lives. For example, at the onset of the COVID-19 in China, the government demanded that all citizens install a mobile application on their cellphones to help them in surveillance of disease transmission. Scanning the QR code Alipay App Green allowed the government to track one's location, predict their health status and determine whether or not they can enter a public space (Rutzen& Dutta, 2020). *The New York Times* analysis indicated that the software could enable sharing of information with the police, setting stage for automated social controls in the post-COVID-19

era (Mozur, Zhong, & Krolik, 2020). There is no doubt that pandemics such as COVID-19 provide avenues for governmental overreach, potentially leading to human rights violations. Therefore, in such pandemics human rights issues are of major concern for practitioners, policy makers, and scholars.

In the wake of COVID-19, governments have been forced to take swift and effective measures to combat the disease. However, just like in other emergency situations seen before, there are fears among human rights activists that some governments will take advantage to infringe on the rights of the people. Furthermore, there are some governments which retain these emergency powers long after the crisis. The severity and scale of the COVID-19 pandemic is a serious threat to public health. Consequently, it justifies curtailment of certain rights such as the right to movement, among others. However, in accordance with the Siracusa Principles of Limitation of human rights, such restrictions must have a legal basis (Ramcharan, 2011). Besides, they ought to be strictly necessary, based on scientific evidence. In addition, the restrictions imposed on any right during this public health emergency should not be discriminatory. Instead, they must be proportionate to achieve the objective, respectful of human dignity and limited to a given duration.

Non-State Actors in the Fights Against COVID-19

The African Centre for Diseases Control briefed heads of state and Government of many African nations via teleconferencing on March 26, 2020, highlighting COVID19 as "*an unprecedented public health disaster*". This was after the African Commission on Human and Peoples Rights had made a press statement strictly outlining twelve elements that constituted a human-rights based approach to dealing with the pandemic. Their statement echoed the UNAIDs call for countries globally to adopt a human-rights based approach in responding to the outbreak of the disease, by taking a people and community centered focus, through recognizing and respecting the rights and dignity of all. On March 20, 2020, UNAIDS released a lengthy, guidance document that drew lessons from the response to the HIV epidemic. It accounted for the global success of many countries grounding their response to the HIV epidemic by respecting human rights and community leadership. Winnie Byanyima, the Executive Director of

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UNAIDS stated that the new guidance is centered on international human rights and places sole emphasis on adherence to human rights principles. Cognizant of the effects of the pandemic on not just international politics, but economy as well, the document outlines the need for governments and all other actors involved in the fight against COVID19 to shield the most marginalized and vulnerable communities as they are most affected by restrictive measures (UNAIDS, 2020). According to Kaseje (2020), the efforts African countries have taken to curb COVID19 are necessary, but they are increasing hunger and violence against women and marginalized people. Globally, countries are following WHO directives on ensuring communication campaigns promote hand-washing with soap and water, physical or social distancing and the use of sanitizers while in public.

Human Rights Violations on the Horn of Africa

Police Brutality on Civilians

As Mogoatlhe (2020) states, law enforcement in Africa has almost become synonymous with force and brutality; enforced by police and the military, officers go beyond the provided guidelines and mistreat citizens under the canopies of ensuring rules are followed. Police brutality has been reported and critized in Sudan and Kenya during the pandemic (Forum Syd, 2020). 86.3 per cent of Kenya's total workforce is in the informal sector (Kenya National Bureau of Statistics, 2019); curfews or the newly enforced partial lockdown in Nairobi Metropolitan Area and three other counties is a daily fight of choices – police brutality or food for their families; following set regulations without social cushioning for them. An article in AlJazeera by Nanjala Nyabola (2020) highlighted the ineffectiveness of violently imposed lockdowns on curbing the spread of the pandemic. April 10, 2020 marked a fortnight since

the curfew in Kenya was imposed and as Nyabola (2020) notes, the police had killed more people in the country than the pandemic itself.

According to Amnesty International, 2020, by April 1, 2020, over seven people had been killed, sixteen others were injured, and amongst them were health workers that are frontline soldiers in the fight against COVID19, journalists reporting the issues across the country and human rights activists. While human rights groups condemned the excessive use of force, the Kenyan Interior Cabinet Secretary blamed Kenyans for their lack of discipline in following the regulations.

Restricting Free Speech of Media Institutions

Ethiopia and Somalia are using the pandemic and the restrictions they have imposed on their respective citizens as a pretext to restrict free speech (Human Rights Watch, 2020). In Ethiopia, the law enforcment agencies have been accused of detaining journalists for peacefully expressing their views. Yayesew Shimelis, a journalist and producer of a political program, was charged for spreading 'false information' after he alledged that the government had ordered for preparation of over 200,000 graves in anticipation of deaths from the COVID19 pandemic. He was held for over three weeks without any formal charges until a federal judge granted him bail a second time, citing lack of evidence for charging him with terrorism offences as the state had accused him of.

The same is true in Somalia where the state has arbitrarily detained three journalists, accusing two of them of various crimes. Mukhtar Atosh, a reporter for Voice of America was detained for two nights through a court order accusing him of publication of false and exaggerated news. Abdiaziz Gurbiye, the chief editot of a private media firm in Somalia was arrested for critizing the Somali government's response to the COVID19 crisis. Another prominent and veteran US based journalist, Harun Maruf was accused of being a threat to Somalia's national security as he engaged in actions outside of the 'media code of conduct (Human Rights Watch, 2020). The manner in which the state handles any criticism has brought it under scruting from human rights organizations – the threat of freedom of speech means that civilians are unable to get news that is of utmost importance to them in a time of global crisis because of authoritarian control over media.

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Gender Based Violence

The restrictions imposed in response to COVID19 has elevated the risk of gender based violence in countries. With stricter measures, it has become harder for survivors to report abuse and seek help. The National Council on Administration of Justice in Kenya reported a significant increase in sexual offences in various parts of the country, also pointing out that in some cases the perpetrators were close relatives. With the partial lockdown of Nairobi and three other counties, women and girls will face higher rates of sexual and other forms of violence (Odhiambo, 2020). Media reports as at April 6, 2020 draw attention to the need of urgent interventions in protecting women stuck with abusive partners because of the curfew and lockdowns in parts of the country.

In South Sudan, women are afraid for other reasons – with restrictions on movement of aid workers, there are fewer people women can turn to when they face domestice abuse of any form of violence. Nyaneng Chuol, a 30 year old lady, residing within a UN protected camp in Juba is afraid of repeated abuse from her husband, and states that same could be true for many other women like her who have no one else to turn to (Mednick, 2020). Additionally, the continued lockdown measures in the country could spike up child marriages with families unable to leave camps needing a means of survival – with child marriages of daughters a very viable option.

Implications of Human Rights Violations on the Horn of Africa

Horn of Africa is characterized by fragile, complex, intersecting, political, legal, health, demographic, governance, social cultural, economic environments. Armed conflicts, climatic disasters, internal conflicts, non transparent state actions in addition to a pandemic, creates an atmosphere where human rights violations occur and remain unaddressed. For example, the conflicts in Somalia and Southern Sudan during the pandemic have led to population displacements

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(Weber 2020). Infringement of human rights during this period therefore, aggravates the impact for populations that are barely bearing the burden of the pandemic. DefendDefenders's statement accurately captures the significance of human rights protection during the pandemic, "States continue to be duty bearers and to hold obligations to respect, protect, and fulfill human rights. Any restrictions to rights must be temporary, lawful, non-discriminatory, strictly necessary, and proportionate to the threat. They must not outlast the pandemic."(DefendDefenders 2020).

The effects of the COVID- 19 pandemic are multifaceted; they impact the physical, social cultural, economic, mental and the spiritual well being of the population. State response to the pandemic in the region though largely similar has varied in timing, scope, depth and in light of country specific social, economic political conditions. For example, while Ethiopia took a longer time to stop incoming flights and implement lockdowns, Sudan had closed its borders before any infection was reported (Weber 2020). The region hosts multiple vulnerable populations for example refugees, internally displaced persons, cross border and urban poor populations amongst others and are affected in different way by state response. Highlighted below are some of the consequences of human rights violations on populations in the region and in the fight against the spread of the virus.

First, states responseto the pandemic in the region has still remained inattentive to the diversity of the people in terms of context and their pre-existing vulnerabilities. Limited resources may be a factor, but even when resources are available political fragmentations and conflict hinder equitable distribution of resources. For example Somalia's central government and federal states are entangled in political conflicts while al shabab attacks continue (Weber 2020). As a result, previously marginalized populations in policy and practice have become even more invisible due to one size fit all approach. Some of these populations include adolescent girls, women, children from poor families, persons living with disability, informal workers, informal settlement

COVID-19 Status Update in the IGAD Region as of June 22, 2020

		Total Cases	Total Deaths	Case Fatality Rate	Recoveries	Confirmed Cases per Million	Total Tests
1	Sudan	8,580	521	6.07%	3,325	196	20,218
2	Kenya	4,797	125	2.60%	1,680	88	140,012
3	Djibouti	4,582	45	0.98%	3,859	4,637	44,604
4	Ethiopia	4,532	74	1.63%	1,213	39	216,328
5	Somalia	2,779	90	3.24%	782	175	9,041
6	South Sudan	1,892	34	1.80%	169	168	10,038
7	Uganda	770	0	0.00%	578	17	169,852
8	Eritrea	143	0	0.00%	39	40	7,430

Note: Testing data per country is updated as Africa CDC receives this information and may not be reflective of the total tests as per the date of update.
Data Source: Africa CDC and Member State Reports

A graph showing COVID-19 update of countries under IGAD in the Horn of Africa region

dwellers, elderly, homeless, and displaced populations. Their situation is worsened by weak, unsafe and unclear forms of redress. As they retreat from the public to the private sphere (home) to quarantine, their violations remain unaddressed and unknown.

Second, there has been heightened public mistrust for the state and its officials due to the glaring violations witnessed. Social media has enabled the public to identify and publicize violations in record time for example in Kenya. The county has a history of unaddressed past injustices, as such; human rights violations during the pandemic have opened room for misconceptions, indifference, confusion and disregard of important information. In the wake of police cruelty in Kenya, there was a public outcry led to arrests of the offending officers. In Ethiopia, actions like blocking the internet and telecommunication services in Oromia state by the government is not only a violation of freedom of expression but widens the mistrust with the citizenry (Weber 2020). Without public trust, efforts towards eradicating the virus efforts in Africa will be futile (Gavin 2020). Additionally, it complicates COVID-19 post lock down efforts.

Thirdly, human violations place additional strain on the informal social networks and resources that many African communities rely on to survive. For example, some of the population in the horn relies on remittances from families working abroad. However, with widening global unemployment, these coping mechanisms are threatened (Weber 2020). In Kenya, FinAccess report 2019 household survey in Kenya indicates that over 70 per cent of Kenyans belong to an informal group where they save and access income. Broadly, these networks include family, friends and savings groups. These networks have already been weakened due to loss of income as a result of the pandemic. Human rights violations like loss of life, displacement, injury from beating or sexual and gender based violence have dire hidden effects on households and the community. For example, what is the impact on a household and community following the death of a breadwinner who was also taking care of his extended family? What is the impact on a household when they have to take care of a family member injured during police brutality? Furthermore, it intensifies the caregiving burden on women who have to take care of the sick and injured. Following the pandemic, with many families at home, care work has disproportionately increased

Supporters demand the release of arrested Somali journalist Abdiaziz Ahmed Gurbiye over COVID-19-related offence on April 18, 2020 (Photo Credit: VOA)

The African Union Commission through the Africa Centres for Disease Control and Prevention (Africa CDC) and the United Nations Development Programme (UNDP) have designed a joint multi-stakeholder (including Member states, Regional Economic Communities/Regional Mechanisms, Civil Society and Faith based organizations) program to coordinate response to recovery efforts in the continent

for women (Bhatia 2020). Consolidated, all these intra household burdens resulting from human rights violations add to the disease burden of the country.

Way Forward

In light of the foregoing, what can the duty bearers in the Horn of Africa do differently? Firstly, policy makers need to contextualize any response based on country specific realities while adhering to human rights and do no harm approaches. For example, recently, The African Union Commission through the Africa Centres for Disease Control and Prevention (Africa CDC) and the United Nations Development Programme (UNDP) have designed a joint multi-stakeholder (including Member states, Regional Economic Communities/Regional Mechanisms, Civil Society and Faith based organizations) program to coordinate response to recovery efforts in the continent. The program will address "Regional coordination and building of synergies; socio-economic, health, governance and political impact assessments; capacity building and knowledge sharing; risk communication strategies and sensitization campaigns" (Africa CDC 2020). While these efforts are laudable, member states need to adapt these strategies to the social cultural, economic, health and demographic fluid realities in specific countries.

Moreover, contextualization is likely to minimize the many marginalized populations falling through the cracks even as governments like Kenya embark on interventions to cushion vulnerable households through the stimulus packages (Iraki, 2020). Sudan government is planning to initiate a Family Support Program that provides monthly direct cash transfers to vulnerable families (OCHA, 2020). Interventions need to be robust, transparent, sustained and institutionalized over time since the vulnerable bracket will continue to expand. Effective contextualization requires context specific evidence which many African countries lack adequate and effective infrastructure (Hussein, 2020). States may need to strengthen adequate and accurate evidence collection mechanisms by actively supporting and institutionalizing local and national information pathways. To contextualize will also mean adopting a multisectorial approach to addressing the multi-complex effects that have come with the pandemic. This will need clear coordinating vertical, horizontal and transversal connections in spite of political differences. Owing to protracted conflict and adoption of a neoliberal approach to development in the region, public services like education, health, social protection are fragmented, privatized and inadequate. A neoliberal system has weakened state response mechanisms because most of them are donor dependent and private sector led (Margulie, 2020). Now more than ever, states need to pull all these actors together through a robust coordination mechanism.

Second, states need to actively track and address any human rights violations that are taking place. Human Rights violations should not be normalized in these contexts. They need to create confidential, non-discriminatory and safe reporting mechanisms that allow those violated to report. Many of these mechanisms have had many constraints during the pre-COVID-19 period. However, states have to be intentional about working with civil society, private sector and community-based organization to address any violations. Otherwise the effects of the pandemic will persist for years on end. States and civilians can apply the Human Rights Watch (2020) Human Rights Check list which guides right based responses during the pandemic particularly for the marginalized and vulnerable groups. Furthermore, by enhancing vigilance and respect of human rights it is likely that public trust will gradually improve as citizen participation and social accountability becomes stronger.

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Burundi in Transition: Nkurunziza's Legacy and Priority Areas for the Incoming Administration

Elvis Salano

Abstract

Since the 2015 botched elections, Burundi, under former president Pierre Nkurunziza, has faced numerous challenges on the governance, socio-economic and humanitarian fronts emanating from the late president's decision to vie for a third term. In May 20, 2020, the country held an election in which retired General Evariste Ndayishimiye announced as the president-elect. With the political transition now under way, this article discusses the reign and legacy of the late president, points out and discusses priority areas for the new administration including restoring cooperation with the international community, improving the country's human rights and democratic environment, forging national reconciliation and addressing prevailing humanitarian challenges. It recommends continued pressure against the new government in calling for justice and accountability for abuses committed during the outgoing administration while extending support for reform of state institutions, in particular the security agencies, and the judiciary.

Introduction

A power transition is underway in Burundi following the May 20, 2020 elections and unexpected death of its outgoing president, Pierre Nkurunziza, on June 9, 2020. According to the Burundian government, President Nkurunziza's death was caused by a heart attack (Government of Burundi, 2020). However, multiple media sources reported that President Nkurunziza succumbed to the novel coronavirus (COVID-19), a disease whose outbreak and magnitude the late president had largely downplayed. Be that as it may, this has been one of the few peaceful transfers of power in the country since her independence from Belgium in July 1962 (Stef, 2009). The transition occurs at a time when the country is facing a myriad of challenges ranging from economic recession, isolation by the international community to the outbreak of COVID-19 pandemic that continues to adversely affect different sectors across the world. These challenges will no doubt preoccupy the formative agenda of the new administration led by President Evariste Ndayishimiye.

President Ndayishimiye is a retired general and immediate former secretary-general of the ruling party, National Council for the Defense of Democracy-Forces for Defense of Democracy (CNDD-FDD). Like his predecessor, he was part of the Hutu rebellion in the 1993-2005 civil war and a prominent figure in the late Nkurunziza's government (2005-2020) where he served as a minister for interior and public security and military advisor to the president. He ascended to the presidency on June 18, 2020 after garnering 69 per cent of the votes cast against 24 per cent by his closest rival, Agathon Rwasa of the National Freedom Council (CNL). This is according to Burundi's Independent National Electoral Commission (CENI).

Rwasa, however, unsuccessfully challenged the results in the Constitutional Court citing irregularities in the run up to and during the elections (McDermott, 2020). His allegations are perhaps supported by the findings of the local poll observers deployed by the Conference of the Catholic Bishops of Burundi (CECAB). In its interim report, CECAB stated that;

> *''from the observation, we recognize that the elections were generally carried out calmly. However, we deplore many irregularities with regard to the freedom and transparency of the electoral process as well as the fairness in the treatment of candidates and voters, all of which must also characterize truly democratic elections.''*

Burundi's outgoing president, the late Pierre Nkurunziza raises his fist as he reacts to supporters during the last campaign rally of Retired General Evariste Ndayishimiye in Bujumbura on May 16, 2020, ahead of Burundi's presidential and general elections (Photo Credit: AFP)

Among the irregularities pointed out by CECAB includes stuffing of some ballot boxes; absent voting; multiple voting; and escort of voters to the voting booth by local administrators as well as coercion of certain poll agents to sign in advance poll reports. However, these assertions were not collaborated by an external observer group. While these could in part be due to prevailing restrictions on international travels, the Burundian government also contributed. Citing public health regulations to contain the spread of the virus, authorities denied access to the only accredited international election observers that were set to be deployed under the auspice of the East African Community (EAC). The Burundian government warned the EAC secretariat through a letter 12 days to the elections that the observers will be subjected to a 14 day quarantine, a period by which time the elections would have been concluded (Al Jazeera, 2020). Even though this stance is justifiable from a public health perspective, it contradicts with authorities' own handling of the virus domestically; as campaign rallies and religious assemblies were allowed to continue unabated in disregard of the social distancing protocols.

Against this background, this article examines the country's power transition in relation to the unexpected demise of the outgoing head of state, the prevailing tenuous political environment and the uncertainty of its political future given an expected scramble for influence, and power void that Nkurunziza's death leaves in the CNDD-FDD. Using literature review, this article discusses the dynamics and outcomes of power transitions in the context of transitional states. It argues that power transitions results in either democratization of a political system or sustenance of authoritarian tendencies. The article then delves into the legacy of the late President by discussing Burundi's prevailing social, political and economic challenges as this will inform the priority and challenges that will be encountered by the current administration. In a nutshell, the article finds that President Nkurunziza leaves a complicated legacy dominated by human rights violations, corruption, and abuse of the state's coercive authority. It concludes by pointing out that these practices are likely to persist if the new administration fails to prioritize justice and accountability, reform of security sectors and state institutions.

Political Transitions

The study of political transitions - a change from one political regime to another (O'Donnell and Schmitter 1986, p. 6) - gained traction among political scholars towards the end of the twentieth century. This coincided with the end of cold war era during which popular demand for economic freedoms and political liberalization was on

the rise in the former Union of Soviet Socialist Republics (USSR) spheres of influence and in the larger sub-Saharan Africa. Even though the clamour then was largely a demand for democracy, Guo & Stradiotto (2004, p.1) contends that a transition could result to either a shift from an authoritarian government to a democratic government, also known as democratization, or from one authoritarian government to another authoritarian government, otherwise known as authoritarian endurance, depending on prevailing factors. While none of the outcome is a linear process with a predetermined formulae, scholars such as MacEwan (1988, p. 115) posit that governments that emerge from authoritarian or oppressive regimes tend to be highly unstable. In essence, this is because the emergence of a government succeeding an oppressive regime often marks the culmination of one round of political struggle but also signals the start of another round of political confrontation. This new conflict centres on ideological differences on the reimagining of the practices of the state under the new dispensation. According to Colomer (1995, p. 6) a political transition creates a situation where the interactions among political actors are defined by aspects of conflicts and by opportunities for cooperation to their mutual benefit. In this case, elites perceive a transition as a process of establishing a new political life often as a trade-off for social-economic progress (MacEwan, 1988, p. 120).

In the event of democratization-a political system becoming more open, participatory and accountable (Ghali, 1996) the new administration is preoccupied with nation building efforts for social economic progress. Rummel (1996) points out that a democratic system is characterized by (1) the freedom of the media to freely criticize government policies and hold leaders accountable for their actions. (2) Political competition where opponents freely organize and galvanize their support without intimidation and harassment (3) the respect for the sanctity of the ballot in legislative and presidential elections (4) a rule of law that structures the government, elaborates the reciprocal rights and duties of government and the people, and which all governing officials and their policies must obey.

Democratization makes authorities to become more tolerant of dissenting views, increases economic development and reduces the likelihood of violence and conflicts within and with the rest of the world. It also makes institutions to develop conflict resolution capacity and trust with all players in the political system (Hauss, 2003).

In Africa, Nigeria (1999) and Ethiopia (2018) provides examples of countries that have successfully transitioned from authoritarian systems to more open societies with the election of President Olusegun Obasanjo, himself a former strongman in the case of the former and with the appointment of Prime Minister Abiy Ahmed in Ethiopia. However, democratization could be hampered by ethnic and other tensions that create mistrust and intolerance at the expense of cooperation among political players (Hauss, 2003).

On the other hand, authoritarian endurance occurs when an autocratic rule is succeeded by another autocratic reign. In this arrangement, elections are used to increase the legitimacy of an otherwise non-democratic regime; split the opposition into factions; strengthen ruling party organization and patronage structures (Sitora, 2017). The emergent powerful political parties replace state institutions as the architecture of economic and political governance. This kind of a party-based patronage helps to consolidate and sustain elite loyalty. Even though state apparatus will continue to play a role in the management of state affairs, such a role will be minimal and often secondary to the wishes of the ruling party (Morse, 2018). Therefore in such a state, the new head of state often find themselves with little or no power at all to exercises executive authority outside the leeway conferred by the ruling party and the leading elites. This is majorly because it is the party's mobilization tools and influence that sustains or erodes such a leader's stay in power.

Although considerable attention continues to be given to the study of political transitions, there is a consensus among political science scholars that no specific approach could fit all situations due to the difference of underlying factors underpinning each situation. In countries emerging from tensions and conflicts, a transition is an act of statecraft. It requires strategic choices to secure buy-in from sceptics for crucial priorities and national interests.

Democratization makes authorities to become more tolerant of dissenting views, increases economic development and reduces the likelihood of violence and conflicts within and with the rest of the world.

Partly, this is due to the understanding that bureaucrats and state institutions that benefited extensively from the previous order are likely to present hurdles to any transition in the event of policy differences. In the case of Burundi, a choice of whether to democratize or not does not exist, the success or lack of it of Ndayishimiye's agenda will largely depend on this choice. However, he will have to contend with a strong elite-dominated ruling party, weak economy and a disillusioned international community. It is possible that the new administration might elect to retain most of the policies of its predecessor which are widely considered as oppressive but could also cave into domestic and international pressure to open up the political space as a caveat to economic assistance. To better understand the likely outcome of this transition, its focus and the scrutiny that it is likely to attract, an overview of Nkurunziza's legacy is needed.

Nkurunziza's Reign: An Overview

Starting in August 2005, the late president ruled Burundi for three consecutive terms. He was elected president unopposed by parliament following the end of the bloody civil war that had preoccupied the country for 12 years. A former sports teacher, Nkurunziza promised to end ethnic polarization, unite the country and entrench respect for democratic values and freedoms. However, upon his election, he swiftly moved to strengthen the state authority eroded by the war and initiated economic reforms whose output was continuous economic growth, albeit for a few years, as evidenced by the statistics of its gross domestic product (GDP). He was re-elected for a second term in 2010, in an election boycotted by opposition parties in protest of alleged irregularities by CNDD-FDD in the earlier local authorities' elections (International Crisis Group, 2011).

Year	GDP (Million,USD)	Growth (Percent)
2005	1117	4.4
2006	1273	5.4
2007	1356	3.5
2008	1612	4.9
2009	1775	3.8
2010	2032	5.1
2015	3005	-3.9
2016	2960	0.6
2017	3172	0.5
2018	3037	1.6

Annual GDP Burundi of Burundi in the First and Last term

Source: Country Economy.com

Burundi's main setback under President Nkurunziza came in 2015. On April 25, 2015, the late president confirmed his intention to vie for a third term despite limitations by the 2005 constitution and the Arusha Peace and Reconciliation Agreement for Burundi signed in 2000 to end the genocide. Despite protests, the country's constitutional court validated his candidature, on the basis that his first mandate was not based on universal suffrage as envisioned by the law prompting further protests and an attempted coup. The loyal security forces and the youth wing of the ruling party, the *Imbonerakure*, descended on protesters opposed to Nkurunziza's candidature resulting in more than 400,000 refugees fleeing the country (UNHCR, 2018), thousands internally displaced persons (IDPs) and more than 1000 deaths (International Criminal Court, 2017). The EAC's attempts to lead a political dialogue and forge a national consensus in the run up to the 2020 general elections failed to materialize. This was in part by hard-line positions taken by the country's leading political figures, in particular in the ruling party (The East African, 2018).

Demonstrators carry a Burundian flag during a protest against the decision made by Burundi's ruling party to allow President Pierre Nkurunziza to run for a third five-year term, in the capital Bujumbura on April, 2015 (Photo Credit: Reuters)

Following the botched elections, Burundi's relationship with the international community weakened. For instance, Nkurunziza only left the country once on a single day trip to the Tanzanian border to discuss the repatriation of Burundian refugees with President John Pombe Magufuli. The government became adversarial in its relations with the international organisations working in the country. This ranged from the withdrawal from the Rome Statute on October 26, 2017, to the expulsion of UN's human rights investigators and closure of the OHCHR offices in February 2019 (OHCHR, 2019) to the expulsion of four representatives of the World Health Organisation (WHO) for 'interfering' with the country's management of the novel coronavirus (Aljazeera, 2020).

On the governance front, the quality of llife in the country has continued to plummet over the years. According to the World Bank, an estimated 72 per cent of Burundians live below the poverty line, with diminished to access basic amenities, proper nutrition and quality healthcare (World Bank, 2018). On its part, the United Nations Development Programme (UNDP) puts Burundi's human development Index report at 0.423 ranking position 185 out of 189 countries in the human development category. This is against a backdrop of lavish lifestyles by the country's leadership. For instance, upon his retirement, Nkurunziza's was set to be rewarded with a payment of USD 530,000, and a lavish palace at a location of his choice at the public's expense (British Broadcasting Corporation, 2020). In addition to the embezzlement of public funds, corruption seems to have taken root in the country. The latest corruption index report by Transparency International (TI) on the use of public funds positions Burundi at 165 out of 180 assessed countries with a score of 19/100 (Transparency International, 2019).

Date	Event
April 25,2015	Nkurunziza confirms intention for third term
May 5,2015	Constitutional Court Affirms Nkurunziza's bid
May 13,2015	Coup announced by Godefroid Niyombare

Date	Event
June 29,2015	EAC appoints Museveni to facilitate Inter Burundi Dialogue talks
July 24,2015	Nkurunziza re-elected
October 27,2017	Burundi withdraws from Rome Statute
November 9,2017	ICC authorizes investigation for possible crimes committed since April 26,2015 to October 26 2017
May 17,2018	Referendum to change presidential term limit
June 7,2018	Nkurunziza announces he will step down in 2020
February 11,2019	Inter Burundian Dialogue collapses, postponed indefinitely
March 5,2019	Burundi closes OHCHR
May 14,2020	Burundi expels WHO representatives
May 20,2020	Evariste Ndayishimiye elected
June 8,2020	Nkurunziza passes on

Major Timelines in Burundi since 2015

Source: The HORN Institute

This discussion highlights the legacy of the late president but also identifies possible agenda of the new administration. While Ndayishimiye ran his campaign on a promise of economic revival, he avoided to discuss publicly the reign of his predecessor leaving analysts to only speculate as to the extent of the likely Burundi policy shift under his presidency.

Ndayishimiye Presidency: Priority Areas

The foremost priority of Ndayishimiye will be the battle against the novel coronavirus. While his predecessor pegged the country's strategy against the pandemic on faith, available evidence in the country and globally suggest that the approach has not been successful. Although the confirmed cases in the country stood at 104 infections and one death as of June 16, 2020, the extent of infections might be higher given the apparent under testing and scrutiny. In confronting the virus transmission, the government will have to institute globally acceptable measures and embrace cooperation with neighbouring countries to prevent cross boarder virus import. This will be a major policy shift from the previous administration but one which is necessary given the country's weak heath system. It will also set the tone for Ndayishimiye's rule, attract global attention and a demonstration of intent by the new administration to confront other challenges bedevilling the country through conventional approaches.

The second urgency must be focusing on embracing international cooperation. It is clear that Burundi, faced with scrutiny on its domestic policies turned inward. Since 2015, the country has been at loggerheads with the African Union. This is after the AU criticised the conduct of the 2015 elections and proposed a deployment of a peacekeeping force to protect civilians. While the deployment fell through, the body has largely avoided commenting on the affairs of the country. Besides the AU, Nkurunziza mostly detached from the affairs of the EAC. This ranged from missing crucial summits, at times causing quorum hitches, to failing to cooperate with the body's dialogue proposal on the political standoff in the Country and recently blocking electoral observation in the country. Besides, Burundi has not been in good relations with the United Nations and the European Union. The country has strained its relations with the UN by targeting its agencies by expelling its staff or denying them access to the country. As of 2015, Burundi had been a standing agenda at the United Nations Security Council for the wrong reasons. The European Union-once a huge funder of Burundi's budget-has reduced its direct assistance in protest over continuous human rights violations, disregard for due process and lack of accountability. Renewal of warm relations will be crucial to Ndayishimiye in securing legitimacy, enhancing the country's access to funding and increasing foreign direct investment to shove up a retarded economy.

Third and perhaps the most important endeavour by the new government should centre on national dialogue and reconciliation and political change. History suggests Burundi's challenges dating back to independence have been the fight for political control informed by ethnic antagonism. While the 2005 constitution provides for ethnic quotas in government representation, the 2018 constitutional review has been pointed out as a potential blow to this arrangement. Fostering a national reconciliation will entrench issue based politics in the national conversation. However, reconciliation will have to be followed by governance reforms, justice to families and victims of systemic historical violations and accountability by individuals and government institutions that enabled such abuses. More so, the civic and political space in the

country will have to be significantly expanded. This will provide an opportunity for the government to renew trust with all her people and also demonstrate to the rest of the world that Burundi has taken a new trajectory.

Fourth, the government will have to focus on alleviating humanitarian suffering in the population. Burundi has an estimated 100,000 IDPS, and 1.74 million people who are food insecure and who rely on humanitarian assistance (OCHA, 2020). Besides, UNHCR estimates that 332,000 Burundians are currently refugees in neighbouring countries (UNHCR, 2020). Part of addressing this challenge will boarder on guaranteeing peace in the country, dismantling of informal security groupings such as the *Imbonerakure* who have no official mandate in the enforcement of law and order and focusing on reforms in the security reforms to kick start national healing.

Finally, the country will have to embark on a deliberate program to resuscitate her economy and enhance wealth creation. Economic stability is crucial to the growth of a democracy and peaceful co-existence. For a start, Ndayishimiye will have to roll out targeted anticorruption measures, fiscal reforms, enhance ease of doing business and diversification of the economy through value additions of agricultural produce. This will go a long way in attracting foreign direct investments and development assistance to the neediest sectors.

Ndayishimiye's Limitations

Ndayishimiye's success is not cast in stone, he will have to fight his way through to achieve any meaningful reform. For a start, he ascends to power as a CNDD-FDD long term insider with equal share of blame for Nkurunziza's legacy. This relationship baggage will accompany him throughout his presidency. The glaring dilemma at hand therefore boarders on whether to dismantle CNDD-FDD grip on power and state institutions and risk falling out with allies or sustaining all CNDD-FDD policies at the expense of social-economic reforms. Neither option is desirable from a political standpoint but either way key to the success or otherwise of his reign. A retention of wholesome loyalty to CNDD-FDD rather than the state will likely impede implementation of crucial priorities including but not limited to justice and accountability,

Burundi's President Evariste Ndayishimiye gestures to the crowd after his inauguration in Gitega, Burundi on June 18, 2020. President Ndayishimiye took over power two months early after the abrupt death of his predecessor Pierre Nkurunziza (Photo Credit: Stringer/AP)

political reforms, anti-corruption and security sector reforms. This is because such reforms cannot be actualized without targeting or party insiders or interfering with their interests.

Conclusion

The transition of power does not necessarily equate to the start of wholesome reforms in Burundi but provides an opportunity for the new administration and the international community to seize the opportunity to initiate a transformation of the country. Burundi is currently experiencing multiple crises aggravated by deep divisions along political and ethnic lines. Under President Nkurunziza, the Burundian government policies were mostly repressive, divisive and beneficial to mostly his allies in the ruling party. Provision and access to crucial public services such as quality education, health care and proper food and nutrition seems to have been a challenge to the vast majority of the population.

As a ruling party with a dominant membership in the legislative houses and local authorities, CNDD-FDD shares responsibility with Nkurunziza on the current challenges facing the country. For Ndayishimiye, tackling the country's problems cannot be separated from the need for a political reflection on the role of the party in the previous (mis)governance of the country. While such a reflection is needed for the realization of the agenda of the new administration, it could also turn out to be Ndayishimiye's waterloo moment.

Recommendations

To ensure that Burundi capitalises on this moment to foster national unity and kick-start a transformation of the country, the following considerations will be helpful:

- President Ndayishimiye should establish a truth and reconciliation commission with a mandate to review the events in the country since 2015. The commission should focus on addressing the underlying reasons for cyclic ethnic violence and foster national unity by bringing together communities and leaders for a shared prosperity.
- The government should establish a special court to try perpetrators of massive human rights abuses since 2015.The tribunal should start by investigating the allegations raised by the International Criminal Court in 2017 and subsequent reports by human rights organisations which have in particular identified enforced disappearances and extrajudicial killings as common in the country.
- As a leader of CNDD-FDD, President Ndayishimiye should denounce political violence against opponents perpetuated in the name of party. An internal review should be undertaken on the role and operation of the party's youth wing, the *Imbonerakure*. The activities and structures of the youth wing should be made public and its activities undertaken in accordance with the law.
- The government should lift all bans on the operations of international organisations in the country including the UN human rights office, and WHO. This should be followed by ensuring the government's full cooperation with these organisations in the spirit of good faith.
- The government should release journalists jailed for criticising the government and lift a ban on operations of foreign and local media houses.
- The international community: United Nations, African Union, European Union and EAC should continue to call on the new administration to address the country's dire human rights records and offer technical and material support towards this endeavour.

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The Double Edged Sword: China-Kenya Relations in the wake of COVID-19 Pandemic

By Joy Muthanje Mwaniki

Abstract

China's increased interest in Kenya has drawn debate on the nature of the relationship and the balance of power that exists between the two countries, especially in the face of the COVID-19 pandemic. This article highlights the relations between the two countries since the rise of the pandemic and provides a preliminary discussion on the potential impact of COVID-19 on future Sino-Kenyan relations. The article also postulates that as the pandemic has forced Kenya to rely on its own industries so as to produce protective equipment, it has proven that the country has the potential to stop its reliance on foreign exports from China and possibly even its balance of power with the Asian country. The Kenyan government may also have to take steps to try to renegotiate its debt repayment plan with China, so as to afford it more time to recover from the negative economic effects of the pandemic. On the other hand, it is also possible that Kenya may encourage more direct investment and incur more loans from China so as to offset its economic losses.

Introduction

In recent times, the People's Republic of China has grown to be a leading economy in the world. China has increasingly sought developmental partnerships and alliances with countries on the African continent. The Forum on China-Africa Cooperation (FOCAC) is an example of such efforts to increase relations between China and African countries. The first FOCAC, held in 2000, formalized relations between African countries and China. Additional FOCAC meetings have focused on how China can build the capacities of African countries (King, 2019). Formal agreements which outline China's plans for Africa have also been introduced. In 2006, the Chinese government drew up the China Africa Policy Paper which listed four principles upon which China-Africa relations would be based on. These principles were *'Learning from each other and seeking common development'; 'Mutual benefit, reciprocity and common prosperity'; 'Sincerity, Friendship and Equality'* and finally, *'Mutual support and close coordination'* (Omolo et al., 2016). In 2009, the Chinese government even pledged USD 10 billion (or approximately 1 trillion Kenyan Shillings) in loans for African countries and forgave their national debts (Fiott, 2010). These actions cemented the partnerships between China and these African states.

One African country that China has taken a deep interest in is the East African nation of Kenya. Today, Kenya acts as an ideal trade hub for China as it is a relatively stable country and a vital economic centre on the African continent (Patroba, 2012; Farooq et al., 2018). It has also been argued that China's interest in Kenya is based on its geographical location. Kenya's proximity to South Sudan was potentially a motivating factor for China as it has a desire to access oil exports from South Sudan. Exporting oil directly from South Sudan would be difficult, as it has been involved in conflicts with Sudan in the past. Therefore, Kenya acts as a useful alternative route through which oil can be exported. In the same vein, China's interest in Kenya is linked to its aspirations of accessing Uganda's oil reserves. However, Uganda is landlocked. Therefore, it was in China's interest to create infrastructural links in Kenya through which Uganda can export its oil (Farooq et al., 2018).

Based on all these reasons, China's interest in Kenya has been manifested through investments in projects related to infrastructural growth and trade. In fact, China's Ambassador to Kenya, Wu Peng, stated that China's direct investment to Kenya totalled USD 520 million (or approximately 54 billion Kenyan Shillings) in 2018 (Mutambo, 2019). China is also one of Kenya's biggest trade partners with Kenya importing USD 3.7 billion (or approximately 370 billion Kenyan Shillings) worth of goods in 2018 (KNBS, 2019). These imports often include technology and manufactured goods such as plastic products, chemicals, and rubbers. Kenya, on the

A cargo train is launched to operate on the Standard Gauge Railway (SGR) line constructed by the China Road and Bridge Corporation (CRBC) and financed by the Chinese government in Mombasa in May, 2018 (Photo Credit: Stringer/Reuters)

other hand, exports plastics and raw leather, as well as agricultural and horticultural produce to China (Omolo, et al., 2016; Sanghi & Jackson, 2016). In the past, China has also provided Kenya with development assistance in a wide range of sectors including transport, healthcare, energy, financial services and education (Reilly, 2015).

While these projects have the potential to create a positive impact on Kenya's economy, concerns have been raised by a number of stakeholders, including civil society groups, local leaders, scholars and the general public, over the cost-benefit of the partnership between the two countries. The main concern that has been shared is that China's presence in Kenya is a form of neo-colonialism and that China stands to gain more from its relationship with Kenya, than Kenya does from China. In addition, it has been argued that China's interest is based on reaping Kenya's resources and exploiting its markets (Fiott, 2010). This argument has been further amplified in the wake of the COVID-19 pandemic, which has ravaged health systems around the world, and brought economies to a halt (Driggin et al., 2020).

Initial predictions from scientists and public health professionals stated that African countries would be at greatest risk from the disease. According to Velevan and Meyer (2020), the heavy flow of traffic between China and African countries was one potential factor that would lead to the spread of the disease in African states. In light of such fears, there was controversy in Kenya concerning the flow of traffic between Kenya and China, and the decision around banning flights from the Asian country. In addition, as the pandemic spread, there were reports of racial attacks and harassment against Africans, including Kenyans, in Guangzhou, China. Understandably, concerns were also raised on this discrimination, and the benefit of continued links between China and Kenya. Based on these concerns, this paper presents a study on relations between the two countries since the rise of the pandemic. In addition, it provides a preliminary discussion on the potential impact of the COVID-19 pandemic on future Kenyan-Chinese relations.

COVID-19 and responses to the pandemic

In December of 2019, a coronavirus, later named COVID-19, first broke out in the Wuhan district of Wubei province in China. Initial medical reports stated that it was a pneumonia-like disease that belonged in the same family of coronaviruses as SARS and MERS, and which caused respiratory infections. While the exact cause of this virus is yet unproven, speculation states that it has been linked to bats (Driggin, et al., 2020). However, the subsequent spread of the disease has been from human-to-human. Scientists also discovered that the virus is contagious and can be spread even by people who exhibit no symptoms at all, or those who are

asymptomatic (Chen et al., 2020). Because of its highly contagious nature, the virus managed to spread quickly to different parts of China and consequently to other countries across the world over a period of a few months.

According to Carscella, et al. (2020), China's branch of the World Health Organization (WHO) was alerted about the virus on December 31, 2019. In response, the Chinese government began implementing isolation strategies in Wuhan (Wang et al., 2020). People who were found to have contracted COVID-19 were isolated in hospitals, whereas those who were either asymptomatic or had mild symptoms were quarantined in structures such as stadiums and conference halls. These structures had been converted into makeshift hospitals that were known as 'Fang Cang' hospitals (Chen et al., 2020). The government also began to implement strict measures to limit the spread of the disease. In January 2020, restrictions on travel were imposed on people from Wuhan. Later, this travel ban was extended to include other cities within the Hubei province (Kraemer et al., 2020). This measure was done so as to restrict the number of asymptomatic people who would spread the virus to those outside of the province. The likelihood of this happening was great at the time, as this period happened to coincide with the Lunar New Year holiday. According to Wu and McGoogan (2020), during the Lunar New Year holiday, people often travel to their home towns to celebrate. This would therefore have provided ideal conditions for holiday travellers to spread the virus from Hubei to the rest of the country. Therefore, in an effort to reduce this risk, the government extended the holiday for those in Hubei. This ensured that the incubation period would likely have passed before the end of the holiday, and those who were asymptomatic would not spread the virus (Chen, et al., 2020). At the same time, China also increased their rates of testing (Kraemer et al., 2020).

In addition, the government closed down schools, factories and government offices, as well as restricted mass gatherings. It also limited the use of public transport systems. Furthermore, the government created campaigns that promoted the frequent use of masks and handwashing among the Chinese people. In response, citizens began social distancing measures and wore masks to limit their exposure to the virus (Chen, et al., 2020). These measures taken by China echo those imposed by the Kenyan government which also imposed a travel ban, enforced the mandatory use of masks in public areas and introduced a curfew to limit the spread of the disease. Kenya also ordered for the closure of schools and government offices nationwide (Aluga, 2020; Austrian et al., 2020). However, despite the strict measures in China, it was estimated that nearly 5 million people were able to leave Wuhan before the travel ban was imposed, thereby increasing the chances of the disease spreading beyond Hubei province (Chen et al., 2020).

It is important to note that there is a considerable number of Kenyans living within China, most of whom are students who had come to Wuhan on academic scholarships. These scholarships were offered by the Chinese government as a direct result of educational partnerships meant to build diplomatic relationships with Kenya (King, 2019). During the initial outbreak of the disease, Kenyan citizens who were based in Wuhan also began to have concerns surrounding the spread of the disease and the potential for the Kenyan community to be infected. However, with China's travel ban in place, it was nearly impossible for these citizens to fly home without any form of governmental intervention. As a result, the community requested the Kenyan government to assist in evacuating them and bringing them back to Kenya. Conversely, policymakers were concerned that evacuations from Wuhan, the epicentre of the outbreak, to Nairobi, would increase the spread of the virus within Kenya. The request for evacuation was therefore declined. Nevertheless, to ensure that these citizens would be comfortable, the Kenyan government donated USD 10,000 (or approximately 1 million Kenyan Shillings) in funds to the stranded Kenyans. In addition, the government of China also donated provisions worth USD 5,000 (or approximately 500,000 Kenyan Shillings) to the community (Ombuor, 2020). The Chinese billionaire, Jack Ma, also made positive approaches towards aiding Kenya to overcome the COVID-19 pandemic as he

... despite the strict measures in China, it was estimated that nearly 5 million people were able to leave Wuhan before the travel ban was imposed, thereby increasing the chances of the disease spreading beyond Hubei province

Initially, public opinion in Kenya was that allowing flights from China to land in Kenya would contribute to the spread of the disease. The government's decision to deny the request to evacuate Kenyans in Wuhan, was a testament to this prevailing opinion.

donated 100,000 masks and 20,000 testing kits to Kenya, along with other African countries (Lang'at, 2020).

However, concern over the amount of traffic between China and Kenya still remained a serious matter of contention. Initially, public opinion in Kenya was that allowing flights from China to land in Kenya would contribute to the spread of the disease. The government's decision to deny the request to evacuate Kenyans in Wuhan, was a testament to this prevailing opinion. As a result, airlines such as Kenya Airways were urged to suspend flights from Guangzhou, and eventually did so after pressure from civil society groups. However, tensions among the government, the airline industry and the civil society arose when, on the February 26, 2020 and despite the suspension of flights, a Chinese Southern Airlines flight landed at the Jomo Kenyatta International Airport (JKIA) in Nairobi. This flight was carrying 239 passengers who were all released after initial screening and were advised to self-quarantine. In response to the arrival of this flight, the Law Society of Kenya filed a petition on behalf of the Kenyan people requiring all passengers to be quarantined at a government approved facility (Gathara, 2020). A video of the plane's arrival even went viral, and the man behind the recording, Gire Ali was suspended from his job post at Kenya Airways, and taken to court. However, his suspension was lifted and the court case was dropped (Wangui, 2020). The plane's arrival, as well as the arrest of Mr. Ali, then led to further concerns regarding the level of autonomy that Kenya is able to exercise with regards to China. Questions arose on whether maintaining ties with China (by allowing flights from China to land in Nairobi) was worth potentially compromising the health of Kenyans.

Racism against Africans in China

In addition to the concerns raised by the arrival of the Chinese Southern Airline flight, there were also additional incidences that raised questions on the benefits of Kenya's relationship with China. More specifically, there were cases of racism against Kenyans and other Africans in Guangzhou province. Here, Africans were forcibly evicted from their homes, denied the ability to book hotel rooms, and were effectively rendered homeless (Pratt, 2020). African-Americans were also subjected to the same discrimination, including being denied access to restaurants such as McDonald's (Gammage & Akinkugbe, 2020). Further, it was reported that local authorities had begun to confiscate the legal documents of Kenyans, thereby impeding their ability to travel (Mutambo, 2020). These incidences were described as being measures to stop the spread of the virus, as Africans were accused of being asymptomatic carriers of the disease. However, such accusations were not backed with scientific data and were therefore assumed to be purely racial in nature. Castillo & Amoah (2020) even postulate that in the future African nationals in China will likely have difficulty in accessing social services such as healthcare due to such racial bias.

Understandably, there was an outcry among Kenyans concerning the treatment of their counterparts in Guangzhou. On the April 10, 2020, Kenya's Ministry of Foreign Affairs sent out a statement expressing concern on these incidences of racism. It also directed affected Kenyans to contact the Kenyan Embassy to report any discrimination (Ministry of Foreign Affairs, 2020). On the April 12, 2020, the Chinese Foreign Ministry Spokesperson, Zhao Lijian, gave a statement on what he termed as 'anti-epidemic' measures and their implications on Africans in China (Embassy of the People's Republic of China in the Republic of Kenya, 2020). While he stated that the People's Republic of China has no tolerance for discrimination, there was no mention on what measures the Chinese government was taking in order to reduce the incidences of racism and to help those African nationals who had been displaced.

Unfortunately, these racist attacks were not the first incidences of racism between Chinese nationals and Kenyans. Within Kenya, there have been repeated incidences of racism from Chinese businessmen towards their Kenyan employees. One such case is that of a Chinese national, Liu Jiaqi, who was deported and banned from Kenya in 2018 after he was recorded making racist comments insulting his staff, Kenyans and the President of Kenya, Uhuru Kenyatta (Adebayo, 2018). Another such case is that of the Chinese national, Deng Hailan, who was caught on video caning a Kenyan employee for being late to work. Upon further investigation, it was found that Hailan and several of his fellow staff lacked the valid work permits required to work in Kenya (Ombati, 2020).

In light of the increased severity of discrimination and racism, the Kenyan embassy in China offered an evacuation flight for Kenyans in Guangzhou. However, there were certain requirements that passengers had to fulfil before gaining access to a seat. Firstly, all individuals were expected to pay their own flight costs. Secondly, all passengers had to provide certificates showing that they had negative results for COVID-19. Lastly, each person had to undertake a mandatory 14-day quarantine in government-approved institutions upon arriving in Nairobi (Wanambisi, 2020).

Implications for Trade and Foreign Relations between China and Kenya

As previously mentioned, China took positive steps towards assisting Kenya to overcome the pandemic by providing protective equipment, including masks and gloves, for medical professionals in Kenya. This is what is known as health diplomacy, and it is not the first instance of China assisting in the improvement of Kenya's health industry. In 2010, for instance, the Chinese government organized for a hospital ship, known as the Peace Ark, to travel to different African countries, including Kenya, so as to provide medical services (Killeen, et al., 2018). China also built the Mama Lucy Kibaki hospital and conducted improvements on the Moi Referral hospital in Eldoret (Omolo, et al., 2016; Ali, et al., 2019).

Nevertheless, this pandemic has the potential for changing the status- quo in countries around the word. Indeed, as previously mentioned, China has been one of Kenya's major trade partners. However, imposed flight restrictions between Kenya and China, in light of the pandemic, has led to decreased trade between the two countries, and consequently to a scarcity of protective gear such as face masks and hand sanitizer among the general public. In response, local manufacturers in Kenya were called upon to produce these necessary products and managed to do so successfully (Tony Blair Institute for Global Change, 2020). This thereby indicates that Kenya has the capacity to produce finished goods that can be used in the health sector, and leads to the question on whether or not Kenya truly requires to import finished products from China. Prior to the pandemic, the trade balance between the two has always swayed in favour of China (Roy, 2014). This is because the value of the raw materials exported from Kenya is much higher than that

Kenya's Foreign Affairs and International Trade Cabinet Secretary, Amb. Raychelle Omamo hold a meeting with Chinese Ambassador to Kenya, Amb. Wu Peng (seated second on the left) to discuss the COVID-19 outbreak and the response efforts on March 10, 2020 (Photo Credit: Foreign Affairs Office, Kenya)

Hon. Ababu Namwamba (Middle), Chief Administrative Secretary of Kenya's Ministry of Foreign Affairs, receive medical donations for fighting against COVID-19 from Zeng Kerong (second from left), General Manager of HNRB's East African Regional Center (Photo Credit: Liu Hongjie)

of manufactured goods from China (Ali et al., 2019). If the Kenyan government focused on exploring this potential in the long run, and on building the capacities of local industries to take over, then this would have the potential to evening out the balance of power in trade between Kenya and China.

The economic implications for the pandemic have also been wide and far-reaching, as economies the world over have struggled to cope with the economic fall-out from the pandemic. While the travel ban and curfew in Kenya were imposed so as to curb the spread of the pandemic, it has also been argued that these measures have had a negative impact on Kenya's economy and stock exchange (Ozili, 2020). This, in turn, could have debilitating effects on the country's ability to repay the loans it has already borrowed from China. Reports suggest that the Kenyan government has already borrowed USD 4.7 billion (or approximately 470 billion Kenyan Shillings) from the Chinese government (Hairsine & Wasike, 2019). This staggering statistic means that Kenya owes more than its GDP. In fact, if every Kenyan citizen were to contribute to the loan, each would have to pay approximately USD 1,038 (or approximately 103,800 Kenyan Shillings) so as to write off the debt (Ali, et al., 2019). If Kenya were forced to focus on repaying these loans rather than on bailing out small businesses and industries affected by the pandemic, the effects on its citizens would likely be catastrophic. However, in light of these economic struggles, it is also possible, that the Chinese government will make several financial concessions with Kenya, and with other African states, in order to improve its potential for future trade. Therefore, now may be the right opportunity for Kenya and other African countries to renegotiate and restructure their debt repayment plan with China (Ogenga, 2020). Nevertheless, the Kenyan government may opt instead to incur more loans from China as it aims to bailout industries that happen to be struggling with the economic damage. In addition, Kenya may also take steps to increase Foreign Direct Investment (FDI) flows from China. These steps may include introducing more subsidies and incentives that will encourage Chinese investment in Kenya's economy.

Unfortunately, the incidences of racism against Kenyans in China may have soured any positive views that the Kenyan public may have had towards Kenya-Sino relations. While the Chinese government touted a theory of solidarity with African states through the four principles enshrined in the China Africa Policy Paper (Gammage & Akinkugbe, 2020), the poor treatment of Kenyans in Guangzhou has already cast doubt on the sincerity of these values and tarnished the image of Chinese people in the eyes of Kenyans. Such continued discrimination is likely to cast doubt on the viability of China as a trade destination for Kenyans. Rather than travel to China, Kenyans may in the future, opt for alternative countries, such as Turkey, to conduct trade. However, according to Castillo & Amoah (2020), Africans with deep rooted connections to the country may

be reluctant to leave China despite the discrimination they have suffered through during the pandemic. These connections may range from businesses to marital ties with Chinese nationals. In Kenya, on the other hand, the aftermath of Guangzhou's racial attacks may be manifested through heightened scrutiny of Chinese firms and their treatment of locals, with employees demanding that Chinese employers uphold their human rights (Ogenga, 2020). In the same vein, civil society groups may become more vigilant for any potential human rights violations. This may in turn trickle down into harsher penalties on those individuals who are found to be racist towards their Kenyan employees.

The pandemic is still on-going and its effects are yet to be evident in their entirety. For instance, it is still unclear on what the effect the outbreak of the virus will have on China's infrastructural plans in Kenya and abroad. Developments such as the Maritime Silk Road and Land Silk Road which link several countries, may face difficulties in their expansion, as most countries have closed down their borders to curb the spread of the disease. It would therefore be interesting for future research to focus on the effect of travel restrictions on these plans.

Conclusion

In conclusion, the COVID-19 pandemic has brought to fore both the weaknesses and strengths of relations between China and Kenya. The fact that China has lent both funds and protective equipment during the pandemic period indicates that the relationship between both countries can be beneficial to Kenya. However, the concerns raised around the suspension of flights from China, and the subsequent arrival of the infamous Chinese Southern Airline flight are unlikely to be forgotten. In addition, the challenges posed by the cases of racism and forced evictions of Kenyans and other Africans in Guangzhou, have had the implication of tarnishing relations between Kenyan and Chinese nationals, even as both governments seek to strengthen their diplomatic relations. In the future, Kenyans may even opt to travel and conduct business in other Asian countries, other than China. However, it is important to note that Kenyans who may have strong marital or trade ties in China may not be swayed by these racial incidences. Conversely, in Kenya, these attacks are likely to increase the level of scrutiny that Chinese businesses will be placed under, as civil society groups are likely to be more vigilant on ensuring that no human rights violations or racial attacks are meted on local employees by their Chinese employers.

The COVID-19 pandemic has also highlighted Kenya's potential in restoring the balance of power with China as it has successfully turned to its own industries to produce emergency goods such as face masks. Thus, the Kenyan government should attempt to increase the capacities of these industries so as to reduce the country's dependence on imports from China. In addition, in light of the economic difficulties faced by Kenya in the face of the pandemic, the Kenyan government should also attempt to renegotiate its debt-repayment plan with China, so as to introduce more favourable terms that would allow it to pay off its loans, as well as bailout struggling industries. Conversely, Kenya may decide to simply incur more loans from China in order to mitigate the economic fallout arising from the outbreak. This will have the negative implication of sinking Kenya further into a debt that it will struggle to repay. Ultimately, it will be interesting for scholars, economists and political analysts to continue to monitor the changing relationship between China and Kenya, as both navigate the continued spread of COVID-19 and its subsequent effect on trade and foreign relations.

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Editor's Note

Dear Reader,

We are excited to release our fourteenth bi-monthly issue of *The HORN Bulletin* (Vol. III, Iss. IV, 2020). We bring to you well-researched articles and analysis of topical issues and developments affecting the Horn of Africa. We welcome contributions from readers who wish to have their articles included in the HORN Bulletin. At HORN, we believe ideas are the currency of progress. Feel free to contact the Editor-in-Chief for more details at communications@horninstitute.org.

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Upcoming Event

A Webinar

Theme: **Retreat to nationalism in the 21st century globalization:** Lessons for Africa from COVID-19

Date: July 16, 2020

Time: 09:30am – 11:50am EAT

HORN International Institute for Strategic Studies in partnership with the Institute of Diplomacy and International Studies at the University of Nairobi will on July 16, 2020 host a virtual conference themed *Retreat to nationalism in the 21st century globalization: Lessons for Africa from COVID-19.* This webinar will discuss Africa's place in the changing nationalistic and protectionist world especially in the wake of Covid-19 and its impact on international relations. For more information about this Webinar please visit: www.horninstitute.org

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The HORN Bulletin ISSN: 2663-4996

2663-4996