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Self-Determination and Conflict of Norms in the Ethiopia Civil War



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INSIDE

- [Self-Determination and Conflict of Norms in the Ethiopia Civil War](#) 1
- [Rwanda as a Peace Maker? Regional and International Implications of Rwandan Engagement in Cabo Delgado](#) 15
- [Maximizing EAC's Revitalized Vision and Increased Joint Dividends Following Democratic Republic of Congo's Admission](#) 24
- [Are the OECD and the West Losing the Will and Ability to Be Altruistic? Dawn of a New Darker Age](#) 33

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Abstract

This article inspects the problems and consequences of the conflict of norms currently informing the Ethiopia current civil war. It argues that at the heart of the issues raised by the civil war are emerging interpretations of the norm of self-determination and its relationship with its sharp end of secession. It analyses the emerging perceptions of self-determination and secession in international law, part of a long diplomatic and legal game that began soon after the United Nations Resolution on Granting Independence to Colonial Countries and Peoples (1960), activated legally in some International Criminal Court (ICC) decisions, and actualized in the post-Cold War creation of new (ethnic) states in Europe. The article concludes that the civil war must

be managed based on the Constitution of Ethiopia. Its provisions, especially those linking self-determination and secession, require reconsideration and the maintenance of the constitution's core doctrine of participation of nations, nationalities, and peoples.

Introduction

The Ethiopian civil war that began on November 3, 2020, is an extremely complicated conflict. It is at once a conflict bordered by several civil wars in Ethiopia. It has involved fighters from Eritrea fighting on the side of Ethiopian forces, lending it an inter-state characteristic. It also harbors an Ethiopian constitutional conflict. It encompasses complex conflicts relating to intra-Ethiopian ethnic and community relations that could overflow into surrounding regions of the Horn of Africa. It also contains a psychological aspect of ethnic groups' entitlement to the destiny to rule.

Besides, it is a conflict about governance, and issues of inclusion in the Ethiopian polity, and ultimately conflicts about how best to ensure Ethiopian national unity. This aspect challenges a national strategic norm governing inter-ethnic and inter-communal relationships, and their

relationship with the central government. The operations of this norm led to interrelated civil wars emerging during the current conflict. Thus, there are:

“four separate civil wars conflated in time and space. These wars have diverse political objectives and involve different belligerent parties, anchored in distinct politico-historical narratives. Each conflict concurrently creates intersecting tactical and strategic alliances among the various combatants” (Tronvoll, 2022).

The most prominent of these is prosecuted between Tigray state and the Federal Government of Ethiopia. It is heavily weighed by the psychological dimension and is the most vicious of the wars involved, including numbers killed and displaced. It has attracted the most attention. Its prominence is also enhanced by its locality, neighboring Eritrea. It is thus the most evident aspect of internationalization of the civil war. Unsurprisingly, civil wars involving the Tigray have been “a generational feature” of Ethiopian life.

Like all states, Ethiopia interacts with its external operating environment, and its destiny and survival rests



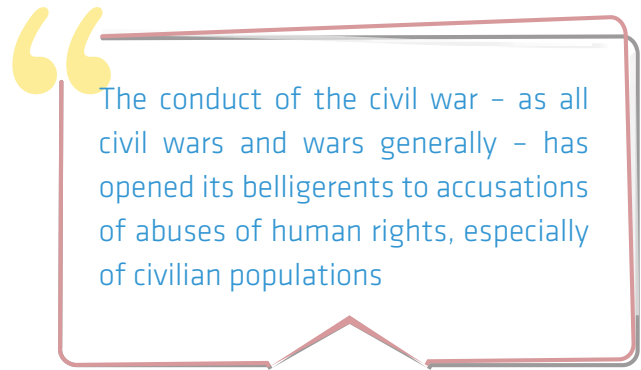
Ethiopian Prime Minister, Abiy Ahmed and Chairman of Tigray People's Liberation Front (TPLF), Debretsion Gebremichael (Photo Credit: Office of the Prime Minister of Ethiopia)

on this. While an “internal” conflict as a civil war, the Ethiopian civil war has become internationalized. This process of internationalization has made clear the war’s intermestic character, (the faded distinctions between the international (“inter”) and the domestic (“mestic”) environments). In this sense, the civil war, while internal, has generated refugees escaping the conflict and created internally displaced persons, whose safety and rights attract multiple external actors. The conduct of the civil war has opened its belligerents to accusations of abuses of human rights, especially of civilian populations. This has in turn encouraged the entry into discourses about the conflict of non-state actors and groups. Amongst these are the external media, and how it reports on, and paints the conflict (Freeman, 2022).

Besides all these, the civil war has raised questions about the stability of regional relations in the Horn of Africa, the Intergovernmental Authority on Development (IGAD) region, and the African region. To top all these issues, the civil war raises questions about the commitment of the international community to the management of governance and conflict in Africa, and the lenses it uses to view such conflicts. Western states escape from commitment to the norm of self-determination as understood in international law, and its rejection of secession. This heightens the problem of conflict of norms in the Ethiopia civil war.

This article teases the issue of conflict of norms in the Ethiopia civil war. Such conflict arises where norms in a conflict oppose each other and compete for mastery in influencing the behavior of actors towards each other. Norm competitions also emerge where some norms are interpreted differently by actors. When this happens, the continued salience and fate of a norm is challenged. One such norm is self-determination and its relationship with secession. International actors have challenged the received jurisprudence, indeed whole epistemology of these norms.

Ethiopia’s constitutional interpretation of the norms differs in important ways. Its constitutional relationship of self-determination and secession places it at a juncture that will challenge and maybe shape the relationship between self-determination and secession in international law. This perspective makes the Ethiopian civil war not only complex of itself but to the jurisprudence of such civil wars, and a recurring threat to permanent peace in Ethiopia.



The conduct of the civil war – as all civil wars and wars generally – has opened its belligerents to accusations of abuses of human rights, especially of civilian populations

Framework for Analysis

The theme informing the analyses of this article is that there is in process an attempt at a *gestalt* switch from contemporary norm of international law. The international law created and supported the norm of self-determination but also jealously guards the related norm of protection of the territorial integrity and sovereignty of states. Hence, it does not recognize the idea of secession. It has however, prompted by the attempt of Western states to mount a UN Charter and international law norm revolution to brush aside the interpretation of self-determination, and create a new one for secession, started to waver in some decisions of the International Court of Justice (ICJ). That international law revolution attempt is currently underway but started earnestly just before the end of decolonization.

This *gestalt* switch however does not obey the rules of paradigm change most forcefully articulated by Thomas Kuhn in his seminal work *The Structure of Scientific Revolutions* (Kuhn, 1966). For scientific revolutions to happen, there must be an existing paradigm (norm in this article). That paradigm must have been accepted because it solves pressing problems of the day. The process of revolution begins to occur once the paradigm starts being unable to continue solving important problems of the day. In such cases, it is overthrown and replaced by a new one which can do so. The constitutional revolution in Kenya (Mwagiru, 2011) is well described by Murrey (Murrey, 2013). Nigeria succeeded because they addressed that problem.

The diplomatic and international legal long-range planning of Western countries to overthrow the established norm of self-determination did not follow any inability of that norm to solve the national and international problems of the day. The revolution underway aims at overthrowing the international law rejection of secession and replace with its normative

acceptance in international law. Its attempts to do so indeed represent a *coup d'jus cogens*, essentially mounting its normative cessation accepted interpretations of international law.

Challenges of the Basic Structure of International Law

Norms drive international, regional, and domestic relations. Internationally, the post-Second World War was constructed under the umbrella of a variety of norms, all centred on the preambular wish of the UN to avoid the future scourge of war. The UN Charter provides for international diplomatic and legal norms guiding the process of enshrining the post-war order. It also provides for certain diplomatic norms that frown on the unilateral use of force in the conduct of foreign relations, while agreeing to collective uses of force guided by the United Nations Security Council (UNSC), and following this forbidding, refuses to entertain secession in its normative framework.

But in an ever more volatile, uncertain, challenging, and ambiguous (VUCA), international environment, the promise of the Charter has not always been fulfilled on the question of the use of force. Accordingly, the number of uses of force especially intra-nationally has increased, and not as the Charter hoped, decreased. In part, this explains why international law does not recognize secession.

Some core international legal norms are protected beyond the Charter by their recognition as peremptory norms (aka *jus cogens*) of international law. These include territorial integrity and sovereignty. Such norms are considered so core that they cannot be challenged or changed except by similar norms (diplomatic linguistic fog to say that they cannot be changed, period: that there is a basic structure of norms that cannot be changed). Their interactions with other international legal principles is proving a challenge. This has created a conflict and competition amongst norms and principles of international law. The one between self-determination and secession is one such pressing normative conflict.

The conflict between the norm of self-determination and its relationship with secession is clearly at the heart of the Ethiopia civil war. This content of this norm has been challenged through competing and conflicting interpretations. One interpretation pegs it to human rights and has been pursued by Western countries. This raises unintended consequences: the more it is conceptually hinged on human rights, the more its relationship with secession becomes blurred. In the creation of new states in Europe after the end of the Cold War, this human rights connection inevitably led to secession. This ranged it against the core international law norm of protecting the territorial integrity and sovereignty of states. Noting this, Western states argued that they did not support the secessionists during the creation of the new states, but only recognized the new states after they were created after the *fait accompli* of secession (Fox, 1995).

In the Kosovo case (ICJ, 2010), the ICJ majority ruling fueled the fire of conflicts of norms and interpretation. It ruled that international law does not forbid unilateral declarations of independence. How international law can at once not support secession, but not forbid unilateral declarations lead to it encouraging migraine-inducing contemplations. As Judge Koroma noted in his dissenting opinion, a unilateral declaration of independence “was the beginning of a process aimed at separating Kosovo from the state to which it belongs and creating a new state” (Koroma, 2010, emphasis added). This ruling leaves Ethiopia in a hard and uncomfortable place. It unleashes a conflict between the norm the court professed, and a core Ethiopian constitutional norm ratifying the relationship between self-determination and secession.

Interpretations of Self-Determination and Secession in International Law

International law recognizes the right to self-determination of *peoples*. Its original preoccupation with the norm began as the United Nations addressed the question of colonial states and the rights of colonized states and peoples to self-determination. This led to UN Resolution 1514 (UNGA, 1960), and later the resolutions

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declaring the first and second decades for the eradication of colonialism (UNGA, 1988). The UN Declaration on Friendly Relations states that self-determination should “not be construed as authorizing any action which would dismember or impair totally or in part, the territorial integrity or political units of sovereign and independent states” (UNGA, 1970). That resolution pinned self-determination on Common Article 1 of two of the three treaties constituting the International Bill of Rights (UN Covenants, 1966). Thereby, it “established it as a right rather than a mere principle” (Mustafa, 1971).

On this international legal and diplomatic history there is consensus about the entry of self-determination as a right into the discourse. However, the trend of debate is hurtling roughshod over the traditional international legal distinctions that separate self-determination and secession. The debate is now heading towards recognizing secession as a right in the same way as self-determination is. Thus, there is a normative conflict between self-determination, and the previously non-norm of secession: “non-norm” because international law does not *currently* support it. The Kosovo case ruling began the process of dismantling that position of international law, and ultimately to the emergence of secession as an accepted norm of international law.

Two developments ushered in the issue of the relationship between self-determination and secession. The first was the end of decolonization; the second the end of the Cold War. These two periods unleashed debates about hidden attitudes of the relationship between self-determination and secession. In both periods, two contending issues in the debate: external self-determination and internal self-determination. At the emergence of the norm during the struggles against colonialism, it was established that the true focus of the international law of self-determination was external relationships with metropolitan colonial powers. Supporters of external self-determination maintain that it does not – and must not – alter borders of the new states. In this view, secession does not enter the frame in any way. Supporters of internal self-determination (internal relations between citizens and new governments) argue that self-determination, being about internal relationships, could result in altering the borders of the new states. They use the events following the end of the Cold War, especially in Europe, to argue that while international law does not support secession, nevertheless a broader response to emerging contexts demands that it be accorded a place in international jurisprudential discourse.

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Following decolonization, some states argued that secession could well follow self-determination. Most maintained that the two should never be joined, and that:

“...self-determination in international law is viewed to be synonymous with the right of non-self-governing territories to independence. Such territories can easily be distinguished by virtue of their being geographically and racially different from the metropolitan country which governs them, but with which the territories do not share political power. If international law were to go beyond this and recognize the right to self-determination as transcending legally established international boundaries, it would undermine the stability of the international order by placing it in a perpetual state of flux. It would also destroy the premises on which international law operates, viz., respect for national unity and territorial integrity of states.” (Mustafa, *ibid.*, p. 487).

Post-Cold War supporters argue for an emerging norm of internal self-determination. This logically entails the rights of people (not *peoples*) in an independent state to secede. They base their argument on the idea that once decolonization ended there was “unanimous refusal of states to recognize a right of secession, thus depriving the concept of much of its content” (Fox, 1995). Nevertheless, they maintain that in making self-determination a legal right through the 1966 human rights covenants, internal self-determination – containing a right to eventual secession – commenced its epistemological march. Its’ drum majors are largely the former western colonial states. In other words, colonial peoples’ attainment of self-determination is tied to a threshold of other human rights, to realize which secession may happen. That view supports the dismantling of former USSR and European

countries like Yugoslavia. For European states, many of which were constructed on similar grounds during the re-unification processes of the 19th Century Europe, this means finally rolling the dice began then. But that dice cannot and should not be allowed to roll. Indeed, it creates a conflict between Europeans' assessment of the right of their history of state creation and the sociological realities of Africa.

International law does not support secession or is, in the face of emerging discourses, becoming schizophrenic about it as the Kosovo case ruling demonstrated. The debate about internal self-determination and the practice of states recognizing the emerging new territories makes secession a logical component of self-determination. In this reading, secession is a corollary of self-determination. The quite daring epistemology behind this argument is that a new post-Cold War norm of democratic elections is arising; and hence that

“a purely external account of self-determination represents a claimed entitlement to dismantle existing territorial states, while democracy is an attempt to reinforce loyalty to existing states by including all citizens in a natural process of deliberation and choice.” (Fox, *ibid.*, p. 735).

Hence the view of the post-Cold War arguments that the concept of self-determination is “at war with itself” (Fox, 1995) and that by refusing to endorse a linkage between self-determination and secession, states “robbed the concept of much of its content”. Self-determination is not at war with itself. Instead, some actors are waging a total war against its accepted interpretation. They argue that attaining self-determination is a crucial prerequisite to the enjoyment of people or individuals as prescribed by the jurisprudence of the 1966 Covenants of their broader human rights. Hence the “traditional understanding of the right as (only) a vehicle to independent statehood has been rendered essentially meaningless”, making the concept mean “everything or nothing” (Fox, 1995, p.733).

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Shedding the gobbledygook, what is being championed is to substitute *peoples* as the entitled holders of the right of self-determination, with *individuals*. Once that happens, the choreography of self-determination and secession will for them, render self-determination an “essentially meaningful” concept.

In these circumstances, the debate about internal self-determination has veered towards construing the “self” in self-determination. The internal self-determination school conceded that the “self” must coincide with the territorial state, and that granting it to “sub-national entities begin the route to legitimizing secession.” For this reason, international human rights law, for example the 1966 UN Covenants, excludes any definition of “self” “based on ethnic, racial, religious, linguistic, historic or others that may deviate from state boundaries as established.” It excludes these from the definition of “self” because it inextricably hinged the right to self-determination on human rights law principles for which this is core. The territory of post-Berlin 1884/5 map making of Africa established ethnic and historic groups that were divided by the false territorial borders so created. The interpretation of “self” championed by internal self-determination will lead to a curiosity of internal self-determination and a multitude of tiny and unviable states created from the territorial borders of African independence states. Multiplied by all the states of Africa, this will lead to a continent perpetually at war amongst little states, mimicking those in Europe that lasted for a 100 years in a different continent and operational environment.

Thus, the school argues that “the international community”, really meaning the West, has created the normative framework of the transition to democratic rule and strengthening democratic institutions. The problem with international lawyers like Fox is their tendency to view international law in a vacuum, estranged from political, social, and cultural realities of the sub-systems of the international system. This explains why their idea of internal self-determination – not based on the “self” that includes ethnic and historic groups - takes no account of countries in Africa and elsewhere where the ethnic “self” and family (surely a historical creation) are still strong. This trend of thinking has become even more extreme:

“Thus, the goal of nation building should not be to impose common identities on deeply divided peoples but to organize states that can administer their territories and allow people to live together



Ethiopian National Defense Forces (ENDF) on a military parade (Photo Credit: AFP)

despite differences. And if organizing such a state within the old internationally recognized borders does not seem possible, the international community should admit that nation building may require the disintegration of old states and the formation of new ones." (Ottaway, 2002)

Ottaway clearly means engaging in nation-destroying rather than nation-building. This sort of view really causes schisms of conflicts of norms for Africa. It would challenge, and indeed overthrow, national norms that try to create common national identities through anthems, constitutions, statutes, and other policies. It would throw overboard the African norm of *uti possidetis* established by the Organization of African Unity (OAU) Cairo Resolution (1964): from which developed an African regional customary international law regarding territorial arrangements in the continent:

"...by accepting to respect the pre-existing frontiers without being obligated by any law principle to do so African states created new customary rules. Additionally, the Cairo Resolution generated state practice and discrete opinio juris enjoining African states to respect indefinitely the territorial status quo that was attained on...achieving independence... the prohibition of redrawing African boundaries and the African rule against secession are of African *jus cogens*." (Ahmed, 2015)

This is the proper reading of the status of African states' territories once they attained independence. Its appreciation would arrest the direction towards which internal self-independence is headed: to challenge the common social and cultural norms of African societies founded on common histories. That would challenge virtually all existing territorial borders of African states and seek their dismantling in the name of individualistic internal self-determination. In attempting to make African states mimic European states, especially their 19th Century experiences, it would make conflicts like the current Ethiopian civil war the *plat de jour* of future African mornings.

The human rights component of creating political international legal norms through human rights treaties has not stopped others from factoring in multi-ethnic states. Taking these into account gives rise to the political argument that:

"ethnic states only qualify for external self-determination in very limited circumstances e.g., if a state is under colonial rule or subjected to gross human rights violations, or if the state voluntarily splits...*internal self-determination embraces the notion of the autonomy of the citizens, individual rights and freedoms, and the entitlement to a representative government*" (Reuter, 2016, p. 255. Emphasis added).

This is the trend of thinking, and the direction this debate to marry self-determination and secession has taken. It allows eventually for statements to be made to the effect that “an ethnic group with a territory of its own can try to constitute itself as a nation” (Lagerspetz, 2004, p. 1316).

These debates on self-determination and secession are not really about the integrity of those concepts as constituted. The debate is a larger one about the pursuit of international hegemony of the liberal view of states, individual citizens, and governance. Indeed, the fact that these debates emerged after the Cold War is not surprising. Following Fukuyama’s unilateral declaration of the *End of History* (Fukuyama, 1992), the idea is to shape institutions and states to bend to the liberal view about government and people. It was not by chance that the idea of linking the internal law component of self-determination was done under the umbrella of core human rights treaties. The 1966 covenants are concerned with individual human political, social, economic, and cultural rights, which states parties are enjoined to abide by. Putting self-determination under the same frame essentially means individualizing the right to self-

determination and disaggregating the concept from the “peoples” context on which its emergence rode. Removing ethnic, religious and other categories as bases for “self” in self-determination robs the concept of the participation of numerous parts of the world where for cultural and historical constructs like ethnicity and culture are a core basis for peoples’ identity.

Some Western analysts argue that Western states did not support ethnic, or groups formulated by religious practices in former eastern Europe, and that their recognition of the emerging states was only done as a *fait accompli* to secession wars that had already happened, giving rise to new states carved from the old. Or as Ionica puts it more earthily, the *fait accompli* argument was an acceptance that “...these realities raise the same problem like when a child is born in a legitimate family, or if the child is the result of a love affair between some political powers and a certain geographical area” (Ionica, 2014, p.53).

The Western states followed closely the declarative view of recognition of states: that once an entity meets the criteria for statehood in international law (territory,



A memorial service for the victims of the Tigray conflict in Addis Ababa, Ethiopia, on Nov. 3, 2021 (Photo Credit: EDUARDO SOTERAS/AFP via Getty Images)

Removing ethnic, religious etc., categories as bases for “self” in self-determination robs the concept of the participation of numerous parts of the world where for cultural and historical constructs like ethnicity and culture are a core basis for peoples’ identity

population, government, and ability to enter relations with others) it thereby through secession automatically declares itself a state and should be recognized as such. In that event, already existing states who otherwise support the constitutive view (that is the right of existing states to decide *inter alia* whether the new entity entered statehood legally) have no say. This merely supports the end of the Cold War world view that history ended with it, and that the winners had every right to consolidate their system everywhere, through force and dismantling of existing states, to reinforce a unilaterally declared liberal hegemony.

National Unity and Self-Determination Norms in the Ethiopian Civil War

The basic operative norm underlying the Ethiopian civil war is self-determination. This norm has preoccupied Ethiopian governments both before, during and after the Cold War. Pre-Cold War, Haile Selassie tried to unify Ethiopia (all the ethnic groups) under the central government. This prompted the Tigray people to mount an insurrection between May and November 1943, which was the first civil war. During the Cold War, Haile Mariam’s *Derge* tried under the idea of “Ethiopia first” to do the same. And his rule (the red terror) presumably militated against any threats to Ethiopian unity. This led to the second civil war, a 16 years’ war spearheaded by the Tigray People’s Liberation Front (TPLF) and joined later by the Ethiopian People’s Democratic Revolutionary Front (EPDRF). Meles Zenawi who took after Mengistu’s unseating addressed the problem by creating ethnic federalism and divided the country ethnically through nine regional semi-autonomous states and two multi-ethnic chartered administrations, under the auspices of a national, central government. On becoming Prime Minister, Abiy Ahmed created a Prosperity Party including three of the ethnic parties that constituted the EPRDF, and those marginalized in the past. The TPLF declined to join this and brought its close association to power to an end, retreating instead to the Tigray state. His unitary theme was that Ethiopian unity surpassed ethnic unity; and in the process created an open political system.

That creation or its attempt unearthed various tensions: among the Oromo ethnic group, between Oromo, ethnic Somalis in their region, and between the Amhara and Tigrayans and the TPLF (Searcy, 2021).

The various governments in Ethiopia, in their quest to create national unity, pushed a norm of national unity that seemed to some to conflict with the federal state system established in the constitution. These efforts faced headwinds from those supporting the earlier norm of self-determination. These competing norms however affect many African states and not just Ethiopia. At the height of the Cold War, in the heat of African quests for independence, the prevailing norm was national self-determination, recognized by the UN Resolution on Colonial States and Peoples. During the Cold War the newly independent African states faced the problem of an emerging competing norm of ethnic self-determination. National self-determination held somewhat during the Cold War but was challenged after it. Once the Cold War ended, Africa and the OAU for whom the theme of national self-determination was a core norm, principle, and pursuit, were confronted by an ideological emptiness once the South African bastion of apartheid was defeated.

Having been fulfilled by the ending of the Cold War ended, the west sought the internationalization of new definitions of the norm of self-determination (of states and peoples). This being underway, thus two normative competitions over the definition of self-determination after the Cold War were thus defined. The creeping in of one of these norms rode on the back of the civil wars in Europe after the Cold War, which provided cause for the re-invention of the norm of self-determination. This cause was fought through the politically constructed norm of internal self-determination. At first, attempts were made to justify its legality by claims that the “self” involved in this new self-determination did not include ethnic, religious and such other groups. This was supported using the tenets of international human rights law on which it piggy-backed. But such interpretations of prefer

illegal outcomes that courts then legitimize, to justice (Robinson, 2015). Thus, the reality of the ethnic post-Cold War European civil wars put paid to this pretense, even if *ex post facto*.

Arguments thereafter emerged about a dual content of the emergent norm of internal self-determination. The first was that it entailed the right of ethnic populations separated by territorial borders to unite and form their own states. This was what happened in Europe after the Cold War and led to new states emerging there. The second part of the new self-determination is that the corollary of the first right also entitled ethnic groups in a state to self-determination. Both these will be addressed towards Africa and shape the debates about self-determination and secession in international law and in African customary international jurisprudence. The first will affect virtually all states in the continent. The second embeds the perceptions of the current Ethiopian civil war. This was captured when Abiy labelled TPLF “a terrorist organization intent on secession” or intent on self-determination and secession.

In the Kosovo Case (ICJ, 2010) an advisory opinion by the ICJ ruled that Kosovo’s unilateral declaration of independence was not a violation of international law which does not prohibit unilateral declarations of independence. This ruling is narrow and did not delve into the real issues. The court argued that it was an advisory opinion requested by the UNGA, and that the court was tied to the words of the request. In truth, as two dissenting judges noted, the court replaced the question asked with its own which it then proceeded to answer. The ruling was (not surprisingly) supported by adherents to the norm of internal self-determination. They would; and by the ruling the Court joined their crusade. It is clear however that such a unilateral declaration of independence is a close relative of self-independence, waiting for a marriage with its intended suitor, secession. Judge Koroma’s dissenting opinion is however a timely warning of the ruling’s consequences:

In Nigeria, the control of the central government is more forcefully stated and reserved, while in Kenya it is more diffused

“International law does not confer a right on ethnic, linguistic, or religious groups to break away from the territory of a state of which they form part, without that state’s consent, merely by expressing their wish to do so. To accept otherwise, to allow any ethnic, linguistic, or religious group to declare independence and break away from the territory of the state of which it forms part, outside the context of decolonization, creates a very dangerous precedent. Indeed, it amounts to nothing less than announcing to any and all dissident groups around the world that they are free to circumvent international law simply by acting in a certain way and crafting a unilateral declaration of independence using certain terms. The court’s opinion will serve as a guide and instruction manual for secessionist groups the world over, and the stability of international law will be severely undermined.” (Koroma, 2010, pp. 468-9).

The ICJ’s ruling is especially an early warning for African states in ethnic operating environments. And it also that puts the Ethiopia civil war in a different context. Ethiopia’s case is made complex because it constitutionally accepted secession as a possible outcome.

Given the eventual outcome for Kosovo, a plain reading of the ruling suggests that a unilateral declaration of independence is a proper vehicle in which to steer towards secession. This structure of the relationship between the two forms of governance is not always easy to conform to. What is a fully self-determined regional state is not defined clearly or at all in many constitutions and laws opting for this form of governance. This *lacuna* in the laws leaves countries like Ethiopia that has constitutionally conceptually linked self-determination and secession. Indeed, its’ constitutional contemplation of the possibility of secession puts it at difficult legal and political cross-roads, as its current conflict demonstrates.

Three Conflicts of Constitutional Norms in Ethiopia

The Constitution of Ethiopia (Ethiopia, 1995) is the umbrella under which three sets of conflicts of norms in Ethiopia are housed. It also stipulates the choreography of this set of three norms, with each of them norms appearing in sequence. Firstly, the state was given the authority by article 47 to create ethnically (defined as nations, nationality, and peoples) based states in Ethiopia. This enshrined the first conflict of norms between establishing ethnically based states and that of



A voter casting her vote in Addis Ababa, Ethiopia during the general election on June 21, 2021 (Photo Credit: AP/ Ben Curtis)

national unity. Secondly, article 39 gives individual states a constitutional right to demand self-determination based on certain conditions spelled out in the constitution. This created the environment for the second conflict of norms between these states as established and self-determination. Thirdly, by Article 39, the self-determined states have the constitutional permission to demand secession based on certain constitutional stipulations. This created the third conflict of norms between self-determination and secession. Article 39 does not seem to make a distinction between self-determination and secession. Indeed, the creation of both follows a similar constitutional choreography. But this lack of distinction only made the acute problems of conflict of norms chronic. However, the evolving discourses on the relationship of both in international law and international relations discussed earlier makes clear that the two are distinct parts of a process beginning with self-determination and leading to eventual secession. This is the pattern adopted in this section.

The idea behind the constitutional provisions establishing the states was to generate a devolutionary engagement of citizens. It is an idea that some other states like Nigeria (federal states) and Kenya (counties) have also opted for (Nigeria, 1999; Kenya, 2010). In these two however, the constitutions do not specify ethnic, nations, nationalities,

and peoples as the basis for their creation as the Ethiopian one does. However, in both, the composition of the states has tended to be defined along similar lines as Ethiopia. In Nigeria, the control of the central government is more forcefully stated and reserved, while in Kenya it is more diffused. Unlike the Ethiopia Constitution, neither of these two constitutions gives permission or comfort for individual federal states or counties movement towards self-determination, let alone secession.

The unintended consequence of the Ethiopia Constitution's choreography on states, self-determination and secession is the sort of civil war now happening in Ethiopia. Article 46(2) of the constitution permits the creation of regional states. At the same time, this provision should be appreciated as one of the continuing attempts by governments ever since Haile Selassie to create a basis for national unity over ethnic community unity. Still, it was used to try and dilute ethnic loyalty bases: the constitutionally created "regional states were given new ethnic names except for Tigray and Harar". New regions were also created in the renaming, and some like Amhara that did not exist before the constitution were created, thereby dividing that group among several regional states; and "borders of the new regions crisscrossed those of former regions" (Tronvoll, 2022).

Even more striking is that the constitution also enshrined an exit clause from the structure of states established by Article 47 provision and its experiences. Article 39 made provision for withdrawing from the federation and establishing separate states by demanding self-determination, and later, secession. Articles 39 and 46 create a basis for two of the set of conflict of norms at the heart of the civil wars in Ethiopia. Article 47 supports thematically the idea of national self-determination as understood before and during the Cold War and perceived by governments as the basis for the national unity norm. The secession aspect of Article 39 supports the idea of the self-determination of ethnic groups that emerged from post-Cold War redesigning of the meaning of the norm of self-determination. That is indeed the crisis that the Constitution of Ethiopia created, both for Ethiopia and other African states.

In essence, the redesign of the meaning and reach of self-determination returned Africa to where Europeans found it at the Berlin Conference of 1884/5. And this means that the perceptions about Africa that prevailed at Berlin more than a century ago did not change and have not changed. Indeed, following independence the old mind-set has returned.

Ethiopia was not physically affected by Berlin 1884/5, not having been colonized. However, Berlin exported the European balance of power problems to Africa that Ethiopia has also been confronted by. The borders of the African states created at Berlin kept changing every time the European balance of power changed – after the First World War and the Second World War. After independence these border changes affected inter-African and intra-African relations and have done so ever since. They also affected relations between Africa and the broader international relations system during and after the Cold War. It is these that made Ethiopia eventually reflect the African geo-political environment.

“... the establishment of AMISOM was the first kind of arrangement in which the UN broke the ground by authorising the funding of a regional force to an active combat operation through resolution 1863 of 2009

Ethiopia entered that environment especially during the Second World War, when Italy annexed it. Post-Berlin Britain for example created the basis for post-independent African states to fashion norms that have been a problem for post-independence inter-African relations and diplomacy. For example, the notion of a greater Somalia was a creation of the UK Colonial Secretary Bevin (Reisman, 1983). It was adopted by the newly independent Republic of Somalia and enshrined in its first constitution. That national norm conflicted with those of other countries in the region, of creating national unity as the dominant norm. It was also the essence of two wars in the Horn of Africa, the *Shifta* War with Kenya (1963-67) and the Ogaden War with Ethiopia (1977) (Mwagiru, 2021, pp. 126-129).

The philosophy of the idea that ethnic groups have a right to create their own self-determined states has lingered on in its exportation into Africa. Given the problem of ethnicity in African states, the problem of the “politics of ethnicity” have been further enshrined, or what Halabo calls “ethni-federalism” (ethnicised politics or states) as in Ethiopia. Hence,

“In its stipulation of the principle of popular sovereignty, the FDRE constitution arrogates state sovereignty and the right to self-determination up to secession to the nations, nationalities, and peoples of Ethiopia. This constitutional stipulation marks an emphatic indication of formalizing and institutionalizing ethnicity in the post-1990s Ethiopia. Therefore, with the introduction of ethnic federalism, the politics of ethnicity has been formally institutionalized.” (Halabo, *ibid.*, p. 239)

While the jurisprudence of the Kosovo case reflects European history and post-Cold War state relations, it may not be useful for African realities whose history and post-independence realities are different. Thus, in Ethiopia for example:

“As the political system in Ethiopia had very strong unitary past, the federal system adopted as the only way to hold the country or ethno-nationalist groups together in the state. Accordingly, the constituent units with constitutionally entrenched autonomy rights in Ethiopia are new creations of the federal bargains rather than entities with a prior existence.” (Halabo, *op. cit.*, p. 236)

Whether or not they indeed are ought to be the subject of constitutional reconstruction after the civil war, in an

environment that allows debate on such now entrenched provisions. The difficult current challenge however is to create that environment within the provisions of the constitution as currently constituted.

Conclusion

An unacknowledged issue in the Ethiopian civil war is the relationship between the constitutionally enshrined norm of self-determination and its relationship with secession. The Ethiopian case is complicated and made more complex because it recognizes the right of “nations, nationalities and peoples” of Ethiopia to these two outcomes. Indeed, Ethiopia is the one rare state internationally to enshrine both these conflicting norms constitutionally.

Since the West does not comprehend the communal character of African peoples’ lives, it could never have accepted a human rights treaty like the African Convention on Human and Peoples’ Rights. This treaty is however now firmly embedded in the landscape of African regional treaty law and is deeply embedded in African regional customary international law and norms.

The western support of a cognitive jurisprudential dissonance explains in part why it has adopted the non-conventional strategies of an unconventional war of jurisprudence. It has mounted that war for more than half a century. Africa did not realize that the unilateral declaration of jurisprudential secession of norms and principles it values is a process aimed at overthrowing international law’s repugnance of secession. Africa needs to awake and construct a grand strategy operationalized by legal and diplomatic strategy to protect its valued continental interests for its very survival.

Recommendations

- The Constitution of the Federal Democratic Republic of Ethiopia conflicts with the African Union (AU) norm against secession in the continent, and to that extent requires urgent review.
- The AU needs to adopt a long-range diplomatic and international law response to the emerging notions of self-determination and secession that are responses to earlier European long-range diplomatic strategies to change widely accepted interpretations of those norms of international law.

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Rwanda as a Peace Maker? Regional and International Implications of Rwandan Engagement in Cabo Delgado

By Veronika Čáslavová

Abstract

In July 2021, Rwanda responded to the Mozambican appeal and deployed its troops to help in the fight against insurgents in the northern province of Cabo Delgado. Despite various announcements of Rwandan President Paul Kagame regarding the “only temporary deployment”, Rwandan troops remain in Mozambique. This is not the first regional deployment. Rwanda is placed fourth in the chart of countries contributing the most personnel to the United Nations (UN) missions worldwide. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) is currently led by a Rwandan, Valentine Rugwabiza, and consists of more than 1,600 Rwandan soldiers and 500 police officers. Rwanda is also engaged in South Sudan and its border with Sudan, among others. Nonetheless, the deployment in Cabo Delgado does not fall under the UN umbrella, since its very beginning, which makes the experience unique. This article is built upon five interviews with experts from the field. It discusses Rwanda as a peacemaker and explores the questions of what the Rwandan experience from Cabo Delgado means for the East African region mainly in the context of the proposed East African Community's (EAC) engagement in the Democratic Republic of Congo (DRC) and the latest incidents between DRC and Rwanda (including mutual accusations of supporting rebel groups and a death of Congolese soldier on Rwandan soil), and how this is viewed by the international community. The article suggests that while Rwanda may have been developing its capabilities as a regional player, the current fallout with DRC means a significant setback in the relations within its close neighborhood.

Introduction

The potential spill-over effect of the conflict in Cabo Delgado makes the northern Mozambique conflict a great concern for East African Community (EAC) member states, and Rwanda in particular. However, this needs to be elaborated on and put into a wider context.

The Islamic State in Central Africa Province (ISCAP) is expanding its influence since 2019, which contributes to deepening the connection of security concerns in the region. The problem of radicalization and insurgency is no longer an issue of individual countries. The so-called Swahili Arc of Terror is now connecting the eastern DRC, southern Uganda, and Kenya, all the way through Tanzania with the north of Mozambique, particularly the province of Cabo Delgado. This arc ropes in radical and violent extremist groups and there are suggestions that these groups could be lined even though their real affiliation to the Islamic State (IS) remains unclear. The only confirmed connection to the ISCAP rests with the Allied Democratic Forces (ADF), operating in the

eastern Democratic Republic of Congo (DRC) and southern Uganda. Meanwhile, the insurgent group in Cabo Delgado, *Ahlu Sunnah* (or *Ahlu Sunnah Wal Jama'a* [ASWJ]), also referred to locally as *al Shabab*, without any connection to *al Shabab*, the Islamist insurgent group based in Somalia), is continuing to use the IS rhetoric with the aim of attracting more followers in the fight against the central government. The group publicly pledged its allegiance to the IS in 2018 (Nasr, 2019), but the position of IS towards ASWJ is not clear. The interviewees, however, confirmed a communication channel between ADF and ASWJ.

“The problem of radicalization and insurgency is no longer an issue of individual countries



Figure 1: The Swahili Arc of Terror.

Source: Vectorstock.com

The interdependency of the countries in this area increased when DRC formally joined the EAC in April 2022 (EAC, 2022). Barely a month later, in May 2022, the EAC held talks in Nairobi with 23 insurgent groups from the eastern DRC, offering a peace negotiation to those who surrender. ADF and March 23 (M23) were excluded from this meeting since they are perceived as “terrorist organizations” (Fabricius, 2022). Those groups which will not surrender and accept the peace negotiation proposition were threatened by EAC military intervention (ibid). Nonetheless, no mandate for potential EAC intervention was established at this meeting and the decision should be made at another high-level meeting during the second half of June 2022.

In November 2021, Uganda launched its military operation against ADF in DRC (Naturinda, 2022). Despite this, it is Rwanda that is the most active in the region. The motivation to do so is threefold. First, Rwanda is trying to prove its regional importance and its role as a regional guarantor of security. Secondly, its engagement in Cabo Delgado allows Rwanda to gather intelligence useful for security reasons and to further explore the connection of groups within the ‘Arc of Terror.’ Their involvement also helps them to target specific individuals. Lastly, according to an official from European body service, Rwanda is trying to win the “beauty contest”, happening in front of the Western donors. For Rwanda, it is crucial to keep a confident image in order to maintain the financial flow into the country. Is Rwanda succeeding in it? The article aims to provide

insights useful in responding to this question. This article describes Rwandan experience and engagement in United Nations (UN) missions as well as the unique experience from Cabo Delgado and the possible implications of Rwandan actions for the regional stability, touching upon the incidents between DRC and Rwanda from June 2022, when a tension between these two countries escalated in a death of a Congolese soldier on Rwandan territory and denouncing of all bilateral agreements with Rwanda from the Congolese part (France24, 2022).

The article argues that Rwanda’s behavior in the region is not following the pursuit of liberal streams of international relations theories, promoting peace and stability through multilateralism and participation in international institutions, as it often could be perceived. On the contrary, the article argues that Rwanda is acting in accordance with the offensive realism theory. According to offensive realists, “the international system creates powerful incentives for states to look for opportunities to gain power at the expense of rivals and to take advantage of those situations when the benefits outweigh the costs. A state’s ultimate goal is to be the hegemon in the system” (Mearsheimer, 2001, p. 11). In other words, a state is a rational actor cautiously calculating the costs and benefits of its behavior and seeks to maximize its power or influence, if you will, in the region, in order to maintain its security and strategic advantage.

The connection between power and security is further developed by Lobell (2002, p. 169), who argues that “the more power and the stronger the state, the less likely it will be a target since weaker powers will be reluctant to fight.” All actions of a state are subordinated to the above-stated goal; to become a strong player within the international arena. Although Mearsheimer developed his theory of offensive realism premised

on great-power competition, the author of this article argues that it is possible to apply this theory not only on the global level but also on the regional one since the state's primary interest is survival and it remains the same. According to realists, this should be achieved by state's self-help, which only further endorses the application of offensive realism on a regional level.

For Rwanda, the only problematic point lies in determining the "region" in which it is trying to prove its strong position. Located in the heart of Africa, Rwanda is in several regional groupings: Central Africa (represented by Rwanda's membership in the Economic Community of Central African States [ECCAS]), East Africa (mostly represented by Rwanda's membership in the East African Community [EAC]) and South Africa (represented by Rwanda's membership in the Common Market for Eastern and Southern Africa [COMESA]). This issue is mirrored also in the locations of deployment of Rwandan troops. For this research, the term "region" has been used to refer to the geographical area of central and eastern Africa, covering the area of the Swahili Arc of Terror (thus northern Mozambique as well), and including the Central African Republic (CAR), Darfur province in Sudan, and South Sudan.

Rwanda as a Peace Maker: Rwandan Engagements in UN Missions

Rwanda is placed fourth in the list of countries contributing the most personnel to the United Nations missions across the world. Currently, Rwandan soldiers are part of the United Nations Mission in South Sudan (UNMISS), the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), the United Nations Interim Security Force for Abyei (UNISFA) and the United Nations Integrated Office in Haiti (BINUH) (United Nations Peacekeeping, 2022).

The Rwandan Defence Force (RDF) was also part of the United Nations–African Union Hybrid Operation in Darfur (UNAMID), which was in operation from 2007 until 2020. However, RDF was also part of the African Union Mission to Sudan (AMIS), which began in 2004 and preceded UNAMID (Jowell, 2018). In fact, this was the first deployment of RDF within an international mission, a decade later followed by engagement in MINUSCA.

Rwandan troops first came to the Central African Republic (CAR) under the MINUSCA in 2014 (Onyango-Obbo, 2022). An additional 750 men and women were

then deployed to Bangui in 2019 (Tasamba, 2021), strengthening not only MINUSCA itself but the Rwandan presence on the ground as well. It is also worth noting that since February 2022, MINUSCA has been led by a Rwandan, Valentine Rugwabiza.

In 2020, with growing tensions between the CAR government and rebel groups, Rwanda's President Paul Kagame signed a Memorandum of Understanding with President Faustin-Archange Touadéra of CAR. This Memorandum allowed Rwanda to deploy additional troops on the ground, not bound to MINUSCA. By design, these troops were supposed to operate outside United Nations rules of engagement. This not only enabled more efficient protection of Rwandan peacekeepers but also coordination with other actors on the CAR's ground – the Russian Wagner Group (Donelli, 2021). Thanks to this engagement, Rwanda was able to do several things. Firstly, it only supported its image of a regional actor, able to contain insurgency in coordination with international bodies. This led to an enhanced perception of Rwanda as a suitable partner when it comes to intervention and peacekeeping. Further, RDF experienced operations in yet another type of environment. Lastly, RDF got the chance to train and deploy troops within and outside the UN umbrella. Such experience is proving to be valuable in the context of Cabo Delgado's intervention.

Rwanda in Cabo Delgado

Although the roots of the Cabo Delgado insurgency could be dated back to the 2000s, a more serious form of the insurgency intensified in early 2021 when the insurgents from ASWJ claimed to seize the city of Palma (France24, 2021a). As the interviewees stated, the insurgency, originally built upon the material and financial frustration of citizens of Cabo Delgado province, concentrated around the cities Mocimboa da Praia and Palma. Insurgents exploited people's dissatisfaction with the central government, seen as corrupt and self-interested. According to a project leader of inclusive economies

... Rwanda's behavior in the region is not following the pursuit of liberal streams of international relations theories, promoting peace and stability through multilateralism and participation in international institutions

From a military perspective, Rwandan troops are well trained and equipped, and due to their geographical proximity to Cabo Delgado, they are able to communicate with locals in Kiswahili, some even speak Portuguese

research at the Institute for Justice and Reconciliation, the continuous marginalization of northern provinces, human development deficit and unemployment still contribute to the conflict between insurgents and the Mozambican government.

The Swahili Arc of Terror also played a role in the growth of the insurgency. With the growing need to attract more supporters, the insurgents turned for help to the Islamic State's rhetoric and propaganda. The basis for such radicalization within society was laid approximately a decade earlier, through radical clerics from Tanzania and Kenya. The communication channels within the Arc are open these days. Mozambican ASWJ is seeking not only inspiration but also trainings at the ADF, situated on the other end of the Arc, possibly providing training on bombing manufacturing. This connection is one of Rwanda's reasons to intervene in Cabo Delgado. It "believes that rooting out terrorism in the province is vital for its own security" (Louw-Vaudran, 2022).

On July 9, 2021, 1,000 Rwandan troops arrived in Cabo Delgado (Hanlon, 2021), a week before the scheduled deployment of the Southern African Development Community's (SADC) troops (Trigg, 2021). This move almost caused a diplomatic showdown, as it was viewed as Rwanda challenging SADC's (and mostly South African) capacities and influence in the region. Mozambique is SADC's member state, and therefore other member states are now feeling threatened by a third party intervening in "their" area of influence. Several meetings between Rwanda and SADC were held in June 2021, the next one scheduled on July 10, 2021. This deployment signifies Rwanda's confident role and preferring acting individually rather than being part of multilateral solutions. On the other hand, one must mention that Rwandan troops were officially invited by the Mozambican government (Louw-Vaudran, 2021), therefore, it is a result of previous bilateral negotiations and meetings. Although SADC communicated Rwandan deployment as a surprise, its political representation was notified in advance. In fact, SADC's consent with Rwandan deployment was one of

the conditions posed by Rwandan side and it was up to Mozambican government to negotiate this. However, the actual deployment was even then seen as a controversial step which divided Mozambicans themselves over the Rwandan presence in the country, in the early stages of the deployment (Nhamirre, 2021).

As the Rwandan deployment marks its first anniversary, the perception of it significantly changes within Mozambican society. From a military perspective, Rwandan troops are well trained and equipped, and due to their geographical proximity to Cabo Delgado, they are able to communicate with locals in Kiswahili, some even speak Portuguese. The troops are also disciplined, which is highly appreciated by the locals, as they help to settle down various disputes between the locals and governmental troops. In January 2022, Rwanda extended its bilateral cooperation in fighting the insurgency with Mozambique (du Plessis, 2022).

The SADC eventually also deployed its own mission, the SADC Mission in Mozambique (SAMIM), officially starting on July 15, 2021. However, SAMIM troops are reportedly underequipped and not sufficiently trained. Further, their number is small, and not anywhere near the Rwandan contingent. Official sources indicate that Rwanda has so far deployed approximately 2,000 of its soldiers, but a researcher based in South Africa notes that it could be nearly 5,000. Even with the use of the conservative number (2,000), there is an indication that there is a strong Rwandan presence in the country. Among other tasks, the troops use the counterinsurgency strategy of "seek and destroy". According to strategists, this particular strategy is best suited for fighting insurgency or guerrillas in an environment such as a jungle and is often accompanied by a strategy referred to as "clear and hold".

Both strategies have been proven to be effective and mutually inclusive in the province of Cabo Delgado. They enabled the Rwandan troops to fulfil two of the key tasks. Firstly, Rwandan troops managed to reclaim Mocimboa da Praia within one month (AIM, 2021) and later on Palma,

from the insurgents. These successful operations were followed by a semblance of peace which paved the way for the return of French Total to its liquefied natural gas (LNG) station in the province. Total had ceased operations following a major attack on March 2021. Secondly, this type of strategy gives Rwandan troops exclusive access to intelligence on the ground especially that related to other groups in the Arc of Terror, like the connection of ASWJ to ADF. It is significant to note that Rwanda has become increasingly important as far as security is concerned in northern Mozambique: its troops are crucial for maintaining security in the province; they have gained the trust of the locals, and its intelligence has become critical in combating the insurgents in Mozambique. Meanwhile, SAMIM needs to find a new *modus operandi*. For the resolution to be sustainable, coordination of all actors is key. None of the actors should be neglected.

International Response to Cabo Delgado Insurgency

The international response to the Cabo Delgado insurgency is often widely discussed. Given the historical

ties, Portugal was among the first European countries to argue for a European mission in Mozambique. The European Union (EU) agreed on European Union Training Mission (EUTM) in July 2021. The mission itself was launched in November of the same year, led by a Portuguese general. The tasks of this mission are “military training including operational preparation; specialized training, including on counterterrorism; training and education on the protection of civilians and compliance with international humanitarian law and human rights law; and promotion of the agenda Women, Peace and Security” (European External Action Service, n.d.). As it suggests, the European troops are not deployed directly in Cabo Delgado, but they conduct military and capability training for Mozambican troops.

Apart from the EUTM, the European Union has contributed two million euros to the African Union (AU) Rapid Response Mechanism support to SAMIM (Louv-Vaudran, 2022), since SADC currently seeks support at the AU on the planned extension of the mission in Mozambique.



President Paul Kagame of Rwanda at a past event (Photo Credit: Paul Kagame/Flickr, Roberto Paquete/Deutsche Welle, Voice of America)



Rwandan military troops depart for Mozambique to help the country combat an escalating Islamic State-linked insurgency (Photo Credit: Jean Bizimana/Reuters)

Another important player is France. Surprisingly, France is not taking part in the EUTM. Several key informants confirmed that France is actually the pay-biller of Rwandan troops, with a view of getting back to operation with their LNG business. In fact, this is the result of the aforementioned “beauty contest” that Rwanda is taking part in. With the changing global security environment, it is becoming less and less desirable to deploy European troops abroad, especially on other continents. Finding a reliable ally might do the job as well if adequately resourced. Moreover, local peacekeepers, or in this case, peacemakers, are better accepted by the local population and the disruptions are kept at a minimum. For the time being, Rwanda has proven to be a good partner in such cooperation. In fact, Rwanda aspired to be a vital ally to the EU as a whole. Unfortunately, the latest developments between Rwanda and DRC seem to be a serious obstacle. Donelli (2021) further argues that President Kagame is using “the deployment of troops in multilateral operations to divert international attention from the country’s significant domestic grievances”.

As for the non-state actors, it is important to mention the presence of the South African Dyck Advisory Group and the Russian Wagner Group. In the initial phases of the insurgency, the Mozambican government reached out

to the Wagner Group for assistance in suppressing the insurgency in Cabo Delgado (Southern Africa Litigation Centre, 2022). As it turned out, the Wagner Group failed to defeat the insurgents due to lack of experience with the environment and lost some of their members on the battlefield (Martin, 2022). Wagner Group was replaced by Dyck Advisory Group (DAG), which was already active in Mozambique from April 2020. The DAG’s engagement officially ended in April 2021, even though its presence was reported a while later (Southern Africa Litigation Centre, 2022).

Disruptions of Relations in Rwandan Imminent Neighborhood

All the described successes of Rwanda in terms of enhancing its influence in the region, taking care of the Swahili Arc of Terror, and attracting the international partners met the downfall with the fallout with neighboring DRC in June 2022. After couple of years, that promised not only co-existence but perhaps also mutual cooperation between these two countries, Congolese President Tshisekedi suspended all bilateral trade agreements with Rwanda (Ilunga, 2022). The situation escalated after increased M23 attacks in North Kivu province and after the rebel group seized the trade-wise important town Bunagana (Zane, 2022). This was

followed by a mutual allegation of cross-border rocket-firing and Congolese allegation of Rwandan deployment of 500 troops on Congolese territory (Africanews, 2022). It further escalated on June 17, when a Congolese soldier was shot by Rwandan police on the Rwandan territory at the border crossing in the Rubavu region (Zane, 2022). According to the Rwandan Ministry of Defence (MOD), the Congolese soldier was 25 meters deep in the Rwandan territory (MOD, 2022).

DRC also accuses Rwanda of supporting M23 rebels (France24, 2022). Rwanda these allegations denies. Interestingly, the Rwandan alleged support to this group is one of the very few reasons for Western development aid suspension in the past. In 2012, the aid was suspended from the United States, the United Kingdom, the European Union, Germany, the Netherlands, and Sweden. In 2013, it was only the United Kingdom that re-suspended the development aid to Rwanda based on Rwandan believed support of M23 rebels (Čáslavová, 2021, p.56).

This incident thus disrupted already fragile relations between these two countries at a time, when the DRC joined EAC and worked on an EAC joint strategy to combat the insurgents in Eastern Congo (Fabricius, 2022). According to Fabricius (2022), deployment of an EAC mission in eastern DRC would mean its full integration to EAC and thus a “game changer” for the continental balance, bearing in mind the fact that DRC is also a SADC member state. With the Rwandan presence in Mozambique and EAC in DRC, the SADC role in its northern part would be seriously contested, the influence of South Africa in particular. Fabricius (2022) describes the current situation as a “make or break” for the EAC. And as Rwanda is part of the EAC, benefiting from its experience in Cabo Delgado and to some extent benefiting from the intelligence gathered on the Swahili Arc of Terror would be extremely valuable.

“The DRC-Rwanda relations are hitting the ground and it is likely, that the cross-border violence, death of a Congolese soldier and mutual accusations of supporting rebel groups, will transform into a heated conflict between these states

Apart from this, there are also practical reasons for Rwanda’s important role in establishing an EAC mission to DRC, and that is most importantly the location, right on the borders with the Kivu provinces, enabling suitable logistical base. In terms of logistics and supply, any mission needs these support mechanisms within a reachable distance. Moreover, Rwandan troops are experienced in countering an insurgency (participation within UN missions, as well as deployment of Rwandan troops based on bilateral agreements) and are already familiar with the environment, which is one of the crucial aspects of successful counterinsurgency (Galula, 2006). With the DRC-Rwanda fallout and Congolese rejection of Rwandan participation in any potential mission, the role rests solely upon Uganda. However, the Congolese side is arguing that Ugandan contemporary Chief of Defense Forces, General Wilson Mbadi, is close to Kagame. Experience of both countries, Rwanda’s as well as Uganda’s, with the terrain in eastern DRC is crucial for any future mission deployment. Without it, troops of the remaining EAC members able to contribute to a potential mission (most probably only Kenyan and Tanzanian), could end up in a similar manner as did the Wagner Group in Cabo Delgado, which had to withdraw due to their lack of experience with the environment and losses on the battlefield. Thus, regardless of the potential, it seems that the EAC now faces a deadlock in the eastern DRC.

Conclusion

During the past decade, Rwanda has been strengthening its regional role through engagement in a number of missions under the UN umbrella. Rwandan deployment of troops to CAR in 2020 presents a crucial experience, later deployed in Cabo Delgado since 2021. Rwanda became a vital partner for any actor aiming to engage in this northern Mozambican province. Rwandan tested abilities and capabilities are drawing additional attention on the international level where is Rwanda perceived as a credible partner. Rwanda is definitely strong in bilateral negotiations and agreements and perfectly capable of delivering the desired goals. However, what was possible on one end of the Swahili Arc of Terror is apparently not possible on the other end. The DRC-Rwanda relations are hitting the ground and it is likely, that the cross-border violence, death of a Congolese soldier and mutual accusations of supporting rebel groups, will transform into a heated conflict between these states. This is the time when Rwanda will test its capabilities on diplomatic level in its imminent neighborhood, and the “strength”

of its regional position. Nonetheless, Rwandan behaviour within the region (defined in introduction) and experience from its foreign deployment support the assumption that

Rwandan actions might be described through the lenses of offensive realism, rather than through liberal theories of international relations.

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Maximizing EAC's Revitalized Vision and Increased Joint Dividends Following Democratic Republic of Congo's Admission

By Roselyne Omondi

Abstract

The admission of the Democratic Republic of Congo (DRC) - sub-Saharan Africa's largest and Africa's most-natural resource-endowed country - into the East African Community (EAC) on March 29, 2022, injected a dose of significant, tangible, and unmatched economic, and social assets; several security challenges; and optimism into the Community. This paper advances that DRC's assets are sufficient to improve her and EAC member states' development outcomes, but DRC's integration into the Community is not a magic bullet. The paper assesses the extent to which the rebranded Community can maximize its joint dividends and realize its aspiration to shared prosperity. It finds that DRC is a country of stark contradictions. It also finds that DRC's EAC entry has revitalized the bloc; reset its geopolitical, economic, and security identities, and realities; and placed it at the crossroads of prosperity. DRC's EAC membership has increased the number of: the bloc's high-value minerals by at least a score; French speakers by at least 100 million; multidimensionally poor individuals by about 70 million; and insurgent groups and violent extremist groups by more than 100 insurgent, and two extremist groups, respectively. Further, marginalization is rife in the EAC. These challenges blight the Community's ambition and prospects of continued, dynamic, and sustainable development, but are surmountable. The paper thus advises member states to replace the exclusivity and lackluster collaboration that plague their domestic policies and interstate engagements with an intentioned, inclusive, whole-of-bloc approach to their joint progress. It also recommends concurrent investment in peace and development. Then, DRC's EAC membership will be worthwhile.

Background

Even though the Democratic Republic of Congo (DRC) only lodged her East African Community (EAC) membership application in June 2019, EAC's admission of DRC on March 29, 2022, and DRC's accession to the EAC Treaty on April 8, 2022, elicited the kind of sentiments that a long-awaited homecoming of a highly-regarded big brother raise. DRC is, after all, *big* by several measures. For a start, DRC is sub-Saharan Africa's largest country. This means it is also now EAC's largest country by landmass. Secondly, DRC keeps the enviable company of China, Saudi Arabia, Canada, India, Russia, Brazil, United States of America [the US], Venezuela, and Australia in the top 10 countries with the most natural resources in the world, and is Africa's natural resource-richest country. This makes DRC EAC's wealthiest country in this regard. That DRC also holds at least 70 per cent of the world's primary, mined cobalt - one of the highly-prized currencies of the digitalizing world - is worth a mention here, not in the least because DRC's cobalt places her at the front and center of negotiating tables

of emerging digital and renewable energy technologies of the contemporary world. DRC's EAC membership gives the Community access to these tables. Then there is that matter of human capital. DRC's 100-million plus French-speaking people make her sub-Saharan Africa's third most populous country, and host to the largest number of French speakers in the world. DRC is now EAC's most populated state. Her entry into the EAC has swelled the Community's population to more than 300 million people. As more than 70 per cent of them are aged between zero and 30 years, the EAC has a potential demographic dividend waiting to be exploited. Further, thanks to the addition of DRC's French speaking people to the Francophones in Rwanda and Burundi, EAC is now also the world's largest French-speaking bloc (EAC, 2022; World Atlas, 2022; World Fact Book, 2022; World Bank, 2021).

This is not the first time the EAC is admitting a new member since its re-establishment in July 2000. Then,



DR Congo President Felix Tshisekedi signs the deed of Accession to the Treaty establishing the EAC at a ceremony held on Friday at State House Nairobi (Photo Credit: State House Kenya)

the Community consisted of three countries: Kenya, Uganda, and Tanzania. In mid-2007, Rwanda, and Burundi joined the EAC. South Sudan followed suit in September 2016 (EAC, 2022). Neither is it the first time that DRC is joining a regional economic bloc. DRC is also a member of the 16-country South African Development Community (SADC), which she joined in 1998 (SADC, 2022). EAC's admission therefore strengthens the EAC-SADC bridge, and gives DRC access to two of Africa's three anchor states (Kenya, South Africa). However, this is the first time that the EAC is integrating a state as unique as DRC. EAC's seeming over-the-top reaction to DRC's entry, compared to those of Rwanda, Burundi, and South Sudan, is therefore unsurprising, and not misplaced. DRC's EAC membership is a *big* deal worth the fanfare and celebration that accompanied and marked the event, and more.

In spite of her extraordinary standing, and SADC membership among southern Africa's high-GDP countries such as South Africa, and Angola, there are several problematic packages among DRC's valuable assets. These include the estimated 64 per cent of DRC's population (69,992,980 people) that is multidimensionally poor. DRC's integration into the EAC has therefore increased the number of multidimensionally poor individuals in the EAC by almost 70 million, from

102,150,350 to 172,073,330. Further, more than 55 per cent of DRC's labor force is unskilled. Additionally, internet penetration is also low. Only about 8.6 per cent of the population uses the internet (World Fact Book, 2022; World Bank, 2022; United Nations Development Programme [UNDP], 2022). DRC's security profile complicates these development challenges.

At the moment, more than 100 insurgent groups, and at least one violent extremist group (Allied Democratic Force, ADF) are active in DRC (Kivu Security Tracker, 2022; Institute for Economics and Peace [IEP], 2022). These, added to the two active violent extremist groups in the EAC (al Shabab, and *Al-Sunna wa Jama'a* [ASWJ]); troops of neighboring, regional, and extra-regional states; and peacekeeping troops present the EAC with a complex security dilemma. DRC's membership also makes DRC's militia challenge a regional one. In the lead up to DRC's EAC entry, DRC witnessed the resurgence of M23 rebel activity. M23 is one of the largest insurgent groups in DRC (Kivu Security Tracker, 2022). The group has reportedly "attacked government army positions, captured villages in Rutshuru, and displaced civilians" (BBC, 2022). Little wonder then that DRC is desirous of more integrated development and peace that, in her calculation, EAC membership best offers. Thankfully, just as DRC's admission to the EAC has adjoined the central African

state to East Africa, Africa's fastest growing region, EAC Heads of State have begun deliberating the mobilization and deployment of a joint military force to confront insurgent groups in DRC (World Fact Book, 2022; World Bank, 2021). On March 1, 2022, SADC launched Regional Counter Terrorism Centre (RCTC), based in Dar es Salam, Tanzania, to, according to SADC's Ministerial Committee Chairperson, Hon. Minister Dr. Naledi Pandor, "... support member states to address the challenges posed by terrorism, violent extremism and associated transnational organized crimes" (SADC, 2022). In May 2021, to minimize militia-militia fighting and restore peace, DRC president Felix Tshisekedi imposed a "state of siege" on North Kivu and Ituri Provinces (France 24). These, as the ink of this historic event dries up, are reasonably good points for the newly expanded Community to kick-start the pursuit of its aspirations.

Following the foregoing background, this paper – which advances that DRC's assets are sufficient to improve her and EAC member states' development outcomes, but DRC's integration into the Community is not a magic bullet - will now present its key findings. It will then assess the extent to which the rebranded and revitalized EAC can leverage its joint dividends for shared prosperity. After that, the paper will conclude, and proffer its recommendations.

Key Findings

DRC is a Country of Stark Contradictions

DRC has four key double-faced identities. It is concurrently: rich, and poor; at the front, and back of modern-day digital technologies; peaceful, and conflicted; and is a geopolitical anomaly, as highlighted in the following section.

- *DRC is Rich and Poor*

On the one hand, DRC, with her impressive and unmatched natural resource portfolio, is one of the top-10 richest countries (by natural resources) in the world. This wealth includes a variety of metals such as cobalt,

“It is in the DRC, that NALU and Tabliq members merged to form ADF under Commander Ngaimoko, the then NALU leader, and Mukulu's comrade, Yusuf Kabanda

tantalum, tungsten, gold, diamond, aluminum, and copper, and among others; 108,407,721 people, about 70 per cent of whom are aged between zero and 29 years (in April 2022, according to the World Fact Book [2022]); numerous water bodies; vast farm land; rich biodiversity; and the world's second largest rain forest. Much of these resources, including the potential demographic dividend, is still untapped. On the other hand, DRC has poor development outcomes. An estimated 64.5 per cent of her population is multidimensionally poor, and live on less than three US dollars a day. Despite her wealth, DRC's 'poor outlook' is comparable to that of other states in the region whose resources are a far cry from DRC's. In Burundi, for instance, an estimated 75.1 per cent of the country's population (9,535,054 individuals) is multidimensionally poor. About 91.9 per cent of South Sudan's population (10,609,767 people); 57.1 per cent of Tanzania's population (36,460,001 people); and 57.2 per cent of Uganda's population (26,429,770 people) are similarly poor (UNDP, 2021; World Bank, 2022). DRC has world-class resources, but most of her peoples' lives are poor.

- *DRC is at the Front and Back of the Emerging, Digital Technologies*

On the one hand, DRC has the globe's largest deposits of primary (unrefined) cobalt, a highly-valued currency of the digitalizing and electrically mechanizing worlds. It also has deposits of tantalum, tin, and tungsten that drive mobile, computer, mobile phone, aeronautical industries around the world. In addition to these, about 70 per cent of her population is aged between zero and 29 years. Given the place of young people as targets and drivers of emerging and digital technologies, and DRC's large development window, this 'youth bulge' has demographic dividend potential, which is still untapped. On the other hand, only an estimated nine (9) per cent of DRC's population uses the internet. Only an estimated 19 per cent of them have access to stable electricity supply (World Bank, 2022). Thus, DRC has the potential to be at the front and center of emerging and digital technology sectors, but is at its rear instead.

- *DRC is a Peaceful Conflicted Country*

While DRC is not a country at war, more than 100 armed insurgent groups are active in her territory. These include M23, one of the largest groups that has reportedly resurged in the past few weeks attacking positions of the Armed Forces of the Democratic Republic of the Congo (FARDC), "capturing villages in Rutshuru, and displacing

ADF's ideology contains some Salafi Jihadist elements. This is common among armed actors in Africa affiliated to Islamist militant groups and organizations

civilians" (*France 24*). Most of these groups operate in the country's eastern region, in locations such as Beni, and Ituri (Kivu Security Tracker, 2022). Curiously, DRC is EAC's second least peaceful country, after South Sudan, which a war-ridden country (Institute for Economics and Peace [IEP], 2022).

Another such group is the Allied Democratic Force, an insurgent-turned-terrorist group. ADF's reportedly killed more than 1,200 people in 2021 alone. In 2020, Kenya arrested Salim Mohamed, a Kenyan-Islamic State fighter over terrorism charges. January 29, 2022, FARDC arrested the escaped jailbird and ADF member. These activities have increased ADF's notoriety. DRC is now the country with the highest likelihood of terrorism in the EAC (BBC, 2022; *France 24*, 2022; IEP, 2022). Salim's arrest and the DRC's integration into the EAC have increased the Community's spotlight on ADF's activities, the interconnection and networks of the Community's terror groups.

In addition to DRC's 100-plus armed groups, security forces of some neighboring, regional, and extra-regional are also



Mozambique's Arc of Terrorism, 2021. (Credit: Omondi/The HORN Institute)

active in the country, alongside peacekeeping and peace stabilization forces such as the United Nations Organization Stabilization Mission in the DRC (MONUSCO). The EAC is also reportedly mobilizing an EAC for deployment to the DRC (UN, 2022; *France 24*).

- **DRC is a Geopolitical Anomaly**

Geographically, DRC is a central African country (alongside: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Equatorial Guinea, Gabon, and São Tomé & Príncipe). Despite this, DRC is a member of the South African Development Community (SADC), which DRC joined in 1998 (SADC, 2022). Her EAC membership has expanded DRC's geographical footprint. DRC's is thus now concurrently a central, eastern, and southern African country. This multi-region identity is an anomaly. DRC's entry has undoubtedly reset EAC's geopolitical and economic realities. DRC's entry into the EAC is expected to bolster ongoing bilateral negotiations for a Grand Free

Trade Area between EAC and the 16-member SADC, and among EAC, SADC, and the Common Market for Eastern and Southern Africa (COMESA).

The DRC-EAC Association is Complementary and Mutually Reinforcing

As has already been indicated in this paper, DRC has increased, enriched, and diversified the offerings on EAC's natural resources table in terms of landmass, natural resources, and human capital (with more French speakers, and a 'youth bulge'). At the same time, DRC now has six additional accountability partners with whom she can navigate the integrated development terrain better. These realities have placed DRC and the Community at the crossroads of prosperity.

It is worth noting here that contrary to expectation, the Community's assets and liabilities are joint, but not co-owned by member states. Thus, DRC's natural resources are not suddenly available for the taking of other EAC states simply because DRC's entry into the bloc. However, member states can utilize EAC's infrastructure to establish new bilateral and multilateral agreements to access and exploit the expanded resources and minimize new or increased threats.

Marginalization is Rife DRC, the Community

In addition to the previously mentioned economic marginalization of DRC, and the Community, both entities have high numbers of unskilled workers. In DRC, for example, about 57 per cent of her labor force is unskilled. Compared to other EAC member states, DRC's workforce is most skilled. For instance, 59.5 per cent, and 97.5 per cent of the labor force is unskilled in Kenya, and Burundi, respectively, for instance (UNDP, 2021; World Bank, 2022). Further, the Community has a 'youth bulge.' More than half of the population in each of the seven EAC member states is aged under 29 years. In Kenya, about 62 per cent of the population is aged between zero and 29 years. The estimated percentages of population of individuals this age bracket are 72, 66, 63, 66, and 65 in Uganda, Tanzania, Rwanda, Burundi, and South Sudan, respectively (World Bank, 2022; UNDP, 2022; World Fact Book, 2022). Most of these youth are largely invisible in DRC's and the Community's political affairs. Primarily as a result of the mutually reinforcing economic exclusion, unskilled labor, and political underrepresentation marginalization is rife in the bloc.



Excavators and drillers at work in an open pit at Tenke Fungurume, a copper and cobalt mine 110 km (68 miles) northwest of Lubumbashi in Congo's copper-producing south (Photo Credit: Reuters/Jonny Hogg)

In sum, DRC's assets as well as her stark contradictions have reconfigured EAC's economic, geopolitical, and security realities.

Analysis

As the case of DRC shows, regardless of the nature and quantity of resources that a country possesses, there is little value - to a country and its people - in having unused, underused, or misused resources. This applies to both natural resources, and human capital. DRC's population is comparable to Russia's, and the bloc's to the US. All three countries are among the world's top-10 natural resource-richest countries, but unlike Russia, for instance, DRC is a comparatively poor state. The EAC, compared to the US, is also poor. In this regard, DRC's riches have not yet inoculated her people against poverty. It seems that the major differences between these countries and groups of states are generally structural. Most of the other countries that DRC pools with in the said top-10 list, have mechanisms and frameworks to explore natural resources. This involves the (re)skilling of the labor force, and investment in the frontiers of the future, such as renewable energy. These countries also tend to do so primarily for the benefit of and not at the expense of their nationals, which appears to be the case with DRC. As has been well documented, DRC's minerals have fanned and funded armed conflicts, and benefit DRC's elites, neighboring and extra-regional countries and foreign multinational corporations more than ordinary DRC nationals. DRC's inability to improve her development outcomes sufficiently despite rising commodity prices and her expanded production capacity could point to poor economic management, geopolitical interference, and protracted political crises. The result is that DRC's and Burundi's development outcomes are not too dissimilar.

The 'importation' of tens of armed groups into the EAC has increased the rebranded Community's security concerns so much so that EAC's heads of states have set a joint plan to mobilize and deploy an EAC force to quell DRC's rebels' activity. Regardless of whether the concerns are real or perceived, these fears are not misplaced. Take the case of Salim Rashid Mohamed, a Kenyan, a foreign fighter, and a member of ADF, and IS, for example, who was arrested in DRC on February 1, 2022, by security officers in a joint Uganda army-DRC-army operation dubbed Operation Shujaa (*Uganda Radio Network*, 2022). Salim's profile and his activities simultaneously link him to Kenya (EAC), ADF (DRC, Uganda), IS (ADF, IS in Mozambique, as well as Somalia, and Turkey), and DRC (EAC, and

Following the insurrection, the Anti-Balaka armed group, an opposing coalition of local Christians and animist self-defense groups, launched reprisal attacks, leading to ethnic cleansing of the Muslim community

SADC). Further, Salim's IS connection places him in the network of other IS members such as IS in Mozambique's (ASWJ's leader, Abu Yassir Hassan, a Tanzanian (Terrorism Research and Analysis Consortium, 2021; *The Economist*, 2021). Again, links to EAC, SADC, Somalia, Syria, and Iraq emerge. The pursuit and/or protection of the often-competing interests of local populations; the government; regional, continental, and extra-continental actors; multinational corporations; development partners; and peace keeping troops have created a security dilemma. This has allowed for the growth of armed militant groups in the North Kivu province – which is one of the country's resource bedrocks. More than 100 militia groups are known to be active in eastern DRC. The change in the Allied Democratic Force's (ADF's) identity from a militia group into a militia-terror group has also complicated DRC's security challenges. Unsurprisingly, DRC's set of complex security challenges is one of misgivings about DRC's entry into EAC that some of those opposed to DRC's entry into EAC have. To be clear, DRC's entry into the EAC will not introduce anything that the other six member states (Burundi, Kenya, Rwanda, South Sudan, Tanzania, and Uganda) are not already accustomed to. With or without DRC, armed militant groups, terrorism, illegal migration, political turbulence, underdeveloped economies, youth unemployment, poverty, and poor infrastructure are realities that EAC has contended with for much of the time since July 2000 when the Community came into being. In 2021, Rwanda offered her troops to support counter terrorism efforts in Mozambique. These concerns should translate to more proactive joint efforts such as Operation Shujaa. However, it will recalibrate the bloc's peace and security considerations.

DRC's multi-regional anomaly is a double-edged sword. If harnessed well, DRC's linkages to central, East, and southern Africa can provide markets to a potentially wide range of goods and services. Exploring these markets can gainfully employ millions of DRC and other EAC

nationals. However, 'dragging' around so many countries effectively requires visionary and strategic leadership, and a sea of bilateral and multilateral agreements. It also requires the formalization of such agreements, in multiples, regularly, which is tedious. Notably, DRC's membership in SADC did not suddenly improve the fortunes of either DRC or SADC in 1998 or the year after that. While the jury on the impact of DRC's 24-year engagement with SADC members on SADC is still out, it is fair to say that by and large, although relations between SADC member states have mostly been cordial, SADC has not yet become the most progressive bloc in Africa, the presence of DRC notwithstanding. There is little reason to believe that if EAC approaches DRC the way SADC has, DRC's entry will suddenly transform EAC's fortunes in any significant way. In other words, DRC's entry into the EAC is not a magic bullet for economic, social, or political ills. Poorly managed, multi-regional membership or regional integration is meaningless.

DRC's admission to the EAC and the subsequent increase in the number of politically, economically, and socially excluded individuals have spotlighted the country's and EAC's inequalities. It has also made it clear that integrated development is a positive but deficient

It is in the DRC, that NALU and Tablig members merged to form ADF under Commander Ngaimoko, the then NALU

step toward continued, dynamic, and sustainable development. This has renewed focus and interest in the new bloc's youth, and on their involvement. Although the bloc's 'youth bulge' is a potential demographic dividend, this asset can suffer one of two fates. The bloc can choose to embrace the youth, enhance their capacities (through education, for example), and include them in decision making at grass roots, national, and bloc levels. A skilled and engaged workforce will be more inclined to economic and political activities such as infrastructure development and innovation to improve their and their community's standards of life. Then there is the issue of infrastructural underdevelopment. Compared to other less-endowed countries in EAC or SADC such as Kenya, or South Africa, there is room for DRC to develop her mining (high value minerals), agricultural, transport (roads, railways), energy (solar), financial (banking), and telecommunication sectors further. Alternatively, the bloc can opt to turn a blind eye toward them. This will maintain the *status quo*. DRC's development will remain



EAC presidents welcoming DR Congo into the bloc in April 2022 (Photo Credit: State House Kenya)

unequal at best, or stunted at worst. Improved access to DRC's assets with the aim of achieving joint progress will be of no significant consequence.

Conclusion

The rebranded East African Community (EAC) is oozing with resources and vision to achieve joint prosperity. The Community has significant untapped potential, and a natural resource portfolio, which is rich, impressive, and unmatched. However, DRC is a country of stark contradictions. DRC's simultaneous rich, and poor; at the front, and back of modern-day digital technologies; peaceful, and conflicted; and geopolitical anomaly identities. Additionally, unlike any other time in EAC's history, there are now millions of politically and economically excluded individuals in the bloc, thanks to the admission of DRC's 100 million-plus French-speaking people into the community. More than 65 per cent of the bloc's population is aged under 30 years. In these ways, DRC's entry has rebranded the Community, and reset its geopolitical, economic, and security realities. Thus, simply integrating the economies of the seven member states will not suffice, integrated development must by necessity also be intentioned, inclusive, and participatory. The challenges of unequal access to resources, presence of unexploited resources, and rampant widespread marginalization are not insurmountable though. On the contrary, the joint dividends can be maximized, and challenges minimized through inclusion; shared vision; and intentioned, visionary leadership at domestic and EAC levels.

Recommendations

Given the foregoing, this paper recommends:

- Given DRC's asset capacity and impact of her EAC entry, helping DRC overcome the contradiction of her double identities by enhancing her assets

and minimizing, and where possible, eliminating her liabilities.

- Shoring up of the envisioned integrated development up with intentioned, inclusive, and whole-of-bloc approach. The involvement and participation of the bloc's youth at all levels in this regard should be encouraged as a first step to harnessing the bloc's potential demographic dividend, which is significant.
- The co-creation of a new blue print to operationalize the Community's vision of shared progress. This blue print will specify the rebranded Community's development priorities, joint development milestones, and related timelines. The blue print will also have mutually-reinforcing pro-DRC and pro-EAC policies.
- Investing in peace (an integral sustainable development lever) and development (a desirable peace dividend) concurrently. This could entail expanding joint security initiatives, including counter terrorism efforts in EAC and SADC. For instance, EAC could lend its support to SADC's newly-launched Regional Counter Terrorism Center, building on lessons learnt counter terrorism approaches adopted by EAC member states such as Kenya. SADC could also consider expanding its security programs to include other EAC member states besides Tanzania and DRC, and build on joint counter terrorism operations such as Operation Shujaa involving Ugandan and DRC army officers.
- Modelling EAC's aspiration on other relatively successful contemporary multinational unions such as European Union, for instance, and lessons learned.

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Are the OECD and the West Losing the Will and Ability to be Altruistic? Dawn of a New Darker Age

By Colin Robinson, Ph.D., and Salome Ichamina

Abstract

For many years since the end of the Second World War, there has been a certain thread of humanitarian altruism which has been part of the West's, and the Organization of Economic Cooperation and Development's (OECD's) approach toward many parts of the developing world, alongside moves made for more nakedly national interest purposes. After the Second World War, non-governmental organizations (NGOs) burgeoned, intergovernmental agencies grew, and individual charitable giving also increased. There was a surge in such activity, paired with an expansion of peacekeeping operations and the like, after the collapse of the Soviet Union, which seemed to herald the possibility of a bright liberal future. September 11, 2001, terrorist attacks then swung the pendulum back towards force applied for more purely national and strategic interests. Within a few years of the United States' invasion of Afghanistan, climate change was becoming more and more of a factor, diverting attention from developing countries' urgent needs. Refugees' stress on Europe also diverted attention. But with the seismic shock of the 2022 Russian invasion of Ukraine, and the horrible atrocities committed there, much more Western attention swung away from developing countries. By the time the Russian and/or Chinese threat recedes, the combination of refugee stresses and climate change may leave little spare attention and resources for Western humanitarian action.

Introduction

The West, and the states of the Organization of Economic Cooperation and Development (OECD), now including states like Japan and South Korea, have many faults. Many millions of its citizens have been repeatedly stirred to reach out to aid those less fortunate in countries far away regardless of whether Western colonialism helped create those situations. Expansion of this kind of fellow-feeling, mirrored to some degree at the nation-state level, was one of the clear themes of the 1990s. There was, for example, a clear and sustained response to assist the people and government of Rwanda after the genocide there in 1994. September 11, 2001, terrorist attacks shook Western confidence, aroused much anger, and diminished such impetus. In the last 20 years a growing number of crises have arisen, diminishing resources, will, and space for humanitarian actions. With the Russian invasion of Ukraine in February 2022, a thirty-year era may be ending. More existential threats closer to home may absorb a growing amount of Western attention and resources. Climate change is wreaking havoc. Eventually, the impetus for humanitarian action worldwide may slide to third place, behind reactions necessary to contain authoritarian, aggressive actions by Russia (or China).

Modern History of Individual Altruism

The modern history of individual altruistic humanitarian aid can be traced to Florence Nightingale amid the Crimean War, and Henri Dunant's experiences after the Battle of Solferino in 1859. Dunant was able to profoundly stir emotions by the writing of the battle and bringing the suffering into the homes of readers of his *A Memory of Solferino*, alerting them to the barbaric state of war and treatment of soldiers after they were injured or killed (Buignon, 2013). These accounts altered the course of history, kickstarting the modern humanitarian cause. Dunant's publicizing of his experiences led directly to the creation of the original Red Cross, and today's International Committee of the Red Cross. The "first recognisable trans-national humanitarian NGO," the Save the Children Fund was formed in Great Britain in 1919 (Walker and Maxwell, 2009, p. 25; Davey, Borton, and Foley 2013, p. 8). 30 years later, the impact of the enormous human suffering caused by the Second World War gave the efforts much-added impetus. By 1945, the war had raged over much of modern Ethiopia, South Sudan, Sudan, and Somalia, creating great human suffering and reconstruction needs. After the War, there was a sudden and unprecedented growth of



An ICRC assistance programme for Congolese deported from Angola held in Kamako, a border town in the Democratic Republic of Congo (Photo Credit: Jonathan Busasi Nsalimbi/ICRC)

humanitarian non-governmental organizations (NGOs). Over 200 organizations were established in the four years following the Second World War (Rysaback-Smith, 2015).

The growing humanitarian sector entered the 1950s with many elements recognisable today, if not quite in their current shape: international governance mechanisms, NGOs, a legal framework, engagement in conflicts, natural disasters, epidemiology, food and nutrition. After President Henry Truman talked of “the underdeveloped areas” in his inaugural speech in January 1949, humanitarian action became more and more connected to the growing development agenda (Helleiner, 2009).

As the Cold War developed, NGOs were able to exploit the spaces for manoeuvre which opened between and through the official policies of Western, Soviet bloc, and newly-independent developing states (Duffield, 2007, p. 52 in Davey, Borton, and Foley 2013). Their opportunities grew, including in East Africa, when Kenya was usually seen as Western-leaning and Ethiopia had attended the 1955 Bandung non-aligned conference in Indonesia. The British NGO Oxfam had been founded in 1942. It became an international organization by the early 1960s, and in 1960, its annual budget surpassed £1 million for the first time. By 1970, a total of 289 major new NGOs had been

created (Duffield, 2007, p. 46). Western NGO priorities often closely tracked their own home government’s priorities rather than focusing on universal human needs: for example, the US-based Catholic Relief Services was actively involved in delivering food aid to the US-aligned South Vietnamese Popular Forces militia. The Nigerian Civil War of 1966-1969 when Biafra attempted to secede was another major milestone. Aid to Biafra in the late 1960s broke Cold War patterns but was instead “co-opted by the Biafran leadership in their campaign for international recognition (providing) resources for their war effort” (Davey, Borton, and Foley 2013, p. 11).

Another milestone in humanitarian action was Operation Lifeline Sudan in 1989, when the United Nations partnered with NGOs to deliver food aid, both in northern and southern Sudan. However, the Sudanese Government closely controlled aid deliveries in the northern, government-controlled areas. The northern sector became less independent and more stagnant (Operation Lifeline Sudan, 1996). In contrast, the southern sector, interacting heavily with the Sudan People’s Liberation Movement/Army (SPLM/A) the Southern sector slowly became more independent, allowing a greater focus on the distribution of humanitarian aid (Operation Lifeline Sudan 1996; Ryle, 2011) The southern sector of OLS

was also able to build upon its position as an in-place negotiator to act as a mediator, in some circumstances, between the parties to the conflict (Ryle, 2011).

With the disappearance of the Union of Soviet Socialist Republics (USSR) in 1990-1991, there were much less imminent military threats to the West. The prospects for democracy worldwide were growing; it appeared that a new era of peace and freedom might be being born, stirring Fukuyama to write "The End of History" (Fukuyama, 1989). The years after 1990 witnessed an enormous rise in Western, OECD, interest in humanitarian crises and wars in the global South, the majority world. The "something must be done" syndrome dominated much of the OECD's the West's, reaction to political, humanitarian, and military crises in the majority world, the global South, since the early 1990s or even before (Von Hippel and Clarke, 1999).

Aid organisations burgeoned, and total official humanitarian aid almost tripled over the course of 1990-99 (Macrae, 2002). The overall humanitarian aid effort, business, grew from USD 2 billion in 1990 to USD 6 billion a decade later (Hanover, 2013). Individual giving increased substantially. On January 31, 1992, the UN Security Council held its first meeting at heads of government or state level, where the Presidents of the United States, Russia, the UK, France, and China, the permanent members of the Council, were all in attendance (United Nations, 1992). All were considering new opportunities and challenges. In the ten years after the Cold War ended, the United Nations took on more missions than it had in its previous four decades (Meisler, 1995, p. 286). From 1989-94 alone, it authorised 20 missions and increased the number of peacekeepers from 11,000 to 75,000 (Davey, Borton, Foley, p. 13). Large missions were dispatched to Cambodia, the former Yugoslavia, Somalia, and Rwanda. Between 1988 and 2000, the number of Security Council

resolutions passed successfully more than doubled (in contrast to the numerous resolutions stymied by Cold War disagreements beforehand), and the peacekeeping budget increased more than tenfold. After 2000 a sustained increase to 80,000 plus UN peacekeeping personnel took place (Gao 2016).

The Post-September 11, 2001 Terror Attack

This era of greater opportunity for Western humanitarian interest and compassion was dealt a great blow by September 11, 2001, terrorist attacks in the US. The power of military force and international realist concerns was reaffirmed and continued to be a major factor. The United States' humanitarian outlays had become a greater and greater proportion of such spending in the latter half of the 1990s (Barnett, 2005, p. 737). Between 1995 and 1997 it provided 20 per cent of total humanitarian outlays, while in the following three years that number rose to 30 per cent. By 1999 its spending exceeded the total humanitarian aid that 12 other major Western donors gave. With the impact of the second airliner into the World Trade Centre in New York, virtually the totality of US attention was diverted at a stroke. The continents of Africa and Asia, often seen as worthy recipients of humanitarian assistance, were now suddenly, most importantly, theatres for anti-terrorist operations. Within a month, US special forces were inserted stealthily into Afghanistan, and a bombing campaign there, Operation Crescent Wind, began on October 7, 2001. The US would be entangled in Afghanistan – and its humanitarian needs – for many years to come. President George W. Bush directed that among the first military efforts there should be deliveries of relief supplies (Woodward, 2002, p. 156; Degen & Reardon, 2021, p. 62, 63, 69). Major Western powers, the United States first among them, began to more closely link counter-terrorism and humanitarian action both as means towards their strategic and foreign policy goals (Barnett, 2005, p. 726). In this regard then-Secretary of State Colin Powell's remarks to NGO leaders in October 26, 2001, only two months later, are worth noting: "Just as surely as our diplomats and military, American NGOs are out there serving and sacrificing on the front lines of freedom. NGOs are such a force multiplier for us, such an important part of our combat team" in Afghanistan (Barnett, 2005, p. 726).

Amid this renewed attention to military threats, opportunities for a fairer, better world, visible perhaps in the early 1990s, lost attention. Even before the dust had

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settled in New York, before attacks on Afghanistan had been launched, senior US politicians were turning their gaze to Iraq. Within a day of the US terrorist attacks, both Secretary of Defense Donald Rumsfeld and his deputy Paul Wolfowitz were advocating attacks on Iraq, saying that there were hardly any decent targets in Afghanistan and Iraq had better targets (Clarke 2004, p. 30-31). They were following up on a personal drive to unseat Saddam Hussein stretching back to the mid-1990s. The almost groundless claims of weapons of mass destruction in Iraq, and the following years of near-total absorption of the US government with events there are relatively well known; what may be less well appreciated is the diversion of attention from sustainable human development and humanitarian concerns beyond areas of direct military threat. Attention and progress in these causes may have lost decades worth of progress.

Climate Change

As the years wore on after September 11, 2001 climate change also assumed a greater and greater threatening posture. In Africa, for example, average observed surface temperatures have increased about one degree since the late 19th Century, but in some cases, such as at the

end of the dry season in the Sahel, by as much as three degrees (*Institut De Recherche Pour Le Développement*, 2017). Water quality and availability have significantly deteriorated over much of Africa in recent years, with climate change having a particular impact (Rankoana 2020, p. 587-598). In Kenya, climate change has led to more frequent extreme weather events, droughts lasting longer, irregular and unpredictable rainfall, flooding and increasing temperatures (ReliefWeb, 2020). Climate change may also have worsened the impact of recent locust plagues over the whole of the Horn of Africa. Climate change make worse the existing shortages of drinkable water and, in some cases, exacerbate food security challenges. As a New Zealander, I can remember our fears for the continuing existence of the West Antarctic Ice Sheet, whose collapse might induce sea level rise by an average of 3.2 metres (Bamber et al, 2009); and the announcements in 2014 that large portions of the ice sheet were beginning to break away (Associated Press, 2014).

While these are damaging and disturbing changes, it is the impacts of climate change in the developed world that have the potential to divert and absorb the



Cattle carcasses as a result of prolonged drought (Photo Credit: Virginia Pietromarchi/Al Jazeera)

Climate change make worse the existing shortages of drinkable water and, in some cases, exacerbate food security challenges

attention and resources needed for humanitarian action worldwide. Europe has seen repeated, major floods costing the lives of hundreds; the summer of 2003 was the hottest since perhaps the year 1500, causing the deaths of an estimated 70,000 in the United Kingdom; the summers of 2007, 2010, and 2011 saw the hottest temperatures in Greece, Russia, and France respectively. The estimated impacts of the hot summer of 2010 in Russia included 55,000 deaths and damage of some \$15 billion. (World Bank 2012, p. xiv, 13-14). The United States saw a devastating heat wave in the summer of 2012, and in 2021, an unprecedented heat wave occurred in the US northwest. Temperatures soared close to 50 °C in places like Portland and Seattle, 500 people died; and 180 wildfires were caused in British Columbia in Canada (Scientific American/Mulkern, 2021). A “megadrought” in the southwestern United States is now entering its twenty-second year (Williams, Cook, and Smerdon, 2022). A series of exceptional winter storms in early 2021 was also linked to climate change; over 700 deaths might have been attributable to the storms in Texas alone.

The individual effects of each event, and the ongoing trends, are deeply disturbing. But the overall indication is worse. With more and more climate-change-induced destruction to deal with at home, the opportunities and resources for developed states to continue to be able to assist the developing world will inevitably decline.

Ukraine-Russia Conflict

Then Russian President Vladimir Putin and his siloviki – security elites – (Illarionov, 2009) seized Crimea in February-March 2014 and beyond the continuing US preoccupation with Afghanistan and Iraq, other military threats began to assume greater prominence. The events in Ukraine in early 2014 represented the largest and closest war European states had faced since the Balkan wars of the early 1990s, and the largest Russian invasion of its neighbours since 1990 (larger than earlier wars in Georgia and Chechniya). But even before 2014 European states had become increasingly occupied with the potential dangers large numbers of refugees posed to their way of life. Previously, much migration from Africa

to Europe had been fuelled by “a structural demand for cheap migrant labour in informal sectors” (de Haas, 2008). But this changed with the continuing wars in Afghanistan, Syria, Somalia, Iraq, Libya, and harsh conditions in Eritrea – indefinite conscription and forced labour. After war broke out in Libya in February 2011, tens of thousands of refugees began to cross the Mediterranean by boat. By the end of August 2011, 48,000 had arrived on the Italian island of Lampedusa. But it was the delayed impact of the Syrian Civil War that really changed perceptions in Europe. In 2015, perhaps a million-plus people crossed the few short miles from their temporary shelter in Turkey to the nearby Greek islands in the Aegean Sea, and then onwards to more welcoming countries. Greece was swamped with people; Hungary wanted to move arrivals on as soon as possible; Italy was increasingly weary, but German Chancellor Angela Merkel decided Germany would be welcoming, saying “we will manage it” (Evans, 2020). Other countries such as Sweden also slowly absorbed large numbers of the refugees as well.

The problem from a humanitarian perspective was that the arriving refugees and the fears by Europeans of a large-scale impact on their existing way of life led to a significant backlash. By 2016 newer European political parties, challengers from both the left and the right had made significant advances in holding electoral seats and had taken government positions in eight member states (Dennison and Pardijs, 2016, p. 1). The traditional internationalist and intervening positions taken up to that time, often, by European governments came under sustained attack by “insurgent parties” who often preferred closed borders and low levels of migration. This situation showed a number of similarities to the continuing inflow of illegal drugs into the United States from Central and South America and the rising levels of drug-fuelled violence just over the US southern border in Mexico. There has been little progress in reducing the demand for illegal drugs in the United States. In 2016, US citizens spent almost \$150 billion on cocaine, heroin, marijuana, and methamphetamine, 50 per cent more than in 2010 (CFR.org, 2021). Drug violence has escalated year after year in Mexico, and is now endemic. The prospects for improvement are limited (Felbab-Brown, 2022).

As drugs, associated violence, refugees, and higher levels of migration continued to seize headlines in Europe and the United States, climate change damage also increased with few really effective measures in place to stem the destruction. Most societies worldwide are now enmeshed in consumer supply chains that bring goods over vast distances because some countries can produce them in a cheap fashion, and they are wedded to cheap transportation provided by oil-powered cars and aeroplanes. As a result, the warnings of a devastating future (for example World Bank 2012, IPCC 2014) tended to be downplayed or at the worst ignored. Little effective change is taking place worldwide to wean societies off cheap energy at a rate which might prevent devastating climate consequences. One readily available East African example is the rising number of vehicles in Kenya. From 2009 the number of registered motor vehicles rose from 1.22 million to 2.21 million in 2014 and 3.6 million in 2019 (CEICdata.com, 2022). Yet motor vehicle carbon dioxide emissions significantly fuel damaging climate change effects. By 2019, there were a number of reports that that year might become a critical turning point for the climate crisis. For example, a January 2019 study said the 'best chance of preventing' runaway climate change was about to be missed (Galey, 2019). Two years before, six key milestones had been identified to make sure there was a good chance that the Paris climate goal of limiting global temperature rises to 1.5 Celsius would be achieved. Fossil fuels would be immediately phased out, no new coal-fired power stations could be built, and subsidies for fossil fuels would have been ended. Very little of this had been achieved. Governments still subsidized fossil fuels around the world. In November 2019, a commentary in *Nature* warned that impacts of global heating might have become unstoppable, creating "an existential threat to civilization" (Lenton et al., 2019). It now appears likely, for example, that large parts of Africa may become uninhabitable, due to extremely high temperatures, from the year 2075 (World Resources Institute, 2021).

As Russian bombardments killed Ukrainian civilians in March 2022, it begins to appear that an era of opportunity

As Russian bombardments killed Ukrainian civilians in March 2022, it begins to appear that an era of opportunity for worldwide Western altruistic action may be ending ...

for worldwide Western altruistic action may be ending - or have ended. The Russian invasion of the remainder of Ukraine from February 24, 2022, instantly became the most important headline for much of the North American and European media, drowning out all else. Debates over aiding Ukraine, with or without military intervention, Russia's horrific crimes against Ukrainian civilians; and supply of weapons, instantly began to absorb significant amounts of attention. After the invasion began there were numerous accusations that the West might care more for the new Ukrainian war refugees than the many hundreds of thousands of refugees and displaced from existing, more distant African and Asian conflict zones (Zaru, 2022). Poland alone has already received over two million fleeing Ukrainians, while within 24 hours of an appeal opening, a reported 100,000 Britons offered to flee Ukrainians shelter (Elgot, 2022). There have also been reports at the Polish border that Africans fleeing Ukraine have suffered discrimination (Zaru, 2022). Crises closer to Europe attract greater Western attention and engage that attention for longer periods.

In the Pacific, China's military forces continue to expand. The United States' position there is in decline (Sestak, 2020/2021). In 1986, Gwynne Dyer argued that the great powers have gone to war roughly every fifty years since the mid-1600s (Dyer, 1986, p. 177-179). The peace settlement after each war only seems to last, he argued, for roughly that length of time. With the end of the Cold War in 1989-1991, this argument might be applied to expect another great power conflict circa 2040. Faster transfer of information today might advance that timetable, seeing some sort of confrontation between the US and China before 2040. Whatever the expected date of any confrontation, military confrontation between the US and China is a growing risk.

The rising combination of crises, climatic, refugee, and authoritarian military threats from Russia (and China) may have squashed out the human fellow-feeling and perhaps even the resources to alleviate the suffering caused by dictatorships, poor governance and war in Africa and Asia.

COVID-19 and Vaccine Nationalism

The continued and very valid complaints about COVID-19 'vaccine nationalism' were another destroyer of humanitarian fellow-feeling between the OECD and the developing world. The scientific consensus was that widespread vaccinations across the world were necessary



Vaccine Nationalism Illustration (Photo Credits: Jeremy Corbyn and Niki Ashton - iStock/Getty)

to stop the spread of the virus and avoid the damaging emergence of new Variants of Concern (like Delta or Omicron). Hoarding of vaccine stocks by high and upper-middle-income countries put the entirety of humanity at risk (UN Secretary-General, 2021). This resulted in more deaths, more shattered health systems, and more economic misery. Countries which rely heavily on tourism like Kenya were deeply affected. Desperate governments also were tempted to strike short-term deals for vaccines with adverse consequences for their long-term economic, diplomatic, and strategic interests. The result was not only needless economic and humanitarian hardship, but also growing resentment against vaccine hoarders, impeding the international cooperation necessary to tackle future outbreaks (Bollyky & Bown, 2020).

Conclusion

War and climate change pose some stark moral dilemmas for the West – why should Westerners treat Ukrainian war

refugees better than Syrians or Sudanese? There should be no double standard. All refugees should be treated equally. Instead, double standards seem to be growing by the day. Despite the terrible pain and suffering underway for decades in places like the Eastern Congo, South Sudan, Somalia, and the Central African Republic, the Russian invasion of Ukraine was able to shoot directly into the brightest glare of international attention. Ukraine received prompt and sustained support from the West, if not a full military intervention (to a significant degree because of the perceived risk of Russian nuclear threats). To save the maximum number of people worldwide from the terrible challenges that climate change will bring (Vince, 2019), more actions need to be taken. In the face of converging crises, it is no longer certain that the West will retain the interest in humanitarian assistance worldwide, and if and when Russia and China's threats decline, climate change may mean there are few resources to spare.

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Editor's Note

Dear Reader,

We are excited to release our 25th bi-monthly issue of *The HORN Bulletin* (Vol. V, Iss. III, 2022). 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.

Hassan Khannenje, Ph.D.
Editor-in-Chief, The HORN Bulletin

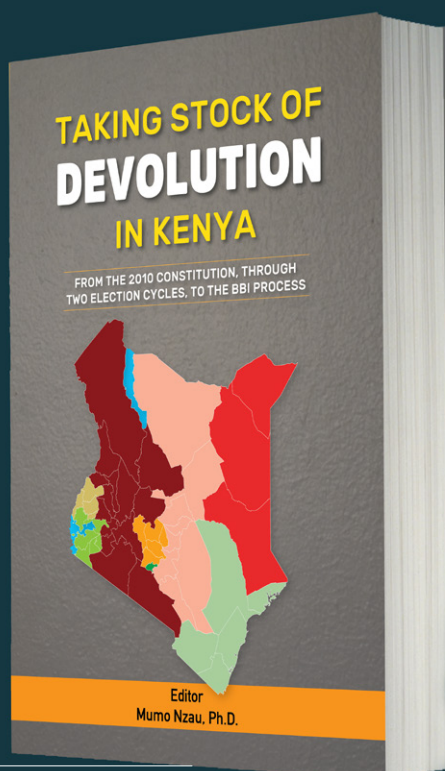
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Taking Stock of Devolution in Kenya



ABOUT THE BOOK

For close to five decades after independence, Kenya remained under a centralized system of governance, which, in many ways, was a reflection of its colonial past. Over time, various legal, policy, and administrative reforms were incrementally introduced in a process that culminated in the Constitution of Kenya 2010. This Constitution formally introduced devolution in Kenya. In both academic and policy terms, this is the first publication that undertakes a comprehensive review of Kenya's encounter with devolution so far. It analyzes and documents the experiences, gains, challenges, and prospects for devolution in Kenya right from the 2010 Constitution, through two election cycles (2013 and 2017), and into the Building Bridges Initiative (BBI) process; and implications of the change dynamics thereof on the future of devolution in Kenya.

Taking Stock of Devolution in Kenya - From the 2010 Constitution, through Two Election Cycles, to the BBI Process is therefore a valuable read for every student, academic, and policy practitioner in the fields of politics, law, governance, security, leadership, management, administration and development among others. The book highlights 'First Amendment' propositions presented by the BBI Process, and the place of devolution in the entire BBI debate, going forward.



About the HORN Institute

The HORN International Institute for Strategic Studies is a non-profit, applied research, and policy think-do tank based in Nairobi, Kenya. Its vision is a progressive Horn of Africa and the African continent, served by informed, evidence-based and problem-solving policy research and analysis. Its mission is to contribute to informed, objective, definitive research and analytical inquiry that positively informs policies of governments, intergovernmental and non-governmental organizations and spaces.

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