ACPP Daily Briefings

The ACPP Daily Briefings are held weekday mornings in the ACPP Pretoria’s Situation Room and the Briefing Notes are the minutes of this meeting during which each regional expert of the Programme reports on the latest human security developments in his/her region, followed by general discussions around the table. An intern then compiles a summary of the meeting, which is reviewed by the respective researchers, and a senior researcher edits the report and provides quality control before returning it to the intern to prepare it for dispatch to the mailing list to which you have subscribed.

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Today’s Briefings
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Eastern and Horn of Africa:

Kenya: Constitutional standoff over poll date

Last week, Kenya’s Justice and Constitutional Affairs Minister, Mutula Kilonzo, introduced in Parliament the Constitution of Kenya (Amendment) Bill, 2011, seeking to revise the country’s new Constitution to, among other things, change the election date from the second Tuesday of August to the third Monday of December every fifth year. The cabinet unanimously supported the proposal but the move has generated much debate within the country's Constitution Implementation Commission (CIC) and the National Assembly select committee, the Constitution Implementation Oversight Committee (CIOC). The principal constitutional implementation organs and civil society groups are opposing the amendments arguing that they were "convenient" machinations by politicians to protect their interests.

The cabinet and those supporting the amendments maintain that it is impossible to hold elections in August 2012 in view of the government budgetary cycle and inadequate time between now and August next year to prepare for the General Election in which six elections will be held throughout the country. Some lawyers have also argued that the new Constitutional clauses that provide for elections in August fall in chapters of the new Constitution [Schedule Six, Section 2(1) & (2)] whose application is suspended by the transitional clauses. While the interpretation of the exact date of the next General Election has been taken to country's Supreme Court, the debate has continued to rage with those opposed to the move arguing that a careful reading of the basic Articles [Articles 101 (1), 136 (2); 177 (1) Article 180 (1)] dealing with elections provide clearly that the next elections for President, Members of Parliament (MPs), Senators, among others, will be on the second Tuesday in August. Following this line of thinking, the government and Parliament are not keen on putting in motion strategies to organize elections for August and are, rather keen to extend their terms of office.

There are cynical views that delaying the election could be a political manoeuvre by certain political players facing charges at the International Criminal Court (ICC) to buy time. While this is doubtful given the uncertainty over how long the ICC cases may take, the fact that the new Constitution's Section 9(2) anticipates the possibility of the current government being dissolved anytime negates arguments around under-preparedness and serves to fuel conspiracy theories around an obscure government agenda in amending the Constitution. The amendment will, nonetheless, require a two third majority approval by parliament but with Kenyan MPs currently earning about $9,300 a month, the highest salary for MPs in Africa, it would not be a surprise if they supported the delay of the election. So unless the Supreme Court quickly makes a ruling on the election date, it is likely that Amendment Bill, 2011 will sail through.

Meanwhile, concerns have been raised over the eligibility of two key political players, former Higher Education Minister, William Ruto, and Deputy Prime Minister and Finance Minister, Uhuru Kenyatta, to run for office in 2012. Both have expressed interest to run for presidency, although the ICC accuses them of involvement in the 2007-2008 post election violence. The constitution is not clear on whether or not candidates with on-going cases relating to human rights abuse can run for office. It is only the Anti-Corruption and Economics Crimes Act of 2003 that bars people with economic crimes cases and related offences from contesting elections. Going by the principle that the two are innocent until proven guilty, it seems that they would still be eligible to contest but the dilemma would arise if either of the two won the presidency but was found guilty thereafter. It would lead Kenya into an Omar al-Bashir predicament.
West Africa:

Nigeria: Security situation deteriorates as government lacks a clear response

Nigeria’s internal security remains extremely volatile following a spate of recent shootings, bombings and suicide assaults in the country’s northern cities of Damaturu, the Yobe State capital and in Maiduguri in the Borno State. Linked to the Islamist group, Boko Haram (whose name literally translates to Western education is forbidden), the attacks resulted in the killings of 136 people, the deadliest in recent months. Some reports, however, allege the involvement of irredentist and even criminal elements in the killings. Of the 136 people who died, 135 were reportedly male and one female, while 17 others were injured. This latest wave of attacks has targeted police stations, banks, military locations, and churches and mosques, giving the impression that the attackers were motivated by a mixture of political, economical and religious agendas.

A look at the government’s responses shows that it has found it difficult to eradicate Boko Haram but worryingly so, the group seems to be reinventing itself and its strategies. It has increasingly embraced suicide bombing: a strategy that ensures concealed attacks to inflict casualties. The Nigerian government has, so far, employed about seven different response mechanisms. The latest involves door-to-door security searches for weapons, particularly, in the north-eastern state of Borno. This initiative follows the expiry on 31 October deadline for amnesty for those who surrendered their arms. Previously, the government initiated the controversial proposal to grant amnesty to Boko Haram. When the move failed to work, it followed it up with another controversial attempt at negotiations. The third move was to launch an inquiry into the group’s support base and supposed links with Nigerian political actors. Subsequently, the government engaged the services of former president, Olusegun Obasanjo, in what turned out to be a failed mediation that resulted in the death of the Boko Haram Leader, Babakura Baba Fugu, in a reprisal attack by other Boko Haram members. The fifth attempt involved the deployment of approximately 20,000 military personnel across the country to deal with the increasing security challenges around ethnic and religious violence, violent crimes and terrorist activities.

The government then went further to set up of the Presidential Committee on Security Challenges in the North-East Zone, which submitted its report in late September. The committee found out, among others that, the increasing violence was a result of weak governance and failure to deliver services to the people, especially on the backdrop of huge resources accruing to government. The report also observed that the security agencies had not been able to contain the violence because of palpable operational lapses, service rivalry, under-funding, under-equipment and lack of collaboration between the various security agencies. In a pointer to the muddled nature of the situation, the Presidential Committee also observed that some politicians and certain individuals contributed to the persistent violence by funding private militias, using them and then sometimes dumping them. This created a problem because the groups were not only trained but also had arms. The Presidential Committee again proposed amnesty to members of Boko Haram willing to surrender and a comprehensive socio-economic strategy to address people’s needs. While the Nigerian government offered the amnesty proposal, it again raised controversy with some arguing that it would not succeed due to the sect’s radical views.

The expiry of the government’s amnesty offer on October 30 is what led to the door-to-door security searches. Whether the door-to-door search will offer a lasting solution is subject to debate. Judging from the incessant attacks, it appears the Nigerian government does not have a clear answer to the militancy phenomenon. Unfortunately, Nigerian politics has thrived on strong patronage networks and rampant corruption thus making it difficult for the government to be responsive to people’s needs. With U.S. and other intelligence sources suggesting that Boko Haram members are being trained in Niger and have connections with al Qaeda’s North African
wing, and with the readily available weapons from the Libyan conflict, the Nigerian government will need to move quickly to seize the moral and political legitimacy, especially in regions where young people are willing to join insurgents. A victory may not necessarily translate to the destruction of the insurgent fighters but rather the winning of the hearts and minds of the local population. It calls for a comprehensive military, socio-economic, political and civic actions. The government will not only need to increase its intelligence gathering and preventive measures, but also use local influential individuals to pacify the groups and, much more importantly, address the local historical grievances that have produced the “push” and “pull” factors.

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