

VOLUME 01 *Review of*
**African Social
and Economic
Development**

edited by
ÌBRAHIM BÀBÁTÚNDÉ ANOBA



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Atlas Network

Two Liberty Center

4075 Wilson Blvd.

Suite 310

Arlington, VA 22203

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VOLUME 01

Review of African Social and Economic Development

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ÌBRAHIM BÀBÁTÚNDÉ ANOBA



**GEORGE
AYITTEY
SOCIETY**

2024

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Introduction

By **Ibrahim Bábátúndé Anoba**, PhD candidate
Atlas Network, NIGERIA

In February 2024, the African Union launched its theme for the year, “Educate an African Fit for the Twenty-First Century.” This theme suggests that the average African is not fit to meet the demands of this century, which is in and of itself a symptom that reflects the continent’s precarious condition. It is shameful that after more than sixty years since the majority of the continent attained “independence,” the rallying theme for the continent is a call for a basic necessity that ought to be already settled and adequately provided. If there is a deficiency in education, there is an even greater deficiency in insecurity, economic prosperity, human rights, and political stability; frankly, all the core pillars that make a society functional. This submission might come off as harsh, but it is the reality in which the continent finds itself. It is a reality engendered by decades of corruption, foreign meddling in African politics, exploitations by foreign and local actors, and failed policies forced down the continent’s throat by the International Monetary Fund and the World Bank. This volume looks at some of these policies and considers their ramifications for Africa’s present and future. It points to potential solutions to remedy some of Africa’s most pertinent problems.

Contributors to this volume include think tank executives, research directors, and academics. Collectively, they make a case for changes necessary for Africa’s prosperity. They examine the causes of some of the most prevalent problems in contemporary Africa and question what the future holds for the continent. They each demonstrate that greater economic freedoms and the respect for fundamental rights—individual and economic—are prerequisites to guaranteeing a promising future.

Freedom takes numerous dimensions in this volume, informed by different strands of liberal-oriented arguments. What brings those strands together is the demand for new ways of thinking about prosperity in Africa, especially by learning from what has gone wrong in the past. They ask for accountability in state agencies and the removal of policies preventing African entrepreneurs from flourishing.

This volume is divided into two parts. Part I includes essays that explore different ways the debate about freedom in Africa is tied to politics and human rights. It comprises six chapters. Part II includes four chapters, each looking at the economics of free trade on the continent.

In Chapter 1, Adoumadi Magloire paints a complex picture of coups in the Sahel region of Africa. He looks at the relationship between the political class and the military, arguing that the former’s failure to tackle corruption and improve citizens’ lives are some of the factors motivating military officers to revolt against their commanders-in-chief in the executive arm. He goes one step further to demonstrate how civil society organizations could help put the region on a stable political footing. In Chapter 2, Feyisade Adeyemi examines how the nationalization of private schools in Nigeria has contributed to the country’s inability to run an efficient education system. He uses the nationaliza-

tion of missionary schools as a case study to argue that the forceful takeover of private schools is not only a violation of the right to property but that such steps have caused more harm than good to Nigeria's education system.

In Chapter 3, Iniobong Usen considers the factors responsible for the backsliding of Nigeria's democracy since the country became independent in 1960. This line of conversation is already well covered by scholars. However, Usen's assessment brings a think-tank perspective to this conversation. It calls our attention to how failure to effectively manage newer challenges, like the threat of climate change and pandemic, could further drag Africa backward. Olumayowa Okediran provides a landscape view of the threats to human rights in Africa and the challenges to protecting them in Chapter 4. He makes the case for how civil society organizations could help African countries improve human rights records and the need for greater political education among Africans.

In Chapter 5, Rejoice Ngwenya examines freedom advocacy in Africa. He considers Zimbabwe's experience with some economic and political reforms since it became independent in 1980 to make the case for how greater economic freedom is crucial to prosperity. Ngwenya draws on his personal experience as a civil society organizer, submitting that "freedom advocacy in Africa calls for depth, legitimate governing institution, and courage."

In Chapter 6, Zakhele Mthembu takes a philosophical approach to grappling with the concepts of individualism and self-determination in relation to communitarianism. While recognizing the communitarian underpinnings of widely engaged principles like Ubuntu, he argues that the individual makes the society and that the individual is a central agent in African philosophical imagination. He uses this argument to make the case for greater rights to property and freedom of speech for Africans.

In Chapter 7, I use Nigeria's and Angola's experiences as case studies to show how government control of mineral wealth in Africa has generally remained problematic. I argue that the same operational framework that aided the culture of mineral wealth theft that started under colonial rule is also largely responsible for the mismanagement and corruption that has defined mineral wealth in Africa. I make the case for how this problem could be arrested by redesigning the mechanism for auditing state agencies.

In Chapter 8, Theresa Moyo appraises the African Continental Free Trade Area (AfCFTA) agreement, examining its challenges and prospects. She emphasizes the imperative for African leaders to prioritize aspects of the agreements that will improve intra-African migration and address the continent's infrastructure deficit. Additionally, she argues that to actualize the promise of the AfCFTA, African leaders must anticipate and efficiently manage potential social and economic roadblocks. Ndlovu Wiseman also takes an interest in the AfCFTA in Chapter 9, albeit in considering how greater intra-African trade could benefit wildlife economies across the continent. He suggests that wildlife is not a mere fringe in the economy that is only significant when seen through tourism. Ndlovu argues that wildlife has the potential to transform economies well beyond tourism. He suggests that wildlife has the potential to improve the market for game meat, non-timber forest products, and ecotourism.

In Chapter 10, Bright Simons writes about how the Ghanaian government's quest to create a state-owned telecom operator engendered unforeseen market-related problems. He demonstrates how attempts to push the government into the sector, beyond playing the role of a regulator, made the sector prone to monopoly and other problems.

Overall, the theme of these chapters is that Africa needs greater freedoms—individual, economic, and political—backed by responsible governance, to prosper.



PART I

**Politics and
Human Rights**

CHAPTER 1

The Rise of Authoritarian Regimes in the Central Sahel and Civil Society's Role as a Guarantor of Liberal Values

By **Adoumadji Madjastan Magloire**, MA, PhD candidate
Libre Afrique Tchad, CHAD

Introduction

The Central Sahel states, including Burkina Faso, Mali, Niger, and Chad, which are currently governed by military juntas, are entangled in a decade-long regional jihadist insurgency. The Sahel branch of al-Qaeda spearheads this conflict. The two groups below have pledged their allegiance to al-Qaeda. Their ideological orientation is modeled on that of the al-Qaeda jihadist group.

- Jama'at Nusrat al-Islam wal-Muslimin (JNIM)
- Islamic State West African Province (ISWAP), Jamā'at Ahl as-Sunnah lid-Da'wah wa'l-Jihād (JAS)

The Islamic State in the Sahel (ISS) and Islamic State West Africa Province (ISWAP) have pledged allegiance to the jihadist group Islamic State. They have adopted the group's ideology and claim to be its provinces.

Persistent national and transnational security problems have led to coups d'état, allowing military officers to control these countries. Despite Western support, security problems remain unresolved. In response, the African military leaders have sought alternatives to Western military partnerships and have turned to countries such as Russia, Turkey, Iran, and China for help. Yet most of these new partners have no respect for democratic values.

The outcomes of these coups, whether economic, political, or social, are highly regrettable. The military regimes quickly develop strategies to diminish the influence of civil society. It is evident in all four nations that the military is striving to retain power.

The role of civil society is diminishing, and transitional governments that have come to power through coups d'état are benefiting from this trend. This situation is alarming and requires attention to prevent a slide toward authoritarianism in countries such as Mali, Burkina Faso, Niger, and Chad. Chuba Okadingbo said that “[he believes] the worst form of civilian government is better than the most benevolent military regime.”¹ When political parties are dissolved or absorbed into the military's ideological current, and when civil society fails to play its part, authoritarianism becomes the norm.

¹ Chuba Okadingbo, “Book Review Section: Politics and Government in Nigeria and Uganda: Nigerian Politics.” *A Current Bibliography on African Affairs* 7 (2) (1974): 169-70. <https://doi.org/10.1177/001132557400700206>.

Restoring civil society's role as a counterbalance to power is the solution to counter the slide of military regimes toward authoritarianism. How can civil society help limit the role of military regimes and encourage the emergence of a liberal society?

Alexis de Tocqueville said that “[a]mong the laws that rule human societies, there is one which seems to be more precise and clear than all others. If men are to remain civilized or to become so, the art of associating together must grow and improve in the same ratio in which the equality of conditions is increased.”² So, civil society organizations are essential ingredients for positive development, bridging gaps, advocating for change, and fostering a more equitable society.

This chapter aims to analyze the root causes of the rise of authoritarianism in the Central Sahel region (I). It will also examine challenges facing civil society and opportunities in the Central Sahel region and the civil society associations' contribution in supervising the military's role during the transition period (II), and strategies for civil society to engage or strengthen their commitment to defend liberal values (III).

I. Factors behind the Rise of Authoritarianism in the Central Sahel Region

For decades, the Central Sahel region has been a sanctuary for extremist groups and a transit zone for trafficking of all kinds. The Central Sahel region is particularly unique due to the tactical convergence of two major global extremist groups, al-Qaeda in Maghreb (AQMI) and Islamic State in Sahel (ISS), and rebel groups.

Poor governance and corruption among the political elite

The Central Sahel region has experienced a resurgence of authoritarianism, with military takeovers justified by reasons such as the security situation, governance issues, and corruption within the civilian elite. For instance, in Burkina Faso, President Roch Marc Christian Kaboré was ousted in January 2022 due to his perceived failure to address security challenges. Similarly, Mali witnessed two coups within nine months, with Colonel Assimi Goita seizing power in May 2020 and again in July 2023.

In Chad, the seizure of power occurred following the assassination of the elected president, leading to the constitution's suspension and the establishment of a military transitional government. Despite promises to return to civilian rule within a short period, the military often failed to fulfill these commitments.

The myth of the patriotic soldier and the subversive intellectual

Soldiers who have taken power in these countries believe that civilians are not brave enough to deal with the destabilizing tendencies of armed terrorist groups such as the JNIM and the Islamic State in Sahara, which are straining the nerves of the region's armies. They argue that only the military can guarantee the integrity of the territory and the safety of the people. This argument can be refuted, given the persistence of the threat despite the military takeover. Nevertheless, the military persists with the argument that they are giving their lives to protect corrupt civilian regimes that often do not understand their demands for increased operational capacity.

² Alexis De Tocqueville, Aurelian Crăiutu, and Jeremy Jennings. *Tocqueville on America after 1840: Letters and Other Writings*. (Cambridge University Press 2009).

In her book *Les Armées Africaines: 1960 à 1990*,³ Dominique Bangoura highlights the link between post-independence African armies and politics. This complex relationship depends on the models of armies that emerged from how these countries achieved independence, whether peacefully or violently, as in the countries that fought to gain their independence.

In West Africa, four types of armies emerged in the aftermath of independence:

1. Armies that stabilize the region and contribute to peacekeeping operations, such as Nigeria and Ghana;
2. Criminal armies that challenge the state's monopoly of legitimate force, such as in Guinea-Bissau;
3. So-called republican armies, subordinate to the government whose protection they provide, as in Senegal, Benin, and Togo. These armies compete with better-armed, better-equipped, and better-paid Praetorian Guards, as was the case in Burkina Faso until the RSP was disbanded; and
4. Armies familiar with coups d'état and marked by insubordination to political power, as in Guinea, Niger, and Mauritania.⁴

Political events in the countries of the Central Sahel in recent years provide an interesting illustration of the complexity of this link between political power and the army. Sometimes these relationships are fraught with conflict. For example, the military may feel that civilian presidents are not familiar with the reality of the battlefield and do not allocate enough funds for military expenditure, while soldiers risk their lives at the front to ensure the territory's integrity and protect their power. This can lead to the reflex to replace civilian leaders to better manage the security situation. However, the role of armed groups and civil society has also been decisive in the military's decision to take power.

In Burkina Faso, for instance, the massive attacks by armed jihadist groups on villages and military positions, often resulting in heavy casualties, prompted civil society to demand more security measures from the government. Demonstrations led by civil society and the deteriorating security situation provided pretexts and justification for the first and second coups d'état. The cases of Mali, Niger, and Chad are different, but the indirect role of armed jihadist groups and civil society in the justification of coups d'état by the armies is important to underline.

The role of non-state armed groups in coups d'état

For a long time, armed jihadist groups in the Central Sahel have indirectly contributed to the rise of military regimes. Faced with the atrocities committed by jihadist groups against defenseless civilian populations, the demand for security from the people increases, while the rulers do not immediately provide the necessary security. As a result, the population feels abandoned and turns to civil society organizations and pressure groups to express their discontent. In Burkina Faso, Mali, and Niger, the army has seen this as a wake-up call, even though the contexts are different. The army sees itself as uniquely positioned to restore security and regain control of territorial integrity.

The increase in civilian and military casualties and the loss of government-held territory have led to two military coups in Burkina Faso since 2022. Under the rule of Roch Marc Christian Kaboré, the attack on Inata was the trigger that led, a few weeks later, to the president of the republic being overthrown by a group of officers, including

³ Dominique Bangoura, *Les Armées Africaines*, 1992.

⁴ Amandine Nguanguenon. "Les Armées et Le Pouvoir Politique En Afrique Subsaharienne," A. Augé et A. Nguanguenon (Dir.), *Les Champs de Mars, Revue d'Études Sur La Guerre et La Paix*, IRSEM Institut de Recherche Stratégique de l'École Militaire, N° 28. HAL (*Le Centre Pour La Communication Scientifique Directe*), October 2015.

Paul Henri Damiba. However, Damiba was overthrown by another coup d'état just a few months later. The trigger for the second coup was the attack on Gaskindé.

The attacks on Inata and Gaskindé highlighted the regime's inability to address the security crisis in Burkina Faso, led by Kaboré and Damiba.

The sovereigntist argument for clinging to power

Military officials who have taken power in the Central Sahel are tempted to remain in power. They are surfing on the prevailing populism to justify their stay. Admittedly, the peoples of the Central Sahel are at a crossroads, with a discerning youth clamoring for the emancipation of their countries from the yoke of the former colonizer. The main grievance is the CFA franc. As its name suggests, the "Franc de la Communauté Française d'Afrique" is a monetary unit that is one of the last vestiges of colonization that young people want to see eliminated so that their countries can achieve monetary sovereignty. According to the advocates of breaking with this currency, the extroversion of African countries is largely explained by this currency; while the defenders believe that this currency plays a stabilizing role.

France, which mints this currency, has become the designated scapegoat in the eyes of the population. The French bases in these four countries, with the exception of Chad, have been denounced. Niger, Burkina Faso, and Mali have formed a military and political alliance called the Alliance of Sahel States, with the vision of creating a common currency in the near future.

In order to give a democratic veneer to the transition processes resulting from the coups d'état, the military in power is going to organize "national dialogues," the aim of which is to be elected "democratically" in order to perpetuate military power. Chad was the first country to legalize the power of the military by organizing a "national dialogue," at the end of which the duration of the transition was extended for two years by the carefully selected participants. This was followed by so-called free and transparent elections, in which transitional President Mahamat Idriss Deby was elected with over 61 percent of the vote. Mali, Burkina Faso, and then Niger followed suit.

The hope of a return to constitutional order with civilian rule was halted by the military. Civil societies of these countries were complicit in that confiscation of power by their popular support of the military at the beginning or by their silence later on. In Niger, demonstrators stormed the headquarters of Mohamed Bazoum's party (PNDS-Tarayya), following the example of the "Mouvement du 5 juin" led by Imam Ahmadou Dicko and the "Mouvement Sauvons le Burkina" of Marcel Tankoano's "C27" coalition. The burning down of the headquarters of the former ruling party took place on the sidelines of a demonstration organized by civil society structures and citizens in support of the coup d'état led by the CNSP.

In Chad, a demonstration organized by the "Wakit Tama" platform and the Transformateurs party demanding that President Deby respect his commitment to hand over power to civilians after an eighteen-month transition period was put down in bloodshed. According to the National Human Rights Commission, which documented the events, the crackdown resulted in 128 deaths, 12 missing, 518 injured, 943 arrests, and 265 convictions.

Civil society has therefore played an ambiguous role in these four military-led countries, depending on the context. Beyond the coup d'état leading to the overthrow of a civilian or military power, the retention of power by the army depends on various factors: the personal motivations of the holder of power, divisions within the army (often linked to demands of the troops or weight of the presidential guard), the ability of the army to benefit from the support of civil society and opposition parties, and the ability of the international community to exert pressure for a return to constitutional order.

II. Challenges and Opportunities for Civil Society Associations Working in the Central Sahel

Challenges

Limiting individual freedoms for the sake of security

Faced with increasing insecurity, the Central Sahel states adopted strategic positions that resulted in limiting freedom. Specifically, the implementation of anti-violent extremism laws has resulted in significant curtailment of individual freedoms and civic space. As an example, these laws have restricted the ability of people to express themselves freely. These laws criminalize the support of “violent extremism” and strengthen the police and judiciary’s ability to combat extremists. But the rapid expansion of anti-violent extremism legislation shows that these laws are passed in haste. Far from being the fruit of careful thought, they are the result of a security reflex and the need to send a strong signal to extremists.

The Central Sahel states’ military approach to tackling violent extremism has led to human rights violations instead of investing in prevention and addressing the root causes of violent extremism. This use of military force, especially when accompanied by human rights violations, can push more people toward extremist groups and promote the phenomenon’s spread.⁵

More and more initiatives limiting individual freedoms

Vague and liberticidal counter-violent extremism regulations have fostered an unprecedented restriction of civic space. These exceptional regimes, which have been in force since at least 2015, allow laws to be passed that undermine the exercise of people’s rights and freedoms. These regulations take the form of:

- **States of emergency.** Areas of military operations are defined by the army’s headquarters, with restrictions on the movement of civilians within these areas.
- **New binding laws, for example the “Loi de Mobilisation Générale et de mise en garde”⁶ in Burkina Faso,** which “has made it possible to militarize society, with the raising of more Volunteers for the Defense of the Homeland (VDP). On top of this, it provides an opportunity for the rulers to muzzle any dissenting voices. Leaders of civil society organizations with dissenting views are arrested and sent to the front.
- **Compulsory and voluntary contributions to the war effort,** deducted either directly from citizens’ income or access to social services. For example, deductions are made from citizens’ communications costs and paid to the army as a contribution to the war effort.
- **Ban on associations and political parties’ activities.** On April 10, 2024, the transitional Malian authorities announced a nationwide suspension of political parties and associations’ activities until further notice. While Bamako justified the measure by holding an inter-Malian dialogue, the political parties and associations expressed their astonishment, judging it to be brutal, illegal, and the result of a “creeping dictatorship.”⁷

5 Séverine Kodjo-Grandvaux, “Djihadisme Au Sahel: ‘Le Problème N’est Pas Seulement Sécuritaire, Mais de Gouvernance.’” *Le Monde.fr*. Le Monde. December 22, 2019. https://www.lemonde.fr/afrique/article/2019/12/22/djihadisme-au-sahel-le-probleme-n-est-pas-seulement-securitaire-mais-de-gouvernance_6023804_3212.html.

6 https://lefaso.net/IMG/pdf/decret_sur_la_mobilisation_generale-1.pdf

7 <https://www.rfi.fr/fr/afrique/Article/20240419-mali-la-junte-continue>

- **Banned demonstrations and repression.** On October 20, 2023, in Chad, more than fifty demonstrators were killed after holding a demonstration banned by the government. The argument used by the government to quell this demonstration was security-related. According to Prime Minister Saleh Kebzabo, the demonstration was a “popular and armed insurrection with the support of outside forces to destabilize the country”—an argument that is easily dismissed in the light of facts. The government took the opportunity to announce the “suspension of all activities” of the main opposition groups and the introduction of a curfew.

The rise of authoritarianism in the Central Sahel therefore feeds on the security argument based on legal mechanisms put in place in various anti-extremist laws, which are often passed in haste without consultation with various stakeholders (including civil society). Moreover, in the absence of a genuine counterweight embodied by the political parties and civil society, the drift toward authoritarianism cannot be avoided.

Geopolitical dynamics

Increased cooperation with Russia has accelerated breakdowns in relationships between Mali, Niger, and Burkina Faso and Western partners elsewhere in West Africa. Security partnerships have worsened some African states’ democratic and human rights records and brought in Western-sanctioned actors involved in the Wagner Group and its successor, the Africa Corps. These developments have previously led the West to distance itself from African partners, leading those countries to increasingly rely on Russia and bringing them into the Kremlin’s orbit. Russia also leverages regime security support through military assistance, information operations, and political support to further increase its influence over target governments and isolate them from the West.

African solutions, such as the Alliance of Sahel States (AES), are being sought to compensate for the departure of former partners. Once again, this alliance relies on new partners such as Russia and the other emerging BRICS powers.

On September 16, 2023, the military transitional government of Burkina Faso, Mali, and Niger signed the Liptako-Gourma Charter, creating the AES as an architecture of collective defense and mutual assistance. The three countries committed to combatting all forms of violent extremism and organized crime in their common area, as well as armed rebellion or other threats to their territorial integrity and sovereignty. According to the charter, any violation of the sovereignty and territorial integrity of one AES member will be considered an act of aggression against all members, who are obligated to assist one another.⁸

While the AES is centered on defense in the short term, tensions between the three countries and ECOWAS could see the AES develop into a stronger force within the wider bloc, which is likely to make negotiations for a democratic transition more difficult.

The military regimes that have taken power in these four countries are clinging to power by suspending all democratic processes, including the elections they are supposed to organize at the end of their respective transition periods. The military rulers of Niger, Burkina Faso, and Mali have decided that democratic elections are not a priority. Only Chad succeeded in organizing a sham of elections, the purpose of which was to keep the military in power. At the end of these elections, the president of the transition of Chad, Mahamat Idriss Deby Into, will legitimize his power and inspire other militants to follow his steps.

⁸ “West Africa and the Sahel, January 2024 Monthly Forecast: Security Council Report.” www.securitycouncilreport.org. Accessed January 18, 2024. <https://www.securitycouncilreport.org/monthly-forecast/2024-01/west-africa-and-the-sahel-11.php>.

Military solutions to social problems discredit democracy and normalize the military's takeover of political power.

Opportunities

Civil society associations can play a democratic bulwark role

In the Central Sahel region, the advent of civil societies dates back to the 1990s, after the fall of the Berlin Wall and announcement of the democratization of African French-speaking countries in Francois Mitterand's Baule speech (The Baule Conference).⁹ This conference marked a pivotal step towards the democratization of societies in French-speaking countries, thus enshrining a multi-party system and freedom of association. In the wake of this, several civil society organizations came into being, with a mandate to protect and defend human freedoms. How do these organizations function in an ever-changing environment whose dynamics tend to restrict fundamental freedoms?

1. Building positive dynamics

Despite repeated assaults by authoritarian regimes on Central Sahel civil societies, the societies still play a crucial role in the Central Sahel region:

- **Internationally**, they are forging dynamic partnerships with other players who share the same objectives and defend the same ideals. Some are seen as key and credible partners on which international players can rely;
- **Internally**, they try, through their multifaceted actions, to improve public governance and the lives of local communities;
- **At the networking level**, they form networks called "leagues," "coalitions," etc., to exchange and share practices and experiences to strengthen their struggles.

In short, despite the organizational and financial challenges that can limit their impact, civil societies in Central Sahel try to influence public policy in the areas of human rights, health, education, and peace.

2. Promoting transparency and accountability

Civil society plays an essential role in promoting transparency and evaluating public governance. They monitor government action by examining government commitments and comparing them with the real experiences of citizens, identifying gaps between promises and achievements. They also advocate change and report on issues such as corruption, human rights abuses, and lack of access to basic services. They encourage public participation in governance, ensuring that citizens' voices are heard and considered in decision-making processes. CSOs act as watchdogs, holding governments to account, monitoring policies, exposing corruption, and advocating for policies that promote transparency and democratic participation.

As they are promoting transparency and accountability, CSOs become threats to authoritarian leaders. Authoritarian regimes therefore implement strategies to disorganize them by arresting their leaders, banning them from operating, and controlling their sources of funding.

⁹ La Baule, "Le Discours de La Baule," 1990. <https://nsarchive2.gwu.edu/NSAEBB/NSAEBB461/docs/DOCUMENT%203%20-%20French.pdf>.

III. Strategies for Civil Society Engagement

Following Professor George Ayittey's lead¹⁰, we can explore ways to strengthen civil society actions in these countries. There are two main lines of thought in Ayittey's work, which we will apply to this study. Ayittey saw control of at least one of these resources as central to subverting dictatorial power in these countries:

Forming coalitions consisting of small groups of "elders" who have no political ties and monitor the activities of the various opposition groups. Ayittey explains, "They must be able to reach out to all the opposition groups. . . . The council should bring all of the opposition into an alliance," which would prevent dictators from overpowering severely divided competition.

People have to gain control of the civil service, security forces, judiciary, electoral commissions, media, and central bank from the government.

It means implementing this mindset in the following areas:

- **Grassroots mobilization and community empowerment.** Both grassroots mobilization and community empowerment are essential for fostering active citizenship, promoting social justice, and creating positive change. When individuals unite, they can amplify their impact and drive meaningful transformation.
- **Advocacy for legal and policy reforms.** The defense of legal and political interests by civil society contributes to positive social change, the protection of human rights, and sustainable development. Liberty-minded reformers should encourage the creation of observatories for democratic practices and the strengthening of individual freedoms.
- **Collaboration with international partners and stakeholders.** Collaboration with international partners and stakeholders is a strategic approach that involves establishing and maintaining relationships with various entities across borders in order to achieve common goals.
- **Use of technology and social media to raise awareness and build networks.** The use of technology and social media has become a powerful tool. Organizations and individuals can amplify their message, engage with a broader audience, and foster a sense of community around their causes.

Conclusion

In the Central Sahel, the security argument, bad governance, and corruption of the political elite in power are arguments put forward by the military as justification for taking power in recent decades. Civil society and armed jihadist groups have also played an indirect role in bringing the military back to power.

The current trend clearly shows that the military in power in these four countries are intent on retaining power at the expense of a return to a civilian-led constitutional order.

The sovereignty argument has been a factor in mobilizing support for the military's plan to seize power.

Civil society, weakened by intimidation and muzzling carried out by the ruling military, is not playing its role effectively as the guarantor of individual freedom and democratic values.

¹⁰ Wikipedia Contributors, "George Ayittey," Wikipedia. Wikimedia Foundation. September 29, 2024. https://en.wikipedia.org/wiki/George_Ayittey#cite_note-6.

The international and regional geopolitical context, marked by a return to multilateralism, is another factor favoring a return to authoritarianism and the military in power.

There is therefore an urgent need for civil society to redefine itself in order to play a leading role in limiting the power of the military; otherwise, a slide towards authoritarianism in these countries is only a matter of time.

The formation of coalitions of civil society associations, but above all a “coalition of elders,” acting as a pressure group on political leaders, is to be envisaged. But the most urgent thing must be to educate the people so that they take back control of the civil service, the security forces, the judicial system, the electoral commissions, the media, and the central bank. Only in this way can authoritarianism be effectively combated.

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9. Security Council Report. “West Africa and the Sahel,” January 2024 Monthly Forecast, Accessed January 18, 2024. <https://www.securitycouncilreport.org/monthly-forecast/2024-01/west-africa-and-the-sahel-11.php>.
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CHAPTER 2

Nationalization of Private Schools in 1970s Impacts Human Rights, the Rule of Law, and Political Freedom in Contemporary Nigeria

By Feyisade Charles Adeyemi, PhD
Chale Institute, NIGERIA

Introduction

In 1966, Nigeria had two military coups in quick succession, led by soldiers who had “good intentions,” but Nigeria is yet to heal from the harm they nevertheless caused.¹ A religious pogrom and a civil war followed the two coups.² After the war, the military government initiated a series of policies to limit foreign participation in national affairs.³ These policies targeted, among others, missionaries, who were accused of providing aid to people in eastern Nigeria during the war.⁴ Consequently, thousands of missionary schools became government schools by fiat. The government then watched the schools deteriorate over subsequent decades. Nigeria’s education system seems unlikely to fully recover until the missionary schools are returned and the missions are compensated or supported with grants to restore the schools to their original standing.⁵ Meanwhile, the nationalization policy continues to harm the rule of law, human rights, and political freedom.

History of Education in Nigeria

While Quranic education and indigenous forms of education, such as the study of Ifa, predate Western contact, the formal education system, as practiced in Nigeria today, was first introduced and popularized by Christian missionaries, some of whom were indigenous.⁶ The first Christian mission in Nigeria was the Wesleyan Methodist Mis-

1 Adewale Ademoyega, *Why We Struck: The Story of the First Nigerian Coup* (Evans Brothers, 1981).

2 Françoise Ugochukwu, “The Nigerian Civil War and Its Media: Groping for Clues.” *Media, War and Conflict* 3, no. 2 (2010): 182-201.

3 Nicolas Van de Walle, *African Economies and the Politics of Permanent Crisis, 1979-1999* (Cambridge University Press, 2001)

4 Jacinta C. Nwaka, “Reactions of the Governments of Nigeria and Biafra to the Role of the Catholic Church in the Nigeria-Biafra War,” *War and Society* 34, no. 1 (2015): 65-83.

5 Vincent Ujumadu, “Obi Hands Over 1,040 Schools to Original Owners” *Vanguard News* (2011): <https://www.vanguardngr.com/2011/11/obi-hands-over-1040-schools-to-original-owners/>.

6 Adetunbi Richard Ogunleye, “IFA: An Epistle to the Indigenous Yoruba Worshipers in Nigeria,” *Journal of African Interdisciplinary Studies* 3(1) (2019): 19-27.

sionary Society, established in 1842, before the first British Colony in Nigeria; the Colony of Lagos was established in 1861.⁷ From the outset, Christian missionaries set out to establish schools. Thus, the Methodist Society established the first publicly available primary school in Nigeria in Badagry, in 1842, led by Rev. Thomas Birch Freeman. At the time, there was no colonial government yet. Three centuries earlier, Catholic missionaries had set up a school at the Oba's palace in Benin, back in 1515, teaching sons of the Oba and his chiefs.⁸ However, this initial Catholic mission was an isolated, short-lived palace affair.

Immediately following the Wesleyan Methodists came three missionaries from the Church Missionary Society (CMS) in 1843; among them was the famous indigenous missionary Bishop Ajayi Crowther, the first African Bishop of the Anglican Church. The CMS built a primary school in Abeokuta in 1846, a teachers' training college in 1849 and a secondary school in 1859.⁹ Thomas Jefferson Bowen of the Southern Baptist Convention established the first school in Ijaiye in 1853.¹⁰ At this time, there was still no colonial government, not even in Lagos. The colonial government started much later with the Lagos colony, in 1861. By 1868, Catholic mission schools operated in Onitsha. Hope Waddell Institute offered vocational studies in Calabar by 1896, and the Methodists had built schools in Oron and Ovim by 1894. Thus the missionaries provided education for free or at highly subsidized rates.¹¹

The colonial authorities initially saw education as a threat to colonialism, but the huge costs involved made it difficult for the colonial authorities to provide education services at the time, since effective colonization was not yet accomplished.¹² Therefore, the missionaries preceded the government not only in providing education services but also in providing healthcare and social services. Eventually, the colonial government built its first secondary school in 1909, fifty years after the CMS grammar school.¹³ By 1942, 97 percent of students in Nigeria were enrolled in missionary schools.¹⁴ At this time, though they had begun investing in education, the colonial government was more concerned with the exploitation of natural resources than with the education of locals.¹⁵

One year after independence, in 1961, 80 percent of the 16,412 schools in Nigeria were missionary schools.¹⁶ Missionaries dominated the space, in what was later criticized as a missionary "monopoly" on education.¹⁷ This alleged "monopoly" however, had a lot of competition, amongst and between the various missionary societies and, in addition, it did not stop the government or any other party from initiating their own school projects. In fact, by 1964, villages and clan improvement unions had established thirty-eight schools in eastern Nigeria alone. Among them were Ibibio State College and Okrika Grammar School, both founded in 1946.¹⁸

7 Segun Adesina, "Christian Missions versus State Governments in Nigeria: The Battle for the Nation's Schools." *Religious Education* 68, no. 4 (1973): 483-496.

8 A. Babs Fafunwa, *History of Education in Nigeria* (Routledge, 2018).

9 Adesina, "Christian Missions versus State."

10 Lawrence E. Amadi, "Church-State Involvement in Educational Development in Nigeria, 1842-1948." *Journal of Church and State* 19 (1977): 481.

11 Miracle Ajah, "Religious Education and Nation-building in Nigeria," *Stellenbosch Theological Journal* 1, no. 2 (2015): 263-282

12 Adesina, "Christian Missions versus State."

13 Adesina, "Christian Missions versus State."

14 Edward H. Berman, "African Responses to Christian Mission Education." *African Studies Review* 17, no. 3 (1974): 527-540.

15 Immaculata Nnenna Enwo-Irem, "Colonialism and Education: The Challenges for Sustainable Development in Nigeria," *Mediterranean Journal of Social Sciences* 4, no. 5 (2013): 163-168.

16 Adesina, "Christian Missions versus State."

17 Amadi, "Church-State Involvement."

18 S. O. Igwe, "Community Financing of Schools in Eastern Nigeria," In *Community Financing of Education* (Perгамon, 1988): 105-116.

This practice of local community school initiatives started much earlier in western Nigeria, where, for instance, the Ondo High School was founded in 1919 by the local community. Typically, the locals raised funds, allocated land, and sought teachers, including missionaries who were paid for their services by the communities. Such local community schools were not attached to any particular church or mission, since they were not missionary schools. They were local community schools and usually reflected the names of their communities.¹⁹ Just like the mission schools, the community schools were founded, funded, and administered privately with little involvement of the government until 1970. It is therefore clear that if the missionaries dominated education, it was a natural development, devoid of any form of coercion or suppression of competition. Instead, it flourished amidst collaboration and voluntary cooperation. On the other hand, the mission school movement met its stiffest resistance in its attempts to build schools in the northern parts of the country where Islam and Quranic education were already predominant.²⁰ According to Fafunwa, there were only two mission stations established in the north before 1900: one by Bishop Ajayi Crowther in Gbede in 1857, the other by Dr. Baikie of the CMS at Lokoja in 1865.²¹

Government Intervention under Colonial Rule and the Evolution of Nationalism

As the schools were typically founded by a church or community, using voluntary donations from the community members or the corresponding church abroad, the administration and management followed a similar pattern. This was especially so in the first few decades when the colonial government showed no interest in education. However, as the need arose for literate locals who could take clerical positions in the colonial government, the government began to support the activities of churches with grant funding, in return for a supply of literate locals who could take on clerical duties in the local colonial administration. The first such grant funding went to the top three missions in 1872, which were the CMS, the Wesleyan Methodists, and the Catholic Missions.²² This also marked the beginning of government intervention in the curriculum and development of the mission schools.

In 1902, Sir Ralph Moor, acting high commissioner, wrote about the Niger Coast Protectorate, saying:

[I]t must be borne in mind that there has never been any government control over the schools in the Protectorate heretofore, and the appointment of the inspector of schools which took effect in December [1901] is the first effort in this direction.²³

The first education ordinance for southern Nigeria was promulgated in 1903, establishing a department of education with a director to promote uniformity in the educational programs offered by the missionaries. A similar ordinance was later passed for northern Nigeria in 1910.²⁴

19 Igwe, "Community Financing."

20 Emmanuel A. Ayandele, "The Missionary Factor in Northern Nigeria, 1870-1918," *Journal of the Historical Society of Nigeria* 3, no. 3 (1966): 503-522.

21 Fafunwa, *History of Education in Nigeria*, 2018.

22 Folasade R. Sulaiman, "Internationalization in Education: The British Colonial Policies on Education in Nigeria 1882-1926," *Journal of Sociological Research* 3, no. 2 (2012): 84-10.

23 Moor to Secretary of State, 27 May 1902, 1/13 no. 232, Chief Secretary's Office, London, as quoted by Afigbo, "Background to the Southern Nigerian Education Code of 1903," p. 197. In 1894, Sir Ralph Moor took an interest in the attempt of the Baptist Mission at Ibeno to establish an industrial school. He made a grant of eight pounds per year for each boy who was duly apprenticed to learn some trade for three years.

24 Amadi, "Church-State Involvement."

Thus, the colonial government began to regulate education in Nigeria while providing aid via grants to the schools which continued to be mostly missionary- and community-owned.

Meanwhile, on October 1, 1873, without the knowledge of European missionaries, 108 indigenous missionaries, clerical agents, and prominent laymen met in Lagos to form the first supra-tribal organization in Nigeria, with the political aim of independence for the nation. The organization was called the “Society for the Promotion of Religion and Education in Lagos.” This meeting laid the earliest foundation for the later independence of Nigeria on October 1, 1960.²⁵ Through the activity of the missionaries, a new literate elite emerged, and with that, nationalist urges began to develop, nurtured by indigenous missionaries and culminating in the eventual independence of Nigeria. Many founding fathers who fought for Nigeria’s independence attended mission schools. Chief Obafemi Awolowo attended Baptist Boys High School, Abeokuta, and Wesley College, Ibadan. Nnamdi Azikwe attended Holy Trinity School, Christ Church School, Wesleyan Boys High School, and Hope Waddell Training College.

However, having been educated by the missionaries and having come to power after independence, some of the new political leaders of the country began to discuss the idea of taking over missionary schools, based on socialist ideals in the south and concerns about the spread of Christianity in the north. This idea was however never strong enough to lead to an actual takeover of the missionary schools until a civil war broke out and the missionaries were accused of siding with secessionists.²⁶

Military Intervention, War, and the Nationalization of Schools

As of 1961, one year after independence from Britain, there were 16,412 schools in Nigeria out of which 13,076 were mission schools.²⁷ In 1966, Nigeria had its first military coup that ended the first republic, followed by a retaliatory military coup, and things quickly degenerated into a civil war in which the southeastern part of the country wanted to secede and form a new country called Biafra.

During the Biafran War, which lasted from 1967 to 1970, many women and children found refuge in missionary schools. The church missions in southeastern Nigeria sought help from their counterparts from all over the world. Help came in the form of food aid, medication, and so on. Seeing this as foreign intervention in the civil war, the Nigerian military government moved against the missionaries and other foreigners in Nigeria.²⁸ What started as the expulsion of missionaries from eastern Nigeria, through the Eastern Central States Public Education Edict of 1970, soon became part of the Second National Development Plan of 1970, which finally crystalized into the Indigenization Policy of 1972.

This meant that thousands of schools hitherto held privately by missionaries and communities were transferred to the government. Critics pointed out that this was being done to punish churches for helping the Biafrans during the war.²⁹

This takeover was suddenly announced and took immediate effect without prior notice or negotiations with the churches or communities. Many foreigners who worked as administrators or teachers in these schools were simultaneously relieved of their duties and forced to leave

25 Kanayo Nwadiakor, “Christian Missionary Enterprise and the Background to Nationalism in Nigeria, 1870-1960.” Igwebuik: *African Journal of Arts and Humanities* 1, no. 1 (2015).

26 Adesina, “Christian Missions versus State.”

27 Adesina, “Christian Missions versus State.”

28 Austin Ahanotu, “The Nigerian Military and the Issue of State Control of Mission Schools.” *Church History* 52.3 (1983): 333-344.

29 Ahanotu, “The Nigerian Military.”

the country. This created a competence gap and started the decline in the quality of education in Nigeria. This takeover meant that the government suddenly tasked itself with the management of school properties scattered all over the country. It is no surprise that after the takeover, school facilities began to deteriorate rapidly. Half a century later, most of the schools that were so forcefully taken over by the military government have fallen into disrepair.³⁰

It is important to note that the drive towards nationalization was not unique to Nigeria. It was a global movement amongst former British colonies. In Nigeria, the takeover of schools by the military happened against the backdrop of a perceived foreign intervention in the civil war that had just ended. However, the official reasons stated for the takeover of schools had to do with reducing colonial influence, reducing proselytization of Christianity, as well as fostering unity and nation-building by integrating divergent systems of education offered by the various private schools.

The Return of Mission Schools in Some States

Since the return to democracy in 1999, some of the state governments in Nigeria have begun experimenting with the return of some of the schools within their domains to the missionaries. Anambra State has since become the poster state for the return of missionary schools, having “returned” all 1,040 missionary schools in the state to their original creators.³¹ However, this return is more of a symbolic gesture as the state retains property rights and continues to take responsibility for staff recruitment and payment of salaries. The churches were, however, positioned to play significant roles in management, bringing about checks and balances, greater accountability, and discipline as well as complementing government efforts in fundraising and the development of school infrastructures.

Concerning why the schools had to be returned, Governor Peter Obi of Anambra State stated:

The collapse of education in the state is directly connected with the takeover of schools owned by the missionaries, churches and voluntary organizations in 1970. That singular exercise signaled the disappearance of morality and the building of character from our school system. This can no longer be allowed.³²

However, on the new status of the “returned” Anambra missionary schools, Governor Obi also explained that

[w]e are not abandoning these schools, in the name of handing them over, because the State Government will continue to pay the salaries of all their academic and non-academic staff; while the Missions will be in charge of the day-to-day running and general administration of the schools.³³

Thus the return of schools typically happens via a memorandum of understanding between the original missionary owners and the state governments, without repealing the extant laws by which the schools were taken over in the first place.

However, the Anambra experiment has been most successful with Anambra State going from one of the worst states in education performance in Nigeria to becoming the best within a few years.³⁴ This, however, is not due to the “return” of missionary schools alone. The state government spent billions upgrading facilities, with the churches as management partners.³⁵

30 Ajah, “Religious Education.”

31 Ajah, “Religious Education.”

32 Ujumadu, “Obi Hands Over 1,040 Schools.”

33 Ujumadu, “Obi Hands Over 1,040 Schools.”

34 Eze Chidinma, “2014 WASSCE: Statistics Show States with the Highest Percentage Pass, Possible Cause of Mass Failure,” *Daily Post News* (2014).

35 Ujumadu, “Obi Hands Over 1,040 Schools.”

The Nexus between Nationalization and the State of Human Rights in Nigeria

One of the most important factors in the defense of human rights anywhere in the world is the awareness of rights and the willingness to stand up for them. People cannot stand up for rights that they are unaware they possess or that they have been conditioned to believe they do not possess. The experience of nationalization of private schools in Nigeria suggests significant limitations on the rights of the people.

Shortly after the takeover of schools between 1970 and 1972, there were reports of turmoil amongst students (1977-78) with students dying at the hands of law enforcement officers, which was hitherto unheard of in Nigeria. The churches alleged that this was a result of a lack of discipline and moral tutelage since the schools were taken away from the missionaries. The Alake (king) of Egbaland, Oba Oyebade Lipede, and other traditional rulers, agreed and urged a return of the schools to the churches, saying that the lawlessness in the schools had resulted from the lack of moral teaching and no fear of God in the minds of the students, so that the government responded by posting military personnel to the schools.³⁶

Schools and teachers are very important for human rights education. Therefore, human rights education is fundamentally undermined in an education system where human rights violations have been normalized through the nationalization of private schools, paving the way for other human rights abuses. After colonization, the nationalization policy of the 1970s represents the single biggest property rights violation in Nigeria. Since there has not been any official collective rescinding of this policy, the precedent remains, and its effects impact the people to this day.

Similarly, the rights and freedoms of students to study under or learn from whomever they choose were forcefully denied through the nationalization policy, as foreign nationals who were teachers in Nigeria were dismissed and sent back to their countries. Replacing those teachers with local teachers, who may not have been fully prepared at the time, led to a drop in the quality of education as those were still early years of Western education in Nigeria, and the country did not have enough local expertise in many subject areas at the time. Since education has a positive impact on the rule of law and political freedom, the drop in education quality further complicated the development trajectory of the country.³⁷

Conclusion

At a time when several African countries are again under military rule, the history of nationalization by the military in Nigeria is full of lessons for those countries. The nationalization policy introduced Nigerians to a disabling environment where they are coerced and oppressed, and there was nothing they could do about it other than accept it feebly. Since it effectively hampered the education system, even half a century later the people have neither fully recovered from its effects (despite twenty-five years of democratic rule) nor has the policy been fully reversed. However, the experience of Anambra State suggests that the reversal of the nationalization policy and return of the mission schools remain a key factor in raising the standard of education and improving conditions for the rule of law, human rights, and political freedoms in the country.

³⁶ Ahanotu, "The Nigerian Military."

³⁷ Heiner Rindermann, "Relevance of Education and Intelligence for the Political Development of Nations: Democracy, Rule of Law and Political Liberty," *Intelligence* 36, no. 4 (2008): 306-322.

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CHAPTER 3

Democratic Resilience in Nigeria: Transparency, Quality Service Delivery, and Consequence Management

By **Iniobong Usen**, BS, MS
BudgIT, NIGERIA

Introduction

Following years of colonial rule led by Britain, France, Portugal, Spain, Germany, Italy, and Belgium, authoritarian and military regimes ruled several countries across the African continent between 1960 and 1990. These regimes, rather than building the much-needed infrastructure to drive economic growth and development, created the foundation for state capture, developed rentier economies, squandered windfalls from high commodity prices, and committed human rights abuses, which precipitated a dangerous spiral of political violence.¹

Nigeria, Africa's most populous country, gained its independence in 1960 after about 110 years of colonial rule (1850-1960).² It had its first president, Nnamdi Azikiwe, in 1963, who served for three years before being overthrown by a military coup in 1966. After that, Nigeria fought a three-year civil war (1967-1970) and had four military heads of state who ruled for the next ten years. The country returned to democracy in 1979 for four years, which was thwarted by another coup. Nigeria experienced military dictatorship for another ten years (1983-1993), before the military took back power, which an interim national government assumed for eighty-three days. Nigeria returned to democracy in 1999 and has sustained its democracy to date.

High levels of corruption, underdevelopment, heightened socio-economic inequality, and extreme poverty have characterized both military regimes and democratic rule. Although Nigeria's democracy has remained stable since it returned in 1999, factors exist that advance democratic backsliding and threaten the long-term sustainability of its hard-fought democracy. It is important to examine those inherent factors and proffer solutions to enhance the country's capacity to sustain its democracy.

1 Nic Cheeseman, "Endless Coups: The Terrible Record of Military Rule in Africa." *The Africa Report*, October 5, 2023. <https://www.theafricareport.com/323955/the-terrible-record-of-military-rule-in-africa/>.

2 "The Colonial Era (1882-1960)." *Religion and Public Life*. Harvard Divinity School, Accessed May 15, 2024. <https://rpl.hds.harvard.edu/religion-context/country-profiles/nigeria/colonial-era-1882-1960>.

Root Causes of Democratic Backsliding

Democratic backsliding is the “state-led debilitation or elimination of the political institutions sustaining an existing democracy.”³ It embodies how democratically elected leaders erode the system of checks and balances, impede political, social, economic, and civil rights, and undermine the integrity of the democratic process and electoral system. Internal and external factors have triggered democratic backsliding in many African countries. The internal factors include poverty, socio-economic inequality, unemployment, grand corruption, insecurity, political marginalization, electoral fraud, weak institutions, constitutional coups, lack of access to legal justice, lack of transparency in the use of public funds, poor service delivery, poor human capital development indices, and poor consequence management. Climate change, global pandemics (e.g., Ebola and COVID-19), and the tussle for political and socio-economic dominance by the West, Russia, and China are external factors contributing to the fast pace of democratic backsliding in Africa.

Poverty, Socio-Economic Inequality, and Unemployment

According to the World Poverty Clock, 31 percent (70.93 million people) of the Nigerian population (225.73 million people) live in extreme poverty, 49 percent of which are women and 89 percent of which live in rural areas.⁴ The Multidimensional Poverty Index (MPI) Survey conducted in Nigeria revealed that approximately 133 million people were multi-dimensionally poor as of 2022. Some 62.78 million out of 100 million Nigerian children under age eighteen are multidimensionally poor.⁵ Worse, 83.5 percent of children under the age of five in Nigeria have been adjudged to be multidimensionally poor. Going by the recent labor force statistics figure for the third quarter of 2023, Nigeria’s unemployment rate stood at 5 percent, youth unemployment at 8.6 percent, and labor underutilization at 17 percent.⁶

Empirically, poverty, socioeconomic inequality, and unemployment have been proven to be significant drivers of violent conflict, social unrest, and other forms of criminality. According to the UNDP, “societies characterised by high levels of poverty, inequality and unemployment serve as breeding grounds for rebels and radicalised groups.”⁷ The intensity of violence has been discovered to be higher in rural areas, where there is usually a high incidence of poverty. The Institute for Security Studies estimates the existence of thirty thousand bandits in Nigeria, most of whom were recruited from poor, underserved, and marginalized communities in northern Nigeria.⁸ More worrisome, women—who suffer the most extreme form of economic, social, and political deprivation—have been co-opted into arms smuggling and gunrunning in northern Nigeria. Poverty levels, accompanied by a significant number of out-of-school children,

3 Stephan Haggard and Robert Kaufman, *Backsliding: Democratic Regress in the Contemporary World of Elements in Political Economy* (Cambridge University Press, 2021).

4 “World Poverty Clock.” World Data Lab, Accessed May 15, 2024. <https://worldpoverty.io/>.

5 NBS Nigeria. 2022. *Nigeria Multidimensional Poverty Index* (2022). FCT, National Bureau of Statistics. https://ophi.org.uk/sites/default/files/2024-05/Nigeria_MPI_2022_report.pdf.

6 NBS Nigeria. 2023. *Nigeria Labour Force Statistics Report Q3 2023*. FCT, National Bureau of Statistics. <https://nigerianstat.gov.ng/download/1241455>

7 Ayodele Oduola, et al., “Income Inequality Trends in Sub-Saharan Africa: Divergence, Determinants and Consequences.” *United Nations Development Programme*, accessed May 17, 2024.

8 Sadiq, Mahmud M., and Oluwale Ojewale. “Why Nigeria’s Bandits Are Recruiting Women for Gunrunning.” *Institute for Security Studies*, August 14, 2023. <https://issafrica.org/iss-today/why-nigerias-bandits-are-recruiting-women-for-gunrunning>.

are highest in the northern part of Nigeria. The out-of-school children and a large population of unemployed and underemployed youth have formed the recruitment pool of violent extremist groups in the region. Those violent extremist groups, in turn, establish ungoverned spaces by perpetrating mayhem and extreme violence.

Grand Corruption

Corruption is an “anti-social behavior conferring improper benefits contrary to legal and moral norms, and which undermines the authorities’ capacity to secure the welfare of all citizens.”⁹ Transparency International views corruption as the abuse of vested power for personal gain. It asserts that corruption undermines democracy, erodes public trust, impedes economic development, and entrenches poverty and inequality.¹⁰ According to a former World Bank vice president, Dr. Oby Ezekwesili, Nigeria lost \$400 billion to corruption between 1960 and 1999.¹¹ The mismanagement of Nigeria’s oil wealth and relative underdevelopment of the resource-rich communities in Nigeria’s Niger Delta region resulted in militancy and youth restiveness in the region. These precipitated kidnapping, vandalization of oil assets, and communal violence, leading to periodic breakdown of law and order in some parts of the region.

Corruption manifests in three ways, namely, endemic corruption (which compromises the ability to govern, erodes trust, and exacerbates inequality and poverty), state capture (which consolidates power in the hands of elites and enables discretionary and abusive control of instruments of the state), and strategic corruption (which funds conflicts, contributes to polarization, and emboldens populists, authoritarian, and extremist violent groups).¹² To the drivers of the coup in the Sahel, the United States Institute of Peace ascribes economic mismanagement, corruption, poverty, violent extremism, and weak grievance redress mechanisms.¹³

Political Marginalization

Nigeria is a multicultural and multiethnic country with over five hundred languages and three hundred ethnic groups—three of which are major ethnic groups, namely Igbo, Yoruba, and Hausa.¹⁴ Since Nigeria gained independence in 1960, the first president and first head of state of Nigeria were of Igbo extraction. However, since 1966, when the first head of state of Nigeria, Aguyi Ironsi, was assassinated, no other person of Igbo extraction has become president or head of state.

The Nigerian political system adopted the principle of zoning and power rotation after the end of the civil war in January 1970 to engender inclusion and social cohesion. Section 14(3) of the 1999 Constitution of the Federal Republic of Nigeria mandates that the government apply federal character principle (equitable representation of different

9 S. O. Osoba, “Corruption in Nigeria: Historical Perspectives,” *Review of African Political Economy*, 23, no. 69 (Sept. 1996), <https://www.jstor.org/stable/4006378>.

10 “What Is Corruption?” *Transparency International*, accessed May 14, 2024. <https://www.transparency.org/en/what-is-corruption>.

11 Ikechukwu Nnochiri, “Nigeria Loses \$400bn to Oil Thieves - Ezekwesili.” *Vanguard*, August 28, 2012. <https://www.transparency.org/en/what-is-corruption>.

12 Claudia B. Camargo, and Saba Kassa, “How (Strategic) Corruption Fuels Insecurity by Affecting Power.” *Basel Institute on Governance*, February 13, 2024. <https://baselgovernance.org/blog/how-strategic-corruption-fuels-insecurity-affecting-power>.

13 “Why All the Coups?” *United States Institute of Peace*, accessed June 19, 2024. <https://www.usip.org/whyallthecoups>.

14 Mark A. Green, “Nigeria Has More Than 500 Languages, 300 Ethnic Groups . . . And Critically Important Elections.” *Wilson Centre*, February 21, 2023. <https://www.wilsoncenter.org/blog-post/nigeria-has-more-500-languages-300-ethnic-groups-and-critically-important-elections>.

groups in all tiers of government)¹⁵ and ensure national unity in all its doings.¹⁶ Furthermore, zoning and power rotation, which aligns with the ideals of affirmative action, was adopted to address the prevalence of marginalization, hegemonies, and perpetual domination of one region over other regions that make up Nigeria.¹⁷ The concept of affirmative action isn't peculiar to Nigeria as several countries across the world with diverse populations institute arrangements to foster equitable representation and equal access to opportunities for all, especially marginalized groups and disadvantaged communities.¹⁸

The exclusion of the Igbo ethnic group from the zoning and power rotation arrangement has fueled secessionist tendencies in the southeastern part of Nigeria—the home base of the Igbos. There have been agitations by violent and non-violent groups of Igbo extraction for a referendum and the creation of a Biafran¹⁹ state. In defiance of the sovereignty of the federal government of Nigeria, the violent groups inflict occasional mayhem on the people of the southeast and law enforcement. The group mentioned above instituted a stay-at-home order that is effective every Monday of the week, which has been enforced for a few years in the southeastern states, that threatens the constitutionally guaranteed freedoms of people.²⁰

Electoral Fraud, Weak Institutions, and Constitutional Coups

Many African leaders, who assumed power mainly through the democratic process, have perpetuated themselves in power through electoral fraud, fraudulent constitutional amendments, abuse of state institutions, and suppression of opposition and civil society.²¹ Electoral fraud, which is the illegal interference with an election process, manifests in various forms, including voter suppression, underage voting, inducement of electoral officers, ballot box stuffing, inflation of votes in favor of one candidate and deflation of votes of other candidates, wrong declaration of results, wrong cancellation of election results, etc.²²

In Nigeria, President Olusegun Obasanjo—who was a military head of state (1976–1979) and a democratically elected president (1999–2006)—allegedly attempted to amend the constitution to allow himself a third term in office after he had completed his constitutionally allowed two terms in office.²³ Having failed in his attempt to secure a third

15 The federal character principle is a doctrine introduced by the Nigerian government to ensure equitable representation, promote inclusion, and give a sense of belonging and balance in the Nigerian polity.

16 “The Constitution of the Federal Republic of Nigeria 1999: Updated with the 1st, 2nd, 3rd Alterations (2010), 4th Alteration (2017) and 5th Alteration (2023).” Policy and Legal Advocacy Centre (PLAC). National Assembly of Nigeria, accessed June 11, 2024. <https://faolex.fao.org/docs/pdf/nig164561.pdf>.

17 Olayemi E. Oladele, “An Assessment of Rotational Presidency as a Mechanism for Political Stability in Nigeria’s Fourth Republic.” Master’s Thesis (University of KwaZulu-Natal, Pietermaritzburg, 2018).

18 “Understanding Federal Character Principle in Nigeria.” Stears, April 10, 2023.

<https://www.stears.co/article/understanding-federal-character-principle-in-nigeria>.

19 Biafra is a secessionist western African state that unilaterally declared its independence from Nigeria in May 1967, which led to the start of the Nigerian Civil War.

20 Samuel Akpan, “Empty Streets, Markets as Residents Comply with IPOB’S Sit-at-home Order in South-east.” *The Cable News*, May 30, 2024.

<https://www.thecable.ng/empty-streets-markets-as-residents-comply-with-ipobs-sit-at-home-order-in-south-east/>.

21 Reuben Twinomujuni and Hannah Muzee, “Explaining the Reasons for Recent Military Coups in Africa.”

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<https://theloop.ecpr.eu/explaining-the-reasons-for-recent-military-coups-in-africa>.

22 Ugwuwa U. Donald, et al., “Electoral Fraud as a Major Challenge to Political Development in Nigeria.” *African Journal of Politics and Administrative Studies (AJPAS)* 13, no. 2 (2020).

<https://www.ajol.info/index.php/ajpas/article/view/256403/242199>.

23 Bakare Majeed, “How We Aborted Obasanjo’s ‘Third Term’ Agenda - Ken Nnamani.” *The Premium Times*, October 22, 2021. <https://www.premiumtimesng.com/news/top-news/491052-how-we-aborted-obasanjos-third-term-agenda-ken-nnamani.html?tztc=1>.

term, Nigeria witnessed one of the most flawed elections that ushered in his successor, so much so that the beneficiary of the election, President Umaru Musa Yaradua, publicly admitted to the defectiveness of the elections that brought him power.²⁴

There are other examples of sitting presidents attempting to or succeeding in amending their country's constitution to elongate their tenure beyond the period allowed. Former President Macky Sall of Senegal attempted to extend his tenure beyond the constitutionally allowed limit by postponing the presidential election by ten months. He succeeded in influencing the Senegalese parliament to move the election from February 2024 to December 2024. The extension of the election was accompanied by an internet blockade, an arrest and disqualification of the major opposition candidate, and suppression of protests.²⁵

In 2019, Togo amended its constitution to cap the presidential term to two five-year terms but allowed the president to extend his tenure beyond the three terms already served by him after succeeding his father.²⁶ Fast forward to 2024, the parliament amended the constitution days before the proposed presidential election to switch from a presidential system to a parliamentary one. This was allegedly done to remove any term limit and perpetuate the president in power indefinitely.²⁷

Climate Change and Pandemics

Climate change has enhanced the existing ethno-religious fault lines that historically have pervaded the Nigerian state. Owing to climate change-induced drought, fast-growing population, changes in land use, and growing social inequalities—to mention but a few—farmer-herder clashes in west and central Africa have been on the rise over the last decade with geographic concentrations in Nigeria, Chad, Mali, and Burkina Faso.²⁸

The primary driver of farmer-herder clashes in Nigeria has been the migration of pastoralists from grazing routes up north to farming settlements further down south. The search for pasture and water for their cattle has led pastoralists to invade people's farms and communities, resulting in massive loss of lives and livelihoods in affected communities, destruction of community infrastructure, the proliferation of small arms, and displacement of people causing the proliferation of internally displaced peoples camps and food insecurity.²⁹

According to *Think Global Health*, the COVID-19 pandemic that ravaged economies across the world triggered a fifteen-year decline in global democracy as governments the world over enforced lockdown measures using inhumane and violent measures, restricting internet access, clamping down on freedom of speech and association, and instituting states of emergencies that negated the rule of law and enhanced executive arbitrariness.³⁰

24 Taiwo Ojoye, "Revisiting Cases of Electoral Fraud." *The Punch*, August 29, 2016. <https://punchng.com/revisiting-cases-electoral-fraud/>.

25 Chiamaka Okafor, "Senegal's Parliament Controversially Extends Macky Sall's Tenure, Announces Election Date." *The Premium Times*, February 6, 2024. <https://www.premiumtimesng.com/news/top-news/665885-updated-senegals-parliament-controversially-extends-macky-salls-tenure-announces-election-date.html>.

26 "Togo Changes Law to Let President Stand for Two More Terms." *Aljazeera*, May 9, 2019. <https://www.aljazeera.com/news/2019/5/9/togo-changes-law-to-let-president-stand-for-two-more-terms>.

27 AFP, "Togo Parliament Approves Contested Constitutional Reform Days before Elections." *Le Monde* (Paris), April 19, 2024. https://www.lemonde.fr/en/le-monde-africa/article/2024/04/19/togo-parliament-approves-contested-constitutional-reform-days-before-elections_6668949_124.html.

28 Leif Brottem, "The Growing Complexity of Farmer-Herder Conflict in West and Central Africa." *Africa Security Brief*, no. 39 (2021). <https://africacenter.org/publication/growing-complexity-farmer-herder-conflict-west-central-africa/>.

29 "Transitioning from Humanitarian Relief to Long-Term Development: Addressing the Herdsmen-Farmers Conflict in Nigeria." United Nations Trust Fund for Human Security, accessed May 21, 2024. <https://www.un.org/humansecurity/hsprogramme/herders-farmers-conflict/>.

30 Amy Slipowitz, "The Devastating Impact of COVID-19 on Democracy." *Think Global Health*, September 7, 2021.

The Global Peace Index asserts that the COVID-19 pandemic increased global civil unrest by 10 percent and prompted a rise in the militarization of many societies across the globe. It further stated that 14,871 violent demonstrations, protests, and riots were recorded across the world in 2020.³¹ A month after the six-month COVID-19-induced lockdown was lifted, a protest that spread across many cities, #EndSars, began in Nigeria. The protest was sparked by constant police harassment and brutality. Amidst the widespread protest, several government-owned warehouses and private businesses across Nigeria were raided and looted.³² A few days after the demonstrations became very violent, leading to the destruction of public and private assets, the Nigerian government clamped down harshly on protesters, and people were recorded to have lost their lives in the process.

Role of Transparency and Inclusiveness in Sustaining a Democracy

Access to and freedom of information are essential to any thriving democracy as they aid citizens in making informed political choices, participating in governance, and holding governments to account. Transparency empowers citizens and other accountability actors, including the media and civil society, to assess government performance vis-a-vis its political commitments and promises, and prevents the abuse of power.

Nigeria has enacted several “sunshine” laws³³ and implemented some “sunshine” policies to increase public access to information. Nigeria passed the Freedom of Information Act in 2011 to ensure access to public records and information by the public and mandate the public disclosure of public records and information. The Fiscal Responsibility Act of 2007 was also enacted to ensure fiscal transparency, discipline, and accountability. Section 23 (1) of the Fiscal Responsibility Act mandates that all government corporations publish their audited financial reports not later than three months after the end of the fiscal year.³⁴ Similarly, Nigeria enacted a Public Procurement Law in 2007 to ensure transparency, openness, cost-effectiveness, value for money, and competitiveness in public procurement.

One driver of democratic backsliding, corruption, has been empirically proven to thrive in the dark. The United Nations Office on Drugs and Crime (UNODC) claims that transparency reduces the likelihood of corruption occurring, acts as a solid deterrent to corruption, and facilitates citizens’ participation in the formulation of policies and how public funds are raised and spent.³⁵ Improved access to information by the public has strengthened citizens’ agency to demand better governance. Hitherto, government budgets, budget implementation reports, audited financial statements, and audit reports were hidden from the public, which led to gross mismanagement of public funds and corruption. However, recent reforms focusing on transparency have put public fi-

<https://www.thinkglobalhealth.org/article/devastating-impact-covid-19-democracy>.

31 “World Less Peaceful as Civil Unrest and Political Instability Increases Due to COVID-19,” *Vision of Humanity*. Global Peace Index, accessed May 23, 2024. <https://www.visionofhumanity.org/world-less-peaceful-as-civil-unrest-and-political-instability-increases-due-to-covid-19-pandemic/>

32 Timothy Obiezu, “Nigerians Justify Massive Looting of COVID-19 Supplies.” *Voice of America News*, October 27, 2020. https://www.voanews.com/a/covid-19-pandemic_nigerians-justify-massive-looting-covid-19-supplies/6197611.html.

33 Sunshine legislations are regulations that mandate governments be open about their dealings.

34 “Fiscal Responsibility Act, 2007,” *Fiscal Responsibility Commission*. The National Assembly, December 31, 2007. <https://fiscalresponsibility.ng/wp-content/uploads/2021/05/Fiscal-Responsibility-Act-2007.docx>.

35 “Module 6: Detecting and Investigating Corruption,” *United Nations Office on Drugs and Crime*, accessed October 15, 2024. https://grace.unodc.org/grace/uploads/documents/academics/Anti-Corruption_Module_6_Detecting_and_Investigating_Corruption.pdf.

nancial management in the hands of citizens to hold government actors accountable, leading to relative improvement in service delivery and government responsiveness to the needs and preferences of citizens.

On elections, deploying the Bimodal Voter Accreditation System (BVAS) and the Independent Electoral Commission (INEC) Result Viewing Portal in some gubernatorial polls seems to have increased confidence in the election results and reduced post-election violence. However, the 2023 presidential election in Nigeria was tainted by the malfunction of the BVAS and the delay in publishing the election results on the IREV portal. Institutionalizing technology and processes that improve transparency and ensure fairness in the electoral process is a *sine qua non* for sustaining African democracies.

Efficient and effective service delivery as a panacea for economic growth, peace, and political stability

The relationship between democratic governance and economic growth, development, and quality service delivery is bidirectional in the sense that democratic governance is a prerequisite for sustained economic growth, development, and quality service delivery, while economic growth, development, and quality service delivery sustain democracy.³⁶ For a democracy to thrive, a social contract must exist between government and citizens. The social contract articulates the responsibility of citizens to the government, primarily anchored in the payment of taxes, and the responsibility of the government to its citizens, denoted by the provision of public infrastructure, access to quality healthcare, access to quality education, access to economic opportunities, etc. When service delivery falls short, it threatens the fragility of a state.³⁷

Nigeria, like several countries on the African continent, has below-par human capital development indices. With 10.2 million children out of school at the primary level and 8.1 million children out of school at the junior secondary level, Nigeria accounts for 15 percent of the children out of school globally.³⁸ Worse, the 2022 Multidimensional Poverty Index revealed that 29 percent of school-aged children aged six to fifteen are out of school;³⁹ one in every 174 women dies from childbirth; and one in every eight children born in Nigeria dies before their fifth birthday, primarily due to malaria, diarrhea, and pneumonia.⁴⁰ Nigeria must prioritize public investment to improve the quality and access to education and healthcare and improve its capacity to prevent, detect, and respond to disease outbreaks. Ultimately, the government can only earn taxes from a healthy and educated population that can engage in meaningful, productive economic activities.

The imperative of consequence management in fostering social order and democratic resilience

Democracy thrives when the rule of law is strictly adhered to, regardless of whose ox is gored. Nigeria's consequence management apparatus is relatively weak. The court, hitherto considered the *last hope of the common man*, is now labeled the *lost hope of*

36 Rashida A. Oyoru, et al., "The Impact of Democratic Governance on Service Delivery in Ifelodun Local Government Area of Kwara State, Nigeria." *Nigerian Journal of Political & Administrative Studies* 6, no. 1 (2021). <https://www.bsun.edu.ng/journals/njaps/v6n1/files/10.pdf>

37 OECD, "Service Delivery in Fragile Situations: Key Concepts, Findings, and Lessons." *Journal on Development*, no. 3 (2008). Accessed May 29, 2024. <https://www.oecd.org/dac/conflict-fragility-resilience/docs/40886707.pdf>.

38 "Education Opportunities for Out-of-School Children (OOSC)." UNICEF Nigeria, June 1, 2022. <https://www.unicef.org/nigeria/media/7746/file/UNICEF%20Nigeria%20Cheat%20Sheet%20Out-of-school%20Children.pdf>.

39 NBS Nigeria, *Nigeria Multidimensional Poverty Index*, 2022.

40 "Situation of Women and Children in Nigeria." UNICEF Nigeria, accessed May 24, 2024. <https://www.unicef.org/nigeria/situation-women-and-children-nigeria>.

the common hope, as recent happenings in the Nigerian polity have exposed the challenges and defectiveness of Nigeria's criminal justice system. Despite the existence of a police force and two economic and financial crimes regulatory agencies, the Economic and Financial Crimes Commission (EFCC) and Independent Corrupt Practices Commission (ICPC), Nigeria remains bedeviled by high levels of political, economic, financial, and violent crimes.

Investigating and prosecuting authorities are often induced by perpetrators of crimes to jeopardize investigations and compromise prosecutions. Lawyers rely heavily on technicalities to prolong and disrupt trials. *Ex parte* orders are now traded in court hallways like stocks in the capital markets. Convicted criminals are pardoned by their cronies, friends, and associates who assume political office. The absence of consequences, sanctions, and penalties for wrongdoing or breaking the law emboldens perpetrators to continue breaking the law and encourages others to follow suit. Lack of confidence in the criminal justice system leads people to administer justice themselves, leading to violent crimes, human rights abuses, and the destruction of lives, private property, and public infrastructure. To this end, to sustain Nigeria's relatively fragile democracy, it is imperative that the government reform its justice system and revamp its current consequence management architecture.

Conclusion and Recommendations

Although Nigeria is still a constitutional democracy, the conditions that precipitated successful coups in Niger, Mali, Burkina Faso, Guinea, and Gabon exist in Nigeria. The country is fraught with a high rate of youth unemployment and underemployment, the prevalence of extreme poverty, lack of access to quality education and healthcare, poor public infrastructure, high cost of living, limited economic opportunities, widespread violent crime, high rate of substance abuse, sectional and communal conflicts, terrorists and banditry activities, militancy in the south-south, secessionist crusaders in the south-east, flawed elections, and weak consequences. A sweeping judicial sector reform is required to implement sanctions and penalties against defaulters of the constitution and to establish laws and regulations to foster democratic governance, peace, and prosperity.

There is a need for more stringent enforcement of ethical codes of conduct and disciplinary measures for members of the bar and bench who undermine the integrity of Nigeria's judicial system. Public expenditure should be focused on human capital development and critical infrastructure necessary for economic growth and development, as well as strengthening the social contract between government and citizens. Using practical, efficient, and robust policy instruments, the government, at all levels, must work collaboratively to address the abovementioned problems and salvage Nigeria's fragile democracy.

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CHAPTER 4

Human Rights and the Rule of Law: Political Freedom in Contemporary Africa

By **Olumayowa Okediran**, MHRs, MBA
African Students for Liberty, NIGERIA

Introduction

Africa's political history, particularly its struggle against colonialism, is foundational for understanding the current discourse on human rights and political freedom on the continent. The legacy of independence movements, which prominently featured the rhetoric of human rights, significantly influenced the drafting of post-colonial constitutions. These constitutions, exemplified by those of South Africa, Kenya, Nigeria, and Ghana, enshrined extensive bills of rights, encompassing fundamental freedoms such as expression, association, religion; and rights to life, liberty, and personal security. This essay will first analyze the ideological influence of African central planning and post-colonial constitutions, followed by a discussion on contemporary challenges to political freedom, the role of civil society, and how a liberal framework can foster human rights in Africa.

However, the post-independence period saw a complex interplay between the aspiration for universal human rights and the realities of governance shaped by African central planning, wealth distribution, and other ideologies. Political leaders like Julius Nyerere of Tanzania advocated for a unique blend of central planning that prioritized equality and social justice, sometimes at the expense of individual rights as understood in the Western liberal tradition.

Nyerere's Arusha Declaration, for example, sought to establish a centrally planned society based on principles of self-reliance and social equity, asserting that human rights should transcend national borders and legal frameworks. Nyerere argued that communal living in African societies reflected principles of mutual support and collective responsibility, which he saw as compatible with wealth distribution and central planning. However, this interpretation overlooks the diversity within African traditions and the potential tension between communalism and individual freedoms, especially regarding property rights and personal autonomy. These claims were grounded in a romanticized understanding of traditional African culture, which erroneously presented it as exclusively homogeneous and communalistic.¹

¹ Peter T. Leeson, "Balkanization and Assimilation: Examining the Effects of State-Created Homogeneity." *Review of Social Economy* 65, no. 2 (2007): 141-64. <http://www.jstor.org/stable/29770401>.

Scholarly debates on African human rights practices are split. Some argue that certain governance structures lean towards authoritarianism due to historical and socio-political contexts, while others question whether universal human rights norms can be applied without considering Africa's diverse political and cultural traditions. The African Charter on Human and Peoples' Rights, though comprehensive in listing rights and freedoms, suffers from inconsistent implementation, leading to minimal accountability for human rights violations across the continent.

Contemporary Africa faces significant challenges in aligning its nation-states with their diverse ethnic compositions, necessitating a renewed emphasis on the right to self-determination.² Properly applied, this right can be a powerful tool for resolving political and ethnic conflicts. The political landscape in Africa today is marked by a tension between the adoption of democratic mechanisms, such as free, fair, and regular elections, as well as high political participation, and the persistent absence of liberal practices like accountability and civil liberties. Political elites often secure power through popular mandates but fail to uphold constitutional restraints, leading to the persistence of authoritarian elements within ostensibly democratic systems.

In addressing these challenges, it is essential to explore how liberalism, as a political theory, reveals itself in the African context. From an African viewpoint, liberalism prioritizes respect for human rights, democracy, and individual freedom. African writers such as Wole Soyinka, Ngũgĩ wa Thiong'o, and Chinua Achebe have extensively explored themes of identity, power, and governance, highlighting the complexities and challenges of applying liberalism within the post-colonial African context. These thinkers have critiqued Western concepts of liberalism, arguing that they often overlook the unique socio-political dynamics of African societies. They emphasize the need to balance individual rights with collective obligations, reflecting a more nuanced approach to liberalism that aligns with African cultural and historical realities.³

Despite the formal adoption of democratic policies across much of Africa—evidenced by regular elections and significant political participation—the continent struggles with the practical implementation of liberal principles, particularly accountability and civil liberties.⁴ African political elites frequently utilize democratic mechanisms to gain power, leveraging popularity to secure electoral victories. However, once in office, these leaders often resist implementing constitutional restraints that would limit their authority and ensure greater accountability.⁵

While African democracies adopt democratic systems on paper, the co-existence of authoritarian practices often undermines these efforts. This tension reflects the broader challenge of integrating liberal democratic principles with governance systems that still rely on personal rule and clientelism. These regimes may publicly endorse liberal policies such as freedom of association, expression, and information, yet their practices often undermine these very principles. This disconnect between the theoretical endorsement of liberal values and their practical application has resulted in persistent challenges for African democracies, where the rule of law and protection of individual rights remain inconsistently upheld.⁶

2 George et al., "Bringing Africa In: Promising Directions for Management Research."

3 Michael Schmidt, "Displacement and Expropriation: Chinua Achebe, Ngũgĩ Wa Thiong'o, George Lamming, Wilson Harris, Ben Okri, Wole Soyinka, Nadine Gordimer, Olive Schreiner, Bessie Head, Alice Walker," in Harvard University Press eBooks, 2014, 969–89, <https://doi.org/10.4159/harvard.9780674369054.c43>.

4 Christopher Zambakari, "Interrogating liberal theories of rights," *Interventions* 22, no. 7 (April 21, 2020): 860–78, <https://doi.org/10.1080/1369801X.2020.1753550>.

5 E. Gyimah-Boadi, "Africa's Waning Democratic Commitment." *Journal of Democracy* 26, no. 1 (January 2015): 101–13.

6 Jeff Conroy-Krutz, "The Squeeze on African Media Freedom." *Journal of Democracy* 31, no. 2 (April 2020): 96–109.

This article explores the intersection of human rights, political freedom, and liberal thought in contemporary Africa. It examines the historical and ideological underpinnings of human rights discourse on the continent and critiques the current political and economic practices from a liberal perspective. The discussion will highlight how African political elites have maintained power structures that hinder true political freedom and how a liberal approach could provide viable solutions for enhancing human rights and fostering genuine democratic governance through a critical analysis of both historical contexts and contemporary issues.

Importance of Civil Society Actors in Promoting Human Rights

Civil society actors play a crucial role in promoting human rights and advancing liberalization processes in Africa. According to the Varieties of Democracy (V-Dem) project's *Regimes of the World* measure, which classifies political regimes based on factors like electoral integrity and civil liberties, five African countries have been considered "liberal democracies" since 2000: South Africa, Mauritius, Ghana, Botswana, and Benin.⁷ These countries, having adopted liberal policies in the 1990s, have seen civil society leaders facing numerous challenges in defending and advancing these processes.

Nigeria serves as a pertinent example of these challenges. In East Africa, Kenya's civil society has also been crucial in promoting political freedom, particularly during the 2007-2008 post-election violence reconciliation efforts. In North Africa, Egypt and Tunisia have faced similar challenges in balancing liberalization and government suppression. Despite adopting liberal policies in the 1990s and transitioning to democracy in 1999, Nigeria's civil society has struggled to push for substantial reforms. Allegations of corruption, human rights violations, and restrictions on free expression and assembly have made it difficult for civil society organizations (CSOs) to effectively advocate for liberal changes. Similarly, in Zimbabwe, civil society leaders battled to maintain liberalization efforts against former President Robert Mugabe's authoritarian regime. Government crackdowns on dissent, media restrictions, and severe human rights violations have impeded the ability of CSOs to promote liberal policies effectively.⁸

The late 1980s and early 1990s marked a significant period of protest and political change in Africa, leading to the emergence of a vibrant civil society landscape.⁹ This period saw civil society playing a key role in democratization reforms across the continent, with notable examples in South Africa, Nigeria, Kenya, and Zambia. These organizations focused their campaigns on political liberalization, advocating for human and political rights at the forefront of the African political landscape.¹⁰

However, the rise of the civil society sector in Africa has not been without challenges. There is evidence that some CSOs are weakly or tightly linked to state agendas.¹¹ During Mugabe's presidency, for instance, the government implemented measures to control civil society, such as the Non-Governmental Organizations (NGO) Bill in 2004. This bill imposed strict regulations on NGOs, including registration requirements and limitations

7 Lauren Q. Sneyd, *Review of Africa Uprising: Popular Protest and Political Change*, by Adam Branch, and Zachariah Mampilly. *Africa Today* 62, no. 2 (2015): 127-128. muse.jhu.edu/article/604108.

8 Farah Arbab, "Impact of Mugabe's Policies on the Prospects for Democracy in Zimbabwe." *Strategic Studies* 26, no. 1 (2006): 147-79. <http://www.jstor.org/stable/45242338>.

9 Sneyd, "Africa Uprising: Popular Protest."

10 Sneyd, "Africa Uprising: Popular Protest."

11 Emmanuel Gyimah-Boadi, "Civil Society in Africa." *The Journal of Modern African Studies* 33 (1995): 18-187.

on their activities. While some organizations resisted these measures, others chose to cooperate with the government to avoid harassment or gain access to resources. There have also been similar attempts in Nigeria to weaken the effectiveness of the civil society sector.

International agencies have played a significant role in promoting and strengthening democratic rule by funding the civil society sector in Africa.¹² According to the Freedom House 2023 report, only 8 percent of Africa’s population lives in countries classified as “free,” while 48 percent live in “not free” environments, demonstrating the extent of civil liberties violations across the continent. A considerable amount of international funding has been channeled through service provision organizations that are not linked to the state.¹³ However, this has resulted in the formal civil society sector, particularly foreign-funded NGOs, being heavily influenced by what is perceived to be a Western approach to development.¹⁴

Critics argue that Western assistance agencies should not only support the civil society sector but also help strengthen political institutions to make countries more democratic.¹⁵ The right to freedom of expression, one of the fundamental human rights, is frequently challenged in many African nations. Governments often employ censorship, intimidate journalists, and silence dissenting voices to control the narrative and maintain power.¹⁶ This suppression undermines democratic ideals and impedes accountability and transparency within governmental systems.

While civil society actors are indispensable in promoting human rights and advancing liberal policies in Africa, they face substantial challenges. The interplay between state control, international influence, and internal constraints presents a complex environment for civil society organizations. To achieve meaningful progress, there must be concerted efforts to ensure these organizations can operate independently and advocate effectively for democratic governance and human rights.¹⁷

Professor George Ayittey’s Ideas on Political Systems in Africa and Their Relevance to Contemporary Africa

Liberal democracy in Africa has faced philosophical criticisms that often overlook its broader context and inherent expression in the African setting. African philosophers like Kwasi Wiredu and Barry Hallen have critiqued majoritarian liberal democracy for its adversarial nature and overemphasis on individualism. Wiredu (1996) advocates for a no-party, consensual democracy, highlighting the winner-take-all character of liberal democracy as a significant flaw. Similarly, Hallen (2015) emphasizes the communitarian perspective, arguing that the liberal value of an individual must be understood within a social context, thus posing a challenge to what they perceive as a Western liberal concept of personhood.

12 Kendra Dupuy, James Ron, and Aseem Prakash, “Hands Off My Regime! Governments’ Restrictions on Foreign Aid to Non-Governmental Organizations in Poor and Middle-Income Countries,” *World Development* 84 (August 1, 2016): 299–311, <https://doi.org/10.1016/j.worlddev.2016.02.001>.

13 Dupuy and Prakash, “Hands Off My Regime!”

14 Dupuy and Prakash, “Hands Off My Regime!”

15 Bård A. Andreassen and Gordon Crawford, *Human Rights, Power and Civic Action*, 2013, <https://doi.org/10.4324/9780203525821>.

16 Said Adejumobi, *Voice and Power in Africa’s Democracy*, 2017, <https://doi.org/10.4324/9781315566092>.

17 Adejumobi, *Voice and Power in Africa’s Democracy*.

Focusing solely on these critiques, however, prevents a comprehensive understanding of the broader reasons behind the rejection of liberal democracy by many African political thinkers. While liberal concepts influenced by Western philosophy may not be entirely suitable for Africa, there are many examples from within Africa of systems that can be considered as liberal systems even by Western definitions.

Instead of blaming colonialism and other foreign causes or adapting alien collectivist economic practices, we may discover this balance by investigating Ayittey's critical viewpoints on Africa's problems, which are mostly focused on internal reasons like corrupt leadership and the adoption of inadequate governance systems, erroneously borrowing central planning concepts to address Africa's challenges.¹⁸ Ayittey advocates for a return to traditional African governing practices that align with the continent's cultural values. He criticizes post-independence officials for emulating Western policies and lifestyles, which he believes have led to resource mismanagement and widespread corruption. Ayittey's pessimism is justified by the challenges he identifies, but he also points to positive developments in nation-building, democratic processes, and reconciliation in certain African countries. This perspective underscores the importance of acknowledging both the achievements and difficulties faced by African nations, suggesting a balanced viewpoint in evaluating the continent's circumstances.¹⁹

In an interview with Bill Moyers, Ayittey contrasts the political and economic situations in Zimbabwe and Botswana. He attributes Zimbabwe's problems to the absence of the rule of law, poor leadership under Mugabe, and a lack of transparency.²⁰ Ayittey explains how Zimbabwe, once the region's breadbasket, has degenerated due to bad governance and policies. Botswana's success is attributed to its adoption of indigenous institutions, including pre-colonial market systems and local participatory democracies. Botswana has seen tremendous economic progress by building on its traditions, unlike other African nations that have adopted foreign philosophies like Marxism.²¹

Ayittey emphasizes that despite facing challenges such as income inequality and unemployment, Botswana's prosperity is genuine. This contrasts sharply with Zimbabwe, where Mugabe's regime stifled freedoms, controlled the media, and manipulated institutions for personal gain, leading to a system of exclusion and political intolerance.²² He also emphasizes that the lack of accountability and transparency has allowed Zimbabwe's elites to get away with looting their countries' resources, leading to economic and social stagnation.

Ayittey also critiques foreign aid and debt relief strategies, arguing that they often fail to address the root causes of poverty and underdevelopment. He suggests that aid money frequently ends up in the hands of corrupt officials rather than benefiting the population. Ayittey proposes a more effective approach to assisting African countries like Nigeria by bypassing corrupt governments and working directly with the people.²³ He criticizes the G-8 Summit's commitments as hollow, noting that much of the promised aid is not new money but a reallocation of existing funds. He also highlights the lack of concrete deadlines and accountability mechanisms in these agreements. He suggests that the West should focus on supporting the indigenous institutions rather than simply increasing aid and that internal solutions are more sustainable than external interventions.²⁴

18 George B. N. Ayittey, *Africa in Chaos*, 1997, <http://www.gbv.de/dms/sub-hamburg/232240191.pdf>.

19 Ayittey, *Africa in Chaos*.

20 "Border Jumpers," *Wide Angle*, December 2, 2008,

<https://www.pbs.org/wnet/wideangle/uncategorized/interview-with-george-ayittey/2289/>.

21 "Border Jumpers."

22 "Border Jumpers."

23 Ayittey, *Africa in Chaos*.

24 Ayittey, *Africa in Chaos*.

Ayittey's ideas are very important for understanding Africa's political and economic situations. He provides a blueprint for sustainable development that respects indigenous African systems and strong institutions. Civil society organizations advocating for liberal and democratic values across Africa should regard his work as a foundational blueprint and guide. Ayittey has developed robust arguments and pathways to actualize these principles throughout the continent.

Recent Examples of Political Rights Violations in African Countries

Building on Ayittey's critique of internal governance failures, the political landscape in Africa continues to grapple with significant challenges, including ongoing violations of political rights and a resurgence of military coups. Since 2020, countries such as Niger, Burkina Faso, Chad, Guinea, Sudan, and Mali have experienced military takeovers. Most recently, in August 2023, Gabon joined this list, and a coup attempt was foiled in DR Congo in September 2023. These coups, often backed by public support, underscore the deep-seated dissatisfaction with elected governments that fail to ensure freedom, security, and development.²⁵

Coup leaders often claim they are restoring security and stability by taking over, citing worsening security and political unrest. However, these actions usually violate human rights and lead to reduced civil liberties. For instance, in Burkina Faso, the junta issued decrees limiting civil rights, while in Sudan, the coup was justified by internal political issues. Initially supported by the public, these coups have not improved human rights. Instead, they have made things worse, with arbitrary detentions, excessive force against protesters, and attacks on press freedom.²⁶ Human rights violations are increasing due to frequent arbitrary detentions, harsh crackdowns on rallies, and harassment of journalists. Additionally, military tactics to crush insurgencies have failed, worsening the region's humanitarian and security crises. Coup leaders often delay elections despite promising to restore civilian authority, prolonging political transitions and increasing public mistrust.²⁷

Beyond military aid and condemnation, sustained international efforts are needed to address the root causes of instability and dissatisfaction. This involves tackling issues like election fraud, corruption, and poor governance while prioritizing human rights over quick security fixes. International allies, such as the African Union and regional blocs, must hold governments accountable for undermining democracy and denying people's right to vote. Without addressing these core problems, coups will remain an attractive option for dissatisfied individuals, perpetuating instability and hindering the progress of democracy in Africa.²⁸ Figure 2 (see appendix 2) shows coups d'état (successful and unsuccessful) per year in Africa from 1950 to 2023.

Other Reflections on Human Rights in Contemporary Africa

Today's African human rights environment is a complicated patchwork of advancements and enduring difficulties. While there has been significant progress in generating discussion and increasing awareness of human rights concerns, major obstacles

25 Freedom House, "A Surge of Military Coups in Africa Threatens Human Rights and the Rule of Law," *Freedom House*, n.d., <https://freedomhouse.org/article/surge-military-coups-africa-threatens-human-rights-and-rule-law>.

26 Freedom House, "A Surge of Military Coups."

27 PSC Report, "The Evolution of Coups in Africa," n.d., <https://issafrica.org/pscreport/psc-insights/the-evolution-of-coups-in-africa>.

28 PSC Report, "The Evolution of Coups in Africa."

continue to threaten the fundamental rights and dignity of people across the continent. Various countries have made strides in enacting legal frameworks and establishing institutions dedicated to human rights protection, yet enforcement remains inconsistent. Political instability, corruption, and authoritarian governance in some regions undermine these efforts, leading to violations such as arbitrary detention, restrictions on freedom of speech, and discrimination against marginalized groups.

Civil society organizations and activists play a crucial role in advocating for human rights, often at great personal risk. The African Union and regional bodies like the African Commission on Human and Peoples' Rights work towards promoting and safeguarding human rights, but their impact is sometimes limited by a lack of political will and resources. Balancing these advancements with the persistent challenges requires a concerted effort from governments, international partners, and grassroots movements to create a more just and equitable human rights landscape across Africa.²⁹

One noteworthy development is the growing recognition in African countries of the importance of human rights. Human rights discussions are becoming more popular, which is indicative of people's increased awareness of and dedication to resolving historical injustices. Alongside this increased awareness, concrete actions have been taken, such as the creation of national human rights organizations and the validation of the legality of independent media outlets and civil society groups. These developments point to a favorable trend in the direction of more openness and accountability in government, as well as the growing desire from African citizens for democratic and responsive leadership.³⁰ However, despite these positive indicators, long-standing issues still exist that cast a shadow on the state of human rights.³¹

In the face of these obstacles, coordinated efforts must be made to address the underlying causes of human rights abuses and to protect the values of justice, freedom, and human dignity for everyone. African nations must ensure that the defense of human rights is paramount. As Africa marks seventy-five years since the Universal Declaration of Human Rights was adopted, it serves as a sobering reminder of the ongoing fight for human rights and our shared need to protect those rights for coming generations.³²

Conclusion

In conclusion, African countries face many challenges in upholding political rights. Civil society is crucial in pushing for and advancing liberal policies. George Ayittey's idea emphasizes the importance of political systems that include freedoms of speech, assembly, religion, and property, and focuses on the need for African nations to build democratic structures based on their cultural contexts rather than external influences.

Despite these efforts, military coups threaten political stability and violate citizens' rights in many African nations. These coups hinder progress toward democracy and development, setting Africa back in its quest for political and economic freedom. Achieving liberal democracy in Africa is closely tied to promoting and protecting human rights, adopting pro-liberty and free-market policies, and overcoming challenges in policy implementation.

²⁹ Kingsley Ighobor, "Prioritising Human Rights in Africa," *Africa Renewal*, April 10, 2023, <https://www.un.org/afri-carenewal/magazine/april-2023/prioritising-human-rights-africa>.

³⁰ Ighobor, "Prioritising Human Rights in Africa."

³¹ Ighobor, "Prioritising Human Rights in Africa."

³² Ighobor, "Prioritising Human Rights in Africa."

Governments should focus on establishing anti-corruption bodies, reforming electoral systems to ensure accountability, and building stronger judicial institutions. Civil society organizations must continue to hold leaders accountable while promoting grassroots political education to empower citizens.

Addressing these challenges and promoting a comprehensive approach to political and economic reform is crucial for Africa to reach its full potential and secure a brighter future for its people. By fostering inclusive economic growth through initiatives like the Africa Continental Free Trade Area and strengthening democratic institutions, African nations can create a more stable and prosperous environment.

Improving access to education is vital for creating a well-informed and skilled workforce, which not only boosts economic productivity but also empowers citizens to make informed political choices. An educated populace is more likely to engage in democratic processes, advocate for their rights, and contribute to social and economic development, all of which foster long-term stability. Protecting freedoms of expression and assembly ensures that citizens can freely voice dissent, organize peacefully, and hold their governments accountable. These freedoms help to diffuse tensions by providing non-violent means of addressing grievances, thereby reducing the likelihood of political unrest or conflict.

Fighting corruption is equally important, as it promotes trust in public institutions by ensuring that government resources are used for the benefit of the public rather than for personal gain. By creating transparent and fair governance structures, anti-corruption efforts minimize social discontent and reduce the drivers of instability, such as economic mismanagement and inequality. Together, these measures build a foundation for sustained stability by addressing both the economic and political dimensions of governance. By prioritizing these areas, African nations can create a more favorable environment for sustainable development and long-term stability.

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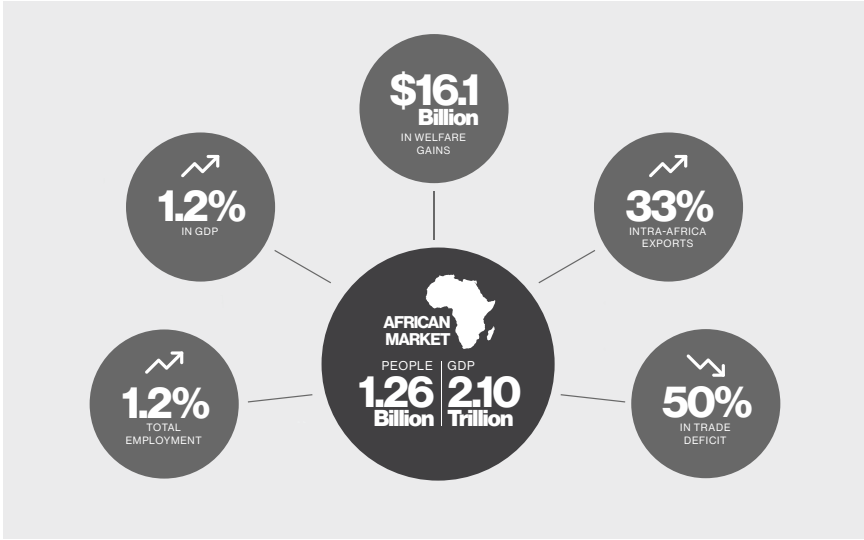
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Appendices

Appendix 1

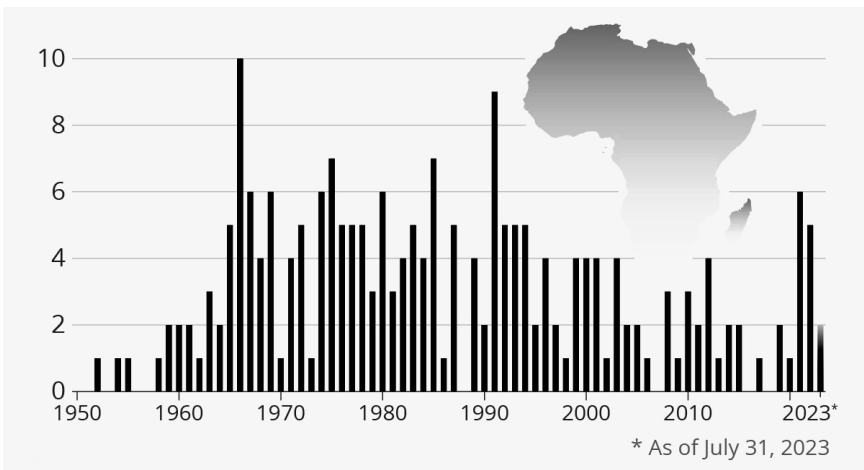
Figure 1: Estimated gains from the AfCFTA according to UNCTAD (2018)



Source: Kohnert, Dirk. (2019). *The Ethics of African Regional and Continental Integration*.

Appendix 2

Figure 2: Number of coups d'état (successful and unsuccessful) per year in Africa since 1950



Source: Powell and Thyne, Cline Center at the University of Illinois, VOA News, Statista research

CHAPTER 5

Doing Intellectual and Public Policy Advocacy for Freedom in Africa

By **Rejoice Ngwenya**, Executive Director/Founder
Coalition for Market and Liberal Solutions, ZIMBABWE

Introduction

Whenever I encounter readings on virtues of advanced economic development or national political maturity, the first thing that comes to mind is successful public policy advocacy. In Africa, relatively “progressive” countries like South Africa and Egypt showcase effective public policies as a direct result of intellectual work. Whether or not such policies have their origin in individuals, think tanks, or local or central government is unimportant. Economic development does not come from spontaneous divine benevolence.

For example, consider the economic advancement of Malaysia, whose economy in the 1970s was no better than an average African country today. Its rapid progress is like a folktale repeated *ad infinitum*. True, institutions and systems are vital, and according to legaldictionary.net, “Public policy is a set of actions the government decides to take when approaching a problem that affects society as a group, rather than on an individual level,”¹ but individuals must take responsibility to trigger public policy change.

Economic development policy advocacy is no different from that of freedom policy advocacy. They are both better done through a process of deep intellectual introspection and awareness of desired outcomes. Policy advocacy aims at shifting attitudes and improving circumstances. However, it is exceedingly rare for any government, no matter how progressive or liberal it may be, to completely embrace public policy on absolute individual freedom. Yet the template for successful policy implementation can also be applied in freedom advocacy, as long as the process taps a reservoir of appropriate advocacy skills. It is therefore easy to correlate one’s intellectual depth and successful policy advocacy, whether one is in public office or a private think tank.

I, however, argue that successful policy advocacy is inspired by individual rather than institutional gravitas. Former Prime Minister Margaret Thatcher of Great Britain stands out as an icon of individual initiative in public policy reform. A liberal thinker who single-hand-

¹ Legal Dictionary, “Public Policy: Definition, Examples, Cases, Processes,” legaldictionary.net. In this treatise, I will endeavour to differentiate connotations of “private” versus “public” policy given that advocacy really is associated with individuals and think tanks. Freedom advocates are not policy makers. Neither are they implementers, yet our efforts are generally directed and targeted at both local and central government. Our intentions are to influence policy makers in the direction of liberal thinking and behaviour. That is why our work must be evidence based rather than score marks with populist banter.

edly put her country on a trajectory toward privatization and free-market economics, she positioned Great Britain lightyears ahead of contemporaries in terms of economic growth.

In Africa, political freedom is not necessarily a natural outcome of rapid economic development or free-market advocacy. Economic development, even when instigated through relentless free-market advocacy, does not necessarily result in more freedom, but they are not mutually exclusive. However, it remains true that there is a likelihood of more individual and political freedom in a free market-oriented mixed economy as in Great Britain and, to a certain extent, Malaysia. In Africa, there are still arguments on the nexus of liberalism and economic advancement.

Case in point: South Africa, where efforts to remain on a path of liberal governance have hardly led to narrowing the wide income gap. Nonetheless, my experience enables me to share the work of African intellectuals in public policy advocacy towards individual freedom. Post-nationalist Africa proves that political independence, as espoused in the principles of liberation, does not necessarily yield individual freedom. Freedom advocacy in modern-day Zimbabwe, Tanzania, and Uganda are perfect examples of this tragic paradox. African intellectuals still have a role to play to sway public policy in the direction of true liberal freedom. Prevalence of illiberal democracy creates a perfect setting for us to prove our mettle.

Foundation of Successful Advocacy

Had the late Nelson Mandela achieved what he did of liberation without guerillas, he would have been a perfect example of successful liberal freedom advocacy. While, for him and his contemporary anti-colonialism generation, violent military uprising was unavoidable, our generation may still be confronted with similar Apartheid-style restrictions, but we intend to apply our intellect in peaceful pursuit, rather than using AK47s. We are the new generation of freedom crusaders who change opinions and influence policy through intellectual work, what one can call “Brainwork Gladiators” in the arena of intellectual discourse. However, as alluded to earlier, I see successful policy advocacy as systematic rather than spontaneous or populist. For me, it qualifies as a disciplined form of art. It’s a worthwhile goal to achieve total liberal freedom for Africa using the blueprint that Thatcher adopted to “privatize Britain.”

Thatcher—just like Ayn Rand, famous for her affinity for free markets—was a woman of strong character. Her work is of particular interest not just to me but also to millions of Zimbabweans who experienced transformation from racial Rhodesia to Black-majority rule in Zimbabwe. It was Thatcher’s Conservative Party that brought liberation protagonists Robert Mugabe and Joshua Nkomo to Lancaster House in December 1979 to engage in freedom debates with Ian Smith. Bear in mind, in 1982, she prevailed against Argentine military junta leader Lt. Gen. Leopoldo Galtieri after he “seized” the Falkland Islands. So, there is merit in the idea that strong individual character is necessary for successful public policy.

The traits of a “strong character” include skills of oratory, resilience, and exquisite writing skills supplemented by courage and charisma. Policy is about influence, and this cannot be achieved by introverted behavior.

John Blundell, Thatcher’s unofficial biographer, says of the Iron Lady, “It may be that this shift in perception is Mrs. Thatcher’s greatest triumph. New horizons opened up as the thickets of controls were abolished. The future, which had seemed to be Socialist [central] planning, suddenly became free market. In the beginning of her Premiership her opponents were vehement in their hostility to economic freedoms. By the end of the 1990s they were emulating her.”²

2 John Blundell, *Margaret Thatcher: A Portrait of the Iron Lady*. (Algora Publishing, New York, 2008), 96. Thatcher’s

Ian Smith had transformed Rhodesia into an industrial powerhouse when he took over the reins through his Universal Declaration of Independence in 1965. He was backed not just by South Africa but also a formidable Rhodesian Infantry prepared to fight to the death. Yet Smith's "import substitution" approach leaned more towards non-liberal "industrial authoritarianism." Thatcher changed all that. Unfortunately, today's Africa again boasts Ian Smith-type national governance deliberately starving citizens of true freedom. In some cases, like Niger, Burkina Faso, Mali, Guinea, Sudan, and Chad, governments have succumbed to military control,³ while countries like Burundi, Zimbabwe, Ethiopia, Eritria, Somalia, Egypt, Eswatini, and Morocco are burdened with illiberal democracy. I am not certain how possible it even is to establish "freedom think tanks" in such countries, yet at the end of the day, it is necessary for us liberty-minded intellectuals to continue our work against the odds.

When Zimbabwe assumed independence, I was a young student in an equally political-dicey Kenya under the rule of Daniel Arap Moi. So, in a way I had to be grateful to the "Thatcherite Blueprint" of advocacy, since her policies delivered a semblance of freedom to my country, albeit for her own national interests. If one were to speak truth to reality, it is evident that freedom advocates must routinely target their policy efforts at governments because the State is notorious for violating civil liberties. In this context, David Boaz quotes Thomas Paine: "Society in every state is a blessing, but government even in the best state is but a necessary evil; in its worst state an intolerable one; for when we suffer or are exposed to the same miseries by a government, which we might expect in a country *without government*, our calamities are heightened by reflecting that we furnish the means by which we suffer."⁴

Suffice it to say, intellectual and public advocacy for freedom in Africa is inherently an exercise in self-denial for more reasons than one. Eswatini freedom activist Thulani Maseko perished at the hands of monarchist dictator King Mswati.⁵ Freedom advocacy in Africa calls for depth, a legitimate governing institution, and courage. Let me use Zimbabwe where I have empirical experience.

The Zimbabwe Experience

ESAP

Zimbabwe has a dramatic history of policy making, not least because of its central-planning past as it was a country populated with intellectuals who returned from exile. Since 1980, my country has blundered through no less than thirty economic policies, the most notorious being ESAP—the World Bank-supported "Economic Structural Adjustment Program" in the early 1990s. It launched Zimbabwe's sojourn into free-market economics, thanks to the then eco-

ability to shift opinions stands out as one of history's greatest triumphs over socialist bigotry. UK was never the same after that, and even the British Liberal Party (LibDems) have struggled to dislodge Thatcher's transformative policy legacy.

3 Duncan Mil, "Coups Make Comeback in Africa," Infographic, GraphicNews.com. Accessed May 23, 2024. <https://www.graphicnews.com/en/pages/42009/military-recent-coups-in-africa>. Some coup leaders portray a Thomas Sankara/Jerry Rawlings-type "progressive politics" seemingly tolerant to liberal democracy, but as liberals, we know that it is a short-lived perspective. True freedom comes with free and fair elections where rule of law and constitutionalism are upheld.

4 Thomas Paine, "Of the Origin and Design of Government." In *Classic & Contemporary Writings from Lao-Tzu to Milton Friedman, The Libertarian Reader*, ed. David Boaz (The Free Press, 1997), 7. Liberals are not anarchists, but where there is small government, it is easier to influence freedom policy since the layers of bureaucracy tend to be fewer.

5 Human Rights Watch, "Eswatini: Activist, Rights Lawyer Brutally Killed," January 25, 2023. <https://www.hrw.org/news/2023/01/25/eswatini-activist-rights-lawyer-brutally-killed>. Itai Dzamara, Zimbabwean journalist and colleague was abducted in 2015 and disappeared for urging long-time dictator Robert Mugabe to step down. Yet those who removed Mugabe in 2017 have failed to acknowledge Dzamara's freedom advocacy. No investigation has ever been conducted to bring closure to his case, yet Emmerson Mnangagwa claims he "freed" Zimbabweans from Mugabe.

conomic minister Dr. Bernard Chidzero who convinced the ruling party how critical it was to be market-based in order to curry favor with Bretton Woods Institutions. After its fifteen-year liberation war, Zimbabwe was desperate for a “Marshall Plan-type” rescue package.

Mugabe emerged from his 1980 electoral victory “burning” with Marxist-Leninist euphoria that positioned his newly independent country on a one-party socialist state trajectory. This was in direct conflict given his appetite for British Commonwealth membership. At the time, intellectual Dr. Ibbo Mandaza pioneered the first full-fledged policy think tank, SAPES (Southern African Political Economy Series), “established in 1987 as a project of the African Association of Political Science (AAPS).”⁶

Although SAPES became a center of regional policy debate, like most local intellectuals, Mandaza was keen to project himself as a socialist in order to appease Pan Africanists enrolled at SAPES. I suspect he became part of the intellectual crusade that hounded to death ESAP for its neo-liberal agenda.

There followed a flurry of economic policy packages like Zimbabwe Program for Economic and Social Transformation (ZIMPREST) in 1996; Millenium Recovery Economic Program (MERP) in 2002; National Economic Revival Program (NERP) in 2003; Short Term Recovery Program (STERP); Zimbabwe Agenda for Sustainable Socio-Economic Transformation (ZIMASSET) in 2013, and many others.

FTLR

From an intellectual perspective, it is easy to assume that central governments readily accept roles that think tanks play in policy advocacy. As observed before, Zimbabwe has traditionally relied on its dense stock of policy intellectuals. Towards the latter half of the 1990s, business associations like Zimbabwe National Chamber of Commerce, Confederation of Zimbabwe Industries, and Commercial Farmers’ Union became more visible free-market policy advocates. However, Mugabe’s discomfort with political competition did not help their cause, even though they received inspirational support from Friedrich Naumann Foundation to keep the free-market flame burning.

By 1999, Mugabe had completely lost his bearings; having dragged his country into the Congo conflict, ultimately decimating scarce foreign reserves, and totally undermining his political credibility. This pushed his fellow comrades to what became one of Zimbabwe’s most disastrous public policy attempts: Fastrack Land Reform. Africa watched in awe as he went on senseless expropriation-without-compensation, targeting white-owned commercial farms. The West collectively reacted to this blatant violation of private property rights with economic sanctions against the Mugabe-led government, effectively severing Zimbabwe from international capital. The American sanctions policy was named the “Zimbabwe Democracy and Economic Recovery Act of 2001” (specifically Section 4C titled Multilateral Financing Restriction) to “support the people of Zimbabwe in their struggle to effect peaceful, democratic change, achieve broad-based and equitable economic growth, and restore the rule of law.”⁷

6 https://www.pindula.co.zw/Sapes_Trust/

7 Wikipedia contributors, “Zimbabwe Democracy and Economic Recovery Act of 2001,” Wikipedia. Accessed May 27, 2024. https://en.wikipedia.org/wiki/Zimbabwe_Democracy_and_Economic_Recovery_Act_of_2001#cite_note-6. Since that time, successive Zimbabwean “governments” have lied that the country’s collapse is due to these “illegal Western sanctions” as part of political propaganda. What policy advocates know is that bad governance, corruption, human rights violations, and disrespect of property rights are the cause of the country’s woes. All elections since 2002 have been condemned, producing disputed results. The country is food insecure and still banned from the Commonwealth. However, ZIDERA has been relaxed a bit and now targets a few individuals associated with Emmerson Mnangagwa.

The foremost local think tank formed during this era was the Dr. Godfrey Kanyenze-led Labour and Economic Development Research Institute of Zimbabwe (LEDRIZ). Kanyenze expressed strong pro-liberty views that came in handy to guide criticisms against Mugabe’s anti-private property rights stance. “The main objective of LEDRIZ is to develop through research well-grounded pro-working people policy positions designed to influence development processes and outcomes at national, regional, and international levels.”⁸ Unfortunately, up until 2018, no policy advocate was able to reverse the ruling party’s destructive land expropriation mantra, this despite tough economic sanctions. However, the entry of the Coalition for Market and Liberal Solutions (COMALISO) into property rights advocacy has brought new perspectives on the sanctity of title deeds, and even more so on the right to affordable, secure shelter, especially for low-income groups.

Confronting Challenges to Freedom Policy Advocacy in Africa

Now is the time when pro-liberty intellectuals have to up the ante of fearless freedom advocacy in Africa. Back when I founded COMALISO to confront Mugabe’s post-2008 election violent authoritarianism, Africa was abuzz with the “Arab Spring.” The continent’s liberal democracies seemed to be on an upward trajectory. This was a “wave of pro-democracy protests and uprisings that took place in the Middle East and North Africa from 2010, challenging some of the region’s entrenched authoritarian regimes.”⁹ Not long afterwards, South Sudan secured its United Nations-brokered independence. This was the same decade when Mwai Kibaki and Uhuru Kenyatta prevailed over long-time authoritarianism in Kenya, not to mention tectonic political developments in Tanzania associated with Jakaya Kikwete’s ascendancy to national leadership. Malawi multiparty politics were dominated by both Bingu wa Mutharika and Joyce Banda. In Mozambique, one-party statism was disrupted by Armando Guebuza and Filipe Nyusi, while Zambian politics sampled the democratic era of Rupiah Banda and Michael Sata. Africa’s democratic movement was truly flourishing, and our task as freedom advocates presented itself as a done deal.

However, despite the seemingly blissful veneer of a thriving multi-party democracy, it was still necessary for intellectual liberal think tanks to maintain a vigil over freedom. It became apparent that freedom was more than just a political animal; it involved economic, social, and religious facets, hence the flourishing policy institutions that became beacons of that era. Nigerian journalist Bayero Musa took time to identify some of the top think tanks in Africa at the forefront of freedom advocacy.¹⁰ He states that “a

8 ZimPlaza, “The Labour and Economic Development Research Institute of Zimbabwe (LEDRIZ),” ZimPlaza Directory. Accessed May 27, 2024, <https://www.zimplaza.co.zw/listing/the-labour-and-economic-development-research-institute-of-zimbabwe-ledriz/> Ordinarily, labor unions tend to be ideologically leftist, but LEDRIZ was merely a consulting think tank, and Kanyenze is known to promote liberal monetary and wage policies. He was one of the biggest critics of Reserve Bank’s hyper-inflationary policies.

9 Britannica, “Arab Spring. Pro-democracy Protests.” Accessed May 27, 2024. https://www.britannica.com/event/Arab-Spring#Egypt%E2%80%9995_January_25_Revolution. A Tunisian street vendor named Sidi Bouzid set himself on fire in protest for being harassed by municipal police. Millions of young African graduates have no formal employment and thus survive by vending. This is the sort of critical mass of public anger in support of Bouzid that sparked pro-democracy protests across the Middle East.

10 Bayero Musa, “Top 10 Think Tanks Telling Sub-Saharan Africa’s New Story,” The Guardian Nigeria News, September 19, 2021. In a normal democracy, public policy advocacy is not a preserve of central government. Sophisticated policy making systems have to rely on think tanks as well. However, policy making and policy implementation have traditionally been the mandate of elected officers or civil servants. This leaves think tanks with a critical role of monitoring or what we usually refer to as “watch dogging.”

think tank is a body of experts that provides evidence-based research and [advice] on specific socio-economic problems.” As alluded to earlier, the most successful ones tend to be led by outspoken intellectuals.

In my career I have met and worked with such freedom champions as Temba Nolutshungu of Free Market Foundation South Africa; Aimable Manirakiza of the Centre for Development and Enterprises Great Lakes in Burundi; James Shikwati of IREN, Kenya; Franklin Cudjoe of IMANI, Ghana; and Linda Kavuka of Students for Liberty who popularized George Ayittey’s famous “Cheetah Generation” in Africa.

Africa’s freedom challenge is in not so much a lack of multi-partyism as it is a dearth of constitutionalism. Most African constitutions boast succinct multi-party electoral clauses; our malady is in its interpretation. Addressing the seventy-ninth session of the African Commission on Human and Peoples’ Rights (the African Commission), Human Rights Watch fingers African countries as habitual violators/offenders, having “documented the persistence of severe and systematic violations of international humanitarian law by governments and non-state armed groups across several conflicts, where impunity remains a key driver for many atrocities.”¹¹

This means our work as freedom advocates is a work-in-progress. African presidents have a phobia about political competition. They suffer from an insatiable desire for office retention ad infinitum. My firsthand experience is with the late authoritarian dictator Mugabe who wielded uninterrupted power from April 18, 1980, to November 24, 2017, before being ousted in a military coup by long-time Lt. Emmerson Mnangagwa. Since then, Mnangagwa has presided over two plebiscites, albeit with disputed electoral results caused by blatant vote-rigging that attracted the ire of international observers. In August 2023, the Southern Africa Development Community (SADC) electoral observation mission to Zimbabwe concluded that “some aspects of the Harmonised Elections fell short of the requirements of the Constitution of Zimbabwe, the Electoral Act, and the SADC Principles and Guidelines Governing Democratic Elections (2021).”¹²

Such scenarios are replicated all over Africa whenever there are national elections, creating areas of our advocacy work that come with inherent danger. Political groups/leaders often target freedom of expression once they gain governmental control. Insecure leaders tamper with laws to not only restrict movement but also extend their stay in office. The death of constitutionalism becomes the birth of our freedom advocacy revolution.

The other challenge is resourcing. I stated earlier how individual charisma is an asset but without leveraging it through institutional muscle, freedom advocates may be at risk from rogue governments. Think tanks give us legitimate cover but not necessarily immunity. COMALISO is a member of the Atlas Network family “with over 500 wholly independent, nonprofit organizations spanning more than 100 countries around the globe because they share our commitment to the principles of a free society and wel-

11 Human Rights Watch, “Oral Statement at the 79th Ordinary Session of the African Commission on Human and Peoples’ Rights,” Accessed May 28, 2024. <https://www.hrw.org/news/2024/05/16/oral-statement-79th-ordinary-session-african-commission-human-and-peoples->. Most African governments are paranoid of opposition politics. There is a massive wave of entitlement especially associated with post-colonial nationalists who see every freedom advocate as a non-patriot. Citizens are abused with impunity despite presidents and their governments signing numerous human rights protocols.

12 Veritas, “SADC Elections Observer Mission Final Report on Zimbabwe Elections,” Veritas Zimbabwe, October 10, 2023. <https://www.veritaszim.net/node/6662>. It is this sort of diplomatic tone that irritates African freedom advocates. Southern African liberals believe ECOWAS portrays itself more positively in dealing with electoral cheats. Our SADC region is burdened with such cases as DRC, Eswatini, and Zimbabwe whose elections are always disputed, yet SADC does not make a bold stand of insisting on compliance with democratic election protocols. This makes our work difficult but necessary.

come association with peer organizations. Each year, Atlas Network makes hundreds of grant and training investments to promote, support, and strengthen the work of these local think tanks and civil society organizations.”¹³ But we still need to make concerted efforts to attract local donors who believe in our cause. However, not all African countries have individual and corporate citizens who want to openly associate with our work. This calls for collaboration between organizations. In our case in Zimbabwe, we share expertise with the Friedrich Naumann Foundation.

Is There a Future in Intellectual and Public Policy Advocacy for Freedom in Africa?

Yes, there is! As long as government authority is dispensed by humans, there will always be violations to confront, souls to free, and rights to enforce. What we need is the courageous defiance of the hypothetical “John Galt,” brought to life by the pen of Ayn Rand. She said, “Political freedom cannot exist without economic freedom; a free mind and a free market are corollaries.”¹⁴ Mr. Galt said: “For twelve years you have been asking: ‘Who is John Galt?’ This is John Galt speaking. I am the man who loves his life. I am the man who does not sacrifice his love or his values. I am the man who has deprived you of victims and thus has destroyed your world, and if you wish to know why you are perishing—you who dread knowledge—I am the man who will now tell you.”¹⁵

And so, I conclude in my own book,¹⁶ “Paranoid post-colonial nationalists claim how they brought independence in order to reinforce our indebtedness. From Zimbabwe to Nigeria, Mozambique to Angola, this sorry group of aging despots flaunt entitlement as if God-given. How long are we going to keep paying back for our freedom? Sorry, our freedom, my freedom is not for sale!”

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4. Cydni, “Public Policy: Definition, Examples, Cases, Processes,” Legal Dictionary, January 19, 2019, <https://legaldictionary.net/public-policy>.

¹³ Atlas Network, <https://www.atlasnetwork.org/partners>. Atlas Network partners are put through different fund-raising and donor relations courses. Whenever an organization applies for a grant, there is always a provision requiring partner support assumed to be coming from local donors. In some illiberal democracies, private funders are reluctant or afraid of direct association with freedom advocacy. This leaves partners over-reliant on Atlas Network grants, and where such grants are limited, our work is severely constrained.

¹⁴ Ayn Rand, *For the New Intellectual: The Philosophy of Ayn Rand, 50th Anniversary Edition* (Penguin, 1963), 20. <https://www.azquotes.com/quote/523572>. It is hard to imagine how one can even launch a “career” in policy and freedom advocacy without reading Ayn Rand’s works.

¹⁵ Ayn Rand, *Atlas Shrugged* (Signet, 1957), 923. One cannot be a complete policy and freedom advocate without an encounter with the writings of Ayn Rand. The enigmatic John Galt typifies the arrogant grit, intellectual depth, oratory skills, and clarity that freedom campaigners should possess. Rand’s “radical liberalism” and innovative free mind can also be felt in her writings like *Objectivism: The Philosophy of Ayn Rand*; *The Virtue of Selfishness*; *The Fountainhead*, and also *Anthem*.

¹⁶ Rejoice Ngwenya, *My Freedom is Not for Sale: the Vagaries, Vices, and Evils of State Control* (COMALISO/Atlas Network, 2020), 254. The book is as much about freedom as it is about advocating for governments not to interfere in our individual or corporate lives. State Owned Enterprises (SOEs) cause so much anguish to African citizens. Apart from plundering scarce state resources, dictators use them to furnish their political war chests, pay off cronies, and reward praise singers. SOEs are a haven of corruption as seen from our experience with ESKOM in South Africa.

5. Human Rights Watch. “Eswatini: Activist, Rights Lawyer Brutally Killed.” January 25, 2023. <https://www.hrw.org/news/2023/01/25/eswatini-activist-rights-lawyer-brutally-killed>.
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CHAPTER 6

African Conception of Personhood: How the Complementary Nature of Individualism and Communitarianism Support the Case for Self Determination and Individual Freedom

By **Zakhele Mthembu**, BA, LLB

Free Market Foundation, George Ayithey Society, SOUTH AFRICA

Introduction

This essay will argue for the symbiosis of the conceptualization of the individual and the collective. In African conceptions of personhood, which invariably inform the institutions which are constructed for Africans, the individual is subordinated to the group. This is not only unsound but the policy positions that it births (like command economies or state intervention in economic affairs) lead to the continued lack of liberty and its repercussions in Africa. This chapter will aim to put forth a conceptualization of the person and his/her collective as complimentary instead of antagonistic, using the philosophical premise of Ubuntu—with the aim of showing that the liberty of individuals, which ought to be considered as being in the collective where they naturally reside, is not antithetical to African conceptions of personhood.

Ubuntu Cosmology and the Onto-Triadic Person

Personhood in the African continent and context ought to be understood as a continuous motion, echoing the sentiments of Mogobe Ramose in his conception of UmuNtu/individual/person.¹ Within the philosophical outlook/cosmology of Ubuntu as outlined by Ramose, the language of the philosophy is rheomodal, that is, it is verb, and thus, action based.²

Ramose in his philosophical outlook of Ubuntu posits that UmuNtu, that is, an individual, is onto-triadic in nature.³ UmuNtu therefore, as homo-loquens, must be thought of, ontologically, as a triad triumvirate of motion in time; that is, as representing the

1 M. B. Ramose, *African Philosophy through Ubuntu*, 1999, 56-57.

2 Ramose, *African Philosophy*.

3 Ramose, 62-64

departed, or the living dead themselves in their existence in the material plane and the yet to be born, whose existence is contingent on the living dead and living.⁴

This onto-triadic conception is exemplified by the biological fact that everyone who exists has the genetic markers of their parents. Therefore, in the very biological conception of the individual, there is a connection to the collective of their immediate family in their mother and father, whose genetic markers make them who they are.

The present aspect is easy enough to understand because the actions performed by your physical being at every moment are happening in the present. Therefore, the current aspect of the triadic nature of personhood should be clear enough.

Yet, that leads to the future aspect of the triad, which is exemplified by the end-directed nature of present action. Present action has a future end in mind, whatever it may be. Therefore, it can be said that when one is acting in the present, one is considering his or her own future or future selves. The interconnected nature of actions over time is further explained by Wittgenstein.⁵

The point of onto-triadic thinking about personhood—which considers the past, present, and future of a human being as one continuous flow—is to emphasize the wholeness of the person, rather than the static conception typically advanced in discussions about personhood.⁶ True freedom/liberty can be conceptualized in the complete conception of a person's being.

The ontological triadic conception of personhood highlights the blurred lines between the collective and the individual. By conceiving of the person as existing in the past, present, and future, the collective—starting from the family that came before you and shaped who you are to the ones who will come after you, influenced by you—no longer seems as alienated or opposed to yourself as an individual.

The contrast between the individual and the communal is a false dichotomy. Other scholars have refuted this false dichotomy by pointing out that the strict Cartesian separation between the individual and the collective is not emphasized in the cosmological reality of Ubuntu.⁷

Rather, the reciprocal nature of the two concepts or entities, the group and the individual, is stressed. They are mutually reinforcing or interdependent in the sense that every group consists of individuals, and every individual is inevitably a part of a group.⁸

Considering the triadic nature of personhood, we are faced with the constant motion that defines their existence and all of existence. It is posited that this motion necessitates a being that is self-defining and has the ability to chart their own destiny in the ever-changing flows of life. That is, a free being. This conception of existence is best articulated in the book *A Conflict of Minds* by Jordan Kush Ngubane.⁹

Ngubane, in conceptualizing umuNtu/a person within the cosmological framework of Ubuntu, views a person as a self-defining entity with the ability to determine their own

4 Ramose, 62-64

5 David H. Finkelstein, "Holism and Animal Minds," page 253 in Cray, A. (Ed.) (2007). *Wittgenstein and the Moral Life: Essays in Honor of Cora Diamond*. MIT Press. In this essay, the author describes the continuous pattern of life to which everything is a part, as understood by Wittgenstein. This is remarkably complementary to the triadic conception of personhood that Ramose proposes, where the past, present, and future are interconnected.

6 M. B. Ramose, "The Concept of Life as Universal Wholeness" in Heinrich Beck, Erwin Schadel & Uwe Voigt Sein (eds), *Erkennen, Handeln Interkulturelle, Ontologische Und Ethische Perspektiven: Festschrift Fur Heinrich Beck Zum 65. Geburtstag* (1994), 69-72.

7 Sakiemi Idoniboye-Obu and Ayo Whetho "Ubuntu: 'You Are Because I Am' or 'I Am Because You Are'?" (2013) 20 *Alternation*, 234.

8 Idoniboye-Obu, "Ubuntu: 'You Are ...'"

9 J. K. Ngubane, *A Conflict of Minds*, 1979.

fate and discover improved ways of embodying humanity.¹⁰ This conception of a person as self-defining complements the onto-triadic nature of a person and the fluid reality he/she is a part of.

Self-definition and the ability to determine one's destiny are evident in the triadic nature of personhood, as argued in this chapter. By virtue of being in continuous connection to the past and future, the present is defined by actions taken by you as an individual. These actions shape your identity, even though who you are is also influenced by your parents or genetic lineage.

An example is necessary. In Nguni culture, it is customary for individuals to be named after their ancestors, whose names are often mentioned in the clan praises or history of that person. For instance, if someone is from the Kgomo clan, their clan praises will mention an ancestor named Makhhalimela. Referring to someone from the Kgomo clan (someone with the surname Kgomo) as Makhhalimela in conversation would not be unusual.

Even though Makhhalimela is a historical figure, individuals from that clan are still referred to by that name. This practice acknowledges that their existence is intertwined with the legacy of Makhhalimela, making them one in a symbolic sense.

Within this example of clan praises, one can deduce the capacity for self-definition because there are usually numerous historical figures from the same clan, spanning different periods in history, who are venerated and their actions mentioned. Just because one is called Makhhalimela, it does not mean that they will be like that person. It would be impossible for them to be the same person, even though they share the same name.

The ability to self-determine for any individual is a central feature of the philosophy of liberty, and Ngubane situates it within the cosmology of Ubuntu that he has developed. This shows that the notion of Ubuntu giving rise to command economies¹¹ is misguided, as one can reach a different conclusion advocating for the individual's liberty to self-define from the same premise of Ubuntu.

The False Dichotomy of the Collective and Individual

This conception of personhood is collectively individuated, encompassing both the individual and the collective. It seeks to avoid the challenges associated with the collective or relational aspect of personhood prevalent in African philosophy, which inevitably influences the policies implemented on the African continent. This perspective has been advocated by scholars who aim to promote liberal principles based on African values.¹²

Philosophers such as Menkiti, in his work *Person and Community in Traditional African Thought*, exemplify the communal conception of African personhood, contrasting it with the individualistic Western perspective.¹³

Using Menkiti as the chief representative of this view of personhood as relational, his explanation of what he means ought to be provided. In his seminal work, he states, "[T]he African emphasized the rituals of incorporation and the overarching necessity of learn-

¹⁰ Ngubane, *A Conflict of Minds*, 51.

¹¹ I. B. Anoba, "The Ambush of African Philosophy: An Exhumation of Classical Liberal Principles in the Evolution of Africa Societies." *Journal of Liberty and International Affairs*, 3(1) (2017): 37-48. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-51700-9>, 40.

¹² Anoba, "The Ambush of African Philosophy," 38-42.

¹³ I. A. Menkiti, "Person and Community in African Traditional Thought." In Wright, RA (ed): *African Philosophy: An Introduction* (1984): 171.

ing the social rules by which the community lives, so that what was initially biologically given can become a person with all the inbuilt excellencies implied by the term.”¹⁴

As is evident from the quote above, the communitarian conception of personhood does not view it as intrinsic, as a given of the being that possesses the material properties collectively referred to as human/umuNtu, but rather as contingent on the relationships that person shares with others. One is not a person just by merely existing, but rather, personhood is achieved by fulfilling specific moral actions or duties towards the broader community.

This conception of personhood has been shown to be premised on individualistic properties as well, contrary to what its proponents may claim.¹⁵

Molefe, in his paper about the inherent individualism of African conceptions of personhood, argues that even in conceptions of personhood considered collective, the individual remains the agent of said personhood.¹⁶ By the mere fact that personhood is attained by an individual, the concept of personhood being discussed is inherently individualistic in nature.

This argument is similar to the insights of methodological individualism as expressed by certain members of the Austrian School of Economics, such as F. A. Hayek.¹⁷ In methodological individualism, the idea that individuals are the sole decision-makers in society is central to the methodology of determining social truths.

Therefore, the collectively individuated conception of personhood advanced in this chapter takes the position that the primary agent in any society is the individual. Thus, even in the conception of their relationships with others, it is still an individual’s relationship with others.

Personhood and Freedom

In emphasizing the individual as the primary agent within the African philosophical context, regardless of the conception of personhood, it is evident that this individual must have the freedom to achieve their full personhood or simply exist.

In all communitarian conceptions of personhood, the individual is centered due to attaining personhood during the course of their lives, beyond the *prima facie* aspect. There is also the implication of liberty for all individuals.

Even for a society as conceived by Menkiti, composed of individuals who only fully attain personhood once they fulfill certain social norms, the arguments for individual liberty still apply. The freedom of the individual in this society to participate in social norms or meet certain social standards and fully become a person or not is still presumed.

In communitarian systems, personhood is not automatically granted, which implies that one can fail to achieve it through their actions. This latitude to fall short of this standard is the implied liberty inherent in social systems that are often used to advocate for central planning.¹⁸

14 Menkiti, “Person and Community,” 173.

15 Motsamai Molefe, “Individualism in African Moral Cultures,” *Cultura* 14 (2) (2017): 49-68, 50.

16 Molefe, “Individualism in African Moral,” 58-59.

17 F. A. Hayek, *Individualism and the Economic Order*. (University of Chicago Press 1984), Chapter 1: “Individualism: True and False,” 6. Here is a quote that best describes methodological individualism: “But its basic contention is quite different; it argues that the only way to understand social phenomena is through our comprehension of individual actions directed towards others and influenced by their anticipated behaviour.”

18 Anoba, “The Ambush of African Philosophy,” 38-41. Anoba explains the connection between the communitarian ethical system prevalent in African philosophy and the implementation of socialist policies, which by nature, restrict the freedom of the individual.

The arguments for liberty derived from inherent personhood remain relevant even within the communitarian ethic. The argument for the autonomy of a fully realized person to self-define and chart their own destiny can and should be applied to the instance when one attains full personhood.

For instance, in a community where inhabitants have embraced all the social norms that acknowledge personhood, what justification would there be for one individual or a group of individuals to control the fate of another fully realized person? Command economic reasoning, as a policy, is premised on central planning and essentially involves defining ends, which means charting the destiny of other people.¹⁹

The transition from the Communitarian conception of personhood to a centrally planned society,²⁰ characterized by the issuance and compliance with orders within a planned economy,²¹ lacks a solid foundation in the fundamental principles of the Communitarian ethic itself.

This implies that freedom is inherent even in the ethical systems that are employed to advocate for central planned command economies, despite these political economical outlooks being associated with the denial of freedom. The prevalence of the ethos of liberty in the African conception of person is exemplified by the near continent-wide adherence to free expression in traditional African settings, as explained by Wiredu in his work.²²

Therefore, liberty of the individual in the African context has its basis not only in the cosmology of African people, which informs their conceptions of themselves and personhood in general, but it is also evident in the historical institutions of African people.

African Liberty in the Past, Present, and Future

The liberty of the individual and their collectives is further exemplified in the historical example of pre-colonial African institutions that emphasized autonomy, independence, and liberty.²³

Throughout Africa, from the Yoruba Kingdom in the west to the Nguni-speaking kingdoms²⁴ in the south, African institutions had checks against state despotism,²⁵ a feature of a society that values individual liberty. The predominantly federal structure of indigenous African states also reflects the strong desire for liberty among Africans.²⁶

The historical evidence supporting the argument that the flame of liberty burns organically in Africa is demonstrated by the governance structures of polities in pre-colonial Africa such as the Ashanti.²⁷ The Ashanti polity had family units that were quite autonomous in their relationship with the state, a state whose structure was largely decentralized to

19 Ludwig von Mises, *Socialism: An Economic and Sociological Analysis*. Yale University Press. (1951) "Part II: The Economics of a Socialist Economy." Chapter V, 185-187.

20 Anoba, "The Ambush of African Philosophy." 40-41.

21 Mises, *Socialism: An Economic*, 185.

22 Kwasi Wiredu, *A Companion to African Philosophy*. Oxford: John Wiley & Sons, (2007): 252.

23 George B. N. Ayittey, *Africa Betrayed*. (St. Martin's Press, 1992): 65-75; Jean-François Bayart, *The State in Africa: The Politics of the Belly* (London: Longman, 1993), 25-30.

24 M. Wilson and L. Thompson, eds. *A History of South Africa to 1870* (1st ed.). (Routledge 1982), 120-124. <https://doi.org/10.4324/9781003310655>.

25 Ayittey, *Africa Betrayed*, 58-60.

26 Sara Jordan, "Federalism in Africa: An Indigenous Idea with a Colonial History" in A. Ward and Lee Ward, eds. *The Ashgate Research Companion to Federalism* (1st ed.). (Routledge 2010), 463, 471, 477-479. <https://doi.org/10.4324/9781315612966>

27 K. A. Busia, "The Position of the Chief in the Modern Political System of the Ashanti: A Study of the Influence of Contemporary Social Change on Ashanti Political Institutions." (Oxford University Press for the International African Institute, 1951), 64-65.

facilitate this autonomy through the land tenure system²⁸ that gave family lineages use rights over land which could not be usurped. The manner of taking certain political decisions was then facilitated by the heads of the familial lineages at the village level.²⁹

Yet it must be mentioned, sticking with the example of the Ashanti, that this autonomy from the state did not equate nor was it equivalent to liberalism and its culture as would be understood in the modern day or even eighteenth- or seventeenth-century Europe. Yet more importantly, it was not feudalism as was understood at that time in the West too.³⁰

Even though the family unit was autonomous, in the form of the lineage head, the individuals in those various lineages still had to contend with the strong cultural familial ties and the duties that came with those ties, which were not always liberal in nature.³¹

This freedom of the family unit in relation to the state should be balanced with the strong duties that inhibited personal freedom. Understanding the duties that the individual had in relation to the family unit helps us to arrive at a nuanced perspective of the historical evidence given. Even though the pre-colonial governance structure is being considered as an example, the pre-colonial era and its cultural practices and norms are not in their entirety the model for a perfectly free society.

It is much easier to understand why the governmental reality prevalent in some African polities like Igboland prior to colonialism emphasized autonomy and freedom³² when one considers the conception of personhood advanced in this chapter. Principles such as private ownership of property, freedom of speech in political discourse, and the confederation of state power to facilitate greater freedom³³ are evidence that Africans had a concept of personhood based on individual freedom.

The chapter does not use the historical evidence as the basis for its argument nor conclusions, but rather, the historical evidence is meant to further support the principled and philosophical position that freedom, and its ancillaries in the political economic space, are African.

There are other examples of polities in Africa that did not enjoy the governmental freedom which polities like the Ashanti state or Igboland had.³⁴ Therefore nuance is called for when evaluating historical examples. History is not the basis for truth; although it can be used as evidence to support an argument, as was done in this case.

Pre-colonial Africa was not a haven of liberty, but rather, the pre-colonial cultural norms and mores of African people, as exemplified in Ubuntu in this instance, can and in some instances did germinate the seed that would be the tree of liberty. There is nothing inherent to African culture that lends it to despotism or central planning.

In the modern day, Africa is unfortunately burdened with varying degrees of authoritarianism. According to the latest report by Freedom House, out of the 54 African countries, only 17 percent are considered free, which amounts to approximately nine jurisdictions.³⁵

28 Busia, 56-57, 45.

29 Busia, 63-65.

30 Busia, 57-60.

31 Busia, 60.

32 Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton University Press, 1996), 41.

33 Ayittey, *Africa Betrayed*, 41-42, 66-69.

34 Aidan Stonehouse, *Peripheral identities in an African State: a history of ethnicity in the Kingdom of Buganda since 1884*. PhD thesis (University of Leeds, 2012), 4-5, 18-20. In this thesis, the history of the Buganda kingdom is explored by the author, and their expansionary and centralized form of government is interrogated within the context of the ethnic divisions it caused in the lands that would be conquered by the Buganda Kingdom.

35 Freedom House, "Freedom of the World 2024," (2024), 24.

<https://freedomhouse.org/report/freedom-world/2024/mounting-damage-flawed-elections-and-armed-conflict>

Some 37 percent of the remaining states are partly free, while a staggering 46 percent are considered not free.³⁶

Beyond the philosophical and historical arguments, in modern times Africans have expressed a preference for fundamental liberties such as the freedom to express oneself without inhibition from the state or the freedom to associate with whomever they choose.³⁷

The fact that these sentiments are not yet translating into reality in the form of governance structures prevalent in Africa is evident from the literature that assesses general individual liberty³⁸ and economic freedom³⁹ on the continent. Yet, that does not reflect the innate nature of Africa as being prone to authoritarianism, as this chapter has endeavored to highlight. Instead, it presents an opportunity for Africans to reclaim their ancestral legacy of liberty.

Conclusion

This chapter has presented the onto-triadic person or being as the representation of the collective individual. By illustrating how the conception of the individual also encapsulates the collective, it highlights the symbiosis between the two conceptions in the very ontological expression of personhood within the cosmology of Ubuntu.

It also argued for the self-definition and liberty inherent in that self-definition of the onto-triadic being a point of departure in any analysis of the person as conceived through the Ubuntu cosmology. The chapter demonstrated that the African conception of personhood is based on individualism, even in conceptions that are employed to justify central planning.

From the perspective of the individualistic-centered African conception of personhood—which does not negate the collective but rather acknowledges it as a reminder that this being is still part of a triadic existence—the argument for the liberty of the individual is presented. It demonstrates how the freedom of the individual, rather than the coercion of central planning, is the only appropriate societal norm that can be derived from the African conception of personhood.

This chapter provided empirical evidence to support the argument that freedom of the triadic person, rather than the coercion of central planning typically advocated for, is the preferable choice based on the conception of personhood in Africa.

With Africa having a large youth population, the imperative for freedom grows ever bigger. By highlighting that even Africa's own conceptions of the individual support the idea of liberty, one hopes to reduce the appeal of the destructive socialist policies that have afflicted this remarkable continent. One thing is clear: liberty and those who advocate for it should always be described as genuinely African and nothing else.

³⁶ Freedom House.

³⁷ Carolyn Logan and Peter Penar, "Are Africans' Freedoms Slipping Away?" *Afrobarometer Policy Paper No. 55*. (2019).

³⁸ Freedom House.

³⁹ Kim. B. Anthony (ed.), "2024 Index of Economic Freedom," (2024), 9. In this index, which measures economic freedom, Sub-Saharan Africa is classified as mostly unfree in terms of economic freedom, with an average score of 52.4. The rating ranges from 0 to 49.9, indicating repression, to 100, which indicates freedom.

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The background of the slide consists of several overlapping, semi-transparent, light gray organic shapes that resemble soft-edged circles or ovals. These shapes are layered on top of each other, creating a sense of depth and movement. The overall aesthetic is clean and modern.

PART II

**Economics
of Free Trade**

CHAPTER 7

State Control of Crude Oil in Africa: Nigeria and Angola in Focus

By **Ibrahim Bábátúndé Anoba**, PhD candidate
Atlas Network, NIGERIA

Introduction

Nigeria and Angola are two African countries easily identifiable as very wealthy. They are the top two producers (see Figure 1 and Figure 2) and exporters of crude oil in sub-Saharan Africa. In 2023, Nigeria exported 1.5 million barrels per day, and Angola accounted for 1.1 million, jointly raking up the majority of export earnings from crude oil in the region. Sadly, Nigeria's inability to efficiently utilize its crude oil revenue to competitively propel its economy upward is similar to Angola's reality. In both countries, as is the case in virtually all other oil-producing countries, control and majority ownership of the crude oil sector lies in the state's hands. But unlike elsewhere across the world—where wealth in crude oil has transformed economies—state agencies in Nigeria and Angola are responsible for corruptly mismanaging the returns from crude oil exports. The mismanagement has deprived the public of equitably benefiting from the wealth and indirectly allowed certain economic problems like poverty and inflation to fester. Returns realized from crude oil exports should be the people's money, not a national cake to be carved up by politicians and their corporate cronies. In Nigeria and Angola, the national cake analogy is true. It is a problem as old as the discovery of crude oil in both countries.

The state control of crude oil under colonial rule was initiated for no other reason than to benefit European colonial powers. When African leaders implemented the same policy at the moment of independence, it was largely to ensure that African interests were protected and that African wealth benefitted Africans. Instead, what has happened is the direct opposite: the interests of Africans are not respected by the African leaders who control the trade in crude oil, and the derived wealth has not significantly brought oil-rich countries like Nigeria and Angola towards deserved economic prosperity.

Without a doubt, citizens of both countries should live comfortably, enjoying great public infrastructure on the back of a stable economy. It defies reason to know that in 2023, Nigeria's poverty rate, according to the World Bank, was a staggering 38.9 percent (87 million of the country's roughly 223 million people). In that year, the country was home to nearly 12 percent of the world's extreme poverty population. Also, in 2023, the World Bank projected that 11.7 million people out of Angola's 35 million population (34 percent)

lived in poverty. Interestingly, while Nigeria's infrastructure deficit is above 50 percent, Angola does not seem to share a similar infrastructure problem. Amid these realities, it begs the question: what could be responsible for the mismanagement of their crude oil earnings? Indeed, the list of suspicions is lengthy: corruption in state agencies, foreign meddling, monopoly, cronyism, etc. My interest is in accounting for the first item.

NNPC and Nigeria's Crude Oil Mess

The British colonial government first monopolized oil exploration rights in Nigeria in 1914—a recurring attitude across colonial Africa. Britain introduced the Mineral Oil Ordinance in the same year. A section of the ordinance provided that “[n]o lease or license shall be granted except to a British subject or a British company registered in Great Britain or a British colony and having its principal place of business within Her Majesty's dominion.”¹ In other words, no other individual or corporation, not even Nigerians, had the right to explore oil on their ancestral lands. Britain subsequently granted an exclusive exploitation license to Shell D'Arcy in 1938. The company did not make a successful drill until 1956 in Oloibiri, an area in modern Bayelsa State in the country's Niger Delta region. Shell D'Arcy and its spinoff, Shell Mex-British Petroleum (BP), controlled production activities through the next decade. This exclusive access was lifted in 1958, allowing investments by private American corporations. Britain's overlord of the sector remained until a new law gave Nigerians the right to participate in the 1950s.² However, the indigenous fishing communities, including the Ijaw and Itsekiri peoples, who are the aboriginal inhabitants of the Niger Delta area, have never had direct and complete control of the wealth extracted from their ancestral land. Both the Ijaw and the Itsekiri had somewhat similar traditional socioeconomic systems that emphasized family and clan ownership of primary sources of wealth.

The post-independence government of Nigeria later acquired 35 percent ownership in the oil sector in 1973. Following the creation of the Nigerian National Petroleum Corporation (NNPC) in 1977, state participation in the oil sector increased. The military government of Yakubu Gowon assumed majority control of foreign oil companies in 1971 after the horrific Biafran War. State equity reached 80 percent in August 1979 with the nationalization of BP's shares. From 1979, revenue from crude oil has generally constituted 90 percent of all state export earnings. As recently as 2023, crude products accounted for over 91 percent (roughly \$60 billion) of the total value of exports from Nigeria.³ Before 1999, successive military heads of state freely awarded exploitation licenses to themselves and their cronies. The ability of leaders to freely and illegally control licensure points to a major loophole within the state-controlled system. President Olusegun Obasanjo revoked eleven such licenses when he assumed office in 1999.⁴

Gross mismanagement of oil revenue by the NNPC coupled with a sharp fall in global oil prices nearly destroyed Nigeria's economy in the 1980s. But General Ibrahim Babangida opened the sector to privatization in 1986, just one year after seizing power. He made critical fiscal readjustments in agreements with private oil companies, culminat-

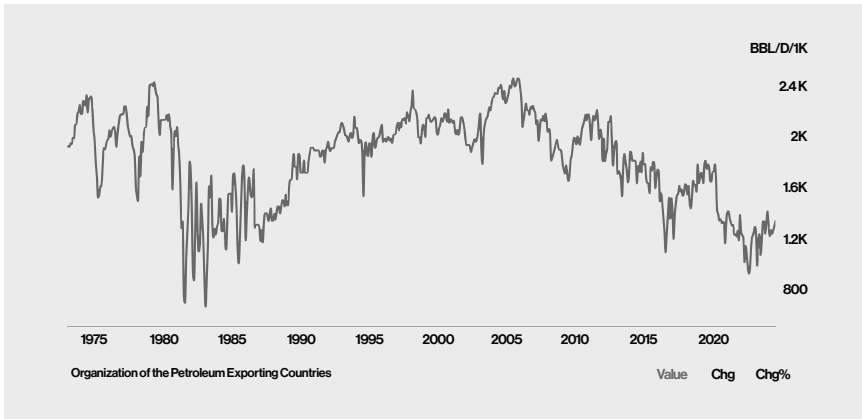
1 Patrick Okonmah, “Rights to Clean Environment: The Case for the People of Oil-Producing Communities in the Niger Delta,” *Journal of African Law* 4, no 1 (1997): 43-67.

2 Jędrzej Frynas, *Oil in Nigeria: Conflict and Litigation Between Oil Companies and Village Communities* (Münster: LIT Verlag, 2000), 15.

3 “Contribution of Oil and Natural Gas Sector to GDP in Nigeria 2018-2023,” Statista, accessed September 21, 2016, <https://www.statista.com/statistics/1165865/contribution-of-oil-sector-to-gdp-in-nigeria/#:~:text=In%202023%2C%20over%2091%20percent,approximately%2060%20billion%20U.S.%20dollars.>

4 Alexandra Gillies, “Reforming corruption out of Nigerian oil?” *Chr. Michelsen Institute*, accessed December 20, 2020, [https://www.cmi.no/publications/3295-reforming-corruption-out-of-nigerian-oil-part-one.](https://www.cmi.no/publications/3295-reforming-corruption-out-of-nigerian-oil-part-one)

Figure 1: Crude Oil Production in Nigeria 1970–2024 per barrel in millions



Source: *Trading Economics and the Organization of Petroleum Exporting Countries*
<https://tradingeconomics.com/nigeria/crude-oil-production>

ing in several memoranda of understanding. These agreements created an avenue for foreign private companies, including Exxon, Du Pont, and Statoil-BP, to earn drilling licenses. In 1966, there were only eight licensed oil companies in Nigeria. By 1998, more than fifty such companies existed; forty-six were owned by Nigerians.⁵ Oil production drastically increased throughout this period compared to the preceding decade. These improvements, however, still did not give any direct or absolute ownership to the indigenous people of the Niger Delta. Meanwhile, barely two years after its establishment in 1977, the NNPC, which was then the controlling agency for the Ministry of Petroleum and Energy, was embroiled in a major corruption scandal that involved the disappearance of \$2.8 billion in oil revenue. This trend of mismanagement and corruption has since become synonymous with the NNPC.

One of the most brazen cases of such mismanagement was the 2011 Oil Prospecting License 245 (OPL 245) granted to Shell and Eni. Both companies allegedly paid an undervalued price of \$1.1 billion to Malibu Oil and Gas, a company secretly owned by the former Nigerian petroleum minister Dan Etete. The minister had allocated the control of OPL 245 to his private company, Malibu Oil, in 1998 while still in office.⁶ Both Shell and Eni reportedly paid millions of dollars in bribes to state officials to seal the undervalued deal in secret rather than officially engaging with the Nigerian state. The scandal went as far as the country's highest office. Nigeria's President Goodluck Jonathan, Petroleum Minister Deziani Allison Madueke, and Attorney General Mohammed Ado were alleged to have received such secret payments.⁷ The Nigerian government only officially received a \$209 million signature bonus from the deal. It was estimated that the country lost almost \$6 billion in potential revenue from the OPL 245 deal.

In a similar case in 2009, an investigation by the US Federal Bureau of Investigation (FBI) uncovered a decade-long bribery scheme between the Nigerian Liquefied and Natural Gas (NLNG)—a company in which NNPC holds majority shares—and the Amer-

5 Frynas, *Oil in Nigeria*, 35-36.

6 Global Witness, "Take the Future - Shell's Scandalous Deal for Nigeria's Oil," *Global Witness*, (2018): 5-11: <https://www.globalwitness.org/en/campaigns/oil-gas-and-mining/take-the-future/>. Accessed January 30, 2021.

7 Libby George, "Nigeria Says Ex-President and his Oil Minister took Bribes: Court Filing," *Reuters*, accessed January 20, 2021, <https://www.reuters.com/article/us-nigeria-oil/nigeria-says-ex-president-and-his-oil-minister-took-bribes-court-filing-idUSKCN1SG21U>

ican company Kellogg Brown & Root LLC (KBR). In its investigation, the FBI concluded that between 1995 and 2004, KBR paid top executives in the Nigerian government and directors of both the NNPC and NLNG more than \$180 million in bribes through shell companies owned by their Nigerian co-conspirators to obtain an engineering, procurement, and construction license to build liquified natural gas facilities on Bonny Island in the Niger Delta.⁸ The value of the contract was worth \$6 billion.

In 2012, KBR's former chief executive, Albert Stanley, was found guilty of numerous counts of bribery and "deeply hurtful practices" in the same case and was sentenced to thirty months in prison; a former KBR consultant got twenty-one months, and a few others were sentenced in the United States.⁹ KBR was slapped with a hefty \$400 million fine, which at the time was the second-largest the United States had ever issued under the Foreign Corrupt Practices Act. Shockingly, the Nigerians who participated in the scheme hardly faced any court sentencing. Such a deal was partly made possible by the flawed system that put control of resources in the hands of a corrupt class of ruling elites.

It came as no surprise to critics when, in 2016, an audit of NNPC revealed that the company failed to remit \$16 billion in oil revenue from 2014 to the Central Bank of Nigeria (CBN). Perhaps similar figures could have been fraudulently stolen or mysteriously disappeared inside the NNPC every two years before the audit. No one can categorically tell. But how such enormous figures could be stolen with no public knowledge shows just how deeply broken the state management of the crude oil system is in Nigeria.

There are many powerful crony corporate—often foreign—interests at stake in the Nigerian crude oil sector that prevent proper accountability. Evidently, these crony corporate interests control greedy Nigerian leaders so that the crude oil sector is vulnerable to brazen exploitation. For example, when former CBN Governor Sanusi Lamido Sanusi protested that billions of dollars in oil revenue were missing from the bank, President Jonathan removed him from office.¹⁰ What other reasons would the president have removed Sanusi and turned a blind eye to the alert? It was a case of protecting some high-stakes interests, interests so high that the president was willing to sacrifice his country's prosperity. Unfortunately, as the looting of Nigeria's oil wealth has increased since independence in 1960, much-needed social and physical infrastructures for the country's development have remained largely neglected.

As a result, Nigeria has been negatively ranked on nearly all major indexes of socioeconomic problems since the start of the twentieth century. In 2023, more Nigerians lived in extreme poverty than anywhere else globally. Unemployment has also steadily increased over the last decades. Other problems, including the increase in terrorism and banditry, are linked to poverty and unemployment. Perhaps the most significant positive shift in the Nigeria crude oil story since independence concerns the inauguration of the Dangote Refinery, a privately owned indigenous oil refinery company, in 2023. Its emergence—barring any meddling by the NNPC and the monopolization of the market by Dangote Refinery—stands to open up the sector to more competition and engender unprecedented productivity. But the double-headed devil of corruption and mismanagement still lurks in the shadows.

8 Russel Gold, "Halliburton Ex-Official Pleads Guilty in Bribe Case," *The Wall Street Journal*, accessed December 20, 2020, <https://www.wsj.com/articles/SB122047391409696341>.

9 Chris Baltimore, "Ex-KBR CEO gets 30 Months for Nigeria Scheme," Reuters, accessed December 11, 2020, <https://www.reuters.com/article/world/africa/ex-kbr-ceo-gets-30-months-for-nigeria-scheme-idUSL2E8DNANU/>.

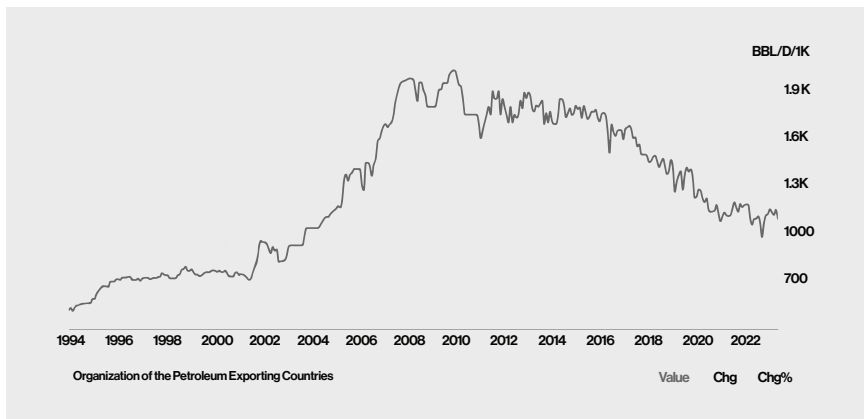
10 Adam Nossiter, "Governor of Nigeria's Central Bank Is Fired After Warning of Missing Oil Revenue," *The New York Times*, accessed December 20, 2019, <https://www.nytimes.com/2014/02/21/world/africa/governor-of-nigerias-central-bank-is-fired-after-warning-of-missing-oil-revenue.html>.

Angola and the Sonangol Problem

Angola owns about 9 billion barrels of proven oil resources and 11 trillion cubic feet of natural gas reserves. It is one of Africa's top three exporters of crude oil in the last decade. The oil sector is Angola's lifeblood, so much so that in 2024, 75 percent of the country's revenue derived from trade in crude oil. As is the case in Nigeria, the Angolan government's control of the trade in crude oil predates the advent of indigenous rule. The first commercial oil discovery in Angola was in 1955 while the country was under Portuguese colonization, and the Portuguese quickly monopolized the crude oil industry. It had earlier established the state oil company, Sociedade de Lubrificantes e Combustíveis (or An-gol), in 1953 to coordinate exploitation activities, primarily for Portugal's benefit.

After independence in 1975, successive indigenous governments nationalized the oil industry in one way or the other. At first, there was the creation of the National Commission for Restructuring the Oil Industry. The commission established the Sociedade Nacional de Combustíveis de Angola (or Sonangol), the state oil company, in 1976. Sonangol has since acted on behalf of the government of Angola in the oil sector. The state is the chief administrator of Sonangol, which the state oversees through over a dozen subsidiaries. The Petroleum Activities Law, and the Law on Taxation of Petroleum Activities (PTL), both enacted in 2004, significantly strengthened Sonangol's powers. Although Sonangol could grant a license of operation to private oil companies, in practice, the PTL made Sonangol, the sole concessionaire of petroleum production activities. Through its Empresa Pública division, Sonangol equally held exclusive and non-transferable mining rights. It also ironically had substantial stakes in the companies to which it granted licenses. Unincorporated JVs were subjected to 65.75 percent income tax. At the same time, those entering into a production-sharing agreement with the government—often after reaching other secret-sharing agreements with state officials—were required to pay 50 percent income tax.

Figure 2: Angola's Oil Production between 1994 and 2023 per barrel in millions



Source: *Trading Economics and the Organization of Petroleum Exporting Countries*
<https://tradingeconomics.com/angola/crude-oil-production>

The 2010 Constitution strengthened the state's non-transparent custody of Angola's oil. Articles 3(3) and 16 reestablish the state's ownership of all gaseous resources, while article 165 (l) recognizes the state's absolute right to determine the granting of concessions for the

use of natural resources and the transfer of state assets, chief of which is crude oil. All petroleum resources were nationalized by default until the government, through Sonangol, deemed it beneficial to license a bidder to share exploitation or production rights. Other forms of regulations have since further expanded Sonangol's monopoly. In 2012, for example, private oil companies were required to conduct payments to the government in *Kwanza*, the local currency, through local financial institutions, which was promoted, partly, as a move to limit embezzlement. Rather than prevent embezzlement, this largely fostered it. Over time, the scroll of regulations and monopoly only made Sonangol a means through which politicians conveniently siphoned off state resources for private gain.

According to Sonangol, the company derived a \$3.1 billion net profit in 2023 and \$5.3 billion in 2022.¹¹ Independent groups like Human Rights Watch and the International Monetary Fund believe the accurate figures are possibly in multiples of the reported figures. Sonangol's vulnerability to theft over the years did not make oil revenue significantly count towards the country's development, especially during the export boom between 2008 and 2010. Angola only recorded its highest oil revenue as a percentage of the GDP (56.14 percent) in 2008. Meanwhile, around the same period, the rate of Angola's 21 million population living below the \$1.90 poverty line averaged 35 percent.

In 2004, Human Rights Watch claimed that more than \$4 billion in oil revenue was unaccounted for by the government between 1997 and 2002. Other surveys suggest the amount stolen from Angola's oil returns could be up to \$1 billion annually.¹² It is shocking that the amount of crude oil revenue stolen during the thirty-eight-year reign of President José Eduardo dos Santos has yet to be accurately calculated. The looting was allegedly extended to the rest of the dos Santos family, particularly his son, José Filomeno, and daughter, Isabela. Perhaps the most notorious case of mismanagement perpetrated by José Filomeno has to do with his appointment as chairman of the country's \$5 billion sovereign wealth fund (Fundo Soberano de Angola [FSDEA]), in 2013. FSDEA's coffers were powered by crude oil revenue.

It came as no surprise to many when José Filomeno was detained in September 2018 on counts relating to the illegal diversion of half of the sovereign wealth fund.¹³ He was later accused in 2019 of transferring \$500 million from the fund to a Credit Suisse account in London. Isabela's net worth as of 2013 was estimated to be over \$3 billion. This wealth, which earned her the status of Africa's first female billionaire in 2013, was, in many ways, tied to the country's oil resources.¹⁴ Her appointment as chairwoman of Sonangol in 2016 by José Eduardo created further questions about her source of wealth, even though she had worked in the crude oil sector many years prior. She was dismissed in 2017 by her father's successor, President João Lourenço. Under the Lourenço government, the National Oil and Gas Agency's activities, which overtook some of Sonangol's responsibilities, considerably cleaned the oil sector. However, some damages are simply too serious for a short-term cleaning job.

11 "Sonangol's Net Profit Fell 41.5 Percent in 2023 To 3.1 Billion Dollars," VerAngola accessed March 10, 2024, <https://www.verangola.net/va/en/022024/Energy/39001/Sonangol-s-net-profit-fell-415-percent-in-2023-to-31-billion-dollars.htm>

12 Marie Chêne, "Overview of Corruption and Anti-corruption in Angola," Transparency International, accessed February 20, 2021, https://www.transparency.org/files/content/corruptionqas/257_Corruption_and_anti_corruption_in_Angola.pdf, 3.

13 Anna Meisel, "Angola's Jose Filomeno dos Santos detained over 'fraud,'" British Broadcasting Corporation, accessed September 25, 2018, <https://www.bbc.com/news/world-africa-45640818>.

14 Kerry Dolan, "Daddy's Girl: How An African 'Princess' Banked \$3 Billion in a Country Living on \$2 a Day," *Forbes*, accessed 12 December 2020, <https://www.forbes.com/sites/kerryadolan/2013/08/14/how-isabel-dos-santos-took-the-short-route-to-become-africas-richest-woman/#542dc5b645f5>.

The absence of sufficient funds to invest in provisions that would facilitate prosperity in Angola amid the massive looting of crude oil revenue is tied to the country's ravaging poverty and unemployment realities. More than 41 percent of Angolans lived below the national poverty line in 2019, although the rate declined to 34 percent in 2023.¹⁵ While the unemployment rate fluctuated between 9.43 percent and 6.77 percent from 2010 to 2020, it has increased to 14.62 percent in 2023.¹⁶

Thinking Forward

The positive experience of non-African countries where the state practically controls the oil sector—Bahrain, the United Arab Emirates, Qatar, etc.—shows that the problem is not always solely because of state control. The factors responsible for the underwhelming benefits of crude oil export earnings in Nigeria and Angola go beyond the centralization of crude oil management in NNPC and Sonangol. Certainly, cronyism, monopoly control, corruption, embezzlement, and unfavorable joint ventures with non-African oil companies are accompanying factors as well. In the end, it all rises and falls on leadership.

With the world rapidly moving beyond fossil fuels, annual export earnings from crude oil could continue to decline globally, and both Nigeria and Angola would not be immune to that reality. The decades of revenue mismanagement will catch up with Nigeria and Angola in no time. The future is even less promising because both countries depend primarily on crude oil earnings to fund their respective national budgets. As is common practice in other oil-rich countries, the state will remain the primary controller of crude oil activities in Nigeria and Angola, while private corporations retain a significant role. However, more investments from indigenous African corporations are desperately needed to make the sector competitive. If this is the expected status quo in the foreseeable future, the priority from a public policy standpoint should be pushing the concerned governments to implement radical reforms that would render state agencies like the NNPC and Sonangol, and the ministries under which they operate, more transparent.

The necessary radical reforms are twofold. First, more local Nigerian and Angolan investors should be encouraged to get involved. The existence of local competitors is one way to keep foreign corporations more responsible, curb cronyism, and de-monopolize the crude sector. Likewise, the communities from which crude is extracted should have a significant say in how the resources generated from their ancestral land are used and how to keep corporations environmentally responsible. For example, they could be given fixed seats on the boards of NNPC and Sonangol.

The second set of reforms relates to creating “truly” independent auditing bodies that would annually study the activities of private and state actors, like NNPC and Sonangol. Similar auditing agencies already exist, although they are usually under the authority of the executive and legislative branches of government. The problem started when the constitutions in both Nigeria and Angola vested the president with the power to hire and fire NNPC and Sonangol boards of directors, respectively. In both countries, who gets to lead the state's oil agency is not premised on expertise or experience. Past presidents have used such appointments to reward political loyalists. Board members are usually individuals whom the president and high-ranking members of parliament

15 “Poverty and Equity Brief: Angola 2020,” World Bank, accessed January 15, 2021, https://databank.worldbank.org/data/download/poverty/33EF03BB-9722-4AE2-ABC7-AA2972D68AFE/Globa_POVEQ_AGO.pdf.

16 “Angola: Unemployment rate from 2004 to 2023,” Statista, accessed June 20, 2024, <https://www.statista.com/statistics/808219/unemployment-rate-in-angola/#:~:text=The%20unemployment%20rate%20in%20Angola,remained%20at%20around%2014.62%20percent>

can easily control to steal revenue from crude exports. It only makes sense that any auditing of the NNPC and Sonangol, which the president or parliament unilaterally or jointly initiates, would turn out to be a kangaroo exercise.

Hence, it is not unexpected that both NNPC and Sonangol continue to miraculously lose money annually amid several audits. Instead, auditing should be jointly initiated by local civil society organizations, trade unions, and bar associations. These three bodies should be constitutionally empowered to conduct such exercises annually. State agencies might be doing the same auditing successfully in other crude-exporting countries. In Africa, however, this option has failed. In Nigeria and Angola, the people should be in charge of monitoring.

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CHAPTER 8

The African Continental Free Trade Area and the Protocol on Free Movement of Persons: Opportunities, Complexities, and Prospects

By **Theresa Moyo**, PhD
University of Johannesburg, SOUTH AFRICA

Introduction

One of the major developments in twenty-first century Africa has been a stronger vision of African unity and continental integration. The African Union's (AU) *Agenda 2063: The Africa We Want* epitomizes this development. The agenda is a vision for the continent, a vision of prosperity, peace, and inclusive and sustainable development for all its peoples. The African Continental Free Trade Area (AfCFTA) agreement came into force in May 2019, and as of March 2023, fifty-four of the fifty-five African Union member states had signed the AfCFTA agreement, and forty-six countries had ratified and deposited the instruments of ratification with the African Union Commission. The AfCFTA is one of the flagship projects of Agenda 2063 aimed at creating a single African market for goods and services facilitated by free movement of persons. It is the world's largest free-trade area bringing together the fifty-five countries of the African Union (AU) and eight Regional Economic Communities (RECs). The overall mandate of the AfCFTA is to create a single continental market with a population of about 1.3 billion people and a combined GDP of approximately US\$3.4 trillion.¹

As part of its mandate, the AfCFTA aims to eliminate trade barriers and boost intra-Africa trade. Progress on the AfCFTA has been impressive thus far. A secretariat for AfCFTA has been established in Ghana and is now operational. Trading commenced on January 1, 2021.

The AfCFTA is expected to contribute to establishing regional value chains in Africa, enabling investment and job creation. The practical implementation of the AfCFTA also has the potential to foster industrialization, job creation, and investment, thus enhancing the competitiveness of Africa in the medium to long term.²

In January 2018, the AU Heads of State and Government adopted the Protocol to the Treaty establishing the African Economic Community (AEC) relating to free movement

1 African Union, 2023

2 World Bank, 2020

of persons, right of residence, and right of establishment (hereafter referred to as the protocol on FMP). Free movement of people is rooted in Africa's pre-colonial history. As argued by Adepoggi,³ in the colonial era, the continent was partitioned without due consideration of social, linguistic, and cultural realities among indigenous people. As a result, a single ethnic group might find itself located in two or three countries.⁴ Colonial boundaries and the attendant legal, administrative, and physical measures adopted by countries have largely constrained movement of people across borders. Article 5 of the protocol makes provision for a phased approach to implementing the protocol. There are three phases: Phase I, implementation of the Right of Entry (Article 1); Phase Two, implementation of Right of Residence; and Phase III, implementation of the Right of Establishment. Article 12 makes provision for free movement of border communities, and Article 14 provides for free movement of workers. Another important provision of the protocol is Article 10 on the introduction of an African passport, which will allow Africans to travel freely to any country on the continent.

This essay aims to assess progress in the implementation of both the AfCFTA and the protocol. Its specific objectives are to identify the opportunities offered by the trade pact; to analyze the complexities surrounding the slow implementation of the protocol on FMPs, and to explore strategies that might contribute towards accelerating the pace of progress on its implementation. A key argument is that, while the AfCFTA has much to offer, progress on FMPs is slow. I recommend that the AU, Regional Economic Communities (RECs), and other stakeholders support member states in taking measures that resolve the challenges hindering free movement of people.

Conceptual Framework

A Pan-Africanism and regional integration conceptual framework is adopted as the analytical lens for this essay. Pan-Africanism is a political ideology in support of the idea of African unity as a means to consolidate African independence after colonialism and to create capacity for the continent to resolve any challenges which it may face. The late Kwame Nkrumah, one of Africa's leading Pan-Africanists, was concerned that even though most of Africa had attained political independence, the threat of re-colonization was present because that independence was in an era where "imperialism had grown stronger, more ruthless and experienced, more dangerous."⁵ In such an environment, he argued, Africa's economic advancement demanded "the end of colonialist and neo-colonialist domination in Africa."⁶ His thinking was that independence was

only a prelude to a new and more involved struggle for the right to conduct our own economic and social affairs; to construct our society according to our aspirations, unhampered by crushing and humiliating neo-colonialist controls and interference.⁷

Nkrumah called for a united approach to solving the continent's challenges as reflected in these words: "Without necessarily sacrificing our sovereignties, big or small, we can here and now forge a political union. We must unite in order to achieve the full liberation of our continent."

3 Adepoggi, "Fostering Free Movement," 2002

4 The author gives as an example, that in West Africa, many ethnic groups found themselves located in two or more countries after the Berlin Conference when Africa was partitioned by colonial powers. For example, the Ewe (Ghana and Togo); Yoruba (Benin and Nigeria); Housa (Niger, Mali and Nigeria); Efik (Cameroun and Nigeria).

5 African Union, "Speeches and Statements," 1963, 49. Speech made at the Organisation of African Unity (OAU). African Union, by then President of the Republic of Ghana Kwame Ojo Nkrumah

6 African Union, "Speeches and Statements."

7 African Union, "Speeches and Statements."

The essence of Nkrumah’s vision was that freedom at the personal and national level critically depended on attaining economic prosperity and independence. His thinking resonates with the African Union’s Agenda 2063. For example, Aspiration 6 of the agenda envisages “an Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children.”⁸ The free movement of people, which is envisaged in the AU protocol on free movement of people, would be the machinery for realization of the goal of Pan-Africanism, because the protocol is an attempt to “undo” borders or boundaries which were imposed in the colonial era. These barriers have fragmented Africa and separated African people from each other. The AfCFTA, taken together with the protocol on free movement, thus has the potential to contribute towards that Pan-Africanist vision of an integrated continent and a united and free African people.

Literature Review

The review briefly discusses the context for the analysis of intra-African trade and free movement of people. From several studies which critique World Bank and IMF Structural Adjustment Programs (SAPs) in Africa, there appears to be consensus that these programs had a largely negative impact, for example, in the case of countries such as Ghana, Kenya, and Zimbabwe. Ismi⁹ concludes that SAPs “impoverished a continent” because of the poverty and inequality which they caused, since SAPs reduced incomes of small farmers and poor rural communities who could not adjust to the dictates of the new market regime unleashed by the programs. Furthermore, SAPs led to job losses and closure of many industries. Opong¹⁰ considers SAPs to have been “a dismal failure” because they worsened the socio-economic conditions of most of the populations in those countries that implemented the programs. Other studies also hold that SAPs had negative impacts on African countries.¹¹ The message from these studies is that free markets may be harmful. As a result, consideration of both the AfCFTA and the protocol on FMPs has to be approached in a more critical yet constructive manner, given the potential repercussions.

The model of free trade has had mixed results in other regions. After examining the impact of the North American Free Trade Agreement (NAFTA), Blecker¹² concludes that while the country experienced a boost in manufactured exports, the welfare effects were small. There was a marginal increase in employment, a stagnation of wages, and a rise in inequality.

“NAFTA was a disappointment for Mexico” because although trade and foreign direct investment increased, economic growth was slow, job growth was slow and the country experienced a severe economic crisis.¹³

While acknowledging the positive impact of NAFTA on FDI, exports and imports, it’s observed that the impact was hugely negative on Mexico’s agriculture and rural economy because farmers could not withstand the stiff competition from subsidized agriculture from the other trading partners.¹⁴

This evidence clearly points to the need for a more cautious and strategic approach to market liberalization.

8 African Union, “Our Aspirations,” 2024.

9 Ismi, “Impoverishing a Continent,” 2004.

10 Opong, “Failure of SAPs,” 2014: 231.

11 Cheru, “Structural Adjustment Programs,” 1995; Olukoshi, “The Elusive Prince of Denmark,” 2002.

12 Blecker, “The Mexican and US Economies,” 2014.

13 Zepeda, Wise and Gallagher, “Rethinking Trade Policy,” 2009

14 Denata, Luthfiani and Zahro, “The Impact of NAFTA,” 2023.

Opportunities Offered by AfCFTA

By creating one of the largest single markets in the world through trade liberalization, proponents suggest that the AfCFTA will boost intra-African trade, increase GDP growth, create jobs, increase incomes, and improve the quality of life for millions of Africans. They also argue that the removal of trade barriers and free movement of people will also integrate the continent politically, economically, socially, and culturally. UNECA, World Bank, and Afreximbank¹⁵ all argue that the AfCFTA is likely to generate significant economic and social benefits for Africa. Estimates by the World Bank indicate that the volume of total exports would increase by almost 29 percent by 2035 relative to a baseline (the time when AfCFTA starts operations). Real income gains from full implementation of the agreement could increase by 7 percent, or nearly US\$450 billion.¹⁶

The informal economy is also expected to benefit from an increase in continental trade. The International Labour Organization estimates that the proportion of informal to total employment is almost 83 percent in Africa and 85 percent in Sub-Saharan Africa.¹⁷ A study by Jean-Guy Africa and Gerald Ajumbo indicates that the informal trade sector contributes about 30 to 40 percent of regional trade in the SADC region.¹⁸ Free movement of people would significantly benefit this category of traders because they tend to travel physically across borders in the course of trading their goods. The protocol on FMP was designed to ease and facilitate such movement.

Complexities

Although the AfCFTA and the protocol on FMP have potential to transform African economies, there are complexities on some fundamental aspects of these initiatives. The following are highlighted:

Anti-immigrant sentiments

In some countries, there are perceptions that immigrants would worsen unemployment and poverty for the local population, pose security threats, and also increase the rate of crime.¹⁹ The former minister of home affairs in South Africa, Dr. Aaron Motsoaledi, was unapologetic when he said:

When immigrants get admitted in large numbers, they cause overcrowding. . . . [U]ndocumented immigrants are flooding South Africa and overburdening clinics and hospitals.²⁰

On another occasion, the minister also complained about South Africa admitting “rascals who have committed crimes in their own countries.”²¹ The leader of the Patriotic Alliance (PA), Gayton McKenzie, was equally critical of undocumented migrants. He once said, “I have to be realistic about the situation faced by South Africans who are competing for work opportunities and other resources with illegal foreigners.”²²

15 UNECA, 2020; World Bank, “The African Continental Free Trade,” 2020; and Afreximbank, “Trade Policy Brief,” 2023.

16 World Bank, “The African Continental Free Trade,” 2020.

17 International Labour Organization “Informal Economy in Africa,” 2024.

18 Afrika and Ajumbo, “Informal Cross Border Trade,” 2012.

19 Helen Suzman Foundation, “Migration: Public Opinion.”

20 Heleta, “Are Foreigners Stealing Your Jobs,” 2018.

21 AmaShabalala, “Video of Motsoaledi’s Attack,” 2022.

22 Mafisa, “PA Plans a March to Demand the Deportation of Illegal Foreigners,” July 12, 2023.

Daly²³ highlights the experiences of Ghana and Nigeria with migration between their two countries and cites poor economic conditions as a major reason behind the expulsions of people which took place between them. Implementing the protocol on FMPs in such contexts will thus pose significant challenges for most countries.

Controversy around the free trade model underpinning AfCFTA

Trade liberalization is the core of AfCFTA. In AfCFTA, with effect from 2020, it is planned that parties should eliminate tariffs on 90 percent of products. Recognizing the diversity in countries in terms of vulnerability to trade shocks, the tariff liberalization will be over a period of five years for the more developed African countries and ten years for the least developed. Such an arrangement allows the latter group of countries to make the necessary adjustments in preparation of liberalization. From 2025 on, there will be further elimination of tariffs on an additional 7 percent of tariff lines (over five years for developed and eight years for least developed African countries). Furthermore, mindful that there are some sectors that are sensitive to liberalization regardless of time frame, the agreement makes provision for parties to exclude up to 3 percent of tariff lines from reduction (no more than 10 percent of intra-African imports). The purpose is to protect certain national sectors due to their sensitivity, which could be strategic, for example, safeguarding food security by excluding certain agricultural goods from tariff reduction.

As explained in the literature review section, the experience of many African countries that implemented World Bank and IMF Structural Programs in the 1970s and '80s has led some to question if, in fact, AfCFTA will not also have negative impacts particularly on smaller and more fragile African countries that are not yet ready for competition. Anticipating such concerns, the AU built into the agreement a staggered approach to tariff liberalization as described above. The question then is whether or not the Least Developed Countries (LDCs) in Africa will be able to make the necessary adjustments to open up their economies without adverse socio-economic consequences to their people.

Slow pace of implementation of the protocol on free movement of people

Even though the protocol on FMP has been adopted, progress on its implementation has been slow. To date, while thirty-three countries have signed the protocol, only four have ratified it (Benin, Mali, Rwanda, and Sao Tome and Principe). This is in sharp contrast to the AfCFTA where all fifty-five member states in Africa have signed the agreement and forty-seven have deposited their instruments of ratification. Free movement of people remains illusory in Africa. This is particularly well illustrated in an African Union and African Development Bank report.²⁴ Based on the Africa Visa Openness Index,²⁵ the top twenty performers had scores ranging from 0.691 (Tanzania) to 1.00 (Benin, The Gambia, Rwanda, and Seychelles). These countries have abolished visa requirements for travelers from all African countries. Other countries in the group of twenty are Ghana, Nigeria, Togo, Guinea-Bissau, Cabo Verde, Mauritania, Burundi, Mozambique, Comoros, Djibouti, Senegal, Madagascar, Somalia, and Ethiopia.²⁶

Ironically, countries that have not fared so well (with an AVOI of below 0.5) include countries classified as middle or high income. Examples are South Africa (0.358), Bot-

23 Daly, "Ghana Must Go," 2023.

24 AU and AfDB, "Africa Visa Openness Report," 2023, 10.

25 The Africa Visa Openness Index measures the extent to which African countries are open to travelers from other African countries.

26 AU and AfDB, "Africa Visa Openness Report," 10.

swana (0.321), Morocco (0.151), Egypt (0.106), and Algeria (0.113).²⁷ For South Africa and Botswana, the unwillingness to open up could be explained by the problems which they have experienced from a large influx of migrants from neighboring countries.

Slow pace of implementation of AU Program on Infrastructure Development in Africa (PIDA)

PIDA is another flagship program of AU under Agenda 2063. The AU adopted PIDA to facilitate infrastructure development across Africa, an important base for intra-African trade. While the program has achieved some successes, implementation has been slow.

Social norms, cultural beliefs, and practices

Free movement of women and girls remains a challenge in Africa largely because of social norms, cultural beliefs, and practices that impose mobility restrictions on women and girls. A study by Human Rights Watch²⁸ indicates that in some countries in North Africa, male guardianship practices demand that a woman or girl must seek permission from a father, brother, husband, or other male relative whenever she has to travel within or outside the country.

Prospects

Several studies agree that if implemented successfully, the AfCFTA has potential to transform the fortunes of Africa and its people.²⁹

From the analysis, it is evident that while the AfCFTA has been ratified by most countries, there are serious challenges with respect to the Protocol of Free Movement of Persons, which is crucial for the success of the former. A possible solution is for countries to harness the benefits of digital trade by accelerating investments in infrastructure for digital trade. Another study underscores the immense potential of the digital revolution and how it could be harnessed to accelerate intra-African trade. The study argues that, by 2025, internet penetration in Africa is expected to reach 50 percent, connecting close to 600 million users, half of whom will have smartphones.³⁰ That means that these users can also participate in digital trade platforms. Another study indicates that, while Africa's share of the digital trade is small, it is actually growing at a rapid pace.³¹ The report observes that between 2005 and 2021, whereas global digital service exports increased by 40.52 percent, the proportion was much higher for Africa, which registered 91.5 percent. Thus, African countries should consider investing more in digital trade.

Conclusion and Recommendations

Although there is potential for the AfCFTA to transform African economies and also to integrate the continent as envisioned under Agenda 2063, there are serious challenges regarding the protocol on FMPs. Recognizing the reality of concerns around high rates of immigration in situations where countries are facing their own domestic challenges such as unemployment, it will be critical for African countries to find ways to improve

27 AU and AfDB, "Africa Visa Openness Report," 10.

28 Human Rights Watch, "Trapped: How Male Guardianship," 2023.

29 Fundira, "Informal Cross-Border Trading," 2018; World Bank, "African Continental Free Trade," 2020; UNECA, "Tracking Africa's Progress," 2023; and Afreximbank, "Trade Policy Brief," 2021, 2023; and Apeko, Woolfrey, and Byiers, "Promise of the African," 2020.

30 UNECA, ATPC, FES and UNHR. "Digital Trade in Africa," 2019.

31 University of the Witwatersrand, "Digital Trade Protocol for Africa: Why It Matters, What's In It and What's Still Missing," Franziska Sucker, April 8, 2024.

social and economic conditions as a precursor to opening up to free movement of people. Learning from the experiences of those countries that have already ratified the protocol, member states should also consider taking measures to improve border management; establishment of One Stop Border Posts; improvement of border security; and improvement of registration systems for IDs and passports; and building capacity of border, customs officials, and revenue authorities to process large volumes of traffic of traders and vehicles that cross borders. Given the importance of infrastructure in trade, the AU-AUDA/NEPAD need to intensify resource mobilization in order to achieve implementation targets under PIDA Priority Action Plan (PAP) II (2021-2030).

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CHAPTER 9

Leveraging Free Trade to Boost Africa's Wildlife Economies through Wild-Harvested Products

By **Ndlovu Wiseman**, PhD

African Wildlife Economy Institute, Stellenbosch University, SOUTH AFRICA

Introduction

The intra-Africa trade of wild products presents a unique intersection of economic opportunity and environmental conservation. With the establishment of the African Continental Free Trade Area (AfCFTA), the potential to enhance trade among African nations has grown significantly, marking an important shift in the continent's economic landscape. The wildlife economy in Africa, encompassing wild-harvested products such as game meat, non-timber forest products, ecotourism, and more, holds significant but underutilized potential to contribute to the continent's Gross Domestic Products and economic integration on the continent.

With fifty-four of the fifty-five African Union nations party to the agreement, AfCFTA is the largest free trade area in the world in terms of participating countries. As Van der Ven and Signé argue, harnessing Africa's liberty through AfCFTA presents an opportunity to enhance the value derived from wildlife resources and ensure sustainability, a benefit to people and conservation.¹ In this article, I discuss the potential for wild products trade in Africa and how the AfCFTA framework, a key resource in enhancing trade among African nations, could be used as a tool to improve livelihoods, generate income, and grow economies on the continent.

Wild Products and the Economy

Wild products hold significant importance and potential for economic development and livelihood support across many African nations. These products—ranging from game meat and medicinal plants to insects and oils from trees like baobab—provide diverse opportunities for income generation, food security, and cultural preservation.²

1 Van der Ven and Signé, "Greening the AfCFTA," 2021

2 Heubach, Wittig, Nuppenau, and Hahn, "The Economic Importance of Non-timber Forest," 2011.

The sustainable use and trade of these products can enhance economic diversification, particularly in rural areas, where alternative employment opportunities may be limited.³ Moreover, the harvesting and processing of these products can create jobs, support traditional practices, and contribute to the conservation of biodiversity. As countries strive to develop resilient and inclusive economies, the potential of wild products as catalysts for sustainable development and livelihood enhancement cannot be overstated. Here I give some of the examples of wild products and wildlife product categories that are currently utilized and have a potential to transform African wildlife economies in the context of free markets and trade in the continent. Specifically, in this section I use game meat, mopani worms, insects, medicinal plants, firewood, fuels, and oils to illustrate their current state in the market and what needs to be done to liberalize the markets and achieve their full potential, thereby transforming African wildlife economies.

Game meat

Game meat from species such as wild boar, impala, springbuck, wilder beast, gazelle, kudu, and buffalo are popular delicacies in many African countries. Countries like Botswana, South Africa, and Namibia have an advanced regulated game meat industry, with strict regulations to ensure sustainable harvesting.⁴ The same cannot be said about other regions such as east, west, and north Africa. Interestingly, while the game meat industry is not regularized in central Africa, it is the primary source of protein and, in some cases, the only source of protein. Currently, trade in game meat faces challenges related to health and safety standards and competition from domestically produced livestock meat. It is crucial to ensure that the game meat trade is liberalized to promote sustainable and healthy alternatives, which requires responsible practices and strict adherence to regulations.

Mopani worms

Mopani worms, also known as mopane worms or mopane caterpillars, are the larvae of the emperor moth (*Imbrasia belina*), native to the southern regions of Africa. Mopani worms are typically found on the mopane tree (*Colophospermum mopane*), which is prevalent in southern Africa, especially in countries like Botswana, Zimbabwe, South Africa, and Namibia. Mopani worms are a significant source of nutrition (protein, healthy fats, and essential minerals such as iron and calcium) and income in southern African countries like Zimbabwe, Botswana, and South Africa, which have thriving mopani worm industries.⁵ The main challenges include over-harvesting and lack of formal market structures. Product standardization, innovation, and cooperatives can enhance market reach and access while facilitating regional integration.

Medicinal plants

Medicinal plants, such as the African potato (*Hypoxis hemerocallidea*) and Sutherlandia, are used in traditional medicine across Africa. Some countries, such as South Africa, have a well-established market for medicinal plants, but the trade faces challenges related to intellectual property rights and sustainability.⁶ Harmonizing regulations and protecting indigenous knowledge can promote the sustainable trade of medicinal plants in Africa and improve public health through affordable and healthier medicines.

3 Ellis and Allison, "Livelihood Diversification," 2004; Shackleton, Campbell, Lotz-Sisitka, and Shackleton, "Links between the Local Trade," 2008.

4 Burgess, "Country Pasture/Forage Resource," 2006; Van Schalkwyk et al., "The Contribution of Wildlife," 2010; Booth, et al., "Investigating the Risks," 2021.

5 Hlongwane et al., 2021.

6 Gebashe et al., "Cosmeceuticals: A Newly Expanding," 2022.

Baobab oil

Baobab oil, extracted from the seeds of the baobab tree, is used in cosmetics and health products. The trade in baobab oil offers significant economic opportunities, particularly for women in rural areas. However, the industry faces challenges related to quality control and market access.⁷ Investing in processing facilities and establishing quality standards can enhance the competitiveness of baobab oil.

Firewood and fuels

Firewood and other biofuels are essential energy sources in many African countries. The trade in these products contributes to rural livelihoods, but over-exploitation and deforestation are significant concerns. Promoting sustainable harvesting practices and alternative energy sources can mitigate these challenges and ensure a stable supply of firewood and fuels. In terms of livelihood outcomes, this industry is still informal and underdeveloped. It requires considerable improvements to benefit people effectively. A study revealed that despite the comparatively low mean income of firewood harvesting and trading, it remains a crucial source of cash income depended upon by most households. The study further showed that firewood harvesting and trading could not improve households' assets base, mainly financial, physical, and social capital. However, it contributes considerably to the improvement of human and natural capital.⁸

Insects

Edible insects, such as locusts and termites, are consumed in many African cultures. They are a rich source of protein and can be harvested sustainably. However, the trade in edible insects is often informal and faces challenges related to market acceptance and hygiene standards.⁹ Formalizing the trade and promoting the nutritional benefits of edible insects can enhance their market potential.

Opportunities in the AfCFTA for Wild Products

Market Access and Expansion

AfCFTA aims to eliminate tariffs on 90 percent of goods, which will likely increase intra-African trade, including wild-harvested products. This trade liberalization allows producers and traders of wild products to access new markets within the continent, expanding their consumer base and improving profit margins.

Standardization and Regulation

One of the objectives of AfCFTA is to address the challenges of multiple and overlapping memberships in Regional Economic Communities (RECs) and facilitate a harmonious trade regime. This means streamlined regulations and standards for sustainable and legal trade across borders for wild products, reducing the cost and complexity of compliance for businesses involved in the wildlife sector.

7 Meinhold et al., "Connecting Rural Non-timber," 2022.

8 Mohammed, "Contribution of Firewood Harvesting," 2021.

9 Matandirotya et al., "Edible Insects' Consumption," 2022; Grabowski et al., "Insects: A Source of Safe," 2022.

Infrastructure and Investment

AfCFTA aims to enhance economic integration by improving infrastructure and investment in member countries. Improved transportation networks can reduce the cost of moving goods, including wild products, across borders. Additionally, better infrastructure can boost ecotourism by making remote wildlife areas more accessible to tourists.

Economic Diversification and Growth

The trade of wild products offers African countries an opportunity to diversify their economies. Many African nations rely heavily on a few commodities for their economic stability. Countries can develop new revenue streams by promoting wild products such as game meat, mopani worms, and other medicinal plants. For example, Botswana, known for its abundant wildlife, can capitalize on exporting game meat, which is in high demand for its unique flavor and nutritional benefits.

Employment Creation

The harvesting, processing, and trading of wild products can create substantial employment opportunities, particularly in rural areas. For instance, the trade in mopani worms supports the livelihoods of thousands of rural families in countries like Zimbabwe and South Africa. These worms are not only a source of protein but also an income generator for local communities.

Cultural and Traditional Value

Wild products are deeply embedded in many African societies' cultural and traditional practices. The trade of such products can help preserve these traditions and promote cultural heritage. For instance, medicinal plants are used in traditional medicine across Africa, and promoting their trade can support the continuation of these essential cultural practices.

Regional Integration and Cooperation

The AfCFTA aims to create a single market for goods and services across fifty-four countries, facilitating the free movement of goods, including wild products. This integration can improve African nations' cooperation, promoting regional stability and unity. Countries can share best practices in sustainable harvesting and conservation, ensuring that the trade benefits both the economy and the environment.

Sustainable Utilization and Conservation

If appropriately managed, the trade in wild products can promote sustainable utilization of natural resources. The principles of free trade under the AfCFTA can be aligned with environmental regulations to ensure that wild products are harvested sustainably. This can help conserve biodiversity while providing economic benefits. For instance, the sustainable harvesting of baobab oil, used in cosmetics and health products, can be regulated through industry standards to prevent over-exploitation.

Non-Tariff Barriers to Intra-Africa Trade of Wild Products

Regulatory and Policy Barriers

One of the main challenges is the lack of harmonized regulations and policies across African countries. Different countries have varying laws regarding the trade of wild products, which create barriers to trade. While one country may allow the trade of certain wild products and services, another may restrict it, leading to inconsistencies and trade inefficiencies.

For instance, Kenya's recent National Wildlife Strategy 2030 acknowledges that its economy is mainly nature-based, unlike the industrialized nations; however, it supports non-consumptive wildlife use. There is no mention of wild products trade and industry scaling in the strategy, such as game meat. Instead, the strategy emphasizes partnerships with the private sector to grow the tourism industry. On the contrary, Zimbabwe's Biodiversity Economy Report 2023 notes that game meat is consumed in the local tourist markets and communities as tokenism or obtained from illegal hunting. The industry is not liberalized. However, some countries have made significant strides towards opening doors to commercializing the sector. These include Benin, Tanzania, Botswana, South Africa, and Zambia, which have either legalized or are legalizing their trade. To support these initiatives, knowledge and understanding of the legal, safe, and sustainable use of wild meat should be built through research and value chain analysis.

The AfCFTA provides a framework for harmonizing trade policies across African countries. By aligning national regulations with regional standards, countries can reduce trade barriers and facilitate the movement of wild products. This can include standardizing health and safety regulations, sustainable harvesting practices, and certification processes.

Sustainability and Conservation Concerns

The trade of wild products raises significant sustainability and conservation concerns. Over-harvesting and illegal trade can lead to the depletion of wildlife populations and degradation of ecosystems. This is particularly concerning for products like game meat and firewood. Without strict enforcement of sustainable harvesting practices, the trade could harm biodiversity.

AfCFTA can promote sustainable trade practices by incorporating environmental regulations into trade agreements. This can ensure that the trade of wild products contributes to conservation efforts and supports the sustainable use of natural resources. Encouraging certification programs for sustainably harvested products can enhance market access and consumer confidence. Moreover, the AfCFTA framework supports efforts to combat illegal trade and poaching. Countries can address the challenges of illegal activities by promoting regional cooperation and strengthening law enforcement. Sharing information and best practices can enhance the effectiveness of anti-poaching efforts and protect wildlife populations.

Infrastructure and Logistics

Inadequate infrastructure and logistics pose significant challenges to the efficient trade of wild products. Many rural areas where these products are harvested lack proper transportation and storage facilities. This can lead to delays, spoilage, and increased

costs. For instance, transporting game meat requires proper refrigeration, which may not be available in remote areas. Improving infrastructure is essential for facilitating the trade of wild products. This includes investing in transportation networks, storage facilities, and processing plants. Enhancing infrastructure can reduce costs, minimize spoilage, and improve market access for producers.

Market Access and Competition

Access to markets is another challenge for the trade of wild products. Many small-scale producers face difficulties reaching larger markets due to competition from established players and a lack of market information. Additionally, the international market for some wild products is dominated by non-African countries, which can limit the competitiveness of African producers. Investing in capacity building is crucial for enhancing the trade of wild products. This includes training for producers on sustainable harvesting techniques, quality control, and market access. Strengthening institutional capacity can also improve the enforcement of regulations and support the development of value chains.

AfCFTA aims to create a single market for goods and services, which can significantly benefit the trade of these wild products. Countries can access larger markets and benefit from economies of scale by promoting regional integration. This can enhance the competitiveness of African wild products in both regional and global markets.

Health and Safety Standards

Meeting health and safety standards is crucial for the trade of wild products, particularly those intended for human consumption, such as game meat and mopani worms. Ensuring these products meet the required standards can be challenging, especially in rural areas with limited testing and certification facilities. Failure to meet these standards can restrict market access and pose health risks.

Conclusion

The African Continental Free Trade Area offers a unique opportunity to enhance and expand wildlife economies across the continent, driving economic growth and cultural preservation, supporting conservation efforts, and improving livelihoods. By creating a single market, AfCFTA facilitates more accessible access to new markets, standardizes trade regulations, and promotes investment in critical infrastructure. With thoughtful implementation and robust stakeholder engagement, AfCFTA can be a transformative force for Africa's wildlife economies, contributing to a sustainable and prosperous future for the continent. However, realizing these benefits requires addressing substantial challenges related to regulatory barriers, sustainability, infrastructure, market access, health standards, harmonizing policies, building capacity, and illegal trade. Leveraging the principles of free trade under AfCFTA, African countries can address these challenges and promote the sustainable and equitable trade of wild products. This approach can support economic diversification, enhance regional cooperation, and contribute to preserving Africa's rich biodiversity. The trade of wild products, when managed sustainably and equitably, can play a crucial role in the continent's development and the well-being of its people.

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CHAPTER 10

Saving the Market from Itself: The Case of 5G in Ghana

By **Bright Simons**, MPA, MPhil
IMANI Center for Policy and Education, GHANA

Introduction

No question goes more profoundly to the heart of the “market economy” than the one regarding whether or not the government should intervene to promote competition, bust monopolies, and level the playing field for the collective benefit of all market participants and, even more crucially, for consumers.¹

In the most advanced markets like the United States, the nature of this intellectual struggle often takes the form of contentions around the proper boundaries of regulatory agencies such as the Federal Trade Commission, the Securities and Exchange Commission, and the newer, even more controversial, Consumer Financial Protection Bureau and Consumer Product Safety Commission.²

In most parts of the global south, such as my native Ghana, where political authorities often have greater sway over the regulatory agencies, the matter assumes an even more fundamental character: can the market be whipped into shape by raw power?³

The starting point for understanding some of the complexity and ambiguity afflicting most generic answers to that question is the realization that classical economics itself is unsettled about whether monopolies are a definite feature of market shortcomings or imperfections.⁴

Even putting aside the longstanding debate around the concept of “natural monopolies” in markets such as electricity, where competition is understood to be hard to achieve and sometimes even impractical,⁵ there is the more fundamental contest of ideas dating back to Schumpeter’s work on how monopolies may create efficiency, scale, and conditions that sometimes facilitate innovation.⁶

1 Hale and Hale, “Market Imperfections,” 1953; Blake and Jones, “In Defense of Antitrust,” 1965; Scherer, “Antitrust: Ideology,” 1991; Devlin, “Antitrust in an Era,” 2010; and Garcia, 2016.

2 Kennedy et al., “The Consumer Financial Protection,” 2011; Kovacic and Hyman, “Competition Agencies,” 2013; Jones and Kovacic, “Antitrust’s Implementation Blind Side,” 2020; and Schulp, “SEC Overreach: Examining,” 2024.

3 Schlumberger, “Structural Reform, Economic Order,” 2008.

4 Mussa and Rosen, “Monopoly and Product Quality,” 1978; Ungern-Sternberg, *Efficient Monopolies*, 2004; McKenzie and Lee, *In Defense of Monopoly*, 2008; and Ganapati, “Growing Oligopolies, Prices, Output,” 2021.

5 Posner, “Natural Monopoly,” 1978; Ordoover et al., “Competition Policy,” 2019; and Monast, “Electricity Competition,” 2019.

6 Mason, “Schumpeter on Monopoly,” 1951; Gilbert, “Looking for Mr. Schumpeter,” 2006; Hovenkamp, “Schumpeterian Competition and Antitrust,” 2008; and Bourne, “Is this Time Different,” 2019.

“Temporary monopolies” that reward first-movers and innovators may well be critical in building momentum for new markets to emerge, settle, and/or mature, and could thus be perfectly compatible with market efficiency, provided they are not the result of impositions through various kinds of political and regulatory fiat.⁷ During the dynamic evolution of a market, episodic monopolies could also reflect intertemporal asymmetries in knowledge flow, price discovery, and other market phenomena. It is rarely viable for an all-knowing central regulator to intervene in a way likely to improve on the eventual market-based outcomes.⁸

Against this global ideational backdrop, the ongoing national debate about Ghana’s latest 5G policy⁹ provides a fine array of opportunities to recap some of the critical issues that arise when governments purport to whip the market into shape by suppressing monopolistic features and advancing competition.

The First State-Led Monopoly

In the decades before 1992, Ghana’s telecommunications sector was entirely dominated by a state-owned monopoly called P&T (Ghana Post & Telecommunications), which run both the paper mail and telephony systems.¹⁰

P&T was so inefficient, and so badly managed, that between 1980 and 1992, phone penetration never rose above 0.3 percent. It is estimated that over the period, just about ten thousand new phone lines were installed. Coverage was similarly atrocious, with the capital, Accra, having more than 50 percent of all phone lines and 66 percent of local government areas across the country having no penetration at all. Nearly 80 percent of inbound foreign calls failed to terminate successfully.¹¹

Even benchmarked by its peer sub-Saharan countries, the situation in Ghana was pretty awful. The average phone penetration rate in the region was almost 50 percent higher than the level in Ghana. P&T’s cost outlay for installing a new phone line was more than double the developing world’s average.¹²

When as part of Ghana’s World Bank-IMF driven “structural adjustment” reforms, P&T’s monopoly was overthrown in the early 1990s, no one complained.¹³

The ensuing liberalization of the telecom sector commenced with the award of six licenses in 1992. Of this initial raft of licensees, only Mobitel went on to launch. It was a modest affair: analog (instead of digital) and only accessible on expensive, clunky handsets. Another analog operator, Celltel, launched in 1995.

The third entrant, Spacefon, was the first to pay a proper license fee and to go straight to the technological frontier. Spacefon launched Ghana’s first GSM network in 1996 and embraced the full suite of digital capabilities on offer. The state-owned operator (hived off the legacy P&T structure), Ghana Telecom, would itself only acquire a GSM license after Spacefon blazed the trail. Ghana Telecom would wait until 2000 to launch a GSM network.¹⁴

7 Kirzner, “The Entrepreneur,” 1973.

8 Hayek, “Economics and Knowledge,” 1937; and Hayek, “The Use of Knowledge,” (1945), 2013.

9 MOCD, “Ghana to Establish a Neutral,” 2023.

10 Frimpong and Young, *Alliance Capitalism and the Telecom Industry*, 2002; Haggarty et al., “Telecommunication Reform,” 2002; and Tobbin, “Understanding the Ghanaian Telecom,” 2010.

11 Haggarty et al., “Telecommunication Reform,” 2002; Aryeetey and Ahene, “Utilities Regulation in Ghana,” 2005; and Awortwi and Vondee, “Drifting towards Convergence?” 2007.

12 Haggarty et al., “Telecommunication Reform,” 2002.

13 Frempong and Atubra, “Liberalisation of Telecoms,” 2001; and Frempong and Henten, “Telecom Development and Investment,” 2005.

14 Salifu, “Factors That Influence User,” 2013; and Williams and Kwofie, “The Impact of Liberalization,” 2022.

Another Look at Leapfrogging

In the popular imagination, mobile cellular technology adoption in Africa amounts to a great example of “leapfrogging” because the absence of legacy “clutter” meant that African countries like Ghana could jump straight to the technology frontier and benefit from superior capabilities at lower cost.¹⁵

From the evidentiary record, such a neat narrative is contentious. Mobile cellular technology, like GSM, was not necessarily “cheap” to deploy. Nor did their introduction suddenly shift the economic factors at play. An elaborate interplay of business, regulatory, and consumer engagement models and trends dictated the eventual outcomes.

Trying to reflect the high upfront capital costs of introducing GSM, operators initially mirrored product design choices of the old phone landline model. A SIM card, the device a subscriber needs to connect their phone to the Ghana Telecom GSM network, costs about \$300 (more than the country’s per capita income for that year). Unsurprisingly, five years after GSM was introduced, and nearly a decade into liberalization and the introduction of mobile telephony, subscribers, in total, barely numbered two thousand, significantly below the number of fixed-line subscribers—hardly the magical leapfrogging story wide-eyed tech-evangelists have sold at many a conference.¹⁶

The Spacefon Miracle

Things changed dramatically when, led by Spacefon, the industry began crashing the price of SIM cards, thus subsidizing the upfront cost of subscription. By 2005, Spacefon (now known as Areeba) had crashed prices from the average industry price-point of about \$10 to \$2. By 2010, subscribers totaled nearly 17.5 million in a country of 25 million people (a 70 percent penetration rate compared with a continental average of 51 percent). Even accommodating for multiple SIM ownership, the shift was massive indeed.

Beyond subsidizing the upfront cost of adoption, Spacefon/Areeba also pioneered promotional techniques and discounting approaches that pulled in subscribers by the millions. Spacefon’s efforts contributed in no small measure to average call prices falling by 55 percent between 2007 and 2011 in Ghana, the second highest among countries surveyed over the period by the leading international industry association.¹⁷

The company’s most consequential innovation in this regard, by far, was, however, the introduction of a prepaid voucher model (branded “snap”) that enabled it to dispense entirely with the credit risk (and high underwriting costs) and extreme customer discrimination (and thus demand suppression) associated with the postpaid model, whereby subscribers paid monthly after accruing charges.¹⁸

Not surprising then that by 2010 Spacefon/Areeba (now MTN Ghana) had a 53 percent market share (a marginal decline from 55 percent in 2009), a 44.3 percent EBITDA (pre-tax profit), and could thus afford to spend 55 percent of revenues on capital investment (nearly double the figure in 2008), even as average revenue per subscriber doubled (see Appendix 1).

At an aggregate level, there is some evidence of a productivity uplift across the sector during this period as Ghana ranked sixth in terms of telecoms’ contribution to GDP on a list of the top twenty-five telecom jurisdictions in Africa surveyed by a major publication.¹⁹

15 Cilliers, “Technological Innovation,” 2021.

16 cf. Williams and Kwofie, “The Impact of Liberalization,” 2022.

17 Philipps et al., “African Mobile Observatory,” 2011.

18 Kodzo et al., “MTN 4th Generation Long,” 2017.

19 Philipps et al., “African Mobile Observatory,” 2011.

The Telecom Wars

In the years that followed, aggressive price-cutters like Bharti Airtel and Globacom entered the Ghanaian market and pushed competition to the hilt. New regulatory measures such as a “mobile number portability” rule was introduced to eliminate “lock-in” and make it easier for subscribers to switch networks. The unsurprising resultant effect was the slow erosion of MTN’s lead. Between 2015 and 2019, MTN stayed below and never crossed the 50 percent market share line.

The costs of competition were, however, telling on all operators. Ghana had four of the world’s largest and most price-focused telecom operators plus two other local/regional players, as well as a range of 4G-licensed Internet Service Providers (ISPs), all competing for a market size that was far from being the largest in the region. Nearby Nigeria, for instance, had five times the number of active lines in Ghana but just three international telecom behemoths to fight over that prize.

As a commercial response to high level of fragmentation, the third and fourth ranked operators—Tigo (Millicom) and Airtel—merged in 2017 to create AirtelTigo, in an attempt at consolidation.

By 2020, it was clear that the experiment had failed, and the two companies decided to leave Ghana for good. The government of Ghana took over AirtelTigo’s operations and renamed the company AT. It also reached into its regulatory arsenal and pulled out a powerful weapon: regulations meant to tame a “Significant Market Power (SMP),” as MTN would now be regarded.

By designating MTN an SMP, the government now had the regulatory muscle to constrain its significantly. It started with pricing. MTN was compelled to avoid ever pricing below the market rate for any service. Price controls were back, albeit selectively.²⁰ Whereas in the pre-reform era, controls on phone tariffs had been in the form of “price caps,” this time around they were “price floors.” Soon thereafter, MTN increased internet bundle prices dramatically. The largest internet bundle tier halved in value to consumers, for example.

Curiously, by forcing prices upwards, tariffs started to better track the country’s notoriously high inflation rate, and MTN’s financial performance actually seemed to improve. So, while post-lease capital expenditures (CAPEX) as a share of revenue had, by 2023, dropped to about 22.5 percent, given the company’s footprint and important shifts in asset management practice in the industry, MTN’s investment push nevertheless far outstripped competitors who were often declaring losses, some even before fully accounting for operational expenditures (OPEX).

By 2022, SMP designation notwithstanding, MTN’s total market share had climbed above 60 percent (see Appendix 7), a level never before seen.²¹ A national roaming agreement with Vodafone, the second-ranked operator, meant to promote price parity, failed to have any impact on subscriber numbers. MTN’s dominance in the precious mobile internet (“data”) category even climbed towards 80 percent in the intervening period (see Appendix 9).

Vodafone took stock of the situation and decided to exit, selling to the less formidable, but perhaps capital efficient, Telecel. From a market with four international telecom giants, Ghana today only has MTN.

20 For a classical treatment of this phenomenon, see Stern, “The Effects of Taxation, Price Control,” 1987.

21 cf. Landes and Posner, “Market Power in Antitrust Cases,” 1997.

The MTN Bogey

Despite the use of a wide range of regulatory tools and regulator-encouraged fairness-creating market mechanisms (like roaming agreements), MTN's market share has remained stubbornly high and other telecom operators have struggled to make profits.

At one point, in 2014, the government tried out a strategy of giving smaller companies, mostly ISPs, a head-start in rolling out 4G technology. All the main operators were denied licenses, which went instead to a bevy of new faces in the industry.

Eventually, the regulator, desperate for cash to finance projects like the migration of national television from analogue to digital, backtracked on the strategy and decided to allow the main operators to get in. But they priced the spectrum at a rate that only CAPEX-capable MTN could afford to buy. The government's disorganized "market shaping" seemed to have made things worse if MTN-dominance was indeed the thing to worry about.

This is the broad context in which the latest telecom market-shaping effort in Ghana has been launched.

Ghana's New 5G Policy

Claiming to have learned from past regulatory mistakes, the Ministry of Communications and Digitalization (MOCD) is determined to use 5G licensing as some sort of tool to cut MTN down to size.

Instead of auctions or even differentially pricing the 5G spectrum so that all key players in the industry can take off with the level of CAPEX suited to their financial means, the MOCD has decided that it will promote a new consortium to build the 5G network and force the incumbent operators to buy connectivity from the consortium on a wholesale basis. MTN's investments into upgrading hundreds of cell-sites in anticipation of a 5G license in 2021 came to nought as the government refused to sanction the planned pilot.

In blocking incumbent mobile network operators, like MTN, from deploying 5G networks themselves, the MOCD claims that consumer welfare and growth in coverage are its primary concerns. However, while no one denies that competition has been super-fierce in Ghana²² and seems to have blocked the long-term viability of all operators except MTN, the consumer welfare arguments remain contentious because there is no clear evidence of worse pricing or quality of service compared to the situation in regional peer countries with different industry structures.

What Is the True State of Telecoms in Ghana?

The MOCD itself likes to tout assessments and rankings by the likes of the International Telecommunications Union (ITU) suggesting that Ghana outperforms all other West African (and, sometimes, pan-African) countries on holistic assessments of ICT performance.²³ Considering the strong link between telecom infrastructure, cost, availability, and quality, on the one hand, and these digital rankings regularly celebrated by the MOCD, on the other hand, Ghana's reported performance is incongruous with claims of a telecom industry abusing consumer welfare.

²² cf. Jordan, 1972.

²³ CCI France Ghana, "Ghana Ranked 1st in West Africa," 2017; Osei, "Ghana Tops West African," 2023.

Consider pricing, for example. A recent study by a well-known UK-based comparisons research outfit ranked Ghana third, behind only Nigeria and Malawi in Africa, for the cheapest mobile internet packages.²⁴ Globally, Ghana ranked thirty-third, beating countries like Rwanda, Kenya, the UK, Singapore, Hong Kong, Estonia, South Africa, and the Netherlands.

On the benchmark of “coverage,” the GSMA, the main global telecom industry association, has in recent times ranked Ghana third in Africa. The GSMA has also given the country reasonably high ratings on factors such as rural smartphone penetration and levels of digital engagement among the population, all elements linked to telecom performance (see Appendix 2).

With respect to quality benchmarks, the official monitoring by the main regulator in the sector, the National Communications Authority (NCA), has not produced any evidence to show that network quality in Ghana is particularly problematic. In fact, the monitoring typically produces quality pass-rates in the range of 99 percent.²⁵

Not surprisingly, the per capita mobile internet consumption rate has been growing, by more than 30 percent between 2022 and 2023, for instance (see Appendix 8).

Yet, in comments to the press, the MOCD has painted an abysmal picture of a failed national 4G rollout. The 15 percent penetration rate over eight years it has stated is, however, at variance with the roughly 30 percent rate (January 2023) indicated in statistics published by the NCA.²⁶ At any rate, the constraint on 4G rollout has not been on the operator side since MTN has reported a 99.3 percent 4G coverage rate for its cell sites. The constraint is on the side of consumers, many of whom still cannot afford 4G-enabled devices.²⁷

Defining Monopolistic Markets Is Not Trivial

In short, the Ghanaian MOCD is faced with the same serious challenge that anyone claiming that market outcomes are suboptimal usually faces: providing evidence to show that consumers are indeed worse off and state intervention shall be value-enhancing.²⁸ So far, it has decided to provide none.

By hinging its novel 5G rollout approach on the dominance of MTN in the market, the MOCD invites hard questions about the exact mechanism through which that dominance has undermined infrastructure deployment and how its proposed “operator-neutral” model for “shared infrastructure” would actually curtail the effects of the said dominance.

One challenge that regulators and political decision-makers face when attempting to “correct market imbalances” is the effective determination of the boundaries of the markets concerned.²⁹ If the telecom sector is split into two segments (the mobile cellular, and fixed telephony and broadband), MTN is seen to dominate only in the mobile cellular space.

Vodafone, now Telecel, actually dominates more thoroughly in the fixed telephony and broadband segment.³⁰ Despite Telecel’s historical dominance in this segment, it has not been able to come up with the necessary combination of investment and product design to increase penetration, and, consequently, has struggled to profitably milk its dominance. Fixed telephony subscriptions have stayed below 1 percent of the population, and fixed broadband penetration is an even punier 0.35 percent (see Appendix 3).

24 Howdle, “The Cost of 1GB,” 2023.

25 See, for example, NCA, “Quality of Service Test Results,” 2023.

26 NCA, “Industry Market Statistics,” 2023.

27 Telecoms Chamber, “MTN Ghana Advances,” 2024.

28 Djolov, *The Economics of Competition*, 2014.

29 Bourne, “Is this Time Different,” 2019.

30 cf. Adjei et al., “Evaluating the Performance,” 2019.

As far as “operator-neutral” shared infrastructure is concerned, the market has already provided a response for more than a decade and half in Ghana. Some 80 percent of the cell sites which constitute the bedrock of the telecom infrastructure in Ghana are not owned/operated by the individual telecom operators. They are owned/operated by dedicated infrastructure companies who are ever-willing to rent out spaces for equipment or the equipment itself to whichever telecom operator and new entrant is willing to pay their fees (see Appendix 4).

State Intervention Must Be Justified by Outcomes Too

In what specific way then will a new consortium offering the same operator-neutral infrastructure be superior to existing operators who have had more than a decade to hone their capacities and business models?

Consider also the experience of similar models in other countries. After a detailed survey, one study could only find five countries worldwide that have gone from just musing about a single national operator-neutral infrastructure operator to actually attempting to set one up. All of them gave up as the complexity became evident and the facts of high costs and low benefits multiplied, except for Rwanda. But even Rwanda, after five years of pushing the concept, abandoned the strategy in 2022 after it failed to live up to the hype (see Appendix 5).

Those of us in the trenches of the governance watchdog campaign in Africa have a simple rule of thumb. When economic reasoning fails to adequately explain the use of power to force certain market outcomes, it is often useful to turn to a discipline, which we will only euphemistically describe, as “political economy.”³¹

Beware of “State Enchantment”

We shift from the analysis of policy as a mechanical process in which decision-makers respond to the dictates of carefully assembled evidence and focus more on the individual incentives, motives, interests, alliances, and connections that may be at play. We also examine the structure of the rhetoric deployed to explore the use of non-evidentiary modes of persuasion. One particular specie of this approach we have noticed in Ghana has been termed by this author as, “state enchantment.”³²

The MOCD’s chief’s announcement of the government’s decision to use a consortium approach to create a shared access infrastructure for 5G deployment was heavily anchored by claims of world-class backers whose involvement in the project is meant to assure the general public of superior outcomes than any telco, like MTN, working on its own can achieve. It also highlighted the inclusiveness of the arrangement since ownership of the shared infrastructure in question would be spread across all key players in the industry. The words “level playing field,” were used several times.

In this manner of national exhortation and mode of citizen persuasion, precise information on the mechanics of how this arrangement will prevent MTN from continuing to leverage its massive subscriber base plus large leases of infrastructure from the 5G “neutral operator” is not necessary, and none has been shared.

³¹ cf. a more classical treatment of political economy in this context in, for example, Rowley and Rathbone, “The Political Economy of Antitrust,” 2013; and more “nationalist” renditions in Boudreaux and DiLorenzo, “The Protectionist Roots of Antitrust,” 1993.

³² Simons, “What Is State Enchantment?” 2024.

Instead, the public relations campaign focused heavily on the involvement of big global names like Radisys (an affiliate of Indian behemoth Reliance Jio), Nokia, Microsoft, and Tech Mahindra.

The hype worked, and global media outlets splashed news across the world of Indian billionaires partnering with the government of Ghana to accelerate 5G coverage of Ghana within six months.

The only problem was that none of this was technically true.

The 5G consortium had in fact been incorporated just a week before the president of Ghana gave assent to this strategy. In the ten months before the formal announcement, all parties should have had enough time to iron out any issues of equity and roles and secured legal representation in the Special Purpose Vehicle (SPV), Next Gen Infraco, formed in Ghana to execute the shared infrastructure strategy.

Yet, when a search was conducted in the relevant corporate registers, the following details about Next Gen Infraco were found. (*See Appendix 6 for registry extracts.*)

Shareholders	
Directors	0.35%
K-Net (<i>a local ISP</i>)	5.00%
Integrated Legal Consultants (<i>a law firm</i>)	39.65%
Ascend Digital (<i>a mushroom company that has won several government contracts in recent years, sometimes without tender</i>)	55.00%
Beneficial Owner	
Ms. Olusola Ogundimu (<i>the Chief Executive of Integrated Legal Consultants, and the Corporate Secretary for Ascend Digital</i>)	

Under Ghanaian law, “beneficial owner(s)” is/are the natural persons (human beings) who serve as the ultimate financial and legal owners of an incorporated entity. Other shareholders are deemed to hold their shares on behalf of the disclosed beneficial owners. In simple terms, rather than a bevy of international corporations, the only disclosed owner of Next Gen Infraco is an obscure partner at an obscure law firm.

Given that Ms. Olusola Ogundimu is not a noted investor in Ghana, much less in the country’s telecom sector, it was not surprising that Next Gen Infraco could not pay up-front for the 5G license fee as determined by the NCA. In the end, under intense ministerial pressure, the license was awarded to this shadowy entity on the basis of a -ten-year payment schedule. The same period over which the entity will have exclusivity for deploying 5G infrastructure in Ghana.³³

The New/Third State-Crafted Private Monopoly

Thus it was that in the name of fixing market imperfections, Ghana ended up awarding an exclusive license for rights to deploy the latest and most expensive telecom technology for as long as a decade to a shadowy entity promoted by clear fronts for even more shadowy interests.

The new “hustler monopoly” constructed with political power has links to other crony entities set up in the last few years to control the state-owned telecom operator, World

³³ cf. Wallsten, “Privatizing Monopolies,” 2004.

Bank-funded rural telecom infrastructure, and an industry-wide surveillance network set up ostensibly to prevent tax cheating by mobile network operators.

While one cannot overgeneralize from a single case study, this case is simply a good example of many such crony-monopolies established with crude political power across the African continent in the name of “disciplining” capital, “shaping strategic market outcomes,” and other such bombastic claims.

In many such cases, the government justifies the intervention on the basis of improving market outcomes. Very often, however, poor problem definition, unclear solution advantage, and rent-seeking end up worsening the situation targeted for improvement.

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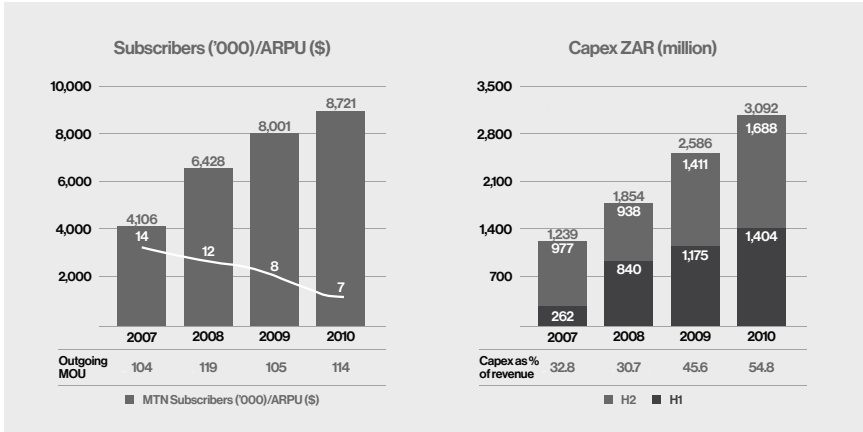
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Appendices

Appendix 1

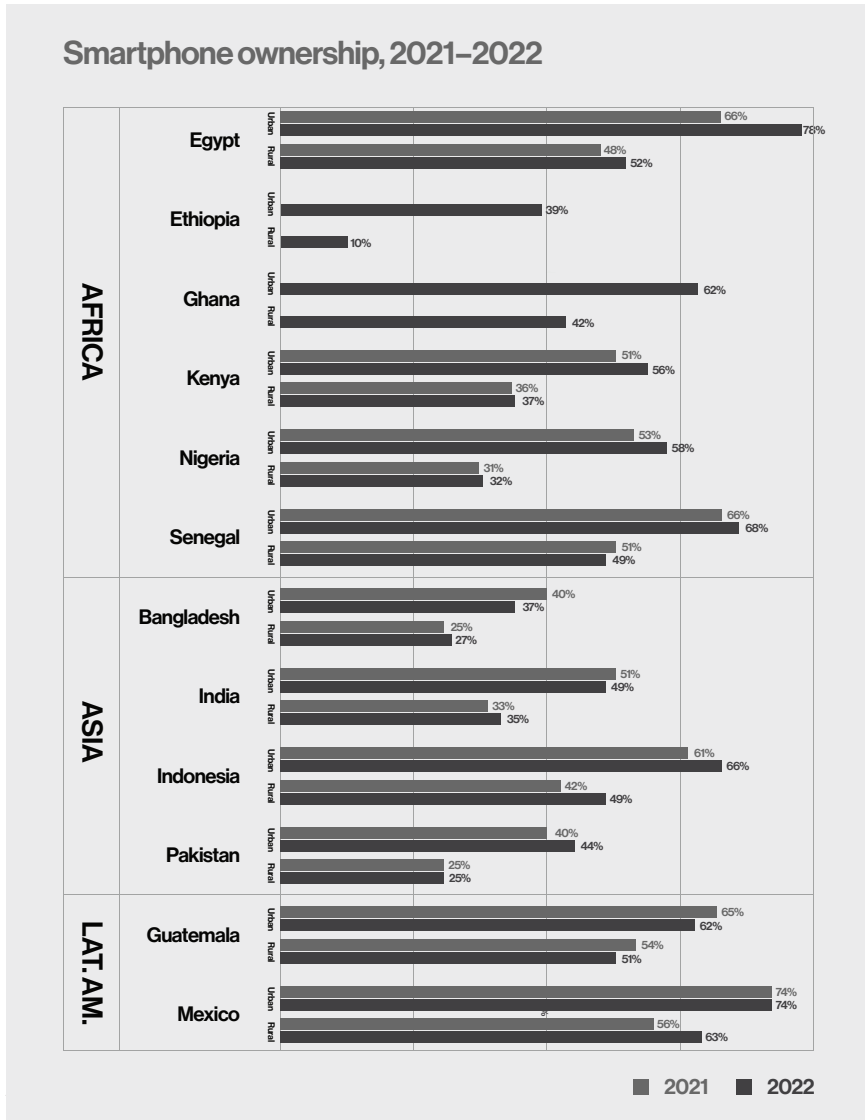
Figure 1: MTN Ghana's Average Revenue per User and CAPEX/Revenue Trends (2007–2010)



Source: MTN, 2010

Appendix 2

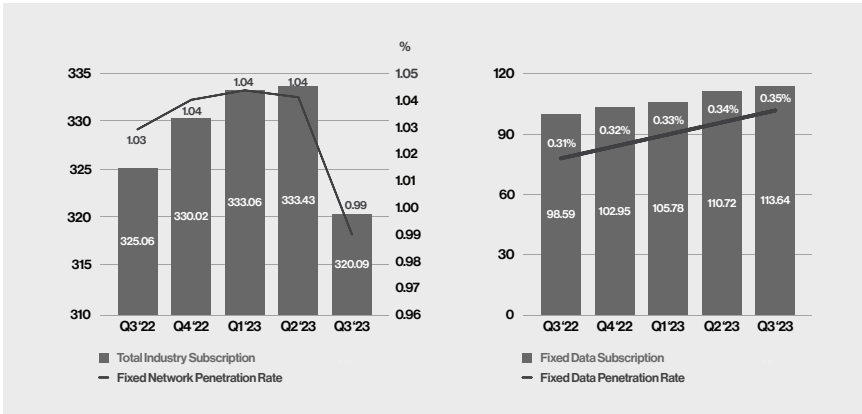
Figure 2: GSMA Cross-Country Comparisons on Mobile Connectivity



Source: GSMA, 2023

Appendix 3

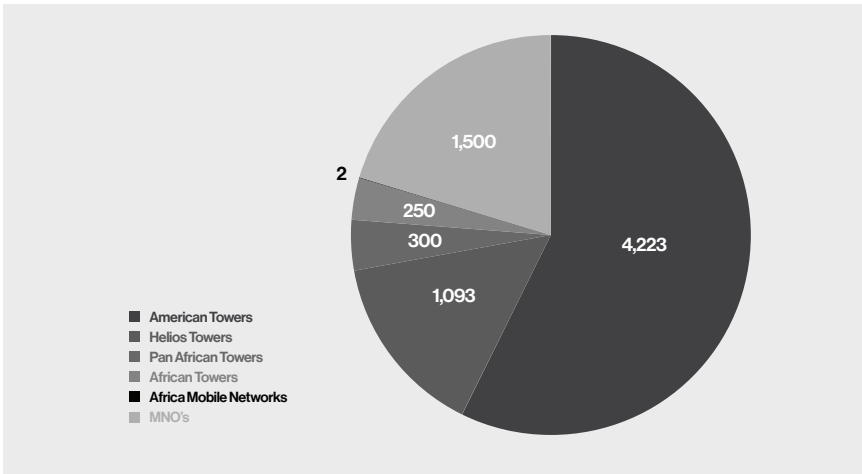
Figure 3: Vodafone's Dominance of the Fixed Voice and Broadband Segment



Source: NCA, 2023

Appendix 4

Figure 4: Telecom Infrastructure (Towers) Distribution of Ownership/Control in Ghana



Source: TowerXchange, 2022

Appendix 5

Figure 5: Country Experiences of Single Wholesale Neutral Infrastructure Models

	Kenya	Russia	Rwanda	Mexico	South Africa
SWN Implemented	Not Implemented	Quasi-SWN plan initiated and failed	Implemented in 2014	Delayed, but in Nov 2016 it was announced the Altán consortium will build the network	White paper detailing approach published Oct 2016
Availability	⊗	Yota—the wholesale operator remained in urban areas only	4G coverage objectives not yet met, although progress has been made	Significant delays to roll out, which should have begun in 2014	⊗
Affordability	⊗	No visibility on pricing	Low take up potentially due to high pricing suggests affordability objectives yet to be met	⊗	⊗
Retail Competition	⊗	Retail competition never materialized as carriers were unable to reach an agreement	No new MNVOs - competition in mobile remains unchanged at present	⊗	⊗
Efficiency	⊗	Failure on initiative meant operators rolled out their own overlapping 4g networks	At this time there is little evidence to suggest that SWNs have had an impact on efficiency	⊗	⊗

Source: Country Experiences of Single Wholesale Neutral Infrastructure Models

Appendix 6

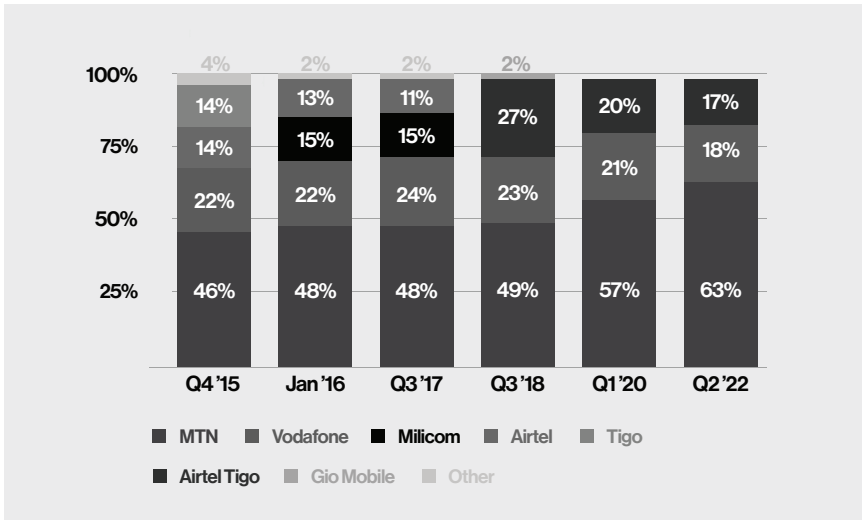
Figure 6: Extracts from Incorporation Documents of Next Gen Infraco

Beneficial Ownership Details								
Entity Name	First Name	Last Name	Position Held	TIN/BO ID	TIN/BO ID Of Representative	BO Membership Date	BO Registered Date	Relationship(s)
OLUSOLA	OGUNDIMU		Beneficial Owner	P0000130400		16-Aug-2023	16-Aug-2023	Direct Voting Rights

Source: Office of the Registrar of Companies, Republic of Ghana

Appendix 7

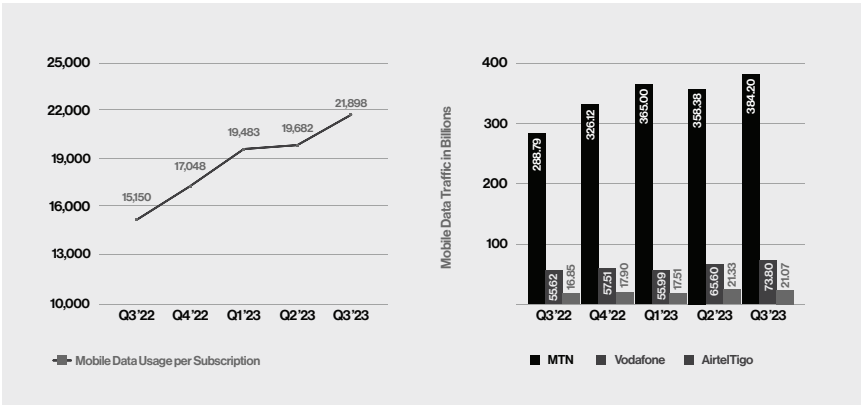
Figure 7: Vodafone's Dominance of the Fixed Voice and Broadband Segment



Source: NCA, 2023

Appendix 8

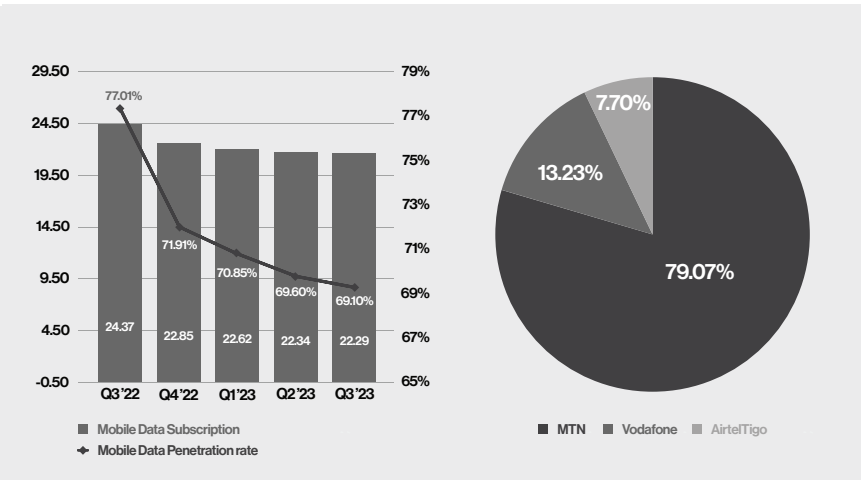
Figure 8: Mobile Internet Consumption Growth in Ghana (2022–2023)



Source: NCA, 2023

Appendix 9

Figure 9: Mobile Internet Consumption Growth in Ghana (2022–2023)



Source: NCA, 2023

