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# South Africa: 'Who Stole my Passengers?'. Uber Cabs, Metered Taxis and the Search for Common Ground

Joseph Olusegun ADEBAYO

**Abstract:** When Uber Cab services started in 2009 as a 'tap-a-button-get a ride' idea of moving from one point to the other easily, little did the founders know it would grow into one of the biggest start-ups in the world in such a short time. Uber has revolutionised the cab industry by introducing an app that gets people rides from 'simple taps'. Although there are many positives from Uber's emergence, it is imperative to note that its rapid growth across the globe has caused frictions with metered taxi operators who have existed in the cab business milieu several years earlier. In most major cities of the world where Uber is operational, there have been some degrees of revolt and even violence between Uber drivers and metered taxi operators. The metered taxi operators cite grievances such as the use of unlicensed drivers by Uber, unfair competition and the 'stealing' of their passengers. Since Uber's 2013 launch in South Africa, there have been growing clashes between the platform and metered taxi operators with incessant disruptions to services, injuries and deaths, as well as damages to cars. This study examines the recurring conflict between Uber cab drivers and metered taxi operators within the Cape Town area of South Africa with the aim of proffering, from the aggrieved and affected drivers, effective conflict management strategies to mitigate the seemingly protracted conflict.

**Keywords:** conflict, conflict management, common ground, relative deprivation, frustration, aggression.

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## Introduction/Background

The importance of effective transportation systems to the socioeconomic development of cities and nations cannot be over-emphasized. Rising global population and increase in movements of humans, goods, and services mean that cities are constantly evolving innovative methods of ensuring that increasing demands for efficient, effective and affordable transportation are

adequately met. No nation desirous of sustainable growth and development can afford to overlook the immense impact transportation has on the process. Effective transportation, whether public or private, is a major means to access employment, education and public services. Thus, it can be argued that effective transportation is germane to socioeconomic growth and development. Sadly, Berg, Deichmann, Liu and Selod (2017) state that poorer economies still grapple with the challenge of moving humans, goods and services from one place to the other due to significant backlogs of transport infrastructure investments in both rural and urban areas, weak governance, inadequate regulations in the transport sector and rising social cost in terms of congestion, pollution and accidents.

Advancements over the last few decades have significantly redefined global transportation systems. In more advanced economies, investments in the transportation sector and improvements in technology have led to continuous decline in transportation costs, ease of locating means of production and improved comfort which has translated to stimulated growth and economic development (Pojani & Stead, 2015). One of such advancements in cab transportation in the last decade is the Uber cab which was founded by Garrett Camp and Travis Kalanick in 2009. The duo, on a cold Paris night in 2008, had struggled to successfully hail a cab, so they came up with the idea that has today revolutionised cab transportation. They developed an app that allows prospective riders to request a ride, know in advance the possible cost and travel time, as well as place advance bookings. According to Burger-Smidt and Wickins (2016) Uber matches riders (passengers to be transported from one point to another) with drivers (drivers who operate vehicles of various specifications as *quasi* taxis but who initially did not accept payment directly from the passenger) through the use of an application (as an “app”) used on smartphone devices. The service offers great convenience to both passengers and drivers, amongst others, in relation to payment method, time-saving and efficiency of use.

Although Uber’s emergence has been largely hailed as progressive, it has nonetheless experienced varying degrees of conflicts with governments and rival taxi companies in most of the countries where they operate. In 2016, several Uber cars were torched and drivers injured as metered taxi operators in Nairobi, Kenya’s capital, protested against what they referred to as Uber’s ‘unfair advantage’. According to Mohammed (2016), at the peak of the protests, the Kenyan United Taxi Organisation (KUTO) promised to completely shut down Uber in the country if the relevant authorities failed to heed to their demands for ‘equal playing ground’. Similarly, in Germany, the conflict with the government led to the banning of Uber in the city of Berlin in April 2014 on passenger safety grounds. German officials said Uber did not do enough to protect its passengers from unlicensed drivers. Uber’s response was that it does not operate a taxi service, but merely offers a platform that mediates between drivers and customers. In other major

European cities, such as Madrid, London, and Paris, there have been major demonstrations against the company. In Cape Town, the study area, there have been persistent conflicts between Uber cab drivers, rival taxi operators, and the government. Between January and June 2016 for example, Van Zyl (2016) claims that over 300 Uber cabs were impounded by the City of Cape Town's Transport and Urban Development Authority. There have also been increased cases of violent attacks on Uber drivers by metered taxi operators in the city with reports of drivers been beaten up and their cars damaged.

Attempts in the past to resolve the protracted crises have not yielded the desired results. For example, in July 2017, the Premier of South Africa's Gauteng Province, David Makhura, assured that law enforcement agencies would be deployed to all the identified hotspots where Uber operates across the Province. Speaking further on the crises, the Premier stated thus:

"We want a dedicated special task force to look at this conflict, especially the use of violence by those who are involved in this. The introduction of the special task force is a different thing. We know police have a lot on their hands. The reason we have decided we need a special task force is that we will have a dedicated police team to deal with this crime" (Rawlins, 2017).

Similarly, former Police Minister, Mr. Fikile Mbalula, warned that perpetrators would be severely dealt with and that more policemen and women would be deployed to trouble spots to curb the violence and ensure 'peace'. The Minister stated thus:

"The metered taxi drivers need to understand that they've got no right to take the law into their hands and do what they are doing. We are intervening heavily..." "We understand the challenges that metered taxi drivers are going through and the issues they are dealing with, that's why we want to understand from the Department of Transport what exactly they are dealing with. Largely at the centre of this violence is competition" (Bateman, 2017).

A similar top-down, clampdown and militarized approach to resolving the conflict has also been applied in the Western Cape Province. The problem with such an approach to 'peace' is that it is often not sustainable. At best, it produces what renowned peace scholar Johan Galtung refers to as negative peace. Galtung (1969) describes negative peace as simply the absence of conflict, whereas positive peace consists of conditions where justice, equity, harmony, etc., can flourish. Even the former Transport Minister, Joe Maswanganyi, acknowledged that the conflict resolution/management approaches employed by the central government and Provinces were unsustainable. During the Southern African Transport Conference (SATCO) held July 2017 in Pretoria, the Minister remarked thus:

"...The taxi industry does not want Uber. I said to them, 'Why don't you digitalize your industry?' We can't resist change; we have to move with it. I admit

that the police's intervention, whenever there was taxi violence, would not bring about a lasting solution to the problem..." (Moatshe, 2017).

### **Justification for the Study**

Herein is the justification for this study. To the best of the researcher's knowledge, there is a dearth of academic research on the Uber/metered taxi crises; it is almost non-existent. This study hopes to fill this gap. Also, as can be seen from some of the conflict management/resolution interventions listed above, the approaches have largely been top-down, with little attention paid to drivers on both sides as possible brokers or sources of solution. The problem with a top-down approach to conflict resolution is that it often lacks legitimacy and ownership in the eyes of key stakeholders (in this case drivers and platform partners), thereby prohibiting meaningful and lasting resolution (Khadka & Vacik, 2012). The study adopted a bottom-top approach to proffering a durable solution to the protracted crises by presenting the views and suggestions for resolution from the drivers themselves, who are often the most affected.

### **Methodology**

This study critically examines the protracted conflict with a view to proffering durable and sustainable solution from the standpoint of drivers from both Uber and metered taxi platforms. Given the formative and exploratory nature of the study, a qualitative research methodology was adopted. The researcher interviewed 60 Uber cab drivers and 60 metered taxi drivers for a period of six months (from February to July 2017), through purposive sampling technique. As Patton (2002) notes, this sampling technique, widely used in qualitative research, is appropriate in identifying and selecting 'information-rich' cases for the most effective use of limited resources, by identifying and selecting individuals or groups that are especially knowledgeable and experienced about or with a phenomenon of interest. Bernard (2002) and Spradley (1979) state that participant identification and selection should not be limited to knowledge and experience alone. They advise that other factors such as availability and willingness to participate in the study, as well as the ability to communicate experiences and opinions in an articulate, expressive and reflective manner, should be taken into consideration. All these factors were taken into consideration by the researcher when determining the participants for the study.

### **The How**

The researcher requested Uber rides and after that told the drivers he was conducting a study and would require them to answer certain questions as honestly as possible. The same process was employed with metered taxi drivers; only this time, the researcher had to randomly order a ride from a metered taxi company and after that asked them whether or not they were up for an interview. The researcher made it clear that it was

voluntary and that they were not obliged to speak. Suffice to add that the researcher limited the research to Uber cabs only and did not include Taxify, the other tap-and-go cab operator in the city. This is because Taxify’s operation was still new (or relaunched) in the city, and also because most of the Uber drivers were concurrently registered with Taxify. Most drivers confirmed that they were registered for both services at the same time and respond to whichever notify them first. On the metered taxi side, the researcher involved drivers from *Cabco*, *Excite Taxis*, *Intercab*, and *Unicab*. The metered taxi operators were chosen because of their spread across the city, their relatively cheap fares (averagely R8.80/kilometre) and their reputation for good service.

### Biographical Data of Respondents

As earlier stated, the study involved 120 participants in total (60 drivers each from both the metered and Uber platform). Although the researcher did not deliberately delineate or profile them along with any racial, gender or ethno-religious lines, it nonetheless played out during the interview sessions. The most significant of these data, as would be discussed later in the study, is the nationality of the drivers; many of the Uber cab-drivers attributed the attacks on the fact that they were ‘foreigners’, while South African drivers claimed the Uber platform is skewed in such a way as to wittingly or unwittingly favour non-South Africans.

### Drivers’ Sex

**Table 1:** Respondents’ sex Source: Fieldwork

S/N	Sex	Total	Percentage (%)
1.	Male	103	86
2.	Female	17	14
3.	TOTAL	120	100

Expectedly, as can be seen from table 1 above, 103 of the respondents (86%) were male, while 17 (14%) were female. Suffice to add that the researcher’s choice of the word ‘expectedly’ was deliberate, but not endorsements of the discrimination females face in the transport industry. All across the globe, the percentage of female cab drivers as compared to males is staggeringly low. In the US for example, Sherman (2018) claims that just 14 percent of cab drivers are female. The gender disparity is even significantly smaller in Cape Town, the study area. Despite the fact that women are, statistically speaking, safer drivers, female cab drivers are always ominously lower in number than their male equals. According to Social Issues Research Centre (SIRC, 2004), differences between men and women in terms of their driving behaviour and accident rates have long been demonstrated in the UK, mainland Europe, the United States, Australia and in many other countries. In all studies and analyses, without exception, men have been shown to have a higher rate of car crashes than women. It is thus inexplicable that

women are blatantly marginalized in the transport industry. Suffice to add that efforts have been made in the past in South Africa to correct the male-female imbalance in the transport industry, especially regarding the number of female drivers. For example, in 2013, the South African National Taxi Council (SANTACO) embarked on an ambitious project to train 1000 female drivers in an aggressive drive to encourage not only becoming drivers but also joining its management structure as shareholders.

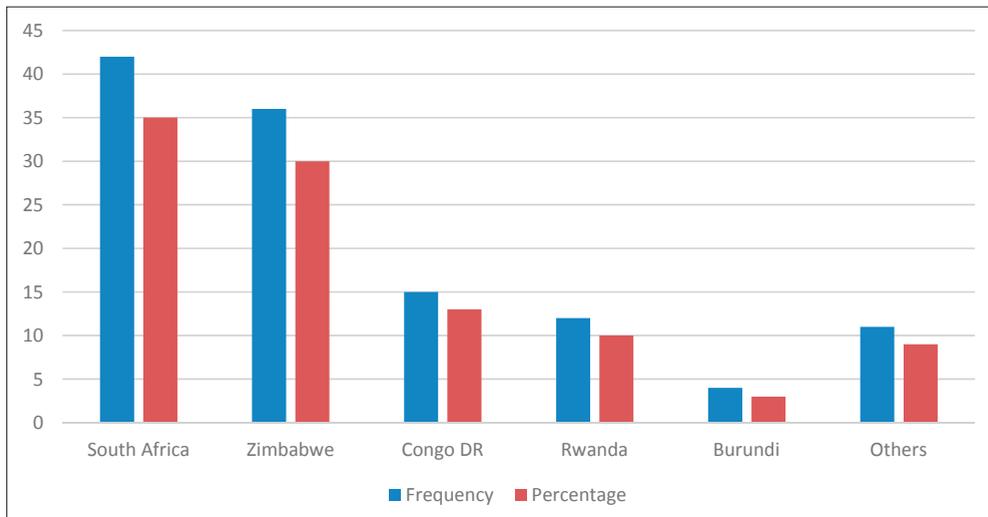
**Drivers’ Age**

**Table 2:** Drivers’ age range Source: Fieldwork

Age Range	Frequency	Percentage (%)
20-30	21	18
30-40	46	38
40-50	24	20
Above 50	29	24
<b>TOTAL</b>	120	100

As can be seen from table 2 above, a sizeable number of the selected drivers (38 percent) were within the age range 30-40, 24 percent were aged 50 and above, 24 percent were aged 40-50, while 18 percent were aged 20-30.

**Drivers’ Nationalities**



**Figure 1:** Drivers’ nationality Source: Fieldwork

One of the most contentious discourses in the Uber/metered taxi debacle during the course of the interviews was the nationality of the selected drivers. As can be gleaned

from Table 3 above, 42 of the sampled drivers are South Africans, 36 are Zimbabweans, 15 are from the Democratic Republic of Congo, 12 are from Rwanda, while 4 are from Burundi. 11 drivers were also interviewed from the following countries: Somalia (2), Kenya (3), Pakistan (2), Nigeria (2) and Cameroun (2).

**Theoretical underpinnings:  
from a sense of relative deprivation to frustration aggression.**

Relative Deprivation Theory

One of the most misunderstood concepts in societal discourse is conflict; this is because of its ubiquitous and very insidious nature which makes it easy for people to give it different meanings and connotations, depending on who is using it, and/or where it is been used. According to McShanne and Glinow (2008), conflict generates considerable ambivalence and leaves many scholars and administrators quite uncertain about (1) its meaning and relevance; and (2) how best to cope with it. Although there are many definitions of conflict, Robbins's (1974) definition is closely related to this study. He defines the conflict like a process that begins where one party perceives that another party has negatively affected, or is about to negatively affects something that the first party cares about. This is a very apt definition emphasizing that conflict is about perception not necessarily real hard facts. It points to the emotional nature of the conflict, by referring to a word like *care* (Robbins, 1974).

The major concern (or perception) amongst metered taxi operators is that the Uber cabs have negatively impacted on their revenues by 'stealing' their passengers. Robin believes conflicts mainly result from perceptions, more than reality. Throughout this study, drivers on both sides (Uber and metered taxis) made unfounded claims, mainly based on perceptions about how the other party was delimiting their business interests. It is these perceptions that often lead to feelings of relative deprivation, which often give birth to frustrations, which may ultimately result in aggression.

First documented by Stouffer, Suchman, DeVinney, Star and Williams (1949), the relative deprivation theory posits that when one's standing is relatively disadvantaged, and when that individual or group perceive that the disadvantage is undeserved, it may lead to the feeling of personal (or group) relative deprivation. The relative deprivation theory aptly explains the conflict between Uber cab and metered taxis in the study area. Smith, Pettigrew, Pippin and Bialosiewicz (2012) define relative derivation as the perception by individuals or groups that they are worse off compared to others when certain standards are measured. This feeling is often accompanied by anger, resentment and sometimes violence. Feelings of relative deprivation result when individuals compare their own circumstance(s) with someone else's situation or a cognitive standard such as equity or justice and perceive that they are not receiving what they merit. Relative

deprivation can also be experienced at the group level because groups' experiences can become relevant to one's own personal experience. For example, metered taxi drivers feel a deep sense of group deprivation, which has spiraled down to individual drivers. Thus, metered taxi operators who perceive that they are relatively deprived at individual and group levels are the most motivated to participate in a protest action against Uber cab drivers.

In one of my interviews with the selected drivers, one driver's comments aptly describe this feeling of relative deprivation that most drivers feel. When asked why metered cab drivers 'attack' Uber cab drivers, the driver responded thus:

"Look, my brother, these Uber guys deliberately incite us to anger. Look around you, there are many metered cabs packed without passengers, yet an Uber guy would come and park at the same place we are parked and before you know it, he gets a passenger. That is why we don't want them to park their cars close to ours; they are deliberately stealing the few passengers that we manage to get. The people you see patronizing us are those who cannot get through to Uber or who do not have cheque accounts. Now that Uber has introduced cash payments, the situation has even become worse as a lot of people now prefer Uber cabs to us. We have suddenly become alternatives" (personal communication, Floyd).

### **Is Relative Deprivation a Prelude to Frustration-Aggression?**

Dollard, Miller, Doob, Mowrer and Sears (1939) are credited to have been the first to put forward the frustration-aggression hypothesis. In 1939, they published a monograph on aggression which immensely impacted the Western discourse on aggression more than any article at that time. For more than seven decades, the frustration-aggression hypothesis has guided, in one way or another, the better part of the experimental research on human aggression. The theory, as put forward by Dollard *et al.* (1939), seems to provide justification for aggressive behaviours in individuals or groups with a common phrase been: 'being aggressive made me do it!'. Zilmann (1979) argues that the theory provides a ready alibi for uncontrolled (or premeditated) hostile or aggressive actions.

The link between a feeling of relative deprivation and aggressive behaviour has been well-researched over the years. For example, Smith, Pettigrew, Pippin and Bialosiewicz (2012), in their study, outlined the following experience of relative deprivation that 'graduates' to frustration, and then aggression:

"...An individual's objective position in a social hierarchy evokes a comparison process, with the experience of disadvantage stemming from an interpersonal comparison between the individual and other persons that are better off. As a consequence, the individual responds with anger and resentment to the

undeserved disadvantage. These emotional reactions, in turn, could evoke aggressive or violent activities. That is, this model proposes a direct link between the experience of disadvantage and hostile emotional reactions, whereas the experience of disadvantage is indirectly related (via hostile emotions) to aggressive behaviour” (p.116).

In a study conducted by Sagioglou and Greitemeyer (2017), they found that the experience of personal relative deprivation causally increases the propensity for aggressive behaviour. In separate experiments involving 482 participants (244 females, 237 males; mean age = 36.4 years, SD = 12.9), they found consistent evidence for this concept. Their study found that personal relative deprivation causes an increase in aggression rather than personal relative gratification causing a decrease in gratification. They also found that this increase in aggressive behaviour seems to be directed only toward those that were perceived to be the source of participants’ experience of disadvantage. This position correlates with the nature of attacks in the Cape Town area as Uber cab drivers were the main subjects of the attacks and not their passengers, although some passengers get caught up in the ensuing skirmish. According to their reports, although personal relative deprivation increased state hostility, they did not find that people experiencing personal relative deprivation became more aggressive toward another person who was not responsible for the feedback. In contrast, Greitemeyer and Sagioglou (2016) showed that low SES increased aggression toward the source of participants’ disadvantage but also toward a neutral target. Nevertheless, in the present context, it appeared that people experiencing personal relative deprivation were able to fully withhold their hostile feelings when confronted with an uninvolved party. When given the chance to retaliate against the source of their anger, however, their hostile affect seems to evoke aggressive behaviour (Greitemeyer & Sagioglou, 2016).

### **Voices from the wheels: towards a ‘bottom-top’ approach to resolving the Uber/metered taxi crisis.**

The ‘bottom-up’ approach to peacebuilding has gained immense relevance since the 1990s. According to Lefranc (2009), the approach has been frequently integrated into mainstream development programmes by specialised Non-Governmental Organisations (NGOs) such as Search for Common Ground, Conflict Management Group, Conciliation Resources, Interpeace, etc. Over the years, peace practitioners have realised the significance of the bottom-up approach to conflict resolution and the international ‘successes’ may be partly due to the fact that they represent viable alternatives to dominant modes of intervention.

As stated in the methodology section of this study, the researcher conducted a qualitative research that involved interviews with selected Uber and metered taxi drivers. In this section, their responses, vis-à-vis solutions preferred are presented. Some of the

questions posed to the drivers are:

- a. What are the underlying factors for the protracted conflict between Uber and metered taxi drivers?
- b. Do you think that the conflict management/resolution techniques adopted have been successful?
- c. Can you kindly suggest sustainable conflict resolution techniques for the crisis?

### **What are the underlying causal factors for the protracted conflict between Uber and metered cab drivers?**

Many reasons have been adduced for the lingering Uber/metered taxi conflict and some of them have been listed in the introductory section of this study. What the researcher sought to determine from the drivers was the possibility of finding out other reasons for the conflict that have not been mentioned in public discourse. Thus, the researcher asked the drivers for their own opinions of what the causal factors for the conflict are and some of their responses were quite interesting. Suffice to add that pseudonyms have been used instead of drivers' actual names to protect their identities. Some of the foreign Uber drivers claimed the attacks meted at them were simply extensions of the larger xenophobic attacks meted against foreigners. One driver had this to say about the attacks.

"I know there are claims that Uber cabs are cutting metered taxis' profits and stealing their passengers, but that is not the main reason. Let me tell you, they are attacking us because we are foreigners. As you must have observed, most of the Uber drivers are non-South Africans. What happens is that metered taxi drivers speak a local language to you and when you cannot answer back in that language, they become furious and attack you. I doubt the problem is economic as claimed, it is purely xenophobic. Whenever there is a conflict, you will notice that the traffic police take sides with the metered taxi guys because they consist mainly of nationals" (personal communication, Alex).

Alex's claims that the attacks were xenophobic were countered by most South African metered taxi drivers. Khumalo, one of the sampled metered taxi drivers stated that the Uber platform has made the entire cab business unprofitable; thereby making a lot of metered taxi drivers quit the business entirely. The driver remarked thus:

"Claims by Uber drivers that the attacks are xenophobic is outrageous and downright cheap. It seems claims of xenophobia have become the new alibi for foreign nationals who either break the laws or who feel competitively threatened. Tell me, there have been several taxi clashes in the townships across the nooks and crannies of this country, how many of the taxi drivers are foreigners? When you threaten a man's livelihood, he will charge at you;

it doesn't matter whether you are black, white, foreigner or local. Hunger has no identity" (personal communication, Khumalo).

Drivers on both divides provided different opinions on whether or not they thought the attacks were xenophobic, with most foreign Uber drivers claiming the attacks were xenophobic, while most South African metered taxi drivers claim their grouses were purely economic and nothing more. It is imperative to state here that taxi industry violence in South Africa predates Uber, and claims of xenophobia may be more perceived, than reality. At the tail 'end' of the apartheid era, Bell and Armytage (2017) recall that hundreds of people were killed in 'taxi turf wars' between taxi associations and individual minibus taxi drivers. The 'war', which involved mainly South African nationals on both sides, led to deaths and loss of property as rival cartels sought to defend their market share. While a feeling of relative deprivation can indeed fuel aggressive xenophobic behaviour as stated by Greitemeyer and Sagioglou (2016), that aggressive behaviour is often targeted at the perceived source(s) of deprivation, irrespective of creed, colour, and nationality.

Another standout reason cited for the conflict by the interviewed drivers was claimed by metered taxi operators that Uber's requirements make it difficult for South African nationals to be partners and drivers. Some of the interviewed metered cabs drivers complained that they are often required to meet stringent conditions and that their credits records are scrutinized and if their records are not up to date, they are often denied partnership. They (metered taxi drivers) wonder how foreign nationals 'easily' get approved as drivers without required permits and licenses, whereas they (S.A. nationals) are made to undergo credit checks and several other near-impossible requirements. Senzo, one of the metered taxi drivers had this to say:

"I am always amazed at the number of non-South African drivers on the Uber platform. Listen, I do not have any problems with foreigners making legit living in the country, after all, we are all Africans and I strongly advocate and stand for Ubuntu. My only problem is that most of these drivers do not have residence permits. That should be basic, isn't it? How does a man or woman without valid residence permit venture into a business that threatens the livelihoods of another and expects that man or woman not to react? Not only that, if you notice, the drivers do not have driver's license and the required permits from the transport department. That is to tell you that Uber is breaking our laws just to make profits. It is unacceptable" (personal communication, Senzo).

I asked some Uber drivers what they thought of Senzo's claims. Wallace, one of the drivers, had this to say:

"I must admit that some of our drivers do not possess the requisite permits, including residence permits; but it is not deliberate. You must understand

that most of these drivers actually drive for South African nationals who have several cars on the platform. They just want men/women who would work hard enough to help them make profits and that's how we find ourselves here. I must state however that most of us have permits now" (personal communication, Wallace).

Uber provides a lot of non-South African nationals 'shortcuts' to employment that they would ordinarily not be able to get in other sectors of the economy because of stringent requirements. According to Bell and Armytage (2017), the company's flexible requirements have made it easy for a lot of people to register as drivers. Many of the 'foreign' drivers meet Uber's background checks, car, and driving checks, and so can earn a living as drivers in South Africa's urban centres. This has only turned Uber into a flashpoint for existing tensions over employment and wages.

### **Do you think that the conflict management/resolution techniques adopted have been successful?**

Most of the drivers interviewed remarked that the conflict management techniques adopted for the resolution of the conflict have not been successful. The researcher sought to find out why the drivers felt the strategies failed to ensure long-lasting resolution of the conflict and some of their responses are presented in this section.

The central reason adduced by the drivers for the 'failure' of previous attempts to resolve the conflict is the non-inclusion of drivers from both the Uber and metered taxi divides in the peacebuilding and conflict management process. The drivers say they are only told decisions that have been taken, without any inputs from them. Jean-Paul, one of the interviewed Uber drivers, remarked thus:

"The problem is that we have Uber partners whose main concern is profit. Some of them have so many cars on the platform and only meet the drivers when it's time to 'share' profits. They do not know what we go through on the roads daily. However, when there are meetings geared at resolving conflicts, it is the management and some high-ranking partners that meet. What happened to the guy who drives with fear of being attacked? Surely, a way of incorporating our suggestions must be worked out if we must achieve a lasting solution to this problem" (personal communication, Jean-Paul).

Jean-Paul's position is corroborated by Vuyo, a metered taxi driver. He was of the opinion that drivers' inputs should be taken into consideration when formulating solutions for the conflict. He further remarked thus:

"Have you noticed that whenever there is a clash, the government sends police officers to suppress the conflict? This measure is only reactive and does not achieve lasting peace. Also, when there is a semblance of quiet, nothing is

heard from the transport department on efforts to permanently resolve the conflict until there is another attack; this should not be the case. I think it is very important that they consult us on what we think should be action steps for lasting solutions. Nobody understands the situation like we the drivers; no matter how much people claim to understand, you have to be on the road to know what we go through daily” (personal communication, Vuyo).

It is pertinent to note that most of the sampled drivers (especially those on the Uber platform), averred that they have severally been asked to suggest conflict management strategies, albeit via email messages. They argue that although some of them send e-mails to the management, they doubt their suggestions are given any attention considering the protracted nature of the crisis. One driver, Lungisile had this to say:

“One of our major desires is to have a face-to-face meeting with metered cab drivers so that we can iron out issues as friends and colleagues. Believe me, we are actually friends; some of us have friends and brothers who are metered cab drivers. The problem is that the drivers from the metered cab side have severally refused to meet with us. We have stated this severally in our emails but have not received any positive feedback. We want the management of both Uber and metered cab platforms to facilitate this meeting” (personal communication, Lungisile).

### **Can you suggest sustainable conflict resolution techniques for the crisis?**

The general feeling amongst the sampled drivers on both sides was that the conflict management strategies have not been effective enough to stem the violence or provide a lasting solution to the conflict. Thus, the researcher asked the drivers to suggest how to achieve durable resolution of the protracted crisis. Their responses were quite intriguing.

All the Uber drivers interviewed averred that Uber should make the process of joining the platform a lot easier so that a lot of metered taxi drivers can join the platform. One Uber driver, Brandon noted thus:

“I think one of the problems we are facing is that many metered cab drivers want to join the Uber platform but they cannot because of the stringent demands. For example, the criminal check automatically disqualifies you if your records are not good. Foreign nationals beat this demand because most of them have not stayed here long enough to have committed serious crimes. Let me give you an example: I have a very dear friend of mine who was arrested for housebreaking when we were in high school. Do you know that the crime has made it almost impossible for him to join the platform? I am talking about a crime he committed almost 15 years ago. You see, that is why it seems as if

the platform favours non-South Africans, it is a very complicated situation” (personal communication, Brandon).

Edward, a metered cab driver corroborated Brandon’s position that the process for joining the Uber platform is a little bit too stringent and should be reviewed. He remarked thus:

“People ask: why don’t you join the Uber platform if metered cabs are unprofitable? I tell them that it is not as easy as they think. When you go to make inquiries, they ask you for documents that are difficult to obtain and then there is the criminal check. Nobody is saying criminal checks should not be carried out, it should. Sadly, many people have been refused an operational license because of ‘petty’ crimes they committed years ago. I think that the platform is designed in such a way as to just automatically bounce you off if you are found to have criminal records, you are not given the opportunity to probably provide clarity. If they can make it a lot easier to join, maybe many of us would join” (personal communication, Edward).

Another requirement noted by the drivers was the issue of vehicle requirements. According to the company’s South African website (<https://www.uber.com/en-ZA/drive/requirements>), all vehicles need to be in excellent working and physical condition. Additionally, all vehicles must have the following:

- A working radio
- Air conditioning
- Four doors
- No hatchbacks accepted.
- All vehicles must be 2013 or newer.

The above requirements, according to most of the sampled metered taxi operators, make it difficult for drivers to convert their cars into the Uber platform. They argue that even when they get financed by the bank, it would take at least five years to pay off the loan, by which time the cars would have reduced in value due to wear and tear. Sbonelo, a metered taxi driver remarked thus:

“Uber’s requirements are okay, they are entitled to how they want to run their business. The problem, however, is that it suffocates people like me who cannot afford the quality of cars they require. The banks sell the cars to you for astronomical prices and then you are ‘forced’ by the platform to charge fares as low as R20. How do you pay off a car loan of R220, 000 with R20 fares? You have the alternative of working for someone and then agreeing on a payment plan, but that can also be enslaving. You see, it is a complicated issue” (personal communication, Sbonelo).

Wright, an Uber driver, however, presented another angle to the argument. He was of the opinion that although he agrees that Uber's requirements are inflexible, they are nonetheless important. He contends that most metered cab drivers are not patient enough to build money gradually. He stated that although the money is 'small', it, however, adds up before long:

"My brother, the metered taxi guys think we make loads of money with little efforts, but they are actually wrong. Although I agree that we have more clients than the metered taxi guys, but we actually work twice as hard as they do. For example, the Uber app charges R21 for a trip that the metered taxi could possibly charge R53. We undertake more trips than metered taxi operators and even work very long hours before we are able to break even. I also think that there are several schemes out there that allow drivers get cars and pay in little installments. Infact, I am aware that Bidvest Bank offers a type of car borrowing scheme where you can borrow cars from them and use. I don't know the details though" (personal communication, Wright).

Another central theme that emerged during the interviews was the issue of fare costs. All the interviewed metered cab drivers complained that Uber's charges make it impossible for them to compete. They posit that although they agree that businesses have a right to operate in ways that they deem fit, they nonetheless said it is important to regulate fares so that thousands would not be left hungry without sources of income. Nomvula one of the metered cab drivers remarked thus:

"I really do not understand how our colleagues on the Uber platform make profits. Can you imagine that a trip that we normally would charge R50 can go for as little as R21 on Uber? Do you now see why passengers prefer Uber to us? My cab company for instance charges R8.8 per kilometre, still we charge way below Uber. This is killing us literally, there should be a cap on the amount cabs can charge, the playing ground should be level please. What do you want us to do, quit completely? Can we all possibly be Uber drivers? Is that even realistically possible?" (personal communication, Nomvula).

Even Uber drivers agree that their fares are low and that they have to work twice as hard as metered cab drivers to be able to break even and/or make a profit. Austin, an Uber driver, made comments that were similar to those raised by Wright above who remarked that Uber drivers actually work twice as hard as metered cab drivers and that the belief that they actually make more profits could just be a perception and not reality:

"It is sad that the issue of 'clients' stealing' and fares have caused immense loss to both Uber drivers and our colleagues on the metered taxi side. The truth is, we are both suffering and the entire transport industry should be regulated. For example, Uber takes 25% of your trip fares, the owner of the car, if it is

not yours, takes R2500 or R3000 weekly depending on your agreement, then there is the challenge of very low fares. How do you think we survive? It is only those who own their own cars that actually have it a little good; the rest of us just barely survive. While I agree that the fares Uber charges affect metered cab drivers, I nonetheless do not think they are the only ones who are affected, we are in this together” (personal communication, Austin).

## **Conclusion and Recommendations**

I went into the study not knowing what I might come across; I love such studies because they are what the humanities are all about—studying people in their everyday lives and unraveling their uniqueness. Unlike the sciences where you are ‘very sure’ that sodium (Na) + chloride (Cl) would ‘definitely’ give you sodium chloride (NaCl), the same cannot be said with regards to studies involving humans, because no two humans are the same, no matter how similar their socio-cultural, socioeconomic and sociopolitical milieus. The study’s findings confirmed that.

One main theme that emerged all through the study was the fear of change, both in the now and in the future. Most of the metered taxi drivers agreed that they still made reasonable profits, but were scared that they would soon be driven out of business completely in the future by Uber, Taxify and other ‘tap-a-button-get-a-ride’ companies. The truth, however, is that change is inevitable and the issues raised to reflect the deep-seated feeling of inequality and relative deprivation that permeates the country. Claims of xenophobia by most of the interviewed Uber drivers who were non-South Africans may not be implausible. The widening gap between the rich and the poor and rising unemployment rates mean that people would feel relatively deprived if they are out of job, while ‘the other’ (in this case a foreigner) is gainfully employed. In fact, it doesn’t matter whether or not the unemployed individual has the capacity to do the job ‘the other’ does, he is just angry that ‘the other’ get to live better than him in his own country. This feeling of relative deprivation can even be potentially violent if the ‘deprived’ individual (in this case the metered cab driver) can physically identify the reason for his perceived deprivation (Uber cab drivers).

Regulatory issues were also raised by drivers on both sides. Metered cab drivers argued that most Uber cab drivers operated without requisite permits. For example, a 2016 report by Van Zyl claimed that most of Uber’s estimated 2000 Cape Town drivers operated without metered taxi permits and thus were operating illegally. Given that the issue is one of the major bone of contention, it becomes very imperative for the relevant authorities to either facilitate quick processing of permits for deserving drivers or clampdown on erring drivers. The Department of Transportation must be seen to be fair to all parties involved, and fairness means no party should feel victimized or institutionally relatively deprived. In 2016, the South African cabinet approved the

National Land Transport Amendment Bill which regards Uber operators as metered taxi operators. Thus, it is expected that they operate within the ambits of the law and constitutional provisions.

It is also very imperative for metered taxi operators to adjust services and fares in the face of competition because it is inevitable. Many African transportation companies have begun offering various forms of incentives to drivers and passengers in a bid to stay afloat. For example, reacting to complaints of shortchanging by Uber drivers in South Africa, Africa Ride announced its more than 500 drivers would be given a larger stake in the business. Similarly, in 2017, South Africa-based startup *Where Is My Transport* launched its transport for Cape Town app, which provides information for those planning journeys, including timetables, traffic incidents and places of interest.

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# Nagorno-Karabakh: Why do Peace Processes Fail ‘From the Inside’?

Roxana Gabriela ANDREI

**Abstract:** The leaders of Armenia, Azerbaijan and the representatives of the OSCE announced in Paris, in January 2019, the firm intention to move forward for a peace compromise on the long-standing conflict in Nagorno-Karabakh. The prospect of peace however triggered anxieties among the Armenians fearful of losing the territories gained in war, as well as among the inhabitants of Nagorno-Karabakh, while the Azerbaijanis maintain that any future peace compromise cannot start without the withdrawal of the Armenian forces from these lands. Peace became a source of anxiety and entrenched attachment to old narratives overcame, for the moment, the optimistic rhetoric shift of state leaders. The article thus looks into the possible reasons for a peace process to fail ‘from the inside’, to be rejected by the very populations affected by an abiding conflict, bringing insides from cognitive approaches to conflict and security, namely from the ontological security body of literature to this purpose.

**Keywords:** Nagorno-Karabakh, conflict, peace, OSCE, diplomacy, security

## Introductory remarks

In January 2019, one of the most enduring protracted conflicts in Europe, the Nagorno-Karabakh conflict, took a noteworthy turn of rhetoric when the foreign ministers of Armenia and Azerbaijan announced, during the Paris meeting of the Organisation’s

for Security and Cooperation (OSCE) Minsk Group, that they agreed to take “concrete measures to prepare the populations for peace” (OSCE, 2019). This narrative shift is particularly important after almost three years of intensified geopolitical, hard security-oriented narratives around Nagorno-Karabakh, after the April 2016 events when the highest degree of armed violence since the ceasefire in 1994 has resurged. It had brought the South Caucasus back on the table of the conflict and security talks among

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the main regional state and institutional players and it questioned once more the efficiency of the regional peace processes. What is however notable, besides the change in the narratives of the conflict parties, is their call upon the necessity to prepare the populations to accept a peace deal and the initial unpopularity of this decision for compromise within the general public of Armenia, Nagorno-Karabakh and Azerbaijan, despite three decades of conflict.

The article thus looks into the possible reasons for a peace process to fail 'from the inside', to be rejected by the very populations affected by an abiding conflict. To this goal, it explores the internal limitations that come to complement the external ones in resolving the conflict and reaching sustainable peace. The central argument I make is that there are material, but also psychological benefits to maintaining the status quo and to this point I bring insides from cognitive approaches to conflict and security, namely from the ontological security body of literature. In support of my argument, I include information collected based on the on-the-spot reactions in the regional media in Armenia and Azerbaijan after the Paris meeting statement.

## **1. External limitations to conflict resolution and implementing peace in Nagorno-Karabakh: structural and functional restraints to regional institutional cooperation**

The international major peacekeeping actors, such as the OSCE and the European Union (EU), have long been criticised for their structural and functional limitations in relation with their capacity to contribute to an efficient management of the conflict and a sustainable peacebuilding in the South Caucasus, particularly in the light of the 'de-freeze' of the conflicts in South Ossetia in August 2008 and in Nagorno-Karabakh in April 2016. Simultaneously, there has been a predominant focus in the literature on the role of external actors in the conflict and peace dynamics in the regions, namely on the international organizations, the parent states (Azerbaijan, Georgia) and the patron states (Armenia, Russia) of the breakaway regions in the South Caucasus. Little agency has been granted to the secessionist entities themselves, most often portrayed as weak, failed or dependent pawns at the mercy of their external patrons. Internal constraints come not to exclude, but to complement the external limitations of the main international peacekeeping actors (Andrei, 2018), explored here below.

### *1.1 General overview of the peace processes dynamics in the South Caucasus: functional overlaps and limitations of the OSCE and the EU in conflict prevention and management actions.*

The OSCE has been present in all the three peace processes in South Caucasus. Thus, it acts as the main international institutional peace actor in the conflict in Nagorno-Karabakh and, at the same time, it co-chairs the Geneva International Discussions,

along with the EU and the United Nations (UN), a framework of international talks dedicated to the conflicts in Abkhazia and South Ossetia, set up after the resurgence of the South Ossetian conflict in 2008. Although the OSCE's presence as a peace mediator in the Caucasus conflicts has been a constant throughout the past decades, the organization has been long criticised for its limitations or even failure in managing the existing conflicts and, most notably, in preventing their outbreak again, as it happened in April 2016 in Nagorno-Karabakh. Nevertheless, the OSCE's limitations cannot be dissociated from those of the other major international peacekeeping actors, as their actions or non-actions have been closely intertwined and often impacted on each other's efficiency.

As such, throughout the 1990s, the EU played a distant role and hesitated to engage directly in managing the conflicts in the South Caucasus (Baev, 1997; Whitman & Wolff, 2010; Simão, 2012; Pashayeva, 2015; Relitz, 2016; Shelest, 2016). The conflicts in Abkhazia, South Ossetia and Nagorno-Karabakh remained largely outside of the EU's area of interest and actions, leaving the OSCE to act mostly on its own, as the main responsible actor dealing with the conflicts of the region (Whitman & Wolff, 2010; Pashayeva, 2015; Paul, 2015; Shelest, 2016).

However, starting the 2000s, the EU marked the transition towards adopting conflict prevention as a key objective of its external relations policy. This occurred in the context of Russia's rise as a more self-aware and assertive regional player aiming to be recognised as a global power, but also as a consequence of Brussels' interest in the gas and oil reserves around the Caspian Sea (Baev, 1997; Whitman & Wolff, 2010; Simão, 2012; O'Loughlin, Kolossov, & Toal, 2014; Paul, 2015), the EU started to take an increased interest in settling the conflicts in the South Caucasus, as a measure to secure the safe and undisturbed transit of hydrocarbons from Azerbaijan, through Georgia, to the European markets.

As a consequence of EU's involvement in the region, since the 2000s, the OSCE and the EU have been facing a geographical overlap in the field of conflict prevention in the South Caucasus. Nevertheless, despite the OSCE's constant and enduring presence in the region, the EU and NATO seem to remain the favourite security organisations in the former Soviet Union (De Wilde, 2006; Stewart, 2008), while the OSCE and the Council of Europe rather play the role of "stepping stones for the true rewards: NATO and EU membership" (De Wilde, 2006, p. 90). In addition to the geographical juxtaposition of the OSCE and the EU in the South Caucasus, a functional overlap has also emerged, with both organizations focusing on similar goals: a fast export of democracy, human rights and liberal market principles to all conflict parties involved, namely the parent states and the secessionist entities of the region. These goals and areas of action have further overlapped those followed by the NGOs promoting peace and democratization in the post-conflict areas of the Caucasus. As a consequence, feelings of confusion and distrust among the conflict parties emerged, making the parties to the conflict often

reluctant to the peacekeeping efforts and more in favor of maintaining the status quo (Pashayeva, 2015).

Moreover, neither the OSCE nor the EU have the financial and the military capacity necessary to compete with Russia's rising presence and engagement in the conflicts of the region. Moscow has been able to use a combination of hard and soft power tools in order to consolidate its role and influence in the South Caucasus, ranging from the deployment of peacekeeping forces, the securitisation and patrolling of borders, provision of warfare equipment and energy supplies, to offering funding for the reconstruction of war-affected areas, Russian passports, scholarships (Kirova, 2012; Fischer, 2016; Gerrits & Bader, 2016), free movement facilities and employment opportunities (King, 2001; Fischer, 2016) for the inhabitants of the conflict-torn secessionist areas. Neither the parent states from which these regions seceded, nor the democratic international actors, such as the OSCE or the EU have managed to provide similar military, financial or social incentives for the breakaway regions. As a consequence, this has arguably contributed to a more limited impact and leverage on the secessionist entities during the peace negotiations.

Under the conditions above, is there still room for a cooperation between the OSCE and the EU which could lead to a successful prevention and management of the conflicts in the South Caucasus? The optimist views in the literature look at the mutually-reinforcing nature of the interaction between the two organizations, where they can effectively join their efforts, since the OSCE has the mandate, thus the legitimacy, while the EU has the means, hence the military and financial capabilities (Freire, 2001). Also, it has been argued that the EU can benefit from the OSCE's experience in the former Soviet Union, in order to better implement its Eastern Neighbourhood Policy and the Central Asia Strategy (Stewart, 2008). The sceptics, however, see the OSCE losing its relevance to other regional players and highlight its functional limitations. Thus, the OSCE has been criticised for focusing its activity mainly in the Eastern part of Europe (Meyer, 1997; Stewart, 2008), ignoring similar structural problems in the West. The OSCE has equally been regarded with pessimism due to its structural limitations, namely a reduced institutional capacity, with a limited and frequently changed staff (Mychajlyszyn, 2001; Stewart, 2008). Moreover, missions are said to have unclear mandates in terms of object and duration, while, at times, the organization has been criticised for compromising for lower human rights standards (Stewart, 2008).

### *1.2 The OSCE Minsk Process in Nagorno-Karabakh: sustainable peace set back*

In the ethno-federalist architecture of the Soviet Union, Nagorno-Karabakh has been an autonomous oblast within the Soviet Socialist Republic of Azerbaijan, populated by a majority of Armenian ethnics. The region is a mountainous enclave, physically disconnected from its kin Armenia. In 1988, the people of Nagorno-Karabakh voted to

secede Azerbaijan and join Armenia. Azerbaijan's refusal to recognize the vote escalated into armed confrontations. In 1991, Nagorno-Karabakh declared independence, which Azerbaijan refused to recognize, offering a broad autonomy status instead. A violent conflict erupted and ethnic cleansing measures drove most of the Azeri minority away from Nagorno-Karabakh. By 1994, Armenian forces secured the annexation of the enclave and imposed control of an additional territory around it, including the Lachi corridor connecting the breakaway region to Armenia.

As a consequence, in 1992, the OSCE became officially involved in the settlement of the conflict in Nagorno-Karabakh, through the Ministerial Council's decision to organize the *Minsk Conference*, intended as a negotiation forum reuniting ten participating States, along with Armenia, Azerbaijan and the representatives of Nagorno-Karabakh (Geukjian, 2006). However, the conference has never convened and it has been transformed into the *Minsk Group*, co-chaired by Russia, the United States and France, an ad hoc working group of the OSCE, on which a subsequent peace process has been based, namely the *Minsk Process*.

The Minsk Group has nevertheless failed to broker a peace settlement between the parties and Russia took the unilateral initiative of mediating a ceasefire between Armenia, Azerbaijan and Nagorno-Karabakh, in 1994, known as the 'Bishkek Agreement'. Although criticised for shortcutting the OSCE official framework for negotiations, Russia has been at times credited for managing to impose a lasting ceasefire, which the OSCE failed to do (Freire, 2001). However, the agreement did not succeed in resolving the conflict, nor in putting an end to hostilities which still occurred intermittently along the years, until April 2016 when the highest level of violence since the ceasefire in 1994, erupted with tens of casualties on both sides.

At the start of the conflict, in 1992-1994, the Minsk Process had envisaged the provision of an appropriate framework for conflict resolution, the cessation of fire and, most important, the deployment of an OSCE multinational peacekeeping mission (Freire, 2001). However, the mission was never deployed and the OSCE was criticised for failing to honor its commitments to the parties in conflict. Repeated disagreements with Russia over the nature, the size and the leadership of the peacekeeping mission hampered the initiatives (Geukjian, 2006) and inflicted upon the organization's credibility and on the dynamics of the conflict. Furthermore, the OSCE's support for the principle of territorial integrity as opposed to that of self-determination, justified as rejecting secession leading to independence, especially when it is exercised through violence and without mutual consent, caused the secessionist forces in Nagorno-Karabakh, aiming for self-determination, to reject all the OSCE's proposals in this sense (Mychajlyszyn, 2001). The nature of the process itself has been criticized for the lack of a convincing involvement and presence at a high level of the OSCE officials, as well as for the secretive nature of negotiations (De Waal, 2010). Moreover, unlike in the initial phases of

the peace process, the OSCE did not invite at the negotiations table the representative of Nagorno-Karabakh, due to their contested legitimacy by Azerbaijan.

In 2007, the co-chairing countries of the OSCE Minks Group presented the foreign ministers of Armenia and Azerbaijan with a revised version of a peace settlement proposal, known as the 'Madrid Principles'. The Principles, updated in 2009, call for: return of the territories surrounding Nagorno-Karabakh to Azerbaijani control; an interim status for Nagorno-Karabakh providing guarantees for security and self-governance; a corridor linking Armenia to Nagorno-Karabakh; future determination of the final legal status of Nagorno-Karabakh through a legally binding expression of will; the right of all internally displaced persons and refugees to return to their former places of residence; and international security guarantees that would include a peacekeeping operation (OSCE, 2009). Although the conflicting parties agreed over time to several of the provisions, the first one, the return of the territories surrounding Nagorno-Karabakh to Azerbaijani control has been the main element of contention and deadlock.

As the second part of this article will reveal, the public reactions in Armenia, Azerbaijan, but also in Nagorno-Karabakh itself that expressed skepticism and even rejection of the peace compromise announced in Paris in January 2019, revolved around this issue. The prospect of peace under this framework triggered anxieties among the Armenians fearful of losing the territories gained in war, while the Azerbaijanis maintain that any future peace compromise cannot start without the withdrawal of the Armenian forces from these lands. Peace became a source of anxiety and entrenched attachment to old narratives overcome, for the moment, the optimistic rhetoric shift of state leaders.

## **2. Internal limitations to overcoming status quo: material and cognitive gains to delaying peace**

The major international peacekeeping actors in the South Caucasus, such as the OSCE, have encountered structural and functional limitations in settling the conflicts and enabling a sustainable peace. Nevertheless, the internal factors that have been contributing to the maintenance of status quo and re-escalation of conflicts must equally be considered. This section argues that, along with the parent and patron states, the unrecognized entities themselves, in this case, Nagorno-Karabakh, have contributed to the maintenance of the status quo for as long as this served to their own goals and corresponded to their security needs of the moment. As a consequence, the breakaway regions have engaged in constant strategic adjustments of their positions vis-à-vis the democratic international peacekeepers, the wider international community, the parent states and their patron states (Andrei, 2018). To this goal, I argue that there are material, but also psychological benefits to maintaining the status quo. Sometimes, peace anxiety overcomes and conflict becomes a deliberate choice.

2.1. *Material gains and status quo preservation:  
the case of Nagorno-Karabakh*

On 16 January 2019, the representatives of the OSCE Minsk Group met the foreign ministers of Armenia and Azerbaijan in Paris, on which occasion a press statement of the co-chairs of the OSCE Minsk Group was released, stirring the reaction of officials and media in the two countries, as well as in the unrecognised entity of Nagorno-Karabakh. The statement announced the agreement of the ministers in Armenia and Azerbaijan to take “concrete measures to prepare the population for peace” (OSCE, 2019) and to enhance the economic cooperation between the two contending countries. While the declaration raised positive and encouraging reactions from the EU, the UN, Russia and other public officials in Europe, it was received with far less optimism at home, in Azerbaijan, Armenia and Nagorno-Karabakh and even triggered responses of skepticism and rejection, particularly in the latter two. While the statement marked a noteworthy shift in the rhetoric of the past decades, it followed the dynamics of significant changes both at a diplomatic level between Armenia and Azerbaijan, as well as at domestic level, in all three entities.

On a diplomatic level, the Paris meeting has already been the fourth encounter between Azerbaijan’s and Armenia’s foreign ministers since the ‘Velvet Revolution’ in Armenia in April 2018 (Kucera, 2019a). In addition, the newly appointed prime-minister of Armenia, Nikol Pashinyan, who came to power after the 2018 events, had already met the Azerbaijani president Ilham Aliyev three times before the Paris meeting declaration (Kucera, 2019b). Nikol Pashinyan’s accession to the leadership of Armenia raised hopes for a fresh boost to the peace negotiations between Armenia and Azerbaijan over the Nagorno-Karabakh conflict. Pashinyan replaced Armenia’s former president Serzh Sargsyan who was known for his rigid approach to a compromise with Azerbaijan, being himself a native of Nagorno-Karabakh and a hardliner in the peace negotiations.

The Paris statement has been surrounded by a shift in narratives, towards possible prospects of a *détente*, at the highest levels in Baku and Yerevan. On 14 December 2018, the Azerbaijani president Aliyev, quoted by Eurasianet, tweeted: “The year 2019 will give a new impetus to the Armenia-Azerbaijan Nagorno-Karabakh conflict settlement process” (Kucera, 2019c). After the Paris meeting, on 30 January 2019, the Armenian prime-minister Pashinyan declared that the “government is conducting a policy on Karabakh that no one has ever conducted before” (Kucera, 2019b), thus marking a clear break with the previous governments of Armenia.

But more important, at the same time, Armenia entered an unprecedented public dispute with its decades-long protégé, Nagorno-Karabakh. During the parliamentary elections in Armenia, the spokesman of the *de facto* ministry of defence in Nagorno-Karabakh, still retaining close connections with the former regime in Yerevan ousted by Pashinyan, criticised the campaign of Pashinyan’s alliance, claiming that they sacri-

ficed the goal of the liberation war in Artsakh<sup>1</sup> for the sake of achieving success for the popular protests (Mejlumyan, 2018a). In response, during an electoral rally, Pashinyan delimited himself and Armenia from Nagorno-Karabakh's long-term influence over the Armenian politics: "Why are they making these comments and trying to interfere in some way during the election campaign of Armenia?" (Mejlumyan, 2018b). The dispute is one example of Nagorno-Karabakh's exercise of agency and rather interdependence than dependence on its patron state, Armenia.

The Paris statement, as well as the détente-indicating declarations of the leaders of Armenia and Azerbaijan, have also been accompanied by not-so-coincidental staff reshuffles in Stepanakert<sup>2</sup> and in Baku. Thus, on the same day (14 December 2018) when the Azerbaijani president Aliyev raised the possibility of a positive change in the negotiations with Armenia over the conflict in the secessionist region, the de facto leader of Nagorno-Karabakh, Bako Sahakyan, rumoured to act on Yerevan's orders, dismissed the chief of the military forces of the breakaway entity (Mejlumyan, 2018a). In its own, the leadership of Azerbaijan proceeded to notable staff changes in the country's foreign policy apparatus. As a consequence, more moderate voices have been offered key positions related to the conflict in Nagorno-Karabakh. Turan Ganjaliyev, an Azerbaijani native of Nagorno-Karabakh, has been appointed the head of the government's organization representing Azerbaijani displaced persons from Nagorno-Karabakh (Kucera, 2019c). The change might be seen as an intention of the government in Baku to include the Azerbaijani community of Nagorno-Karabakh in the peace negotiations, similar to Pashinyan's demand for the peace talks to take place only with the participation of the Armenian representatives in Nagorno-Karabakh. While the move might have been conceived merely as a counter-reaction and attempt to balance rival Armenia, it may eventually contribute to raising more agency for the unrecognized state and to fostering more impact this might have on the peace dynamics.

The change in the rhetoric in Yerevan and in Baku as reflected in the various declarations made by the leaders of the two countries and in the Paris meeting statement, has also been backed up by a media campaign by the Armenian public television, well-known for its close connections with the government. Thus, only five days after the OSCE meeting, on 21 January 2019, the public station broadcasted a reportage featuring interviews with the residents of a village on the border with Azerbaijan, recalling their friendly relations with the Azeris in the neighboring village across the frontier, before the war. The footage raised a significant number of counter-reactions among representatives of media, social platforms commentator and former TV station leaders, quoted by the news portal Eurasianet, discontented with the fact that Armenia was the first one to

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1 Artsakh is the Armenian name for Nagorno-Karabakh

2 Stepanakert is the de facto capital of Nagorno-Karabakh

speaking about a peace compromise and not Azerbaijan, as well as by the fact that the reportage classified the Nagorno-Karabakh conflict as a territorial dispute, while it is largely accepted in Armenia as a matter of self-determination for the Armenians in the entity (Mejlumyan, 2019).

The Paris meeting announcement has been generally met with skepticism and even disapproval by some, particularly in Nagorno-Karabakh and Armenia, while the reactions in Azerbaijan have been more retained and mostly followed the same rhetoric of the past decades. The reactions of some politicians in Stepanakert have been the most straightforward against any peace compromise. Thus, Vardges Baghryan, a member of the de facto parliament of Nagorno-Karabakh, quoted by Eurasianet, declared in an interview: "I do not see anything good for us" (Kucera, 2019d). In Armenia, the Paris statement raised concerns that a peace compromise with Baku might lead to Armenia returning the occupied territories surrounding Nagorno-Karabakh to Azerbaijan. The Armenian diaspora, known for its hard-line position on the conflict, had already launched, through the Armenian National Committee of America a campaign against the OSCE's Madrid Principles (Kucera, 2019b), vocally advocating against any territorial compromise by Armenia, the de facto winner of the conflict, despite the international provisions for an eventual withdrawal of the Armenian forces and return of the occupied territories.

In Azerbaijan, the initial reactions to a possible peace compromise have been more mixed. Tural Ganjaliyev, the newly appointed head of the government's organisation representing Azerbaijani displaced persons from Nagorno-Karabakh after the foreign policy staff shuffles, expressed, in a press release, the hope for the "Azerbaijani community of the Nagorno-Karabakh region of the Republic of Azerbaijan [...] for a speedy peaceful settlement of the conflict and ensuring co-existence with the Armenian community" (Kucera, 2019d), in a possible response to the opposition in Azerbaijan towards the inclusion of the Armenians in Nagorno-Karabakh in the peace negotiations. On the other hand, the Azerbaijan's chief of general staff, Necmetdin Sadikov stated, in an interview, that the Azerbaijani military "is ready to fulfill any command at the highest level of professionalism and to free the occupied territories. In Armenia, they should not think that they will be able to maintain the status quo in negotiations" (Kucera, 2019d).

Various Azerbaijan's media outlets insisted on public officials' declarations, following the Paris statement, that emphasized Baku's main element of contention during the decades-long peace negotiations: the unconditional withdrawal of the Armenian military forces from the occupied territories, bringing in support of their demand various international resolutions and documents in this sense. Thus, Mahmud Mammad-Guliyev, the Azerbaijan's deputy foreign minister, stressed that any peace compromise must revolve around the withdrawal of the Armenian forces, along with provisions for the safe return of the internally displaced persons to their previous places of residence and to restoring contacts and dialogue between the two communities of Nagorno-

Karabakh (Azernews, 2019). In her own turn, Lyla Abdullayeva, spokesperson for the Azerbaijani's foreign ministry, declared that the cornerstone of the negotiations on the settlement of the conflict is the withdrawal of the Armenian forces (Azernews, 2019; Report News Agency, 2019). In addition, Abdullayeva emphasized that a conflict settlement in Nagorno-Karabakh would benefit Armenia economically and will boost the independence of Armenia (Report News Agency, 2019). This reference to Armenia's economic independence has been made in the context of the declining relationship between Armenia and Russia, Yerevan's main political, economic and military support, as well as of the long-standing economic isolation of Armenia, which has been excluded from all the main commercial, energy and transport projects which have been booming in the region in the past decades. It implies that a peace compromise with Azerbaijan might put an end to Armenia's isolation and it would open the door to including it in the major projects of the region, thus decreasing its dependence on Russia.

To summarise, resisting peace and maintaining the status quo has its benefits which often prove difficult to trade off. Armenia, the de facto winner of the war, may find it particularly hard to renounce the territories occupied and return them to its long enduring rival, Azerbaijan. The authorities in the unrecognized entity of Nagorno-Karabakh are likely to resist the most a peace compromise that will bring along important territorial and demographic changes. Time plays an essential role in sedimenting the status quo. For Nagorno-Karabakh, despite not being recognized, the past three decades marked important steps towards state-building and a new set of routines have been set in place, which will prove very difficult to set back. For Azerbaijan, any peace compromise must be connected with a very concrete material benefit, taking back the occupied territories and thus it attempts to bring forward any material gains for Armenia as well, such as the end of its economic isolation and possibly access to the energy and transportation infrastructure of the region.

However, material benefits cannot explain alone the reluctance to peace and the attachment to the status quo, be it a state of prolonged conflict. There are also cognitive, psychological gains that individual and collective actors draw from resisting change and that come not to exclude, but to complement the material, rational ones. The next sub-section will discuss the cognitive factors that impact on peace dynamics, by introducing a discussion about the role of peace anxieties and ontological (in)securities in the context of the Nagorno-Karabakh conflict.

## *2.2 Peace anxieties and ontological (in)securities:*

### *internal mechanisms to maintain status quo in the Nagorno-Karabakh conflict*

Traditional approaches to conflict and security in international relations (IR) assume that states' main goal in their relations with other states is survival (Waltz, 1979; Mearsheimer, 2001), thus the preservation of their physical security and existence.

This understanding has long been dominating the academic and political debates around conflicts and reflects a generally state-centric and pessimist view on the world affairs and on the prospects for conflict defuse, cooperation and ultimately peace. Furthermore, a tell approach tends to be overwhelmingly concerned with the material conditions that foster conflict or peace, looking particularly at the rational choices actors make after calculating the costs of benefits of engaging in conflict in relation with concrete, material factors such as: military capacity, territory's specific conditions, financial gains and losses, access to local resources, etc.

However, in the past years, steps have been taken in the IR scholarship to acknowledge and to include the role of cognitive factors, complementing the material, rational ones, in driving the actors' choices for conflict or peace. Thus, stemming from the work of the psychoanalyst R.D Laing in his book "The Divided Self: An Existential Study in Sanity and Madness" and from the later contribution of the sociologist Anthony Giddens in "Modernity and Self-Identity: Self and Society in the Late Modern Age", one particular cognitive approach to security made its debut in the IR, bringing forward the central argument that collective actors, such as states, nations or peoples, are not concerned to preserve only their physical security, but also "their identity as a corporate actor" (Mitzen, 2006, p. 2), their way of life (Goldgeier, 1997; Steele, 2008). They are thus preoccupied with their *ontological security* (Mitzen, 2006; Steele, 2008).

The ontological security is the state where the actor, be it an individual or a collective one, feels in control about their identity and capacity for action (Rumelili, 2013). Consequently, ontologically secure actors are those able to maintain a coherent story, a narrative about the Self in front of the others and of themselves, an ability which consolidates their self-identity (Giddens, 1991), about who they are and the role they play in the world. Ontologically secure actors engage in habitual relationships with other actors, based on a system of basic trust that offers them essential support when confronted with the changes and crises of life (Giddens, 1991; McSweeney, 2004). In addition, they develop routines that provide them with a comforting sense of stability and continuity, a sense of existential security (Giddens, 1991; McSweeney, 2004; Mitzen, 2006).

When out-of-the-ordinary events occur and these everyday routines are being perturbed, the actors' self-narratives may become destabilized and they may experience deep anxiety, affecting both individual, as well as corporate actors, such as states, nations or peoples. These perturbing existential crises (Giddens, 1991) or critical situations (Croft, 2012) may thus lead to a state of ontological insecurity (Kinnvall & Mitzen, 2017; Browning, 2018a; Browning, 2018b). Finding themselves in a state of perturbing destabilisation of their routines and narratives about the self and the others, the actors will try to either take all necessary measures to reinstall the previous routines which have been offering so far a sense of security, or to embrace new ones (Browning,

2018b), developing new narratives and identity claims (Browning & Joenniemi, 2010). Ontologically insecure actors will find themselves destabilized and will be constantly preoccupied with preserving their identity and confirm it in front of themselves and of the others (Laing, 1960).

Moreover, the actors may feel drawn or maintained in a state of ontological insecurity by the narratives and the actions of other actors trying to build or regain their own ontological security (Mitzen, 2006). The actors, already engaged in a conflict, will tend to stick to those habits and routines which used to make them feel secure, but, by rendering the others insecure, they will instead reproduce and maintain conflict (Loizides, 2015). When the collective identity of an actor has been built on narratives and routines of conflict that have become deeply entrenched, the attempts to eliminate the conflict on which it has been forged may be perceived as a cause of anxiety, as a threat to the identity itself. These actors, facing the loss of their ontological security, will take seemingly contradictory steps in order to preserve their identity and their sense of stability (Huysmans, 1998; McSweeney, 2004; Steele, 2008), even if this means endangering their physical security (Mitzen, 2006). Under these circumstances, conflict may become a preference (Mitzen, 2006), a routine in itself (Rumelili, 2015a).

In the context of the Nagorno-Karabakh conflict, the announcement during the OSCE Minsk Group Paris meeting in January 2019, that the populations of Armenia and Azerbaijan, and consequently of Nagorno-Karabakh should prepare for peace, after three decades of conflict, may have initially acted as a perturbing existential crisis that came to disrupt long-time entrenched routines and narratives of conflict and enmity. Although deep-seeded habits and self-narratives have the potential to change and to be reformulated over time, I argue that the actors' resistance to change, in this case to peace, may be instrumentalized as a mean to preserve their sense of stability, their self-identities, and thus their sense of ontological security. Although a peace compromise is expected to enhance their physical security, the collective actors engaged in the Nagorno-Karabakh conflict may find it initially more secure to maintain the old self-narratives and identities of adversaries and a rhetoric of war.

Especially in the case of protracted conflicts, such as the one in Nagorno-Karabakh, actors find it difficult to change their narratives and the enemy images developed about their traditional rivals (Loizides, 2015; Rumelili, 2015a), even when the adversaries signal their intention to cooperate (Rumelili, 2015a). As a consequence, when confronted with the possibility of the conflict to end, they might develop "peace anxieties" (Rumelili, 2015a, p. 13) and they may choose to maintain conflict as a mean to preserve their ontological security (Rumelili, 2015b; Kinnvall & Mitzen, 2017), their previous stability and routine.

In addition to Loizides' and Rumelili's theoretical inputs on actors' difficulty to change their narratives about their adversaries when they manifest their intention to cooper-

ate, I argue that, when confronted with the perspective of a sudden change, in the form of a peace compromise, the actors may find it hard to renounce their previous self-narratives and images about themselves even when the signal for cooperation comes from their own community. Therefore, it is not a lack of trust in the long-term enemy that impedes actors to embrace peace, but their own insecurities about the disturbance the change would bring.

Armenia, the de facto winner of the war, will, in this context, look at both material and cognitive benefits of peace. Therefore, a change in the status quo might be resisted for the fear of losing the territories under its control, but also its self-identity entrenched during the past three decades of conflict, namely the status and prestige of a winner and protector of Nagorno-Karabakh. Moreover, the change would imply a difficult-to-accept shift in its self-narrative and image about its enduring rival, Azerbaijan, from enemy to potential partner in the region. For some Armenian politicians, who have been long using the war in Nagorno-Karabakh as a strong catalyst for electoral gains, peace would imply an important disruption in their narratives that would perturb their own identity claims which have been forged on Armenia's image as an enemy of Azerbaijan and winner of the war.

For the de facto leadership of Nagorno-Karabakh, which has had a major influence on the Armenia's politics over the past decades and it even provided its patron state with two presidents, a change in the status quo would not only disrupt the physical security of being politically, militarily and economically protected by Armenia, but also a critical perturbation in its narratives about the Self and Other. Thus, it would have to change the enemy routines into accepting back the Azerbaijanis and narrate them, from now on, as co-existing neighbors. As a consequence, the return of the occupied territories to Azerbaijan and a peace compromise would imply not only a perception of a possible threat to Armenia's and Nagorno-Karabakh's physical security, but also an essential disruption of their ontological security, of an essential part of their self-identity which has been constructed around the war.

For Azerbaijan, an initial refrain from embracing a peace compromise would mainly revolve around the anxiety of not losing its ontological security, although such an evolution would enhance its physical security, as well as that of the Azerbaijanis in Nagorno-Karabakh. Whilst Azerbaijan would have the most to gain in terms of material benefits and physical security, we have seen that, in the face of a peace prospect, the self-narratives of some of its officials remained rigid and centered around the same discursive routines that have modeled the political and military identity of some of its central figures over the past decades. To this, it might have also contributed the self-perception of status and prestige developed during the past years, due to Azerbaijan's economic boost following the revenues from natural gas and oil exports, which have also facilitated the development of its military power, successfully tested during the April 2016

clashes with Armenia in Nagorno-Karabakh. A status that a part of Azerbaijan might find it difficult to reconcile with the image of a compromising, good-willing neighbor. For this reason, Azerbaijan is a good case of the argument above, according to which an actor might choose to take all necessary measures to maintain their ontological security, their entrenched routines and narratives, even if this might limit their physical security.

## **Conclusions**

The international major peacekeeping actors (such as the OSCE and the EU) have long been criticised for their structural and functional limitations in relation with their capacity to contribute to an efficient management of the conflict and a sustainable peacebuilding in the South Caucasus. In the Nagorno-Karabakh conflict, the OSCE's Minsk Group has been particularly pointed at for failing to broker a peace settlement despite its involvement as main peacekeeper as early as 1992.

In addition to the external limitations to resolving conflict and reaching peace, the internal factors that have been contributing to the maintenance of status quo and re-escalation of conflicts must equally be considered. Furthermore, when discussing the role of the local and regional actors in preserving the status quo, the article argued that material benefits cannot explain alone the reluctance to peace and the attachment to status quo, be it a state of prolonged conflict. There are also cognitive, psychological gains that individual and collective actors draw from resisting change and that come not to exclude, but to complement the material, rational ones.

To the support of the arguments above, I introduced the theoretical framework of ontological security in order to debate on the local actors' possible resistance to a peace compromise, as a way to safeguard their self-identities, routines and narratives forged during three decades of conflict. To this point, I employed the case of Nagorno-Karabakh, looking at the initial local reactions following the OSCE Minsk Group announcement in January 2019 that the populations must be prepared for peace to demonstrate that collective actors, such as states, nations or peoples, are not concerned to preserve only their physical security, but also their ontological security, their sense of being in the world and in relation with the others.

For Armenia and Nagorno-Karabakh, a peace compromise providing the return of the occupied territories to Azerbaijan would imply not only a perception of a possible threat to Armenia's and Nagorno-Karabakh's physical security, but also an essential disruption of their ontological security, of an essential part of their self-identity which has been constructed around the war. For Azerbaijan, a compromise with Armenia might trigger the anxiety of having to trade its enhanced status gained as an energy and military regional power during the past decades for that of a good-willing neighbour, an exchange of ontological security for more physical security which might prove hard to accept initially by part of its society.

Therefore, in addition to the structural and functional limitations of the main international peacekeeping actors, internal factors play a crucial role in maintaining status quo and delaying peace. Among these, material benefits of resisting change are being complemented by cognitive, psychological ones. Although a peace compromise is expected to enhance their physical security, the collective actors engaged in the Nagorno-Karabakh conflict may find it initially more secure to maintain the old self-narratives and identities of adversaries and a rhetoric of war.

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# Cameroon: State Policy as Grounds for Indigenous Rebellion. The Bakweri Land Problem, 1946-2014

Venantius Kum NGWOH

**Abstract:** The history of Africa in recent years has been marked by instability in the form of separatist movements, agitations for political rights and freedoms as well as open resistance against government action. This study about conflict over natural resources explores the leeway as well as the mechanisms that enhanced the alleged loss of land rights by Bakweri people in Fako Division of Cameroon and evaluates efforts they exerted to retrieve these appropriated lands. Cameroonian post-colonial state policy between 1963 and 1974 invalidated the provisions of a 1958 Land and Native Rights Ordinance that had re-established customary rights over colonial entitlements to land thereby transforming homegrown people from owners to holders of their ancestral lands. This policy was exactly calculated to extort the inalienable communal property of the various peoples whose privileges to land were based upon immemorial usage and who were attached to their lands in life and limb. After about a century of persistent land hunger, they formed a Bakweri Lands Claim Committee (BLCC) to wrest their ancestral lands from alien occupants. Although the confrontation raged for about 150 years, the divide-and-rule policies of successive governments invalidated their efforts. According to research findings, the exacerbation of this imbroglio was another ploy by a French-speaking dominated *apparatchik* to totally dismantle and disrupt the nascent economy of the English-speaking part the country. Through

their actions, government officials authenticated the fact that Cameroon law did not protect indigenous minority rights and openly demonstrated that Bakweri land rights could only be restored if Decree No. 74-1 of July 6, 1974 that established rules governing land tenure in Cameroon was amended. Whereas the Bakweri indigenes have struggled to reconstitute their land rights, the regime consistently exerted its authority by invoking the law that declares *inter alia*, "... the state shall be the guardian of all lands". But strangely enough, BLCC members have hailed this same law as a confirmation of their rights of private ownership and in 1999, their chiefs stated em-

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phatically that “this cannot possibly apply to CDC occupied lands [which] were known even to the German colonial administration and would have featured in the official German land registers...”. Thus, while the Bakweri claimed private property rights, the state remained unyielding that the assertion was a farce and that is why its authority has remained primordial in a land surrender process that it initiated in 2003 and halted in 2014.

**Keywords:** Bakweri, Germano-Duala Treaty, *grundbuck*, “Kamerun idea”, land surrender.

## Introduction

On July 4, 2007, some Bakweri indigenes from 19 villages in Fako Division descended on 15 hectares of a Cameroon Development Corporation (CDC)<sup>1</sup> plantation at Liongo to deracinate banana plants. Their action was symptomatic of an age-old dispute pitting the Bakweri Lands Claim Committee (BLCC)<sup>2</sup> against the Cameroon government since 1946, while “the health hazards of CDC’s economic activities on their children, together with its expansionist and expropriationist tendency towards their ancestral lands” provoked their immediate hostility.<sup>3</sup> This long lying brawl was over the ownership, control and use of over 250 000 hectares of land from which they were “uprooted from the homes of their forebears, settled willy-nilly on strange soil, deprived of their old-time hunting grounds and fishing rights...” between 1858 and 1905 (Dibussi, 2006).

Whereas the Bakweri indigenes had been struggling for decades to have their land rights restituted, the regime consistently exerted its authority by invoking the land law of 1974 that declares *inter alia*, “... the state shall be the guardian of all lands”. But strangely enough, BLCC members continued hailing this same law as a confirmation of their rights of private ownership and stating emphatically that “this cannot possibly apply to CDC occupied lands [which] were known even to the German colonial administration, and would have featured in the official German land registers...”<sup>4</sup> (Fako Chiefs, 1999). Thus, whilst the Bakweri continued to claim private property rights, the state remained adamant and considered the assertion as a farce.

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1 The CDC came into existence on January 1, 1947 in accordance with Ordinance No. 39 of 1946. It took over and managed the German plantations leased to it by the Nigerian government on Certificates of Occupancy for 60 years.

2 The BLCC was established on June 18, 1946 to fight for the restoration of indigenous land rights and is looked up to as the accredited mouthpiece of the Bakweri.

3 The banana suckers were uprooted from a plantation sharing boundaries with a government primary school in Liongo whose pupils were usually affected by insecticides when CDC bananas were sprayed.

4 This opinion was expressed by over 300 Bakweri chiefs, notables and elites in 1999 in reaction to the announced privatization of the CDC.

The main thrust of this paper is to provide an academically tailored sequential version of the Bakweri land case. This will be done firstly by exploring the leeway as well as the mechanisms that enhanced their alleged loss of land rights; secondly, by evaluating the efforts that the BLCC made to retrieve these appropriated lands and then thirdly, assessing the effectiveness of the famous CDC land surrender palaver.

### **The alleged loss of land rights by the bakweri, 1858-1974: motivations and techniques**

The Bakweri are found in Fako Division that was an integral part of the former British Southern Cameroons. They are settled on the eastern and southeastern slopes of the Cameroon mountain, where the Germans appropriated vast expanses of fertile lands spreading to the Victoria (Limbe), Mutengene, Tiko, Muyuka, Ekona and Buea areas (Ngoh, 1996). Their socio-economic activity is based mainly on hunting, fishing and subsistent farming whereby maize, cassava, yams, cocoyams, plantains, groundnuts and degussiare grown. There is industrial fishing around Bimbia, Bibundi and the southern parts of Limbe (Mbuagbo & Lambi, 2003). The plantations set up by German enterprises in this division are run by the CDC as well as privately owned enterprises like the Cameroon Tea Estate (CTE).<sup>5</sup> These occupy the greatest part of the fertile plains thus creating intermittent outbursts of disagreements over land rights.

The rich volcanic soils on the slopes and foot of the mountain, formed from the decomposed lava released during eruptions, were attractive to German citizens for large tropical plantations. The cold climate with local variations in rainfall and temperature was suitable for European settlement and growth of a wide range of crops. In this way, Germany could cultivate better quality crops in her own colony instead of buying from foreign markets, which was expensive and uneconomical. No wonder, the German colonial authorities were compelled to devise ways and means of securing the land for their use.

The world over, human communities are guided by land tenure which is a mechanism or set of rules that govern the acquisition, ownership, control, use and cession of land by individuals and communities from generation to generation. According to Cheabi (1997), it is "the system that assigned [as well as] protected the homestead" and is of great value in that it indemnifies family or individual access to land on which they can build and from which they can acquire food. The necessity of such a scheme was spawned by the fact that "land was considered sacred and the king did fertility rites

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5 CTE is a shell company comprising CDC tea estates in Tole, Gbiyuku and Sachsenhof (on Bakweri land) that were sold to Alhadji Baba Amadou Danpullo (leader of Brobon Finex, a South African Company) in 2002 for 1, 5 billion F CFA. This amalgamation was done by John Niba Ngu, former CDC General Manager and Minister of Agriculture who masterminded the privatization in 1999.

intermittently to protect it"<sup>6</sup> (Ngwoh, 2016). Thus the inability of the Bakweri to protect the tenets of their land tenure inescapably led to its demise and their loss of land rights. Worse of all, the new colonial economic mentality in which "the man with the purse" played a dominant role in Europeanized society influenced the coastal people to start selling their land, thereby contributing to the waning or out-and-out alteration of the land tenure system<sup>7</sup> (Mbuagbo & Lambi, 2003).

When the Germans realized that it was only through the establishment of their own plantations that they could have a regular supply of raw materials, the need to acquire land from the indigenes by any means possible was heightened. Over and above all this, they were not sure to have a regular supply of agricultural raw materials from the subsistent farming practiced by the indigenous people because local hostility and the absence of roads disrupted the supply of tropical products from the interior to the coast. Being latecomers in the scramble for Africa, the Germans were eager to exploit Cameroon and make as much profit within a short while as possible.<sup>8</sup>

The German land acquisition scheme was indeed elaborate. An official letter dated May 6, 1884 from Adolf Woermann instructed German colonial officers on the ground to, by all means, acquire fertile land from the indigenes (Ambe, 1999). This justifies the wholesome expropriation of large land areas, the creation of the Colonial Economic Committee (CEC)<sup>9</sup> in 1898 and the opening of plantations in locations like Idenau, Debuncha, Moliwe, Meanja, Ekona, Mukonje and Tiko for the cultivation of palms, rubber, tobacco, banana and tea (Ngoh, 1996).

The establishment of large-scale plantations necessitated massive mobilization of labor, which the indigenous Bakweri population refused to supply thereby opening

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6 In African tradition, land has an economic, cultural plus a religious value and so it is anathema to dispose of it.

7 According to the Food and Agricultural Organization (FAO), extensive surveys through Africa in the early 1960s showed that the system whereby free land and ownership are granted to indigenous persons is defective, because the surest way to deprive an African of his land is to give him ownership. Since the average citizen in the village owns practically nothing of economic value, giving him ownership means that the land has become his private property over which he has the right to sell. He sees in the sale of his plot the possibility to have some money, much more than he can get from his work, thinking that if he can't find other free land on the spot, it will be available in some other place.

8 By 1883, Germany was not interested in the acquisition of overseas territories because after unifying in 1871, she needed to industrialize and pursue internal reorganization in order to tilt Europe's balance of power to her favor. But this policy changed after the Berlin Colonial Conference (1884-1885) because Otto Von Bismarck desired "a place in the sun" for Germany.

9 The German Colonial Society, the German Ministry of the Interior as well as contributions from the German public, funded the CEC. Its principal function was to designate sub-committees with specific functions such as the Central Botanical Bureau that was chiefly concerned with scientific research.

the floodgates for migrant workers from other areas of Cameroon to the coastal plantations.<sup>10</sup> Accordingly, this region witnessed a dramatic increase in the population of non-indigenes, who soon outnumbered their hosts. Due to the fertile nature of the soil, these immigrant populations, mostly from the grasslands regions of Cameroon, preferred to establish permanently exploiting the lands, thereby increasing the pressure on non-plantation lands. Coming from areas of poor soils, they were generally more hardworking, a quality that brought much wealth to them, sometimes to the envy of the indigenes who felt threatened by the strangers' economic power<sup>11</sup> (Mbuagbo & Lambi, 2003). This situation quite often generated petty jealousies, which strained relationships between original inhabitants and settlers over the question of land ownership.

The expulsion of the Baptist Missionaries from Fernando Po triggered their need for land where they could settle, organize themselves for evangelization, relocate free or abandoned slaves and promote legitimate trade<sup>12</sup>. This explains why Alfred Saker arrived in Victoria on June 9, 1858 and "contacted King William of Bimbia who claimed to have had unlimited powers over the land, arranging for its purchase" (Ngoh, 1996). The signing of a treaty by Alfred Saker and King Bille (William of Bimbia) on August 23, 1858 sanctioning the purchase of 50 square miles of land for £2 000 to set up the Victoria Settlement marked the beginning of the loss of land rights by the Bakweri (Ngoh, 1996). The exchange of cash for land implied loss of control because it had passed from communal to private ownership. Fences as well as other demarcations were erected and the words 'private property! Keep off!' were affixed to them (Cheabi, 1997).

The land appropriation ploy of German colonial and indigenous authorities constituted treachery, outright manipulation, forgery, corruption and brutality. This enabled them to secure enormous parcels of fertile land free of charge and in rare cases, at the token sum of five Marks per hectare. The most prominent land acquisition scheme of the imperial authorities was the hobbyhorse of Von Puttkamer, designed to resettle all Fako people in reservation enclaves (Kale, 1967). This was under the auspices of the Crown Lands Act of July 15, 1896, which officially converted all so-called "unoccupied land" throughout Cameroon into the property of the German overseas dominion (Ambe, 1999). Given that the population density of Fako during the German colonial era was

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10 This objection was a reaction of the indigenes to their loss of land rights and their restriction to unproductive areas.

11 Most of these migrants were from the grasslands regions (North West and West Provinces) of Cameroon where volcanic soils are absent. Through the fruit of their labor, they were able to make substantial economic investments better than the indigenes.

12 The arrival to Fernando Po of Spanish Catholics in 1856 marked a turning point in the personal liberty, property and religion of Baptist missionaries. They were compelled to leave Fernando Po in 1858 when the Jesuits arrived and proclaimed Catholicism the sole religion in the island.

something below one person per square kilometer, almost all land in the neighborhood became crown land.

Two land sale agreements in 1887 between Buea chiefs and German officials point to the fact that land was sold to the Woermann and *Jantzen und Thormalen* firms. In a letter written at Mapanja on February 18, 1887 by George Valdau to Governor Von Soden, the purchase was reported thus: "Yesterday I succeeded in buying whole Buea for you...I could not get all the kings [and] chiefs together at one time because the upper and lower Buea are enemies and must, therefore, make two contracts... The Buea people will come to Mapanja and receive the payments...". On March 4, 1887, an accord was signed certifying that 10 Buea chiefs had "received from the imperial Governor Herr Von Soden the contracted purchase price for the whole land in Buea...The [...] people confer upon the imperial governor, or his successor in law, an unrestricted prior right of purchase to the land..." (Tande, 1999, p. 45).<sup>13</sup>

The so-called contracts of sale were contentious on many counts: (a) the agreements were vague since neither the measure of land sold nor their purchase price was mentioned; (b) African chiefs and European governments had absolutely opposed philosophies of what land sales entailed and (c) land that was sold in parts of Buea should not have been extrapolated to the entire Fako Division. In the territorial map drawn by Dr. Preuss in 1897, the area in question covered a mere 212 hectares while the entire vicinity whose competition for control later became a long-standing boon of contention covers 250 000 hectares (Dibussi, 2006).

By 1892, Bakweri land had largely become a German territory and so they set out surveying and piecing it out. Since the indigenes did not understand what these demarcations were all about, they remained unconcerned. But when atrocious methods compelled them to get rid of their houses, there was opposition (Kale, 1967). Thus, through the above devices and machinations, substantial portions of Bakweri land were expropriated and the people alienated from their lands. By 1914, German companies and individuals involved in large scale plantation agriculture owned, controlled and used the most fertile parts of Bakweri ancestral lands. Having been thus deprived, the people tried eking a living by farming on rocky mountain slopes where no economic crop could thrive. Some parts of Buea were proclaimed "crown lands" where the indigenes were prohibited from farming and lumped up in reserves that were relatively less productive. Since rocky barren upland slopes, swamps and bogs occupied such localities, the issue of land then became a matter of life and death especially as the areas mentioned in Table 1 did not include plots in Buea alienated to Messrs Holtforth, Justo Weiler, Baptist and Basel missions.

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13 This file was uncovered by Jovita Nsoh in the Colonial Section of the German National Library in Berlin in 1999 from which he collected data to use as his contribution to the Internet Debates on the Bakweri land problem.

Although the BLCC adduced that German claims over their land were not authentic “as was the case with our brothers, the Dualas, who signed a treaty with the Germans in 1884 giving them their right of legislation over their lands,”<sup>14</sup> it must be considered that Buea was a casualty of German subjugation. The loss of land rights in the region was partly an outcome of the war they fought with the Germans from 1891 to 1894 leading to the assassination of General Von Gravenreuth on December 5, 1891, by Mondinde mo Ekeke. The subsequent death of Kuva Likenye, leader of the Bakweri and the surrender of his successor, Endeley Likenye to the German authorities in Douala in 1895, ended the war. This conclusion was endorsed by an armistice between the belligerents in which Endeley Likenye, Nyaneli and Ekeke Evakise represented the vanquished (Ngoh, 1996).

The terms of the armistice were catastrophic as they aggravated the confiscation of their landed property. Nevertheless, this defeat did not justify the whole scale expropriation and subsequent alienation of large expanses of their land. The Germans had captured only Buea, not other parts of Fako, making this acquisition process illegal. In any case, their hegemony over this land was short-lived following Germany’s defeat in World War I resulting in the loss of all her colonies including Cameroon that became a League of Nations mandate.<sup>15</sup>

In 1920, the British parliament made proclamation No. 25 ceding German-owned estates to the Nigerian government through which Britain administered the League of Nations mandated territory of the Cameroons (Ambe, 1999). These ex-enemy possessions, administered by the Custodian of Enemy Property,<sup>16</sup> were put under auction in London in October 1922. The need to dispose of these estates was urgent because the British colonial government perceived their maintenance as an economic burden. Since the October auction turned out to be a fiasco, another one was organized from November 24-25, 1924 and a London estate agent who actually acted on behalf of the former German owners bought all the plantations for £224 670. In addition to land, the sales included railway system, rolling stock, wharves, dwellings and factories (Ngoh, 1996).

But this private ownership of the ex-German plantations did not last long because, after World War II, the Custodian of Enemy Property re-expropriated them. In 1946, the Nigerian legislature passed Ordinance No. 38 providing for the acquisition of lands formerly owned by Germany in the British mandate of the Cameroons. The Governor of Nigeria bought these lands for £850 000 and leased them out to the CDC that was

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14 According to the Germano-Duala Treaty of July 12, 1884, some Douala chiefs ceded their rights of sovereignty, legislation and administration over a geographically determined territory named Cameroon to the German government through private firms.

15 Article 119 of the Treaty of Versailles obliged Germany to relinquish control over all her colonies. Cameroon became a mandated territory under Britain and France.

16 The CEC was an economic institution set up by Britain to administer confiscated German property.

established the same year to develop its plantations, provide social welfare facilities to its employees, *inter alia* (Bederman & Delancy, 1980).

While the BLCC was expecting to take over control of these lands when the lease expired, the country's indigenous authorities did a lot more between 1963 and 1974 to obliterate its claims of land. Decree No. 63-2 gave the signal on June 9, 1963 by invalidating the provisions of the 1958 Land and Native Rights Ordinance that had re-established customary rights over colonial entitlements to land (NAB File No. 23 829, 1943). To this effect, all claims to land not supported by prescribed or current instruments were declared *ultra vires*. More substantive land-related vocabulary such as "owners" and "landlords" previously used in referring to the rights over ancestral lands held by members of the homegrown populations were rendered redundant in favor of inconsequential ones like "holders" and "occupants" (Ngwoh, 2016). Thus the 1963 law was the bedrock that transformed the status of the Bakweri from owners to holders of their ancestral lands and laid the foundation for their rebellion against state policy.

To follow this dispossession exercise to its logical end, lands that were not actually occupied i.e. *les terres vacantes ou sans maitre* throughout the country were classified as *le patrimoine collectif national*. To make matters worse, the registration or formalization of collective customary rights on land was made obligatory by repealing a 1932 colonial law, which recognized *les droits fonciers sans titre ecrite* (Ambe, 1999)<sup>17</sup>. This had been exactly calculated to extort the inalienable communal property of the various peoples whose privileges to it were based upon immemorial usage.

Having thus set the foundation in the manner illustrated above, Decree No. 73-3 of July 9, 1973 allowed President Amadou Ahidjo "to establish rules governing land tenure in the country". Equipped with such powers, he ratified Decree No. 74-1 of July 14, 1974 that became the country's landmark land law. The interpretation of its major provisions is the principal source of the contested hegemony over land in Fako Division between the government and some Bakweri indigenes under the patronage of the BLCC.

### **The Struggle for the Restoration of Bakweri Ancestral Lands**

BLCC's greatest worry was that government continued to exert its authority on the land saga by invoking the land law of 1974 that classifies land into four categories including national land, private state land, private corporate and the land of individuals (Bakweri People, 1999). As custodian of all land, the state claims to have powers to intervene in land matters to ensure its rational use for the promotion of the economic policies

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17 Members of most indigenous communities in Cameroon have been ignorant of the fact that only authentic land certificates can guarantee any claims to their ownership of ancestral lands. This explains why intrastate conflicts over land are perennial and why indigenes look at government's role in allocating land to settlers as infringements on their natural rights.

of the nation. This means that government can invoke whatever reason to justify the expropriation and alienation of any piece of ancestral lands.

But the committee disproved the argument of state ownership over its lands because antecedent rights survived the change of sovereignty from the British crown to the state of Cameroon. In 1946, the Nigerian legislature re-appropriated these lands by buying them for the governor to hold in trust for the people. This repurchased asset was recognized as indigenous private property by a special resolution adopted at the Sixth Meeting of the United Nations Trusteeship Council in March 1950 (Kofele-Kale, 2007). In this wise, Bakweri indigenes saw it a bounden duty to fight for the return of their lands for “if fighting for our lands is wrong, then what is right?”

Apart from regular meetings held, they had, at individual and collective levels, addressed petitions, memoranda and complaints expressing their bitterness and laying claims to their lands. Their targets were the German and British colonial governments, UN Trusteeship Council, the Cameroon government and African Court at Banjul (Dibussi, 2006). They had every reason<sup>18</sup> to make regular objections to the Reichstag against Von Puttkamer and the chief judge Von Branchitsch *a propos* the forceful acquisition of lands for plantations in which they were financially interested. These complaints caused the German parliament to start an inquiry in 1907. When Karl Ebermaier came to office in 1912 as German imperial governor, he made a seven days tour of Bakweri villages after which he became fully convinced that amends were needed. But the land crisis remained unsettled when World War I broke out in 1914 and prevented Van da Laan from effecting an assignment to re-survey the land in order to determine the people’s needs and grant them (Kale, 1967).

The first attempt by the BLCC in its struggle for the restoration of land rights was made on August 7, 1946 in a petition to the chief secretary of the Eastern Region in Enugu demanding a return of the plantation lands together with financial compensation commensurate to the years of exploitation. In response, he “promised sending out a surveyor to see whether any increase of land was necessary and whether the indigenous population had augmented”. Far from pacifying the people, this reply incensed them “as they were not asking for an increase but for a return of the whole land” (National Archives Buea, 1946).

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18 Robert Kuczynski observed that this massive expropriation scheme muffled the political sovereignty of the Bakweri, as it had no consideration for their economic empowerment and liberation. Their relegation to reserves to a large extent made them lose interest in life, as was demonstrated by the dilapidated state of their houses and their neglect of most sanitary measures in spite of years of culture contact with Europeans. The left over areas were unfavorable for cultivation thus breeding malnutrition and exposing the women, who by routine were the planters of their locally consumed foodstuff, to profound injuries. What is more, they were victims of infant mortality and early breakdown in health.

The petition that actually opened the Bakweri land case was addressed to the British Secretary of State for Colonies on June 24, 1946<sup>19</sup>. In it, they clearly stated the particulars of their case and laid four claims, namely: that all “crown lands” should become indigenous lands controlled by them; all alienated land under British mandate belonging to the Bakweri should be returned; the Bakweri should be remunerated for the many years of utilization of their land and that all mission lands be given back except plots occupied by schools, churches and residents of missionaries (National Archives Buea, 1946).

Both the United Kingdom (UK) government and Trusteeship Council responded positively to this request thus playing positive roles in facilitating the struggle. This is seen in the fact that BLCC gained some concessions from the British government when she requested the UN to grant the committee a hearing in 1947. Article 8 of the trusteeship agreements on Cameroon unequivocally stated that in framing laws relating to the transfer of land and natural resources, the administering authority should take into consideration indigenous laws as well as customs; respect the rights and safeguard the interests of all generations of the indigenous population.<sup>20</sup> Although BLCC lost its best chance to present its case in New York,<sup>21</sup> the UK government still forwarded certain observations to the UN Secretary-General on June 9, 1948 in which it was pointed out that:

... all lands had been declared [indigenous] lands and had been placed under the control of the governor of Nigeria to be administered for the use and common benefit of the indigenes; that the Nigerian government had repurchased 14 851 acres of plantation land for the benefit of the indigenes... (BLCC, 1948).

Although the committee never had another chance to present its case directly to the UN, it met with various delegations from the Trusteeship Council visiting the Southern Cameroons. In the same year that these land rights were restored to the indigenes, Ordinance No. 39 created the CDC to which

... the lands were subsequently leased ...for a period of 60 years on terms which expressly provided for reversionary rights... [The] title to these lands never passed to the CDC... and the administering authority as well as successor independent Cameroon government was acting only as custodian, holding the land in trust for present and future generations of Bakweri people... (Bakweri People, 1994).

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19 David Endeley, Honorary Secretary of the BLCC, wrote both the first and second petitions. Arthur Creech Jones, British Colonial Secretary, received the second, co-signed by 25 prominent Bakweri, one year later.

20 The UN General Assembly approved these trusteeship agreements on Cameroon on December 13, 1946 and November 1, 1947.

21 The BLCC was unable to raise the sum of £ 400.00 to finance the trip of Dr. E.M.L. Endeley who was chosen as the representative at the UN in New York.

After the reunification of the British and French Cameroons, the land problem was relegated to the background as Cameroonian political leaders turned their backs on “regional and parochial issues” in their pursuit of Pan Cameroonian issues. The case was further obliterated under the Amadou Ahidjo regime due partly to his over centralized system of government and partly because of his dictatorial tendencies. Thus the BLCC disappeared from the scene waiting for the appropriate moment to resurface even though the land issue refused to go away in the minds of its members.

This moment came in 1994 when President Paul Biya announced the privatization of the CDC<sup>22</sup>. The announcement provoked a wave of anger that swept across the entire division and caused its indigenes to revive the moribund BLCC under whose patronage Bakweri political, traditional and other leaders rallied to adopt a common position. The immediate reaction was that about 150 representatives of the Bakweri met in Buea on July 23, 1994 to discuss the implications of the decree. During the meeting, it was resolved that “the land and natural resources being exploited by the CDC belong to the indigenes of Fako and cannot therefore be alienated and/or transferred to non-indigenes”<sup>23</sup> (Bakweri People, 1994).

This did not make any visible impact on the government. Accordingly, government ministers made numerous visits to Fako in order to convince the public that privatization was in their best interest. Even though BLCC members were not against the idea of privatization or sale *per se*, their quarrel was that CDC should not have been involved because “by all objective indicators, [the corporation] is efficiently managed”. According to them, a sale will result in its plantation and lands being taken away by private interests [and so] the problem here is that CDC does not own the lands and cannot therefore transfer what it does not have (Bakweri People, 1994).

From every indication, the corporation was left with the status of a tenant whose duty was to develop the plantations and set aside sums of money annually in its operating accounts as ground rents paid to the public treasury (Kofele-Kale, 1994). These tours however, provoked the BLCC to come up with another memorandum in 1999 reiterating its earlier demands for the recognition of indigenous rights on CDC land, payment of land rents owed to the Bakweri Land Trust Fund and the direct involvement of the Bakweri in privatization talks.

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22 The announcement to privatize the CDC was made on Thursday July 15, 1994 in Presidential Decree No. 94/125.

23 The meeting was co-chaired by Chief S.M.L. Endeley and Chief F. Bille Manga Williams. An *ad hoc* committee comprising Dr. S.N. Lyonga (Chairman), Prof. Ndiva Kofele-Kale (Secretary), Mr G.B. Mbuwa Mosoke, Mr Mokake Elali and Chief Mbella Sone Dipoke was set up to pursue the matter of privatization or sale of the CDC.

Bakweri elite in the Diaspora supported the BLCC and asked “all men and women of good will to join in the struggle to protect the interest of ordinary Cameroonians who live in abject poverty and deprivation while their unaccountable leaders and their multinational partners exploit their heritage before their very eyes”<sup>24</sup>. The pressure exerted by the elite was regarded with hostility and this is evidenced by the fact that Fako Senior Divisional Officer (SDO), Jean Robert Mengue Meka, banned a planned BLCC meeting in Buea in March 2000. In a letter dated June 6, 2000, he instructed the BLCC leadership to put an end with immediate effect, to all activities of this illegal committee. Abogo Nkono,<sup>25</sup> who denigrated the BLCC and declared that it had no *locus standi* to speak for the people, supported this stance (Monono, 2006).

The government ban on the BLCC made its leadership to drag the State of Cameroon to the African Commission on Human and Peoples' Rights (ACHPR) or Banjul Court<sup>26</sup> in September 2002 on five counts, namely that lands occupied by the CDC are private property belonging to the Bakweri, the rightful owners of the land are not fully involved in the CDC privatization negotiations announced eight years earlier by the President of the Republic, ground rents owed the Bakweri people dating back to 1947 have not been paid to a Bakweri Land Trust Fund for the benefit of the dispossessed indigenes as demanded three years earlier, the Bakweri acting jointly and severally lack a specific percentage of shares in each of the privatized companies and BLCC has no representation in the current and all future policy and management boards, as was the case in colonial times (ACHPR, 2002).

During its 33<sup>rd</sup> session in May 2003, the Commission requested the Cameroon government to suspend the alleged detrimental alienation of the disputed CDC lands in the Fako Division pending a decision on the matter before the African Commission. At its 36<sup>th</sup> Ordinary Session, and in ruling No ACHPR/LPROT/COMM 206/CAM/NGL of February 3, 2006, the case was declared inadmissible for non-exhaustion of domestic remedies as required under Article 56(5) of the Banjul Charter. In addition, the commission offered to avail its good office to the contending parties to enable them resolve the

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24 See also Letter from the Bakweri around the World to President Paul Biya of Cameroon dated October 1, 1999 with more than 140 signatories among whom were the UN Secretary General, President of the World Bank and Peter Mafany Musonge who was currently the Prime Minister of Cameroon.

25 Abogo Nkono, who was Cameroon Minister of Lands and State Property from November 8, 2004 to September 7, 2007, made this declaration in an interview granted to CRTV's Cameroon Calling Programme on Sunday September 16, 2006.

26 This was in accordance with Articles 55, 56 and 58 of the African Charter on Human and Peoples' Rights. This charter came into force on June 27, 1981, following the OAU Doc. CABILEG/67/31Rev.5, and it was adopted by the Organization of African Unity on June 27, 1981 and entered into force October 21, 1986.

matter amicably and also referred the recommendation to the Assembly of the Heads of State and Government of the African Union for approval (ACHPR, 2006)<sup>27</sup>. When the Union gave its accord, the way was now open for both parties to enter into negotiations under the auspices of the Commission with a view to arriving at an amicable settlement in this long-standing land problem (Kofele-Kale, 2007). But, surprisingly, the Cameroon government went ahead to surrender portions of land to the indigenes, perhaps because the commission had no laid down law to supervise the implementation of its recommendations.

### **The CDCL and Surrender Imbroglio**

From 2003 to 2014, the government of Cameroon, through the intermediary of some state agents at the regional and divisional levels of ministerial departments like Territorial Administration, State Property, Surveys and Land Tenure, working in tandem with CDC officials restituted some parcels of plantation land to Bakweri villages that expressed the need. This exercise whose initial intention was to appease the people instead boomeranged and created a slew of malpractices like excessive grabbing of communal land by non-indigenous senior administrators; indiscriminate sale of ancestral land by some insatiable Fako chiefs and elites leading to the transfer of native lands to more than 90 % of non-natives; the creation of fake new layouts by dishonest administrators with the intention of acquiring and eventually selling Fako communal land; the sharing of land sale booty by an oligarchy and the emergence of a non-indigenous bourgeoisie class (Ngongi, 2013, 2014; Ngange, 2014).

For all the period that the Bakweri struggled to retrieve the totality of 250, 000 hectares of their ancestral lands, just a paltry 7,594 hectares was coughed out by the CDC. According to Eno and Fombe (2016), of the four sub-divisions that comprise Fako Division, Limbe had 45.6% because of her natural physical limitations imposed by the presence of the Atlantic Ocean, Buea received 37.9% following her status of a University town which attracted the influx of students and workers, Tiko had 4.3% while Muyuka received 12.2%. A closer look at the five principal land uses indicate that 58% was allocated for residence, 22% for schools, 16% for public spaces, 3% for religious centers and 1% for hospitals (Eno & Fombe, 2016).

There was a well-defined procedure to be followed by the communities intending to benefit from the land surrender scheme. First of all, any village community with a recognized historical background or proof of its previous existence whose population ranged from at least 10 to 5,000 people; established a letter of motivation with evidence

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<sup>27</sup> But it is doubtful whether the Cameroon government has any intentions at heeding to the recommendations of the commission that has no laid down law to supervise the implementation of its recommendations although it has the authority to call any recalcitrant state to order.

that the community needed more land for development. The traditional authority then wrote an application to the Senior Divisional Officer (SDO) Fako Division who set up a commission comprising the technical services of the relevant ministries, the CDC and the applicant. The commission's duty was to examine the request, identify a place depending on the availability of land in the area concerned, make recommendations and constitute a file comprising the applicant's request, minutes of its meeting and a survey map. The SDO then forwarded the file to the CDC for a decision by the Board of Directors. If the request was granted, the file was sent back to the SDO who transmitted it to the Ministry of State Property, Surveys and Land Tenure for the effective allocation of the land. In return, the beneficiary community paid the sum of three million FCFA as land cession fee as well as the purchase and implantation of survey pillars (Nana, 2014).

Population pressure, the quest for social facilities and the skyrocketing value of land and peoples' increasing awareness about land rights were the principal factors that engineered increasing demands for more land. This influx can be attributed to the geological, social and economic potentials of the area. By 1961, it comprised basically four council areas, about 125 village communities and less than 100, 000 inhabitants made up mainly by indigenous people who could have needed approximately 2, 000 hectares of land for their activities. But by the end of 2010, the population had more than quintupled while its rural nature had disappeared making the major townships like Buea and Limbe to be cosmopolitan and metropolitan. Thousands of people flocked into this area because of available employment opportunities at the CDC, an agro-industrial parastatal, being the country's second largest employer after the state. The country's lone refinery SONARA (*Societe Natioanale de la Rafinnerie*), which is located in Limbe also attracts people from all corners of the. The creation of the University of Buea in January 1993, followed by more than 30 other higher education institutions in subsequent years raised the student population in Buea alone from 1,500 in 1993 to more than 200,000 in 2010 (Neba, 2010).

Increasing demands for more land could further be explained by the fact that land is viewed as a political instrument, an economic asset and a spiritual tool. For political purposes, its acquisition, ownership, control and use have historically been a source of conflict between states, chiefdoms, families and individuals. Its centrality to economic development and social welfare is unquestionable as it has been used from time immemorial to promote economic growth and human progress. While land is a birthright of the indigenous people, it has a communal dimension whereby all members of the community are expected to share its resources, under some form of traditional authority who is not only a uniting force but also a steward with divine authority. Rituals related to rain-making, thanksgiving and prayer have historically been tied to the land in Africa and it is also valued as a resource of livelihood because it produces food and water, which give life to all living things (Mufeme, 1997).

But in spite of the indispensable nature of land as demonstrated above, the Bakweri land surrender scheme was far from achieving the purpose for which it was intended because a catalogue of problems emerged including social agitation, appearance of land grabbing elite, dispossession of indigenous persons, creation of non-existent villages, and land sale mafia. These complications emanated from the fact that CDC made this land cession time-sensitive by putting considerable pressure on the villages to pay the amount requested, or else they would lose the opportunity to obtain the said lands (Nghah, 2014). In order to raise the requisite sum, most of the village leaders resorted to selling parcels of the lands, in advance, to those who would give them the money. This completely negated the *raison d'être* for land surrender by CDC to the ethnic and indigenous people most of whom remained landless (Mbua, 2011; Chia, 2014). This situation led to the emergence of a group of elite who petitioned the government and called for judicial inquiries into the dubious land deals. In many press organs and live radio programs, they condemned and exposed them to the world.

As far as the Bakweri land problem is concerned and notwithstanding its benevolence, the government of Cameroon has been painted as persecutor of the Bakweri people, blamed for conniving with the colonial master to seize indigenous land, and mocked as an epitome of bad governance. In actual fact, this has been the work of a very vocal part of the populace bent on “giving the dog a bad name in order to hang it”. When the BLCC dragged the government to the Banjul Court in 2002 like an international criminal on five counts,<sup>28</sup> Dr Joseph Dion Ngute,<sup>29</sup> who held brief for the government, argued that the case should be thrown out because BLCC, having been banned in 2002, had no right to speak for the Bakweri people; the case was imprecise and unclear; it was insulting because it had cast suspicions and aspersions on the Cameroonian judicial system; the UN sub commission had already settled it; and that BLCC had not exhausted local remedies (Dibussi, 2006).<sup>30</sup>

However, government continued to work for the general interest of the nation by implementing the provisions of the 1974 land law that was drawn up by the peoples' representative in the National Assembly, including those from Bakweri land. The spirit of this law was to nationalize land in order to forge national integration by harmonizing the numerous tenure systems across the country, break down social barriers and check customs that denied land rights to vulnerable persons like women. Besides, it

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28 The five counts were that: CDC land is Bakweri private property; the rightful owners are not fully involved in privatization negotiations; ground rents have not been paid; the Bakweri lack shares in the privatized companies; and BLCC is not represented in CDC policy and management boards.

29 Dr. Joseph Dion Ngute who was then Cameroon's Minister Delegate in charge of Relations with the Commonwealth, was appointed Prime Minister of Cameroon on January 4, 2019.

30 The BLCC and government of Cameroon made oral submissions on November 14, 2003 regarding the admissibility of BLCC vs. State of Cameroon before the African Court in Banjul, Gambia.

protects every body's interest and not that of a particular group. This explains why its Article 1(2) states that the state shall be the guardian of all land. It may in this capacity intervene to ensure rational use of land or in the imperative interest of defense or the economic policies of the nation. But the Bakweri, having willfully refused to recognize this legal provision as well as the primordial role of the central administration, continued to agitate as if they were a state within a state. This is in spite of the fact that the CDC, which occupies the said lands employs Cameroonians from all nooks and crannies of the nation (Lysinge, personal communication, 2019).

The government has always hearkened to the cries of the Bakweri indigenes by progressively surrendering portions of the lands to village communities when need arises. Since 2003, more than 7,594 hectares have been ceded to the Bakweri and never has any parcel of land been relinquished to non-indigenous persons. Rather, it is the Bakweri themselves, who, after receiving parcels of land, dispose of them for cash to whoever can pay. If there has been much noise about the land problem, it is because there are some of the so-called sons and daughters of the soil with xenophobic tendencies who want to exclude some nationals who are not their kith and kin from enjoying nature's bounties concentrated on Bakweri territory. Besides, some of them, with royal blood deliberately engage in land deals in order to augment their income so as to be like traditional rulers in other parts of the country having palaces endowed with insignias of office, cars and royal paraphernalia (Lysinge, personal communication, 2019).

When noise about the Bakweri land saga reached its peak in 2014, government authorities swung into action again by temporarily deferring the land surrender scheme and suspending a weekly radio programme called "Press Club" run by Cameroon Radio Television (CRTV) Buea in which panelists sarcastically commented on the land palaver. That same year, the Minister of State Property, Surveys and Land Tenure, dismissed Paul Kamchang and Florence Eya Bate from their positions as South West Regional Delegate and Land Registrar respectively while the National Anti-Corruption Commission (CONAC) set up an inter-ministerial commission to investigate alleged corruption charges involving state functionaries (Ambe, 2014; Abah, 2018).

## **Conclusion**

The interpretation of the 1974 law establishing rules governing land tenure was the chief source of conflict between the BLCC and Cameroon government because both parties have divergent views as to whether Bakweri land is national land or not. This law states *inter alia* that "national lands shall be divided into two categories namely (1) lands occupied with houses, farms, plantations and grazing lands manifesting human presence and development; (2) lands free of any effective occupation". According to the BLCC, the lands referred to should be those not clearly demarcated or registered anywhere officially. The lands to which they claim hegemony "were entered in the

*Grundbuch*<sup>31</sup> and so do not fall in the category of national lands over which the state has powers of intervention” (Endeley, personal communication, 2007).<sup>32</sup>

However, even as Cameroon law fails to guarantee the land rights of an indigenous minority, there would have been no conflict if the CDC respected the payment of ground rents to the Bakweri and if the government showed any signs of respecting the 60-year land lease agreed upon in 1947. All attempts made by the BLCC to have their lands reinstated have borne little or no fruits because tea plantations have been privatized without the consent of the “legitimate owners” while, safe for recent disturbances by Anglophone separatist fighters from August 2018 to January 2019, CDC’s activities on all its plantations went on unperturbed. Meanwhile each time Bakweri indigenes want a piece of CDC land to be relocated to them, they are expected to follow a standard procedure involving CDC board of directors whose decision is subject to the approval of the SDO who is chairman of the land consultative board. This is eloquent testimony that the state is intervening to ensure balanced use of land since it considers CDC landed property to be part of national land. Therefore, Bakweri land rights could only be restored if the country’s 1974 landmark land law were revised or if BLCC’s interpretation of it was accepted.

Since this did not happen, a small, determined and politically astute minority people under the auspices of the BLCC made clever use of non-violent methods of protest, petitions and demonstrations to draw the attention of a third party, the Banjul Court, in order to vindicate their group rights to land they have traditionally owned, occupied or used since time immemorial. The amicable settlement proposed by the court was instead replaced by a dubious land surrender scheme initiated by state officials that was later halted in 2014 as a result of malpractices. As of March 22, 2019, the findings of the commission of inquiry set up five years earlier by the National Anti-Corruption were still awaited.

In any case, many focus group meetings held with some village members, notables, elite and chiefs, pointed to a general agreement on the way forward for a credible and realistic management plan for the lands. The first is to set up a Fako Strategic Land Management Committee (FSLMC) that will coordinate all activities related to CDC lands, adopt generally accepted principles whereby these lands will be held in trust by the chiefs or designated committees to ensure the proper management of surrendered lands in the interest of the village communities and for posterity. These custodians should sign

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31 The *Grundbuch* is the official German land register and according to Article 13 (2e) of the 1974 land tenure law, lands registered in it are declared private property.

32 Chief E.M.L. Endeley was the paramount ruler of the Bakweri of Buea and retired Chief Judge. He made this statement in a radio he granted to the Cameroon Radion Television (CRTV) in Buea on September 16, 2006. He died in 2015.

commitment or engagement agreements with the FSLMC embodying the principles of no-sale. In addition, a land trust fund should be created to provide financial resources to villages required to establish 25 to 50-year development plans comprising viable, short, medium and long-term projects with special focus on youth training and employment.

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# Philippines: The Role of *Bae* in Resolving Conflict and Maintaining Tribal Peace and Order

Primitivo III C. RAGANDANG

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**Abstract:** This exploratory research investigates the role of *baes* (women members of the tribal council) in the traditional system of conflict resolution, as well as in maintaining tribal peace and order. With the Higaunon tribe of Barangay Kiabo, Malitbog, Bukidnon province, Philippines, as case in point, the data employed in this study include the responses of the members of the tribal council, especially of the *baes*. The study uses a qualitative approach and the data is interpreted using descriptive analysis. The study shows the historical account of the Higaunon tribe, including its patriarchal nature. It also discusses the qualifications, selection process, as well as *koda* (coding) given to the *bae*. The article then looks into the roles and responsibilities of the *baes* in the traditional conflict resolution of the tribe and the role they play in maintaining the peace and order of the tribe in general. Similar with their male counterparts, *baes* are being selected by the tribal chieftain. The tribal chieftain is also the one who assigns tasks to the *baes* while, in many instances, the *baes* serves as the record and tribal activity keepers, making it sure that tribal policies and affairs are observed properly.

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**Keywords:** *bae*, Higaunon, traditional conflict resolution, tribe, peace.

## Background of the Study

While there is a bulk of studies, advocacies and even foreign funding focused on protecting the rights of indigenous peoples (IPs), only a few researches were focused on how women are treated and afforded the role in resolving the tribal conflicts, as well as maintain peace in their own tribal communities. As the international community promotes the protection and preservation

of the indigenous culture of the *lumads*, including its system of conflict resolution, Philippine law maintains that *lumads* “shall have the right to use their own commonly accepted justice systems, conflict transformation institutions, peace building processes or mechanisms and other customary laws and practices within their respective communities and as may be compatible with the national legal system and with internationally recognized human rights” (Indigenous Peoples Rights Act, Republic Act 8371, s. 11). As this traditional system of conflict resolution is being transferred from one generation to the next (but has not evolved through the needs of time), it is but vital to explore the system and test out if it conforms to the contemporary standards of human rights.

In Mindanao, indigenous peoples are commonly known as *lumad*, the nearest English translation of the term being *native*. To some, the term bears negative connotation which in effect becomes a subject of cultural prejudices. Rodil (1994) asserted that *lumad* is a Cebuano Bisayan word meaning *indigenous* which has become the collective name for the 18 ethno-linguistic groups, namely Ata, Bagobo, Banwaon, B’laan, Bukidnon, Dibabawon, Higaunon, Kalagan, Mamanwa, Mandaya, Mangguwangan, Manobo, Mansaka, Subanon, Tagakaolo, T’boli, Tiruray and Ubo. Other terms that may be used interchangeably to refer to IPs include indigenous cultural communities, Filipino cultural communities and early Filipino communities.

The central emphasis of this paper is to explore the role of *baes* as women members of the tribal council in the traditional system of conflict resolution of the *Higaunonsin* Kiabo, Malitbog, Bukidnon.

## Objectives

This study explores the role of *baes* (women members of the tribal council) in the indigenous system of resolution of conflicts, as well as in maintaining tribal peace and order in general, with the Higaunon tribe of Barangay Kiabo, Malitbog, Bukidnon province (Philippines) as the case in point.

Specifically, this paper sought to explore the following objectives:

1. To identify the historical account of the Higaunon tribe in Bukidnon;
2. To analyze the qualifications, selection process, as well as *koda* (coding) given to the *baes*;
3. To investigate the roles and responsibilities of the *baes* in the indigenous system of resolution of conflicts, as well as in maintaining tribal peace and order in general.

## Research Setting

The research is conducted in Kiabo, Malitbog, Bukidnon. The municipality of Malitbog is one of the 22 municipalities of the province of Bukidnon. Located at the northern most part of the province, it lies between parallel 8° 25’ 35” and 8° 36’ 8” North Latitude and Meridians 124° 49’ 39” and 125° 11’ 39” East Longitude. Malitbog is a landlocked

municipality bounded on the North by the Municipality of Claveria and on the western side by Tagoloan - both of which are part of Misamis Oriental. Bounding it on its southern part are the municipalities of Manolo Fortich and Impasug-ong of Bukidnon while on its eastern side is the municipality of Esperanza, Aguzan Del Sur. The municipality is roughly 40 kilometers away from the regional capital Cagayan de Oro City and about two and one-half-hour-ride from City of Malaybalay, Provincial Capital (Malitbog Municipal Planning Office, 2010). Barangay Kiabo is a 90-minute-single-motor ride from the town proper of Malitbog municipality.

Malitbog is subdivided into 11 barangays, one of which is Kiabo. Its total land area is approximately 58,185 hectares which is about 7.02 % of the total land area of the province of Bukidnon, based on Administrative/Thematic maps of DENR-CENRO Office No. B-340 and is certified by Land Management Bureau. From Barangay San Luis and Kiabo going southwestern part, it is covered with up to 50 percent of slope and above with an elevation of 200 to 1,000 meters above sea level (Sensagent, n.d.). A major portion of this area has severe erosion with only small area with slight erosion based on thematic map (Malitbog Municipal Planning Office, 2010).

In particular, Kiabo is located at the northernmost part of Malitbog, it lies between parallel  $8^{\circ}33'$  and  $8^{\circ}36'$  North Latitude and  $124^{\circ}54'$  and  $125^{\circ}01'$  East Longitude. It is bounded in the North by the municipality of Claveria, Misamis Oriental; on the South, by San Luis and Omagling; on the East, San Luis and on the West, Mindagat. It is about 30 minutes ride from Poblacion covering roughly 13 kilometres, and about one and one-half ride from Cagayan de Oro City (Malitbog Municipal Planning Office, 2009).

## **Methodology**

The study uses the case study approach. Field visits were employed in this study wherein focused group discussions (FGD) and in-depth personal interview took place. The case study method, according to McNabb (2013), is often intensive studies of one or a few exemplary individual, event, programs, institutions, and organisations. Discussing the case method as one of the three qualitative approaches to research, the 1993 argument of Arenson (as cited by McNabb, 2013) considers it as an appropriate research method when a case involves some noteworthy success or failure.

A triangulation of data gathering methods was utilised in this study, consisting of key informant interview (KII), focus group discussion (FGD) and direct and participant observation. Firstly, a KII was conducted in the community using a semi-structured interview which, as Eriksson & Kovalainen (2008) pointed out, questions may vary in wording or sequence but is anchored in a few guiding predetermined questions and themes that also gave room for relevant topics or concerns. Hybels and Weaver (2001) defined interview as a series of questions and answers usually exchanged between two people which have the purpose of getting and understanding information about a

particular subject or topic. Early on the research process, a thoughtful choice was made to interview only five key informants in each organisation, choosing those with most engagement with the group.

Secondly, FGD was conducted with members of the tribal council. Hybels and Weaver (2001) defined FGD as a forum where ideas are proposed and then modified in response to the group's feedback. It is a way for everyone to participate and be heard. Using an FGD guide, it was conducted inside the tribe. Direct and participant observation is the third method used in this study wherein fieldworks were conducted. Fetterman (1989) stressed that fieldwork is the key activity in all qualitative research designs which, as added by Ryan and Bernard (2003), allows the researcher to get close to people, making them comfortable enough to permit the researcher to observe and record observations about their lives. Upon completion of necessary research data gathering protocols, formal data gathering took place in the community. Key informant interview, focused group discussions and participant observation were scheduled accordingly, mainly based on the convenient of informants.

This paper is limited to the case of the *Higaunon* tribe in Kiabo, Malitbog, Bukidnon. Due to the absence of a comprehensive record of conflict resolution in the tribe, it is not bounded to a particular number of years but is dependent on the cases that can still be recalled by the tribal council members. In gathering data of this paper, FGD, personal and in-depth interview were the major tools. In conducting the FGD, personal and in-depth interview, the researcher was guided by the following process:

1. A communication requesting consent from the Barangay Captain of Kiabo, Malitbog, Bukidnon was prepared by the researcher. Another letter requesting permission and asking security support from the Municipal Mayor of Malitbog, Bukidnon was prepared also.
2. With the letter, the researcher visited the Malitbog Municipal Hall and asked records about the *Higaunons* tribe situated in Kiabo, Malitbog, Bukidnon.
3. With the help of the Barangay Council of Barangay Kiabo, the researcher visited the area to become acquainted and make a preliminary interview. A cordial and pleasant atmosphere was established between the researcher and the respondents.
4. Upon the approval to conduct research from the Barangay Captain of Barangay Kiabo, and the permission from the Mayor's office for security assistance, the researcher visited the locale again and conducted the personal interviews and FGD.
5. Prior to the interview and FGD, the researcher introduced himself and the rationale of the activity. Cebuano dialect was used by the researcher in the entire process. The respondents are assured that nothing would place them in any compromising or embarrassing situation and that all their responses would be treated with utmost secrecy. Moreover, note taking and a tape recorder was used in order to have a complete documentation for the responses of the respondents.

6. After the respondents answered all the questions, the researcher closed the interview with gratefulness for the information obtained and for the time spared by the respondents.

As part of the limitations of this paper, the researcher notes that this research only applies to the case of the Higaunon tribe in Kiabo, Malitbog, Bukidnon. Though there could be possible similarities with their system and with the system of other tribal communities, it is important to note that this paper focuses only on the case of the tribe mentioned above.

Among other factors, one of the main reasons in selecting the subject of this research is the unique cultural identity that this tribe possesses up to these days. They are endowed with a unique cultural identity which identifies the original and pre-colonial Filipino cultural heritage. Such culture is transferred from one generation to another (generally through oral tradition); it maintains the peace and order of tribe and it is seen as a strong institution that is worthy for academic attention.

## **Results and Discussion**

This section presents and interprets the data gathered through key informant interview (KII), focus group discussion (FGD), and direct and participant observation.

### **Historical account of the *Higaunon* Tribe in Bukidnon**

The province of Bukidnon is generally the home of more than 20 different indigenous communities. One of the most dominant of these tribes is the Higaunons. Aside from Bukidnon, while maintaining their traditional culture and practices, it is apparent that indigenous communities settle in the hinterlands, far from the undeviating upshot of technological advancement. Such scenario is not a result of an overnight mountaineering of IPs but is the result of past governmental policies and other socio-economic circumstances that leads IPs to move to the hinterlands.

Written accounts suggest that the term Higaonon is a combination of the root words *higa* (which means *to live, to reside or to lay in bed*), *gaon* (which means *mountain*) and *onon* which means *people* (Advocacy of Tribal Organizations and Networks, Inc., 2019). Therefore, *people who live in the mountains*. As written in the Barangay Development Plan available in Kiabo Barangay Hall (and as validated by the respondents), Kiabo was once a thickly forested area, inhabited by few families belonging to the Higaunon tribe. Etymologically, the village got its name from their oral history which says that once there was a villager who "*miligosa abo*" or "bathed in ashes". Since then, the village noted for the word "*abo*" or ash and was eventually named 'Kiabo' through RA 3590, and now is the home of many *Higaunons*, one of the *lumads* or indigenous peoples in Mindanao.

Indigenous peoples (IPs) principally refer to pre-colonial inhabitants of the Philippines and their descendants who have resisted assimilation or acculturation, with their tradi-

tional systems, practices and beliefs remaining relatively intact (Tri-people Consortium for Peace, Progress and Development in Mindanao, 1998). Similarly, the Indigenous Peoples Rights Act (IPRA) of 1997 define IPs as a group of people who, through resistance to political, social and cultural inroads of colonization, non-indigenous religions and culture, became historically differentiated from the majority of Filipinos. Moreover, Rule 2, Section 1 (l) of the Indigenous Peoples Rights Act or Republic Act 8371 states that “indigenous peoples have continuously lived as organized community on communally bounded and defined territory, and who have, under claims of ownership since time immemorial, occupied, possessed customs, tradition and other distinctive cultural traits”.

Similar with other societies, such as the Roma communities in Romania (Sandu, 2018) who possess indigenous mechanisms in resolving conflicts, long before the advent of foreign invaders in the country, early Filipino communities are already governed by laws vis-à-vis the protection of the people of their tribal communities. One of these practices that are still present up to these days is the traditional system of *paghusay* (resolving conflict using traditional tribal laws). In the course of *paghusay* conducted by a datu, rajah, or sultan, with the advice from the council of elders, the people in the village (locally known as *balangay*, which refers to a small boat by which ancient villagers use to traverse) knows that no person would be sentenced without due process of tribal law. Agoncillo and Guerrero (as cited by Bederio, Dela Rosa, Funtecha, Gicain, and Mendoza, 2004) affirm this assertion:

*Because disputes are inevitable in any society, the early Filipinos also had their own judicial processes. Generally, conflicts were settled peacefully through a court composed of the datu as judge and the village elders as jury. On the other hand, conflicts arising between subjects of different barangays were resolved by arbitration through a council of elders coming from neutral barangays. Trials were held publicly and were conducted without any delay the accused and the accuser faced each other accompanied by their respective witnesses (p. 20).*

Hesitant to adopt the new political system and religion that the Spaniards introduced to the country in the 16th century, some of the *lumads* (Filipino indigenous cultural communities) from the various parts of the archipelago moved to the mountains and continued their aboriginal practices, including their indigenous political structure. Among other structure, the *lumads* has established a system of conflict transformation (locally known as *paghusay* for the Higaunon *lumads* in Mindanao), alleviating tribal justice and the sanctity of *tawhanongkatungod* (human rights).

### **Qualifications, selection process, and *koda* (coding) given to the baes**

The *lumads* of Mindanao are one of the IPs who are recognized as the true natives of the islands, who, at one time, occupied and controlled a substantial portion of Mindanao and Sulu archipelago (Tri-People Consortium for Peace, Progress and Development

of Mindanao, 1998). The Advocacy of Tribal Organizations and Networks, Inc. (2019) added that before being conquered, they preserved their own lives and clung to their communal views of the land, to their co-operative work exchanges, communal ritual, dances, songs and folklores. They revered their own God. Their animistic worship, however, could not have persisted had it not been for the peaceful and non-imposing stance of Islam. A classic manifestation of this is the non-Islamization of the Tiruray and the Manobo, who were part of the common borders and in constant trade with the more socially cohesive Muslim Maguindanao.

Mercado (1993) argued that, unlike the early IPs who embraced Christianity, the *lumads* have retained their original primal religion because they refused to accept neither Islam nor Christianity at the early times of colonisation. At any rate, a plenty of *lumads* to date are already converted to either Islam or Christianity, though they continue to practice their indigenous religious activities (Ragandang, 2017).

The Higaunon is one of the *lumads* in the mountainous areas of Northern Mindanao. Most Higaunons still have a traditional way of living. Farming is the most important economic activity for them. The belief in the power of the spirits of ancestors and in the influence of more than one god is strongly rooted in the hearts and minds of many Higaunons. Most Higaunons still have a strong belief in the existence of gods and spirits. The 'upper god' is HalangdongMagbabaya, the creator of all aspects of life. There are several 'lower gods'. Each 'lower god' has dominion over a specific part of the natural environment. There is a lower god (Igbabasok) who has dominion over the farms, a lower god (Pamahandi) who has dominion over treasures and properties, a lower god (Bulalakaw) who has dominion over the waters and fishes and there is a lower god (Panalagbugta) who has dominion over lands (Valmores, 2008). This belief, called "animism", influences the Higaunon people deeply. They believe that all problems like illnesses, bad harvests and even death are due to their failure to satisfy the spirits (Valmores, 2008). They are the pioneering settlers of Cagayan de Oro City in Northern Mindanao. They found their way to the mountainous areas of Misamis Oriental, Bukidnon and Agusan Provinces as they resisted the acculturation brought about by the arrival of colonizers. In Malitbog, Bukidnon, the majority of them settled in the most mountainous areas which bound the municipality from the provinces of Misamis Oriental, Agusan del Norte and the municipality of Impasug-ong, Bukidnon. One of these mountains where the Higaunons inhabit is Kiabo (Ragandang, 2017).

Serving as a group of rulers in the tribe, the tribal council is headed by the Datu or the chieftain. In the case of the Higaunons in Kiabo, it is the tribal chieftain who chooses who can be a *bae*. In general, selection is based on the discretion of the tribal chieftain. There is no set of qualifications for a woman to be a *bae*; after all, selection is mainly at the discretion of the tribal chieftain. When selected to be a *bae*, there is no maximum age limit to serve in the tribal council, as long as the person can still function well with

her duties as *bae*. While there is no written qualifier to be a *bae*, possessing the ability of being a respectable person (*mayrespetosakaugalingon*) is an unwritten but deemed requirement for one to be a *bae*.

Once a *bae* is selected by the Chieftain, she is then invited to join the meetings of the tribal council. She is also entitled to wear the uniform that her male counterparts are wearing; which is generally similar, including colors and design, except that for a *bae*, which is a skirt. Based on the *bae*'s known skills, the tribal chieftain generally assigns tasks to the *bae* based on it. Most of the time, the *bae* serves as note taker of minutes in the conflict resolution processes in the tribe.

When a *bae* is selected, the chieftain (along with her fellow members of the tribal council) will assign a *koda* (code) for her. This code will serve as her tribal name and is always prefixed with "Bae". The selection of code is not a simple activity; it requires a discussion among members of the tribal council and must fit the talent, ability or personality of the *bae*. For instance, one of the *baes* is coded as Bae Mig-ayuna because she is known of being generally supportive and that, among other traits, her being supportive stands out. *Ming-ayuna* translates to English as "being supportive" from the indigenous term "uyon" which means "to support".

The Advocacy of Tribal Organizations and Networks, Inc. (2019) stressed that in Higaunon oral tradition, their common roots is from the mother of the post-deluge generation, Apo Entampil, Apo of all Apo - also known as Gahumon or Pinaiyak, mentioned of the following lines:

*"Ngani Kang Ko Bahi Sa Lumbay Ko, Panglipaklipak, Ko, Pulo, Ko Kakayo-A ngani Kang Ko Maama Sa Lumbay Ko, Pandayaon, Ag-Asawahon Ko. [If it's going to be a female, I'll just throw it to the forest or top of the tree but if it is going to be a male, I will make him my husband]."*

While the inclusion of women in the conflict resolution in the tribe manifests gender equality, the existence of the "third sex" is discouraged in the tribe. Datu Sabangan (personal communication, 2012) asserted that relationships between lesbians, gays, bisexuals and transsexuals (LGBT) are prohibited; if happened, it is believed that lightning may strike to the wrongdoers (*litian*).

### **Roles and responsibilities of the baes in the indigenous system of resolution of conflicts, as well as in maintaining tribal peace and order in general**

Currently, there are 24 members of the tribal council of the Higaunon tribe of Kiabo, Malitbog, Bukidnon; eighteen (75%) of them are *datus* (men) while six (25%) are *baes* (women), as follows:

**Table 1.** *Baes* Women Members of the Tribal Council with Their Corresponding Koda (Code or Tribal Name) and Designation

Koda or Tribal Name	Designation/ Expertise
Bae Mig-ayuna	The Supporter
Bae Mangangapog	The Ritual Expert
Bae Makabulig	The Council Treasurer
Bae Dalangpanan	The Refuge
Bae Malagimo	The Companion
Bae Maluluy-on	The Merciful

Specifically, the *baes* serve as note taker in the course of conflict resolution for cases submitted by residents to the tribal council for possible resolution. These cases range from common social discords such as misunderstandings between couples and to grave crimes such as killings. In resolving these cases, it is the chieftain that presides. If the chieftain requests for the opinion of the *bae* in weighing cases, then the *bae* can also give her opinion about the case.

Not only in taking part in the indigenous ways of conflict resolution, the *baes* also play a role in maintaining peace and order of the tribe in general. *Baes* help in maintaining the orderly conduct of weekly marketplace in the community. In order to avoid traffic jam, they are the ones who make it sure that vendors are cleared from occupying the roads for jeepers and other vehicles. In a personal interview with Datu Sabangan, he asserted that even before, women were treated equally. Though there are only six women members in the tribal council, it does not mean inferiority of treatment towards women. He added the case of Bae Ming-ayuna, the incumbent secretary of the tribal council, who once become the Chief of Civilian Volunteer Organization (CVO) in the tribe, a group which is meant to assist barangay officials in maintaining peace and order in the community; she was delegated by the barangay council. During the personal interview with Bae Ming-ayuna, she said that they were treated fairly by their male counterparts. They do not feel any discrimination. As a matter of fact, female dominance happened when she became the Chief of CVO in their tribe. The barangay chairman delegated her along with his team which was composed mainly of men. During her tenure, peace and order was maintained in the tribe. Also, they were able to impose authority though it was for the first time that the tribe got a female CVO Chief.

Relative to their role in resolving conflicts traditionally, one of the *baes* suggested an effective way of maintaining peaceful communities by imposing curfew in the tribe. Bae Mig-ayuna reiterated that in order to maintain a peaceful tribe, especially in the evening, she lobbied for the implementation of curfew among minors in the tribe. As a result, crimes decreased. The practice of observing curfew is now being replicated by other nearby communities.

Positioned like a mother in a family, the *baes* in the tribal council also are the one who make it sure that tribal festivals and rituals are observed timely and properly. For instance, the *baes* are the ones who remind the chieftain in the conduct of the annual *singampo*, a yearly ritual in the tribe conducted every January to thank the previous year and welcome the New Year. More so, the *bae* also helps in translating the *pandalawit* (ritual chants) so that the non-native speakers in the tribe will understand the chants said in the rituals.

Such case manifests that, indeed, the Higaunon tribe of Kiabo, Malitbog, Bukidnon has fair treatment towards female. Though patriarchy is seen in the sense of more number of men in the tribal council, the respondents made it clear that it does not mean any inferior treatment towards women. This is also a good manifestation of gender sensitivity of the tribe. In combatting towards gender equality, the United Nations (UN) religiously give attention to the matter by considering such issue in one of the then Millennium Development Goals (MDGs) and now Sustainable Development Goals (SDGs). Among other goals, gender equality places a special part in the UNs advocacy for a better world. Moreover, the tribe has negative treatment towards third sex. It is considered a taboo. As numerous groups among the civil society advocate towards impartial treatment (both legal and social senses), there is also a need for a deep discussion with the tribal council as on how to properly deal with issues involving the presence of third sex in the tribe.

## **Conclusions**

This research has presented the role of *baes* (women members of the tribal council) in the traditional system of resolution of conflicts, as well as in maintaining tribal peace and order in general, with the Higaunon tribe of Barangay Kiabo, Malitbog, Bukidnon province, Philippines as case in point. The Higaunons, therefore, possess a traditional system of conflict resolution to maintain the welfare of its tribal members. In resolving such conflicts, the tribal council employs indigenous systems which involve both men and women members. *Baes*, as women members of the tribal council, generally serves as note taker of what transpired in the conflict resolution process. Selection of *baes* is a discretionary function of the tribal chieftain. He is also the one who determines the qualification and traits of *baes* to be included in the tribal council. While there is no written rule on the selection of *baes*, it is a generally accepted principle that to be a *bae* means to possess the traits of being respected by the tribal community. Aside from their role in the indigenous conflict resolution activities, *bae* also play an important role in maintaining peace and order in the tribe, in general. They help their male counterparts in securing the tribe by suggesting helpful strategies in maintaining peaceful tribes, as well as make it sure that tribal rituals are celebrated properly. This practice of women inclusion in the tribal council amidst the highly patriarchal indigenous communities in Mindanao is a good manifestation of gender sensitivity of the tribe, thus supporting the United Nations' religious campaign of giving attention to women's role in making

more resilient communities. Thus, the role of women in the Higaunon tribal council of Kiabo, Bukidnon is an insightful practice to ponder: that while conflict is a universal phenomenon, and that indigenous practices are still employed by tribal communities, and so is the role of women in making such indigenous practices even more effective and sustainable.

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# Nigeria: Curtailing Electoral Violence through Information and Communication Technologies

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**Abstract:** This paper examined the contributions of the Information and Communication Technologies (ICTs) towards transparent and violence-free elections in African countries with specific focus on Nigeria, which is the largest democracy in the continent. Many countries have witnessed violent electoral contests, arising from the inability of the electoral umpire to conduct free and fair elections, hence the introduction of ICTs to correct the lapses. The objectives of this paper were to identify major ICTs gadgets for the conduct of elections in Nigeria and evaluate the extent to which the devices have curtailed electoral violence. The paper adopted an interpretive case study as its research methodology. The interpretive method is based on analogical deductions and re-analysis of relevant existing literature from secondary sources to generate new findings. Findings from the paper were that the ICTs have added tremendous values to the credibility of electoral process in Nigeria by securing elections from intense manipulation and violence through the use of electronic gadgets, including the use of Direct Data Capturing Machine (DDCM), Automated Finger Prints Identification System (AFIS) and the Smart Card Reader (SCR). However, it is concluded that the use of ICTs has improved electoral credibility but has not substantially reduced electoral violence in Nigeria as the electronic gadgets have relocated such electoral debacle from physical to electronic violence, and from manual to digital electoral manipulation. Digitalized electoral process in Nigeria is also faced with machine failure, system hacking and poor logistic supports. It is recommended that the usage of ICTs in the conduct of elections in Nigeria should be sustained as a complement, rather than supplement, to the traditional manual voting system in Nigeria. This recommendation is premised on the fact that Nigeria is not yet ripe for sole

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reliance on electronic voting system, which is largely challenged by inadequate power supply, dearth of highly skilled ICTs technicians and high rate of ICTs non-compliance illiterate voters.

**Keywords:** contribution, credibility, violence, Nigeria, politics, election, ICTs.

## **Introduction**

Election occupies a central place within the democratic space in most countries of the world as a platform for making an alternative choice among political contestants (Raji, 2014). Electoral contest equally gives legitimate authorities to elected political leaders to govern while also serving as a transitional renewal of governance process and a competitive avenue for stable polity. In view of the centrality of election to political process, democratic nations across the world organize periodic elections as a sacrosanct governance process for either renewing the electoral mandate of political office holders or as an avenue to elect a new set of political leadership. In fact, the overwhelming values democratic societies attach to election is confirmed by the amount of human and financial resources deployed to it by such societies, which was documented by the Economist Intelligence Unit's (EIU) Index of Democracy to have caused the world democracies a conservative figure of about \$11 trillion between 2008 and 2018 (EIU Democracy Index, 2018). The 21st century in particular, has witnessed many important elections in Africa with countries like South Africa, Ghana and Egypt holding elections respectively (Abayomi, 2015). Other African countries that have held elections within the century include Nigeria, South Sudan, Zimbabwe and Gambia, among others. In the past, critics of African politics (Karim, 2014; Raji, 2016) have questioned the genuineness of electoral process in African countries, which is largely characterized by intense manipulation and violence, especially by "sit tight" leaders, who are sometimes chased away through the assistance of international community as witnessed in Cote d'Ivoire and Gambia in 2010 and 2017 respectively. However, regular conduct of elections in Africa, as being currently witnessed, has confirmed the relevance of transitional democracy as a cardinal principle of all inclusive political process in the continent in spite of the occasional political hiccups.

In Nigeria, which is the focus of this study, the history of party politics has largely been characterized by conflicts while electoral violence has been identified as a major hallmark of Nigerian politics (Charles, 2018). Table one below presents few but notable incidences of electoral violence in Nigeria within the first month of January 2019 alone.

The above table clearly confirms the frequency of electoral violence in Nigeria as the table recorded seven notable incidences within a month.

Apart from the first elections, which took place in Lagos and Calabar in September 1923, which were devoided of overwhelming rancour in its conduct, virtually all other elections

**Table 1:** Incidences of electoral violence in Nigeria in January 2019

<b>Date</b>	<b>State</b>	<b>Typology of Electoral Violence</b>	<b>Casualty Figure</b>
08/01/2019	Lagos (Ikeja)	Intra party/intra union supremacy battle among members of the Nigeria Union of Road Transport workers who doubles as members of the All Progressive Congress (APC).	6 persons injured.
13/01/2019	Kwara (Ilorin)	Inter party campaign rivalry between members of the People's Democratic Party (PDP) and All Progressive Congress (APC).	1 death, 17 injured and destruction of over 50 vehicles.
12/01/2019	Imo State (Oweri Dan Anyiam Stadium)	Intra party rivalry during the APC South-East Women and Youth Rally and protest against the presence of the Action Alliance Gubernatorial candidate, Uche Nwosu at the rally.	21 persons injured.
17/01/2019	Taraba (Wukari)	Attacks on the Southern Senatorial District campaign convoy of the APC Governorship candidate, Sanni Daniadi by hoodlums.	1 death, 12 injured and destruction of 13 vehicles.
18/01/2018	Oyo (Ibadan)	Attack on the convoy of the wife of the PDP presidential candidate, Titi Abubakar, by political hoodlums who rioted for her refusal to give them enough money as demanded.	9 injured, 14 vehicle damaged/vandalized.
21/01/2018	Plateau (Jos)	Destruction of the APC campaign bill board after the campaign visits of its Presidential candidate, Muhammadu Buhari, to the state.	24 bill board destroyed.
17/1/2019	Jigawa (Garam)	Intra party violence during the PDP Gubernatorial campaign rally	11 persons injured.

Source: Election Monitor, 2019.

in Nigeria have been marred by substantial dispute and violence (Ezeanyika & Onyeama, 2017). For instance, the 1964 elections were characterized by political bickering, thug-gery, arrests and imprisonment of political opponents, including the incarceration of Obafemi Awolowo and many of his political supporters for treason by the federal government. The political confusion and violence generated from the 1964 general elections and the 1965 regional elections in the South-Western Nigeria truncated the first republic, which led to the military take-over of the civilian government in January 15th, 1966. The manipulation of the 1983 general elections, which declared the candidates with minority votes as the winners of the gubernatorial elections in Ondo and Oyo states, respectively, led to widespread election violence in the South-West, which recorded the death of about 187 citizens (Raji, 2016). The widespread of election rigging and violence in the second republic was primarily attributed to the second military take-over of the Sheu Shagari's government in December 31, 1983. The European Union Election Observer Mission (EUEOM), who monitored the 2003 and 2007 general elections in Nigeria, observed in its interim report that the elections were fraught with irregularities and violence, as there were cases of multiple voting, illegal stuffing of ballot papers into the ballot boxes and forceful hijack of ballot boxes. In fact, the successor to former President Olusegun Obasanjo, and the direct beneficiary of the manipulated electoral victory, Umaru Musa Yar'adua, confirmed, while inaugurating the Electoral Reform Committee headed by Muhammadu Uwais, that the election that brought him into power was substantially flawed by irregularities and violence (Karim, 2014).

For many years, the electoral hiccups, which is characterized by violence in Nigeria were attributed to weak traditional method of voting, which largely revolves around manual computation of voters' register and crude jotting of election results, which gives room to perpetrate electoral fraud and violence that include declaration of fake election results, multiple and underaged voting, miscomputation and deliberate falsification of manual results, intimidation of political opponents at campaign rallies, hate speech, hate action, snatching or destruction of ballot boxes, and destruction of result sheets. Such weak electoral process that is largely aided by fraud-ridding manual voting methods without an electronic data base has eroded peoples' trust in the electoral process in Nigeria.

To reduce violent electoral contests, fraud and improve the credibility of the electoral process, the conduct of elections in Nigeria is currently characterized by the introduction of advance Information and Communication Technologies (ICTs) devices, which were largely deployed for the 2003, 2007, 2011 and 2015 elections to ensure that every eligible vote counts while also aiding citizens to access and share relevant electoral information, organize electronic campaign and monitor electoral results electronically. However, in spite of its centrality to the success of elections in Nigeria, the use of the ICTs has generated both interest and concern among electoral stakeholders, including the voters, the electoral commissions, political analysts and observers. While advocates

of the introduction of ICTs into the electoral conduct calls for its continuation because of their overwhelming conviction that the electronic devices have the needed capacity to reduced electoral fraud and enthrone violence-free contests in Nigeria, many critics contend that ICTs has actually aggravated fraudulent and violent elections having relocated electoral fraud and structural violence from physical to digital violence. The aim of this paper is to examine the contributions of the ICTs towards violence-free elections in Africa with specific emphasis on Nigeria, which is the largest democracy in the continent. The specific objectives of the paper are to identify the ICTs gadgets being used for elections in Nigeria and discuss their effects and challenges on the process. The paper adopts as its research methodology, an interpretive case study method that is based on analogical deductions and re-analysis of relevant existing literature from secondary sources.

### **Operational Definition of Terms**

**Election:** a formal political decision making process by which the population chooses individuals who holds public office. It is a mechanism by which those who hold political authorities through representative governance are voted into office by the electorates.

**Electoral Process:** refers to all activities and procedures involved in the election of political contestants by the electorates. The process covers all the pre - and post-election activities, which include the registration of political parties, review of voters' register, delineation of constituencies, voting, election of public officials and swearing-in-of elected representatives and resolution of electoral disputes.

**Electoral Credibility:** means the trustworthiness, genuineness and the confidence reposed on an electoral process leading to its overwhelming acceptability as a worthy and trusted exercise to the stakeholders in an election.

**Electoral Violence:** All forms of disturbances associated with any stage of the electoral process, including physical confrontation, violent protest, snatching of ballot boxes, destruction of election material paper, physical obstruction of electoral officials from performing their lawful duties, structural and psychological violence, including hate speech and hate actions in the electoral process.

**Information and Communication Technologies (ICTs):** any electronic device, including radio, television, mobile phone, desk or laptops, which are used as means of conducting, communicating and informing the general populace during an election exercise.

### **Review of Literature**

The relevance of Information and Communication Technologies (ICTs) to elections is well captured in the work of Farid (2008), which contends that ICTs have played credible roles in facilitating fraud-free elections having enthroned a more reliable electoral

bio-data, precision and accuracy in the deliverance of credible election results. The Internet has provided the means by which citizens have been able to play more active roles in shaping governmental policies and influence the decisions that affect their lives by making their input into the governance process through the use of ICTs facilities, especially the radio and mobile phones. Thus, e-democracy has been used as a very fast tool of aggregating people's preferences and demand on the political system while also getting feedback from the government through electronic communication gadgets, thereby aiding the principle of all-inclusive political participation through the ICTs. While discussing the nexus between electronic gadgets and electoral process, Mutula (2008) identifies the relevance of ICTs to the electoral process to include the use of computer systems by the electoral bodies for their internal data management and to communicate with voters in order to checkmate election rigging and increase the credibility of such elections. The author posits further that government and private organizations across the world have used ICTs to improve the relationship between contestants and voters in electoral contests in both public and private elections through mutual information sharing to establish the nexus between the expectations of the electorates and campaign promises of the contestants. For Diamond (2008), ICTs has a direct impact on the electoral process having improved its credibility as a legitimate means of choosing those who govern the people through timely declaration of election results while also serving as anti-vote theft electronic devices.

Similarly, Aziken (2015) observes that disputed elections in Nigeria have been resolved largely through the adoption of the ICTs as anti-rigging mechanisms for the confirmation of the authenticity of election results through electronic documentation of records and its ability to re-call such documents when needed. Raji (2014:7) identifies the problems of ICTs in the electoral system to include deliberate sabotaged, lack of adequate access to the Internet by many citizens coupled with high level of illiteracy in developing countries. What was distilled from the above review is that, prior to the deployment of ICTs to secure electoral process in Africa, the process has witnessed monumental fraud and violence from the traditional manual electoral system. However, the advent of ICTs has charted a positive course for democratic practice and improved the credibility of electoral process in Africa by exposing fraud and abuses, though, the devices have their own challenges too.

### **Theoretical Framework**

This paper adopts Communication Theory of Governance as its theoretical frame of analysis. The theory, which is also known as Cybernetic Theory, was popularized by Simeon Hebert (1983) and Maxwell Maltz (2015) as a model for unveiling the roles of communication in democratic governance and electoral process. According to Hebert, the entire political system, which is largely premised on logical reasoning, is a "network of communication channels" which has its processes and mechanisms for acquiring,

collecting, transmitting, selecting and storing information on the entire governance processes from the formation of that government through the electoral process, and from one regime or republic to the other. As noted by Maltz (2015) also, relevant information, which flows from the mindset of the informant, is central to the collation of appropriate needs of the governed by the government while such information also serves as a feedback mechanism on the decision of government on the requests of the governed. The relevance of communication theory to this study borders on the realization that clear information flow is very central to every democratic governance by spelling out the roles of both the government and the governed in the governance processes, including their roles towards the success of the electoral process, which must be communicated to the concerned parties before proper implementation could be guaranteed. The decisions taken by the government on the demand of the governed are also based on the correct or otherwise interpretation of the information available to it on the request of the people while both parties relies on adequate information towards the realization of their collective interests in governance. The entire governance process thus survives on adequate information and communication between the government and the governed. As argued by communication theorists, the effectiveness of information on both the government and the governed for credible governance depends on the quality of such information and the understanding the receiving parties are able to decode from information receiving devices, whose effectiveness could be aided by the use of advanced communication technologies, which is largely characterized by unambiguous and clearer signal for the receiver to be able to act appropriately on it. The growth of ICTs in contemporary society has enhanced the ability of the stakeholders in the arts of governing to send and receive messages across the globe for sustainable relationship between the government and the citizens, hence the relevant of communication theory to this study.

### **Random Overview of ICTs-Induced Electoral Process across African Countries**

Electoral contests in Africa are largely characterized by manipulation and fraudulent practices, leading to outright violence and crisis of legitimacy in governance in many countries. In Zimbabwe, there was a violent conflict of succession between the then former President, Robert Mugabe, and the former opposition leader, Morgan Tsvangirai, over allegation of election rigging (Charles, 2018). However, the use of ICTs has relatively changed the course of political discourse in Zimbabwe towards a fraud and violence free elections, though there is still the challenges of media regulation, which curtails direct deployment of electronic devices on the electoral process in the country. For instance, there is media repression and tight control over print and electronic media discourse in Zimbabwe, which ranked the country as 133rd out of 179 countries on the 2014 press freedom index (Reporters Without Border, 2018). The relative poor record on media freedom in Zimbabwe, as witness in the above report, is not totally surprising because

there is a combination of legal strands which prohibits and control the establishment of local and foreign electronic media that are unsupportive of the Zimbabwe state and the enthronement of draconian broadcasting services law that requires strict licensing and state surveillance on the practice of journalism along the coercion against dissenting voices through the public order and security subversive Acts. In spite of the challenges of monopolizing the political space by the government through strict regulation of the use of ICTs in Zimbabwe, the social media, including the Facebook, Twitter, Whatsapp and Instagram, has largely been used by the opposition Movement for Democratic Change (MDC) to sensitize the electorates on the methods of electoral manipulation, human rights abuses and illegal arrest of political opponents by the Zimbabwe African National Union-Patriotic Front (ZANU-PF) under Robert Mugabe between 2009 and 2013. The social media has also become an alternative space of airing dissident political views to those of the government and a platform of upholding the freedom of ordinary Zimbabweans in an authoritarian regime under Mugabe. Though, there are no direct involvement of ICTs devices on the conduct of elections in Zimbabwe, the Digital Networked Technologies (DTNs), including the mobile phone and the internet, has empowered the citizens to campaign for their preferred candidates and changed political power relations in Zimbabwe while also limiting the electoral manipulative tactic of the Mugabe's regime. The use of Facebook and social network blog to access information has also aided the input of the Zimbabweans in Diaspora on the electoral process in their country. According to Reporters Without Border (2018), the eventual ouster of Robert Mugabe from power in 2017 by the Zimbabwean Military was largely aided by the use of social media to expose his atrocities. However, Zimbabwe is still far from wholesale embracement of the ICTs on the electoral process. Though the current Zimbabwe President, Emmerson Mnangagwa, launched the national information communication technology policy in Harare on March 14, 2018, the policy and its legal framework mainly focused on the economic growth of the country through the use of ICTs and not on the electoral process.

Kenyan has also been troubled with disputed elections over allegation of election rigging, which led to the Supreme Court's annulment of the results of the presidential votes in the August 2017 general elections before fresh presidential election was held on 26 October, 2017. ((Reporters Without Border, 2018). Earlier, in 2007, the alleged manipulation of the electoral process by the government against the opposition parties in the country led to violent demonstration by pro-democracy groups where about 1,080 people were killed by state security agencies. Election frauds in Kenya revolve around double registration, where prospective voters registered twice in different locations, which gave them the opportunities of multiple voting. There is also the problem of impersonation where many voters, whose names are on the register, didn't show up for voting but their voters cards are used by other persons to vote. The Kenyan electoral process also witnessed the problem of ballot stuffing, which is one of the most blatant

election malpractices involving the placing of pre-marked ballot papers into the ballot boxes before voting formally commenced.

The year 2013 marked a significant improvement in the Kenyan's electoral system as ICTs were used as instrument of mobilization and communication between politicians and electorates. The electoral-electronic devices as introduced in Kenya include the biometric voter registration machines, which captures the biological features of the electorates, including their finger prints. The machine enables the Kenya electoral commission to electronically audit the records of the voters at the end of voters' registration exercise by deleting double registration. The biometric features captured during voters' registration are also used on Election Day to ensure that those voting are indeed those who registered. The electronic machine also eliminate threat of vote manipulation in Kenya by requiring voters to impress their finger prints on the Card Reader, which highlights the consistencies or otherwise between the electronic and manual data of voters. Kenya also adopted the Electronic Result Transmission System (ERTS), where collated results are electronically transmitted by the electoral officer from the collation poll units to the central collation centres. The transmitted results serves as an advanced copies of the manual results from the collation centre, which are then compared when the manual copies arrives the Central Collation Centre (CCC). The Centre works with the electronic results before the arrival of manual result sheet and thus, hastens the announcement of the results. The Electronic Result Transmission System (ERTS) minimizes electoral manipulation and increases the credibility of such elections in Kenya while also discouraging the certified results from being tampered with from the polling booth since the advance copies have been sent to the collation centre.

In South Africa, the 1994 elections, which were the first multi-party electoral contests conducted by the South African Electoral Commission, encountered problems such as the inability of the Commission to register all eligible voters, delays in receiving results from polling stations, long queues of voters, tedious counting process along other logistic problems (Mutula, 2008). However, subsequent elections, starting from the 1999 parliamentary and presidential elections were improved upon with the use of sophisticated Information and Communication Technologies (ICTs) for the conduct of voters' registration, voting, result collation, verification and relaying of election results. The ICTs hardware and software used in South Africa for elections include a Satellite Wide Area Network (SWAN) which is connected to fax machines. The device enables the people in rural areas to vote electronically while the Bar Code Readers (BCR) authenticates the genuineness of the voters register and aids the counting of votes at a faster rate. The Geographical Information System (GIS) is being used to draw up boundaries around the districts in South Africa while election centres are linked with a set of heavy-duty servers to a central call centre to collect and display election results to the public through a satellite-based communication system, which are linked to telephone and fax.

Apart from adapting modern ICTs like the Smart Card Readers and Direct Data Capturing Machine from Nigeria, Gambia is securing the credibility of her electoral process through a “home grown” technology. The locally devised Voting Marble (VM) finds solution to the problem of electoral fraud and illiteracy of many electorates in the country. The system works with the deployment of three metal drums in the 2017 elections, representing the three presidential candidates, who contested the election; Yahyah Jammeh, Adama Barrow and Mama Kandeh (Agence France-Presse, 2018). In this voting method, voters enter a private area that is demarcated and drop a marble into one of the three drums that are painted with the party colours and logos, and a loud bell rings to confirm that a vote has been cast. This system alerts the electorates outside on the number of votes that were cast in the polling booth. As observed by Gambian IEC Vice-President, Malleh Salam:

*“The device is unique and we are very proud of it as the system allows illiterate Gambians to monitor the number of ballot dropped in the marbles from outside to ensure that only one vote is cast per person”* (Agence France-Presse, 2018).

In 2012, the Ghanaian Electoral Commission (EC) introduced the Biometric Data Capturing Machine which registers citizens of 18 years and above to vote. The 2012 exercise was a pace setter for future elections in Ghana as the country has successfully deployed modern gadgets, including the Direct Data Capturing Machine (DDC) and Smart Card Reader (CR) to coordinate her subsequent elections in 2016 where twenty six thousand (26,000) electronic voters verification devices were deployed with other backup devices such as thumb scanners, laptops, digital cameras and official website for the people to access authentic information (Reporters Without Border, 2018).

Despite her late embracement of popular electoral participation, Egypt’s attempt to ensuring a fraud and violence-free elections through the use of ICTs is very profound. In the 2012 Presidential and Parliamentary elections, for instance, Egypt’s High Elections Committee (Al-lajnatul’ulya Lil intijabaat) deployed over 20000 Biometric Morpho Tablets (BMT) with Morpho front and back-office applications to register genuine voters (Perala, 2015). The Morpho Tablet is a mobile biometric solution which is used for a large-scale enrolment of voters in Egypt. It is a versatile touch-screen device, which captures the biometric data of voters, including their fingerprints and the face to capture and verify their identities. The device, which is as portable as an android phone has the ability to read contact and contactless smart cards and share information with other relevant electronic devices through the use of Bluetooth, WI-Fi and Cellular Networks. Egypt was the first country in the world to use such technology for its election (Perala, 2015). There are also the use of Security Writing Pen (SWP) and Eye Glasses Camera (EGC) often worn by election observers and party agents to monitor election proceeding in Egypt.

It is evident from the above examination of selected African countries that the continent encounters one form of troubled elections or the other, which revolves around

stage-managed electoral conduct and electoral violence and that many of the concerned countries are making concerted efforts towards reducing the electoral logjams with the introduction of the ICTs. Two major ICTs facilities that are directly and commonly connected to the conduct of elections across African countries are the Direct Data Capturing Machines (DDCM) and the Smart Card Readers (SCR) while other ICTs gadgets, including smart phones, radio and the Internet have contributed directly and indirectly to the credibility of the electoral process in the continent. Some African countries, including Gambia, have also devised local technologies, such as the Voting Marble (VM) to curtail electoral fraud in the continent. It is also evidence from the examination in this section that there are still African countries, including Zimbabwe, that are yet to adequately adapt the use of ICTs for the conduct of elections in Africa in order to manipulate the democratic space.

### **Communication Technologies and Information Dissemination in Nigeria**

Modern Telecommunication technologies remains the primary means of information dissemination in Nigeria, which began with the first trunk telephone service between two towns, Lagos and Calabar, in 1923 (Raji, 2016). It was not until the 1950s that substantial expansion of communication devices began with the introduction of VHF radio systems, 116 manual and five automatic telephone exchanges into Nigeria's regional headquarters in Kaduna, Ibadan and Enugu. In order to enhance the quality of telecommunications services in Nigeria, the telecommunications arm of the Post and Telegraph Department and the Nigerian External Telecommunications Limited, which previously managed the domestic and external services respectively, were merged in 1984 as a single profit-oriented limited liability company called NITEL. Under NITEL, the number of automatic switching centres in Nigeria grew from 112 in 1984 to 227 in July 1986 (Charles, 2018).

The Nigeria national telex network equally grew from its 5,600 total network capacity in 1984 to 12,800 lines with only one international exchange model, which has 1,500 trunks in 1988. The transmission media for both the toll and trunks telecommunication lines included terrestrial microwave, coaxial cable, and domestic satellite (Charles, 2018). The Lanlate Satellite Earth Station, which was Nigeria's first international satellite telecommunication gateway, became operational in March 1971 with one antenna (Lanlate I), which tracked the Indian Ocean INTELSTAT satellite. A second antenna, called Lanlate II, operates with the Atlantic Ocean satellite and was added in December 1975 by Nigeria. By the end of 1989, the two antennas had provided 417 circuits, with 248 in the Atlantic Ocean region and 169 in the Indian Ocean region while another international earth station was also built at Kujama in Kaduna State. With these facilities, most of Nigeria's external telecommunications connections, including the telephone, telex, facsimile, and television, have been by satellite. The Nigeria Domestic Satellite

System was established in 1975 with a network of six 11-metre earth stations operating on a leased INTELSAT satellite transponder.

The network was subsequently expanded with three leased transponders, each of which is 36 MHz, 20 earth stations, a network monitor and control station, and backup radio links between the DOMSAT earth stations and NITEL as well as stations of Nigerian Television Authority. The first transponder was allocated for television transmission, while the other two were reserved for telecommunication services. The Nigeria's digitalized earth station, the third gateway after that of Lanlate in Oyo State and Kujama in Kaduna State, which was built in 1989, has facilitated telecommunications link between Nigeria and other parts of the world. The Olusegun Obasanjo civilian regime also liberalized the telecommunication industries in 2002, which allows for private sector participation in the industry leading to a boom in the availability of mobiles phones to about 17 million Nigerians and the penetrations of the ICTs into the rural areas. The availability of the above ICTs facilities laid the foundation for effective introduction of ICTs devices into the management of the electoral system in Nigeria.

### **Information and Communication Technologies (ICTs) and Electoral Process in Nigeria**

The Nigerian Independent National Electoral Commission started the use of advanced Information and Communication Technologies (ICTs) with the conduct of the 2003 general elections by introducing the electronic voters register to eliminate electoral fraud, which is primarily characterized by multiple registrations to accumulate illegal votes. Since then, the scanning and processing of election results through the ICTs have been intensified in Nigeria. According to Chikodiri (2015), the specific ICTs gadgets introduced into the electoral process in the country from 2003 to 2017 ranges from typewriters and computer machines to the use of Direct Data Capture Machine (DDCM), Electronic Voters' Register (EVR), Electronic Result Collation (ERC), and Smart Card Reader (SCR). The 2003 elections, in particular, was characterized by advanced ICTs input with the introduction of Optical Magnetic Recognition (OMR) forms while still retaining the manual records as backup. The INEC also incorporated the computerization of the voters register with the use of the Optical Mark Recognition (OMR) technology, which involves the compilation of the names of prospective voters or registrants on the form EC.1A (Chikodiri, 2015).

The information so obtained on the form is then shaded and transferred into a computer readable OMR Forms, which were later, scanned into the electronic database after the completion of field operation. The scanned information is then processed by the computer to produce the electronic Voters Register data base. Each OMR Form has a peculiar identification number assigned to the registered voters who are then issued with a new Temporary Voters Card (TVC) bearing the same number with their particulars in the

OMR form. There were many advantages of using the OMR technology over the previous manual register during the 2003 elections in Nigeria as the electronic voters' register was faster to create and more accurate with unique features that included personal identification of registrants while also giving room for the register to be updated on continual basis. However, the limitations of OMR technology as introduced in the 2003 electoral process included the absence of voters photograph and non-adoption of ICTs devices for voter accreditation, voting, sorting and counting of results, which gave room for electoral fraud, including multiple voting.

The procurement of the Direct Data Capturing Machines (DDCM) for the registration of prospective voters introduced some level of credibility to the electoral system in the build-up to the 2007 elections in Nigeria. The DDCM was introduced specifically to eliminate double registration and double voting. The electronic device components that were introduced in 2007 included a computer system for capturing and storing voters' information, a scanner for capturing fingerprints of registrants, an in-built camera for taking pictures and a backup battery to provide extra power charge to the computer. The electoral-electronic machine also consists of External Hard Disk Drive (HDD) for data backup and a printer, for printing Temporary Voters Card (TVC). About 40,000 DDCM were deployed by INEC for the eighty-one days voters' registration exercise in 2006, which aided the registration of over 61 million voters for the 2007 elections and made the exercise to be more transparent, speedy and far less cumbersome (Emmanuel, 2015).

Through the use of DDCM also, double registration was reduced while the INEC was able to produce Permanent Voter Cards (PVCs) for 68,833,476 persons in the biometric Register of Voters shortly before the March 28th and April 11th, 2015 general elections in Nigeria (Emmanuel, 2015). The DDCM, as a biometric registration device, was able to identify genuine voters in the 2007 elections through their biological features, including their finger and palm prints while the incorporation of the machine into the electoral system equally captures the bio-data of Nigerian electorates into the computer network. Thus, information on any electorates in one particular location is easily accessed from other parts of the country during the 2007 general elections in Nigeria. To aid the optimal performance of the DDCM, the Very Small Aperture Terminal (V-SAT) was installed in the 774 INEC local government offices and its state headquarter offices to allow for smooth electronic transmission of election results from various local government areas to the state and national headquarters. However, the Terminals were not optimally utilized for the 2007 general elections due to system failure and inadequate skilled manpower to manage them.

The conduct of the 2011 general elections in Nigeria was largely aided with the introduction of ICTs devices into the electoral process. The INEC, under Atahiru Jega, procured and deployed about 132,000 Direct Data Capture Machines (DDCMs) in 2010, with each of the 119,973 polling units (PUs) and 8,809 registration areas (RAs) having one tablet

while the remaining machines were kept for logistic contingencies (Election Monitor, 2019). The introduction of the DDCM machines assisted in ridding the electoral register of multiple registrations while Electronic Voter Register (EVR) was generated for the 2011 general elections. There was also an electronic transmission of results from local government and state offices of INEC to their national headquarter in Abuja. The introduction of the ICTs into the 2011 electoral process was applauded by both the domestic and international observers, which acclaimed the election as largely credible and transparent.

The Smart Card Reader (SCR) machine was introduced into the electoral process in Nigeria in 2015 as an anti-rigging technological device for the authentication of biometric Permanent Voters' Cards (PVCs) and accreditation of voters. The Reader is an electronic detective device designed to establish genuine voters and detect fake, stolen and cloned voter's card. In fact, the Smart Card Readers, which were about 145,000 in number, was the main additional point of attraction and the most unique IT innovation in the 2015 general elections. The Reader was designed as a highly secure and cryptographic technology with ultra-low power consumption, single core frequency of 1.2 GHz and an Android 4.2.2 speedy operating system. For instance, it takes an average of 10 seconds to authenticate a voter unlike the manual process that takes several minutes. The card readers were earlier subjected to Quality Assurance, Integrity and Functionality test and found reliable in its ease of use, long battery life span and speedy processing capacity before being introduced into the electoral process in Nigeria in 2015 (INEC, 2017). The states where the reliability and credibility of the SCR was test-run in 2015 included Kebbi and Kano (North-West), Rivers and Delta (South-South), Anambra and Ebonyi (South-East), Bauchi and Taraba (North-East) and Niger and Nasarawa (North-Central), Ekiti and Lagos (South-West). The electronic device was also tested in 225 out of the total 120,000 polling units and 358 out of the 155,000 voting centres in the 12 states earlier mentioned (Emmanuel, 2015).

The use of Card Readers in the 2015 general elections in Nigeria, aided the breaking down of the election accreditation processes into three stages for easy coordination, including the Identification, Verification and Authentication stages. The identification process physically compared and authenticated the bio-data and the face of card holder and compared it with the image displayed on the SCR for conformity, the Verification exercise established the originality of the voter's card presented while the authentication process scanned and compared the fingerprint stored on the card reader with the voter's for conformity. The SCR also has a Voter Identification Number (VIN), which stored the data of the voters once their PVCs have been read and accredited by the Reader and does not allow for the accreditation of that VIN on that particular Smart Reader any longer. The Smart Reader was equally able to read the biometric information of voters and record the numbers of vote cast in the polling stations where it was used

in Nigeria. The deployment of the electoral device in the country also ensured that each elector only voted in the ward where he or she was registered. Although the technology did not offer solution to all forms of electoral malpractice, the use of the SCRs made it more difficult to brazenly rig the 2015 General Elections in Nigeria.

The Temporary Computerized Voters' Cards (TCVCs) which were issued for the 2011 general elections was replaced with a Permanent Voter Cards (PVCs) in 2015. The PVC is an electronic print-out whose features include a base substrate, security printing device with an average life span of ten (10) years unlike the manual voters' card, which has an average life span of three months. There was also a partial introduction of e-voting into the electoral process in Nigeria. Though this was not used for the general elections, it was adopted as a pilot project by the legislative Houses of Senate and Representatives as a pilot model to generate quantitative figures instead of the current qualitative voting patterns that relies on collective "Yes" or "Nay" voting pattern in the two houses. The electronic voting system was abandoned in the two federal legislative houses due to the malfunctioning of the voting devices.

Apart from the direct election-related technologies like the Direct Data Capturing Machine and the Card Readers, three key items of technology have also helped the electoral system in Nigeria (Raji, 2014). These technology devices include the smart mobile phones, powerful independent Frequency Modulated (FM) stations and the Internet. With wider network coverage, mobile phones have improved the accuracy and timely reporting of elections procedures and outcomes as voters, election observers and journalists, among others are able to report electoral events almost immediately from polling centres through the use of their mobile phones. Many voters and political commentators in Nigeria used their phones to comment and report on election conducts, including irregularities on local Independent FM Stations for the attention of the Electoral Commission. Political campaigns are also being conducted through texts and blog messages while there are on-line publications detailing political manifestoes and campaign promises while many political parties, the electoral commissions and independent observers have equally set up their own websites for proper and prompt coordination and monitoring of the conduct of elections in Nigeria.

Through the introduction of ICTs into the electoral process in Nigeria, political conversation is no longer monopolized mainly by the ruling parties, which earlier had the monopoly of the public media. For instance, the success of the 2015 presidential election in Nigeria, where the then opposition presidential candidate under the All Progressive Congress (APC), Muhammadu Buhari defeated the then sitting President, Goodluck Jonathan of the People's Democratic Party (PDP), was largely attributed to landmark contributions of independent media technologies to the democratic process. In this particular instance, many voters were able to monitor the conduct of elections through their mobile phones and made necessary political manoeuvrings almost immediately.

Mobile technologies, especially the smart phone, has also created improved accuracy in election analysis, monitoring and election observers' report, both local and foreign, as the device was used to gather relevant information from different sources. There is also the introduction of "Eye Witness Election Reporter by the INEC" that avails an eye witness to access the INEC websites to report electoral fraud with proof of evidence through the use of audio and video cameras.

### **Effects of Information and Communication Technologies on the Credibility of Electoral Process in Nigeria**

There are reasonable levels of positive impact of the introduction of the ICTs facilities on the credibility of electoral process in Nigeria. The devices have brought about more accurate results declaration with adequate precision than the manual records. For instance, the use of Bio-metric card readers in the 2015 general elections in Nigeria aided the accurate reading of registered voters who voted in those elections, unlike the manual voters' registers in the previous elections which recorded huge compilation of fictitious names. The ICTs has equally improved electoral time management as the card reader calculates data in seconds unlike the manual methods, which take hours to calculate the same figure, which may even not be accurate. The SMC has helped to accurately verify the genuineness of voters card and assisted in biometrically authenticating eligible voters among those who presented their PVC at the polling unit. The card reader has also aided the disaggregation of data of accredited voters into different electoral categories along gender, age, and educational qualification, a disaggregation that has helped INEC's research and planning unit for the conduct of transparent elections in Nigeria.

The Card Reader has also helped to audit figures subsequently filed by polling officials at the polling units to determine any possible fraudulent alterations while the introduction of ICTs has boost the image of INEC as a credible electoral umpire as other countries, including Ghana, and Kenya have under-studied the Commission and domesticated some of the Nigerian electoral ICTs gargets, especially the Smart Card Reader and the Direct Data Capturing Machine for the conduct of their elections. The ICTs devices, as introduced into the electoral process in Nigeria have provided better communication network between the electorate and aspiring politicians having served as a credible e-campaign platform, thus curtailing physical violence that are often associated with physical campaigns in Nigeria. Also, the use of phones and the internet has helped to transfer confidential electoral information across Nigeria in short time leading to increased reinforcement of public confidence in the electoral process. In fact, some of the major contenders that did not win in the 2015 general elections congratulated the winners. For instance, the PDP presidential candidate and the then sitting President, Goodluck Jonathan, immediately congratulated the APC presidential

candidate, Muhammadu Buhari, who won the election because of the transparency engendered in the election through the use of the card readers.

The use of ICTs have also helped to reduce identity fraud and pseudo-registration by fraudulent electorates while also reducing paperwork and saving human energy from manual electoral process (Chikodiri, 2015). Electoral violence was largely curtailed in 2015 as political contests were reasonably confirmed as being credible by both local and international observers. Thus, the erstwhile excessive and needless attacks between the winners and losers in past electoral contest were significantly curtailed while tensions were equally minimized among political contestants in Nigeria (Chikodiri, 2015).

The use of electronic devices has reduced voting timelines and election queues because of its fast accreditation capacity and has helped to generate reliable voting statistics by disaggregating real voter turnout from fictitious figures. With a wireless broad band, smart camera phone and micro surveillance equipment such as pen and eye glasses, the fraudulent activities of politicians are easily monitored and unveiled to the world before, during and after elections, thus, serving as deterrence to perpetrating electoral fraud in Nigeria.

### **The Challenges of Enthroning Credible and Violence-Free Elections through the ICTs in Nigeria**

There is an overwhelming nexus between credible election and electoral violence in Nigeria as those who are fraudulently rigged out of electoral contest often result to violent agitation for redress. However, while the ICTs have improved the credibility of the electoral process in Nigeria, there are inherent challenges in the strategy, which has intensified electoral violence in the country. The challenges included cases of fingerprint and even PVC rejection by the card readers while there were incidences of non-functioning of card readers along non-display of genuine pictures of voters and rejection of smart passwords, which many voters violently protested against. For instance, some voters were denied opportunity to exercise their franchise in 2015 elections in Kwara state because the thumb print machine couldn't recognize their fingers. These happened mostly to aged people, farmers and artisans whose sensation in their thumb has reduced as a result of using it for their craftwork. Also, there were cases of quick drain of the DDCM battery without adequate backup while majority of the Presiding Officers and Assistant Presiding Officers in the polling units were not effectively trained on the proper use and handling of the ICTs devices leading to delay registration and violent agitation by impatient registrants to be attended to promptly.

Also, there is serious concern with program error, software attack or system hacking of ICTs devices deployed for election in Nigeria, which often generate controversies over the reliability of ICTs-backed electoral process. For instance, the INEC's @inecnigeria website was hacked in 2015 by a group which called itself Nigerian Cyber Army before

it was rectified by the Commission. The introduction of ICTs has brought about fake voting sites and eventual submission of electronically altered results leading to loud protest or violent rejection at times. There were many sites, which released fake results during the governorship and presidential elections in the 2011 and 2015 elections in Nigeria, thereby causing confusion and strong agitation for manual computation of results (Ezeanyika and Onyema, 2017). There were also cases of influential politicians colluding with both the ad hoc and regular staff of INEC to take possession of the DDCM to register mainly members of their supporters in their private homes, a decision that was violently resisted by the opposition parties. A leading politician in Ibadan, in Oyo state of Nigeria took possession of almost half of the data capturing machines in Ibadan to his home, which became the “registration centre” for his supporters while the machines were not adequately available at the official registration centres, which led to violent agitation for redress. It took the intervention of security agencies before the machines were rescued and made available to the people. At the end of the exercise, INEC conducted a mock fingerprint examination on the purported electronic voters’ registered in Nigeria in 2011 and it was found that not less than 6,000,000 multiple registrations were discovered, thus undermining the credibility of the performances of the ICTs and the registration exercise.

There is shortage of highly skilled ICTs technicians and engineers to manage faulty ICTs devices (INEC, 2017). Thus, many faulty electoral machines could not be repaired immediately during the voters registration exercise in Nigeria, thus, delaying the registration process, which times lead to fight among impatient registrants who had being on the queue for long. The adoption of electronic voting system has no legal backing. Infact, President Muhammad Buhari refused to assent to the 2018 electoral bill for the conduct of the 2019 elections in Nigeria, which was largely premised on the use of electronic voting system because its working is far less understood by most illiterate voters. The non-signing of the electoral bill, which involved the use of ICTs has generated controversy among Nigerian politicians.

The use of ICT facilities in election management in Nigeria, especially in the rural areas is characterized by the problem of epileptic power supply. Since government provides weak electricity in many Nigerian rural areas, the ICT facilities procured for election management in those areas, like DDCM could not be recharged regularly, thus, disenfranchising many eligible voters, who often result to violence to protect their exclusion from the voters’ registration exercise. In some instances, the communities had to rent generators to power the electoral machine, a gesture that occasionally leads violent protest as those who donated money for petrol often insist they should first be attended to ahead of those they met on the queue. There is also the problem of vandalization of power cables and ICTs facilities by thieves, which curtailed the use of such facilities during elections in Nigeria. Information dissemination barrier is another challenge to

effective deployment of the ICTs facilities for the conduct of elections in Nigeria due to weak internet services, especially in the rural areas, which has obstructed free flow of such pertinent information required during the election period. Hence, the purpose of e-registration is largely defeated. In many instances, electoral eye witness reporters with vested interest have reported fake news through the use of “Photoshop” and stage-managed images to confuse INEC on the true position of electoral conducts.

### **Discussion of Findings**

Findings from this study clearly revealed that the introduction of ICTs into the conduct of elections has relatively impacted positively on the credibility of electoral process in Nigeria by securing such elections from intense manipulation and violence through the use of the electronic machines and the enthronement of e-campaign platforms devoid of physical violence, among others. However, the use of ICTs in the conduct of elections in the country is still faced with challenges that included the re-location of electoral fraud from manual to digital manipulation, machine failure, system hacking and poor logistic supports. With the introduction of the ICTs also, electoral violence, rather than abate, has largely been transformed from physical to structural electronic violence (e-violence) as political campaigns on social media and websites are bereft of focused and actionable campaign promises and enthronement of credible campaign manifestoes. Current e-campaign strategies in Nigeria are largely characterized by hate speech and hate actions that are directed against political opponents. Such e-structural electronic violence includes character assassinations, deliberate lies, insults, politically motivated ethno-religious incitement and electronic treasons in the name of political campaign on the social media. This study equally confirmed that electoral violence is usually very rampant in Nigeria in the build-up to transitional elections. For instance, Nigerians will go to the poll in February 2019 but table 1 above had already recorded an average of an electoral violence in every three days within January alone, which is just one month to the general elections.

There are many reasons why election has become a “do or die” affair in Nigeria in spite of the introduction of the ICTs into the process to enthrone credible elections, six of which are analyzed. Many Nigerian politicians perceive political power as a means of a massing state wealth for personal gains through Prebendal politics (Raji, 2014). Such political environment of privatized and commercialized politics is characterized by politics of patronage rather than politics of service under a zero-sum political dividends outcome, where the winners wins everything and the losers loose all without being proportionally represented or compensated in government. The ensuring political competition under such unhealthy political exploitation is often reduced to violent through “a do or die” competitive strategy, including the use of legal or extra legal means. More so, correlation exists between political ambitions, financial investment into electoral contest and electoral violence in Nigeria (Ake, 1992). The violent contest as introduced into the

electoral process in Nigeria is a reflection of the premium and the extent of financial investments that many jobless Nigerian politicians have placed on their political career, which is often funded from their savings, disposal of valuable properties and loans obtained under draconian conditionality, leading ultimately to intense and violent political competition to protect such political investments. Such desperate Nigerian political contestants relies more on efficiency norms-whether normal or abnormal in order to realize their political goals, a move which the opposition frequently counters through violence. Through patrimonial politics also, Nigeria's electoral process and governance system largely rests on the logic and practice of organized criminal enterprise, which employs unholy secrecy, thuggery, corruption and coercion to capture state power, which has largely been reduced to a resource re-distributive platform to reward various groups within the power equation instead of using such power to benefit the generality of Nigerians. Many extremely poor Nigerians, which constitute almost 70% of the population, are easily mobilized as combatants for political rigging, electoral violence and political assassination because such jobless and highly impoverished electorates tie their personal economic survival to those of their political financiers. A perceive electoral failure by their mentors is thus seen as an open signal to their own impending personal economic doom which must be prevented by all means including the use of violence to sustain their political godfather in power.

Electoral violence has persisted in Nigeria in spite of the introduction of the ICTs to improve its credibility because of the frustrations of the larger percentage of the exploited Nigerians who have been marginalized in the power struggle with the manner political appointment are eschewed in favour of those within the power equation while leaving vast majority in poverty. Electoral violence has thus been employed as a means of registering people's frustrations to the government. The introduction of the ICTs into the electoral process for a violent free election has not helped optimally in Nigeria because the success of such electoral process is not determined by the electoral umpire only but by the unbiased input of other critical stakeholders in the electoral process who are, in the case of Nigeria, mostly unreliable, manipulative and who have remained partial stakeholders in the Nigerian electoral structures leading to enthronement of non-credible and violent elections in the country. For instance, the police, judiciary, media and national orientation agencies, amongst others that are critical stakeholders in the conduct of credible election have largely been politicized and compromised in many instances in favour of the ruling parties at the national and state levels. Such political environment of partial umpires has made many electorates to lose faith in the electoral structure, process and justice administration leading to disputed results and electoral violence. The complex nature of the Nigerian federation and the complications arising from its operational diversities has increased the chances of electoral violence in Nigeria in spite of the introduction of ICTs to improve its credibility. This negative tendency of the Nigerian federation and its operations are not unconnected

with the extreme centralization and concentration of much power and more financial resources at the federal level, which have led to mutual hostilities and violent contest amongst different ethnic nationalities to control such political power and remain the main distributors of political patronage.

Another fall-out of the unfavourable nature of the Nigeria federation that has contributed to electoral violence in spite of the introduction of ICTs into the electoral process in Nigeria is the issue of identity crisis owing to the proliferation of sub-federal administrative boundaries of identities which often serve as a platform to struggle for federal resources allocations, especially in a contest that discriminates against settlers by indigenes. Such discrimination leads to more crises as groups engage in fair or foul electoral contest in order to win elections at all cost in an atmosphere of the “end justifies the means” while political contest is seen in most instances by the concerned groups as war by other means. The proliferation of small arms, especially in the hands of political thugs is a pointer to the link between arms and electoral violence in Nigeria in spite of the introduction of the ICTs into the process as thugs use the weapons to scare away eligible voters or cause intense mayhem during elections. What has been distilled from the above analysis is that the introduction of ICTs into the electoral process as a remedy against the shortcomings of the manual process has not produced the required result of improving electoral credibility and reducing violence from the process because the issues involved in electoral contests and transitional democracy in Nigeria are more complex than using election as a platform for recruiting political office holders and transcends the use of the electronic devices as mere logistic support to sort out the problems associated with manual method, which the ICTs was designed to correct. Rather, the electoral system in Nigeria is largely seen as a platform of promoting parochial interests of vested groups rather than collective interest of generality of Nigerians. Discredit electoral process in Nigeria could also not be adequately corrected through the use of ICTs because a large segment of Nigerians has suffered from deep seated frustration arising from democratic deficits rather than democratic dividends and unresolved contradiction inherent in the construction of the Nigerian state towards the unity of the federating units.

## **Conclusion**

It is concluded in this paper that the introduction of ICTs into the electoral process in Nigeria has greatly improved the electoral system but with many challenges. The innovation is too advanced, especially for the rural communities where voter education and literacy level is very low. Even though the ICTs have helped to reduce electoral fraud, it has opened another gate of sophisticated digital fraud in the electronic voting machines and enthroned new forms of electronic-electoral violence. In spite of these challenges, the relevance of ICTs to electoral process cannot be over emphasized but

the electronic process needs to be back-up with manual updates because of high rate of ICTs non-compliance illiterate voters in Nigeria.

### Recommendations

Based on the above findings, it is recommended that the usage of ICTs in the conduct of elections in Nigeria should continue. However, such method should complement rather than supplement the traditional manual voting system because Nigeria is not yet ripe for sole reliance on electronic voting system, which is largely challenged by other factors, including inadequate power supply lack of skilled human resource to repair ICTs facilities and less ability of the illiterate voters to use ICTs facilities optimally. There should be improvement of the power sector in Nigeria to aid effective functioning of electoral ICTs and there should be improved voter education on how to use ICTs facilities efficiently. More technical experts should be trained to manage the likely challenges of the devices while more funding should be released to INEC to buy latest ICTs equipment for the conduct of 2019 elections. The implementation of the above recommendations would improve the credibility of the electoral process and reduce electoral violence in Nigeria.

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