



Editorial

Working Towards the CODESRIA of the Future: Transcendence in a Time of Crises

This issue of *CODESRIA Bulletin* has been released at a very critical moment for our continent and for the world. The outbreak of the Ebola Virus Disease in West Africa, which has claimed thousands of lives, is bringing to the fore old questions about global inequalities and unequal access to healthcare and many other indices of social well-being. Unfortunately, it is also increasingly posing new questions or re-phrasing old questions concerning the meanings of pan-Africanism, pan-African solidarity and regional cooperation in the face of severe threats.

The Ebola outbreaks in West Africa and the Democratic Republic of Congo came against a background of violent conflicts in South Sudan, CAR, the north of Nigeria and recent troubles in Mali amongst other places. Further afield, recent hostile exchanges between Hamas and the Israeli Defence Forces that exacted a very heavy toll on the civilian population of the Gaza Strip implicated Egypt, which played a leading role in the negotiation of a cease fire.

Indeed, the continent is undergoing significant transformations spanning the political, economic, social and cultural realms. Countries as well as their regional and continental groupings are being called upon to refashion themselves in drastically changing environments.

CODESRIA is called upon to face the same challenge some 40 years after its establishment. The need for the Council to reposition itself within the new and changing political, economic, social and cultural environment in which the Council and the higher education institutions that it works with operate, motivated the Council to institute an Internal Review Committee after its 2011 General Assembly in Rabat, Morocco.

It is to enable the committee to complete its work and make concrete proposals on possible charter amendments that the Executive Committee during its June 2014 meeting, reached decision to postpone the business sessions of Council's General Assembly to June 2015. The draft report of the Internal Review Committee will be discussed during the scientific conference of the General Assembly, along with the early draft of another committee set up by the Executive Committee to review the intellectual agenda of the Council. The final reports of both review committees, as well as any possible proposals for charter

amendments will be presented to the business session of the General Assembly in June 2015 where new members of the Executive Committee (EC) will also be elected.

This decision was aided by the existence of earlier instances in which the General Assembly of the Council was postponed on account of important processes and events in the life of CODESRIA. It is the hope of the Council that these reviews will result in substantial recommendations and changes that will place CODESRIA on a sound footing to continue its role as the leading pan-African social science research organisation.

In addition to allowing members of the social science community in Africa and the Diaspora to broach critical issues pertinent to the continent's development, June 2015 will also permit the proper celebration of the lives and work of two leading African scholars who recently passed on – Professor Ali A. Mazrui and Professor Jacob Ade Ajayi. While we could describe them as Kenyan and Nigerian, respectively, it is more proper to describe them simply as ground-breaking African intellectuals who led the way in the challenging but important task of re-imagining the African past and fashioning an African future after decades of colonial intellectual and physical degradation. This issue of *CODESRIA Bulletin* includes tributes to them by leading African scholars. To their families, friends and former colleagues, CODESRIA, on behalf of the African and Diaspora social science research community, wishes to extend its sincere condolences. May their souls rest in eternal peace!

As we celebrate these icons of African scholarship, it is our conviction, at CODESRIA, that the best tribute we could ever pay to them, as champions of academic freedom and independence of thought, is to continue to foster the development of social science research on the continent. As part of efforts in this direction, CODESRIA will be co-organising a summit in Dakar, March 2015, to forge the future of African Higher Education. Information on that summit is provided in this bulletin.

The bulletin also contains a briefing on the World Social Science Forum to be held in Durban, South Africa, September 2015. The Forum will be jointly hosted by CODESRIA and the Human Sciences Research Council of South Africa under the theme "Transforming Global Relations for a Just World."

Alex Bangirana
Head, Publications

Ato Onoma
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Announcements

Postponement of the Scientific Conference of CODESRIA's 14th General Assembly

It is no longer news that the eruption of the Ebola Virus Disease (EVD) in some West African countries has provoked a major health crisis in the region.

Although international response to the crisis is evolving and tangible progress has been made to curtail the disease in some of the affected countries, it still cannot be said that EVD has been brought under control and that the crisis will soon be over.

The World Health Organization has advised, rightly, against drastic travel restrictions imposed by some governments on people from the most severely affected countries. However, we have been receiving reports from people who have had difficulties travelling back to their own countries after visiting or transiting through the airports of countries where there are confirmed cases of EVD. Many of our colleagues and friends have also made us understand that they feel uncomfortable about the idea of participating in large international gatherings while EVD continues to be a phenomenon that has not been brought under control in the most affected countries.

In light of this situation, and after consulting extensively and debating the issue at length, the Executive Committee of

Ebrima Sall
Executive Secretary
CODESRIA

CODESRIA has decided to postpone the scientific conference of the 14th General Assembly of CODESRIA that was scheduled for December 2014, to June 2015. The decision to postpone the conference was motivated by a desire to minimise the risks associated

with the holding of large international gatherings in the region at a time when the spread of the highly contagious EVD has not been checked or arrested.

The Scientific Conference and the business session of the 14th General Assembly of CODESRIA will now both be held in Dakar, 8-13 June 2015. Authors whose abstracts were shortlisted will soon be informed about the results of the final selection process.

We would like to take this opportunity to remind all individual and institutional members of CODESRIA that only members who are up-to-date with the payment of their membership fees are eligible to participate in the election of members of the Executive Committee, and in the decision making processes of the business session of the General Assembly. We would therefore like to urge all members to pay their membership fees.

We look forward to seeing you in Dakar in June 2015.

Summit to Forge the Future of African Higher Education

The African Higher Education Summit will be held in Dakar, 10-12 March 2015, under the theme "Revitalising Higher Education for Africa's Future". The Summit, which will be limited to about 500 participants, will provide an energising space for African political and university

leaders, experts and organisations – and friends of the continent – to revitalise interest in the sector and talk about the future. "This is a call to action. The summit will mark the beginning of a new agenda for higher education in Africa," says Dr Tendai Murisa, director of the summit's lead organiser, TrustAfrica.

"At TrustAfrica we do not claim expertise on higher education. We claim expertise in bringing Africans and friends of Africa to a space where they can talk," Murisa says. In this case, it will be a gathering of all higher education actors.

"We see dots that are not connected. There are many disparate activities taking place. That's why we came up with the idea of

Patience Ukama
TrustAfrica

a continental summit that can link the dots and maybe create a new synergy."

Also on board with organising the summit is the African Union Commission, Association of African Universities, CODESRIA – Council for the Development of Social Science Research in Africa – the

UN African Institute for Economic Development and Planning, South Africa's National Research Foundation and the African Development Bank.

The government of Senegal is the host. "From the North we've got the Carnegie Corporation of New York, the MasterCard Foundation and World Bank," says Murisa, who took over the leadership of TrustAfrica on 1 October.

"We think all these organisations are movers and shakers in their own right, and that by bringing them together into a place, we can revitalise interest and try to make sure that higher education is back on the policy agenda."

Summit Aims and Organisation

“One of the key processes that as Trust-Africa we are keen on influencing is the African Union-led Africa 2063 agenda – what Africa should look like in 50 years time. We think that higher education should be part of that kind of conversation,” Murisa explains.

“If higher education is going to play a central role for Africa’s transformation, what kind of investment is needed? And if higher education is going to contribute to increased growth, what kind of graduates do we need? What does the relationship between the marketplace and the universities in Africa look like, and what needs to be done?”

The summit organisers are in the preliminary stages of reaching out to people, Murisa says. “We have been pleasantly surprised at the response of the government of Senegal, which has not only accepted being the official host but has also committed itself financially to the summit and is helping us to invite African heads of state.

“That has helped us to make sure that the summit is considered official. It is now appearing on the African Union calendar as an important event. So at a political level there is huge buy-in, which is what we were hoping for. This is one of the major milestones we have had in terms of preparing for the summit.”

The summit is making room for 500 delegates but is going to struggle to contain the numbers. The partners alone have 250 guests they would like to invite. “We cannot have more than 500 people or the summit will become difficult to manage,” Murisa stresses.

“There is overwhelming interest and we’re going to be seeing more. Our fear is that we are going to be overwhelmed by the demand from people who want to be at this meeting.”

In a way, says Murisa, the conference has already started. Papers have been commissioned and a team created to solicit input into what will be called the African Declaration on Higher Education.

The organisers are talking to academic and non-academic staff unions, universities and students across the continent, seeking wide input as there will be space for only limited representation in Dakar. “We’re trying to ensure that we get representation of all the different stakeholders.”

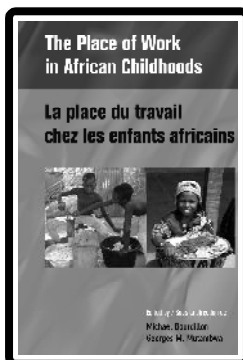
The summit itself will not be about presenting papers but about holding lively panels that provoke discussions. The website will feature background papers that participants – those in Dakar and those who cannot physically be there – can engage with and make input into.

“Our website will be live throughout the conference and will be used as a platform for soliciting inputs into the declaration and the other processes,” says Murisa. The main sessions will be live-streamed; there will be podcasts and feedback will be enabled and encouraged.

“One of the advocacy points is to make sure that African higher education gets to the top of the African Union’s agenda and that national governments also reprioritise. We’re hoping that what we do will trigger action beyond the two days.”

Le genre dans l’enseignement supérieur / Gender in Higher Education

Edited by / Sous la direction de Michael Bourdillon / ISBN: 978-2-86978-597-7



This book is about how work enters and affects the lives of children in Africa, taking for granted neither the traditional values surrounding children’s work, nor the international standards against it. Many African societies nurture their children on the ingrained notion that children must work as part of their process of growing up. Children participate in their families and communities through the work they do in the house and in whatever else their families do. Such views are, however, antithetical to the dominant views in Europe and North America which see childhood as a time of freedom from responsibility and economic activity. These views have become so popular with the elites in other countries to the extent that they now drive international campaigns against ‘child labour’, and have been incorporated into what are now considered universal international standards and conventions.

This book was conceived within the framework of the CODESRIA tradition of taking African perspectives seriously and not allowing social research in Africa to become subservient to values from outside. African scholars remain keenly aware of the need not to isolate themselves from developments in the wider world, which could lead to stagnation. This book, through empirical observation of the lives of African children, the work they do, its place in their lives, and what the children say about it, proposes new perspectives towards a new understanding of this complex stage of human development. Work is not simply about the right to income: work provides identity and status in society, and participation in the community. People relate to one another through work. Those who do not work are often without status and are at the periphery of society. One of the major ways in which this book differs from most of the available literature is in the understanding it brings to the problem of ‘child labour’. There are economic reasons why children may need an income of their own. There is the demographic fact that the proportion of children to adults in low-income countries is nearly double that in high-income societies. This book attempts to demonstrate that work is both necessary and beneficial in terms of a child’s development to become a full, responsible, and respectable member of society.

Debates

The End of Ebola

The Ebola epidemic is threatening not only the lives of West Africans, but also the progress toward democracy, economic growth, and social integration that Liberia, Sierra Leone, and Guinea have made in the last decade. In order to protect their achievements, the three countries' governments, which comprise the Mano River Union, must buttress their response to the current epidemic with a coordinated strategy to prevent future outbreaks. But they cannot do it alone. Though several experimental treatments and at least two vaccines had been in development when Ebola emerged unexpectedly early this year, progress had stalled well before any were deemed ready to be tested in humans. After all, clinical research to assess the safety and effectiveness of new drugs and vaccines can happen only during an epidemic.

As health workers labour tirelessly to care for those who have been infected, monitor those who may have come in contact with the virus, and prevent further transmission, researchers have a limited window of opportunity to learn how to treat and prevent the disease. In order to accelerate progress, governance of the clinical trials must be transparent, and all knowledge about the disease, including developments regarding potential treatments and vaccines, must be shared openly – imperatives that will require strong public-health leadership in both the Mano River countries and the developed world.

The good news is that some progress is being made, with several vaccine clinical trials already underway. Moreover, with support from the World Health Organization, at least one international platform for clinical trials has been created to assess the safety and efficacy of experimental Ebola treatments, as well as to establish scientific and ethical standards of care.

Unfortunately, these efforts lack adequate involvement by West African researchers, clinicians, health workers, and health officials. Running clinical trials under the auspices of affected countries' health ministries and the WHO – with full transparency in terms of processes and

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outcomes – would enable the relevant authorities to make timely and informed decisions regarding which treatments and vaccines to investigate further and when to deploy them.

The fight against infectious diseases like Ebola is one that affects everyone. In order to succeed, we must capitalise on the expertise of individuals and groups that have been quietly, diligently, and independently studying such diseases. They must share information with those at the front lines of the battle about diseases' natural history, modes of transmission, and risk factors, as well as preclinical data on – and clinical responses to – experimental treatments.

At the same time, more scientific expertise must be devoted to analysing the shared data and providing new ideas about prevention and treatment. If researchers are not coming forward on their own, health ministries and organisations must develop strategies to attract them – and fast. We need as many ideas as possible.

To be sure, such an “open source” approach is not standard practice in pharmaceutical research and development. But the current crisis has laid bare the inadequacy of the prevailing approach.

In fact, the current Ebola epidemic is not the first public-health disaster to highlight the failings of the existing system. Pharmaceutical companies have been reluctant to make the antiretroviral medications used to treat HIV/AIDS available in a cost-effective manner for public-health use. With business interests dictating global pharmaceutical priorities, developing countries consistently lose out – with devastating consequences.

In any public-health crisis – especially one like the current Ebola outbreak – potential profits cannot guide drug development or deployment. As soon as a

vaccine or treatment is deemed suitable for implementation, it must be made available in large quantities, to be administered quickly to citizens at no cost to them.

Of course, transparent clinical trials and open-data platforms raise legitimate ethical and intellectual-property concerns. Compassionate drug use (the provision of experimental drugs in urgent circumstances) remains controversial. And, given the high cost of R&D, pharmaceutical companies are naturally concerned about competitors' reverse-engineering their drugs. But these longstanding concerns should not be allowed to impede efforts to address the immediate threat that Ebola poses. Instead, the current crisis should reinvigorate debate about these issues, with the goal of refining the balance between public-health and business interests and thereby improving the global response to future crises.

In the meantime, these concerns underscore the need for public-health officials to be involved in monitoring and coordinating clinical trials, and for improved information-sharing among experts and affected countries. An open-data platform would facilitate discussion of the social value of clinical research and the associated ethical dilemmas.

Time is of the essence. The world needs a flexible, adaptive, ethical, and transparent approach to treatment and prevention that allows for rapid decision-making in the development phase and effective coordination in the deployment phase.

The countries affected by today's devastating Ebola epidemic will undoubtedly feel its impact for years to come. With strong public-health leadership and effective coordination in the fight against the infectious disease, people in West Africa – and, indeed, the entire world – would be able to rest assured that another resurgence of Ebola is not just around the corner.

First published at:

<http://www.project-syndicate.org/commentary/ebola-treatment-open-source-clinical-trials-by-abdul-tejan-cole-2014-10#TVTh8j4lBrooy7k2.99>

Spectre of Ebola Protectionism

A new kind of protectionism is haunting the world: the spectre of ebola protectionism. As the ebola virus disease ravages the nations of Guinea, Liberia and Sierra Leone, which comprise the Mano River Union, there are increasing calls from conservative politicians, right-wing groups, and sections of the media to prevent people from MRU states from interacting with the rest of the world.

The protectionist measures range from exit and entry controls, such as temperature checks and mandatory monitoring and quarantining of travellers from MRU states, to flight bans and denial of visas to holders of MRU passports.

The virus poses less of a threat to rich countries with sound public health systems than poor West African countries that have extensive links with the MRU states. Exit and non-intrusive entry controls, not flight bans and visa restrictions that Australia and Canada have imposed, may be enough to manage the few cases that are likely to pop up in rich countries.

It is amazing that a country like Australia that is more than 15,000 kilometres away from West Africa, and with no confirmed case of ebola, is the first Western state to adopt mean-spirited protectionist policies. North Korea, a reclusive country in the far corner of Asia, is also fuelling the global panic by announcing that all foreign visitors regardless of travel history will be quarantined for 21 days.

As health experts have repeatedly affirmed, the ebola virus is not easily transmitted if a carrier is not symptomatic. Besides, it is health workers, home care-givers, and those engaged in customary practices of washing dead bodies that are mostly at risk. Indeed, more than half of the cases of infection have been linked to unsafe burial practices. It is hard to imagine a major ebola outbreak in Western societies where such practices do not exist and communal ways of living are rare.

If the voices of ebola protectionism become dominant in global public policy, the effect on the MRU states, diaspora citizens of such states, and Africa in

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general, will be catastrophic. It will gravely undermine the fight to tackle the disease at its source, make a mockery of the multilateral system of cooperation and international development policy, and ultimately transform the ebola epidemic into a pandemic.

When living beings encounter external threats, they tend instinctively to withdraw into a mode of self-preservation. Our house cat, Maki, always relies on her own judgement, not ours, to protect herself from unknown visitors and disturbances. However, humans do not always act on instincts alone. They are capable of building institutions to constrain the impulse for self-preservation that may make everybody worse off in the long-run.

Economic protectionism in the 1930s had a devastating effect on world trade and output. It disadvantaged all countries, rich as well as poor. A new multilateral system was later crafted through the Bretton Woods Institutions of the IMF and World Bank and the United Nations network of organizations, in which countries would cooperate to solve common economic, social and security problems. When the spectre of protectionism threatened again to engulf the world in 2008, following the US financial crisis, a new kind of multilateralism, which now included the active participation of emerging economies, saved the day.

Ebola protectionism is different from, and likely to be more pernicious than, protectionism that is driven by economic dynamics. In addition to fuelling capital flight and undermining trade, investments, tourism and government revenues in the MRU states, ebola protectionism affects human bodily contact, social trust, and free movement of people, and may reawaken or feed xenophobic and racist attitudes and practices.

Already in some Western countries, there are cases of children or students who are

ebola-free being denied schooling or university education because they have lived in MRU states or their parents may have originated from, or travelled to, such states; Africans from ebola- and non-ebola infected countries are being excluded from external professional events; landlords are refusing to rent apartments to people from MRU states; and diaspora Africans, especially from the MRU states, are being harassed by neighbours in some countries. *Time* magazine reported on 28 October that two children from Senegal, which has had only one confirmed ebola case and has been declared free of the disease by the WHO, were beaten up in New York City by classmates yelling "Ebola".

Two key points in President Obama's defence of a vigorous multilateral response to the ebola crisis need emphasising: protectionism will severely compromise the movement of essential health volunteers, medicines and facilities to the affected region and make it harder to defeat the virus at its source; and there can be no full protection in any country against the disease if it becomes a pandemic.

Advocates of ebola protectionism may believe that the rest of the world will not bat an eyelid if it loses the MRU states' 21 million people with a GDP of only USD12 billion, which is less than 2 percent of the West African region's GDP. However, if the virus is not eradicated in the MRU states, it is likely to spread to neighbouring countries with bigger populations and large non-African developing countries that cannot easily be isolated. It may then ultimately find its way in the rich world in much larger numbers than the few cases that are currently causing panic.

By the standards of low-income countries, the MRU states were doing relatively well in growing their economies and rebuilding chronically-neglected roads and electrical power systems. Progress was being made in domestic revenue generation, even if the optimisation of revenues, especially from natural resources, remained a huge challenge.

Unfortunately, the MRU states woefully failed to pay sufficient attention to the



software of development – building institutions that can ensure citizens’ trust in government policies. Governments are hardly present in the lives of most people for the most fundamental things, such as jobs, social services, and social security. People invariably fend for themselves and have learned to not depend on, or trust, the words of government. Thus, even though most people are aware of the danger of ebola, they continue to ignore government instructions about how to handle the sick and the dead, especially when the instructions are not fully backed by provision of adequate health facilities and resources. In a sense, the ebola crisis has helped to underscore the point that rampant informal coping strategies are an index of underdevelopment that disconnects citizens from states.

State failure in the MRU countries was compounded by health policy failure at the multilateral level during the early period of the crisis when the virus could have been snuffed out at its epicentre in the forest region where the three countries

meet – Gueckedou in Guinea, Lofa in Liberia and Kailahun in Sierra Leone. Now that the virus has spread massively to large towns and cities, combating it through contact-tracing is like looking for the proverbial needle in a haystack.

What accounts for the tardy multilateral response? According to *The New York Times*, budget cuts at the WHO resulted in the dissolution of the organisation’s epidemic and pandemic response department, and large scale retrenchment at its Africa office of staff that were skilled in containing viral epidemics. Surely, the leaders of the MRU states initially showed incredible sluggishness and poor vision in responding to the crisis. However, their multilateral partners also failed to provide sound technical advice on how to combat the disease. The significance of the crisis was downplayed even when the non-governmental emergency response agency, Médecins Sans Frontières, was warning of a health catastrophe as early as June. The surge in international assistance in recent weeks, especially

from such countries as the US, Britain, China, Cuba and France may hopefully help to stem the tide.

To conclude, if ebola protectionism takes root in the public policies of rich countries and millions of lives are lost to the disease, as some experts predict, the MRU states may be condemned to a wasteland of permanent poverty and instability. It may confirm Robert Kaplan’s prophecy in the 1990s of *The Coming Anarchy*, and render untenable international development assistance, which is already facing strong criticism from sections of the policy and research community for its alleged failure to deliver results. Research suggests that aid is only effective when it is combined with efforts at domestic revenue mobilisation and recipients improve their competitiveness in global trade and attracting investments. Ebola protectionism will undermine such efforts and make it harder to optimise key components of development policy.

I Accuse Israel

I lack the eloquence of Emile Zola, who wrote his famous “J’accuse” in 1898 to denounce the French anti-Semitism that had poisoned the *affaire Dreyfus*. But like him, I step forward to defend Jews. The difference being that, in my case, in order to defend Jews I must attack the Jewish state of Israel.

Can ordinary citizens from around the world organize themselves and file before every single court with universal jurisdiction a public interest action against the Jewish state of Israel to declare its extinction as a Jewish state, not only on the grounds that throughout its existence it repeatedly committed crimes against humanity, but first and foremost because its very constitution as a Jewish state is itself a crime against humanity? Yes they can. And since there is no statute of limitations for this type of crime, the timing is right. So here are the arguments and the solutions for restoring to both Jews and Palestinians, not to mention the world at large, the dignity that was stolen from them by one of the most violent acts of European colonialism in the twentieth

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century, later reinforced by American imperialism and Europe’s bad conscience since the end of the Second World War.

The word Zionism describes the movement supporting the “return” of the Jews to their alleged homeland, from which they were also allegedly expelled in the fifth century BC. A distinction needs to be made, however, between Jewish and Christian Zionism. Jewish Zionism has its roots in anti-Semitism, which always infamously persecuted Jews across Europe and culminated in the Nazi holocaust.

The great proponent of Zionism was Theodor Herzl, an Austrian Jew, but his vision was the creation of a safe homeland for the Jews, not a Jewish state. Christian Zionism, on the other hand, is anti-Semitic in nature, and the notion of a Jewish state

was first devised by British politicians, Zionists and devout Anglicans like Lord Shaftesbury, whose primary aim was to see their country rid of Jews-as-Jews. Christianized Jews were tolerated (as was the case of Benjamin Disraeli, who became Prime Minister), but not other Jews. Such tolerance was congruent with the Christian prophecy which claims that Jews are destined to convert to Christianity. The same sentiment can be found these days among North American evangelicals, who support Israel as a Jewish state and its ruthless colonialist expansion against Palestinians, as they believe that total redemption shall come at the end of time, with the conversion of the Jews at the Parousia (the Second Coming).

Lord Shaftesbury seems to have been the originator, in the nineteenth century, of the notion of “a land without a people for a people without a land”, which was to help justify the 1948 creation, in Palestine, of the Israeli state. A few years later, another Jewish Zionist (Arthur James Balfour) proposed the establishment of a

“Jewish homeland” in Palestine, without consulting the Arab peoples who for more than a thousand years had lived in this land. In the words of the Balfour Memorandum of 11 August 1919, “The Great Powers [Austria, Russia, France and England] are committed to Zionism. And Zionism, be it right or wrong, good *or* bad, is rooted in age-old traditions, in present need, in future hopes, of far more profound import than the desires and prejudices of the 700,000 Arabs who now inhabit that ancient land”. It was therefore imperative to turn those Arabs into a non-people.

With the approval of the Western powers, notably England, the year 1948 witnessed the establishment of the state of Israel, located in a Palestine inhabited by Arabs and 10 per cent Jewish immigrants. At the time it was argued that some area of land had to be found for the Jewish people, alongside whom no one seemed to want to live after the German genocide. Long before the latter catastrophe, Jewish Zionists had already pondered various locations for their future state. In the late nineteenth century the Uganda region, in present-day Kenya – but still a British colony at the time –, was considered as one of such possible locations. A part of Argentina was also considered. When asked about the possibility of locating it in North Africa (in what is now Libya), the Italian king, Victor Emmanuel, is re-

ported to have refused with the reply: “Ma è ancora casa di altri”. But no European, no matter how concerned with the Jewish situation, has ever suggested a place within Europe. “A land without a people for a people without a land” had to be invented, even if an entire people had to be annihilated. And so it came to pass that for sixty-six years a people has been steadily erased from the face of the earth. The Palestinian West Bank keeps being dismantled by illegal settlements, and the Gaza Strip turned into a prison camp. In its claim that the “stinking Arabs of Gaza be thrown into the ocean,” the Israeli extreme right is just a bit more vociferous than the government. What is truly astonishing, according to *The Ethnic Cleansing of Palestine* (2006), by Israeli Jewish historian Ilan Pappé, is to see how in 1948 the Jews who only recently had been driven from their homes, dispossessed of their belongings and ultimately exterminated, set out to destroy Palestinian villages without blinking, expelling their inhabitants and massacring those who would not leave. José Saramago’s controversial comment from a few years ago, to the effect that the spirit of Auschwitz has been revived in today’s Israel, rings truer than ever.

Thus Palestine was sacrificed, amidst invocations of biblical and historical reasons which the Bible does not sanction and history eventually exposed. Many

Jews, like the members of the Jewish Voice for Peace, are not Zionists and view the state of Israel and the circumstances under which it was created (one territory, one people, one language, one religion) as an archaic colonialist aberration based on the myth of a “land of Israel” and a “Jewish people” that isn’t even upheld by the Bible. As the Israeli Jewish historian Shlomo Sand, among others, clearly demonstrates, the whole notion of Palestine as the “land of Israel” is a recent invention (*The Invention of the Land of Israel*, 2012). Furthermore, according to the same author, the concept of “Jewish people” is also a recent invention (*The Invention of the Jewish People*, 2009).

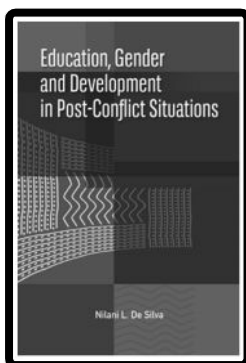
The establishment of the Jewish state of Israel is a continuous crime whose grossly brutal depths are now being brought to the light of day. The citizens of the world propose that a constitutional assembly be summoned in Palestine, with full participation of all the peoples living there, so that, once the extinction of the Jewish state of Israel has been declared, a secular, multinational and intercultural state may be established, where Jews and Palestinians can live in peace and with dignity. The dignity of today’s world hinges dramatically on the dignity of a true coexistence between Palestinians and Jews.

* First published at: <http://frantzfanonfoundation-fondationfrantzfanon.com/article2249.html>

Education, Gender and Development in Post-Conflict Situations

Nilani L. De Silva

ISBN: 978-2-86978-603-5



Given the multiple changes that post-war societies are undergoing, this study seeks to examine how girls’ education is being moulded in the transition period in Liberia and Sierra Leone. These two countries experience wide gender disparities, particularly in the formal labour market and in education. Examining the barriers that prevent girls from benefiting from education is one way forward to address the important aspect of female development. In this study, it is argued that the persistence of gender injustice in education will have serious implications on transition countries like Liberia and Sierra Leone, not only in achieving the United Nations’ Millennium Development Goals (MDGs) that aim to empower women, but also in combating increasing levels of gender-based violence and feminized poverty.

Social Research Funding in Africa*

Let me start with this quote attributed to Aristotle:

“To give away money is an easy matter ... and in any man’s power. But to decide to whom to give it, and how large and when, for what purpose and how, is neither in every man’s power nor an easy matter. Hence it is that such excellence is rare, praiseworthy and noble.”

This is my way of acknowledging the commendable endeavour of this respectable institution, the Volkswagen Foundation. May I also take up this opportunity to recognize the Foundation’s directorate for their gracious act of integrating the Council for the Development of Social Science Research in Africa in an internal meeting dedicated to the evaluation of its “Africa Initiative.”

It is a great pleasure and a privilege for me to be able to discuss with my distinguished German and African colleagues the challenges facing research in the African social sciences, particularly the issues of funding which I was specifically invited to address in this presentation. I will do that from the perspective of CODESRIA, which I am representing, and which I will present at the start of this talk. I will then address the strengths and the opportunities posed by the context in which social science research is conducted in Africa today, drawing attention, in particular, to the financial constraints and the drawbacks of the present funding system. I will conclude by sharing with you CODESRIA’s approach to cooperative research and capacity building.

Introductory remarks

Even in Africa, there is a growing awareness that the knowledge-based society in which we live today is called upon to foster audacious and daring research in order to devise rapid, innovative and efficient solutions to the many challenges, current and future, generated by the rapidly changing global realities. In this research, social science knowledge is deemed a basic ingredient and an indispensable part in the scientific,

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policy and social mobilisation effort that is necessary for the formulation of adequate responses to problems such as climate change, food and water shortage, inequality, social discontent, financial crises or fundamentalism.

There is also a growing awareness in Africa that more space should be given in international research to African perspectives on the understanding of these global issues, if we do not want the development gap between Africa and the rest of the world to further widen, if we want to allow Africa to compete equally in the knowledge-based world economy, and if we want African research to produce knowledge that can be relevant, not only globally, but also locally.

Whence the urgent need for the revitalization of African higher education and research which has been crippled by the Structural Adjustment Programmes.

In CODESRIA we have always considered that research in/on Africa should be globally engaged but locally relevant; it should generate context specific knowledge geared to African policy and practice, and foster collaboration between low and middle-income countries of Africa, between Africa and the global South and between Africa and the rest of the world.

Presentation of CODESRIA

CODESRIA was established in 1973 as an initiative of centres of social and economic research from across the continent based on the conviction that education, higher education, research and the production of knowledge are the keys to the transformation of Africa.

The context in which CODESRIA was established was one of poverty, dependence and low level of development and, as a consequence of these problems, the marginalisation of Africa and Africans,

including the scholarly community. It was also characterised by extreme political fragmentation as a result of the colonial partition of the continent into a multitude of small territories which strove to build themselves into nation-States. Many of the leading higher education institutions were mere extensions of French or British universities where the curricula and research were dominated by Western paradigms, concepts and theories and where African scholarly voices were hardly audible.

Promoting social science research in such a context therefore required the overcoming of many barriers that were not only of a disciplinary nature, but also, linguistic barriers (in addition to the many African languages, each one of the colonial powers had left its own language as the official language of its former colonies), political, ethnic, gender and generational barriers.

To overcome these multiple fractures, CODESRIA adopted a pan-African approach right from the start, first, out of conviction, given that it came out of the long history of liberation of which the global pan-African movement was an integral part, and second, also out of necessity. The need for an autonomous and independent continental research space and a networked pan-African research community was all the more necessary that the prevailing African regimes at the time were authoritarian.

Forty years after its creation, CODESRIA has to deal with a new context in which Africa and its higher education and research systems still face many challenges but are also engaging with new opportunities.

Changing Global and African contexts – Strengths, Challenges and Opportunities

The global environment in the first decade of the twenty first century is characterised by neoliberal globalisation, the ICTs revolution, the emergence of a polycentric world and the arrival of the BRICS in the global scene, the new forms of scramble for natural resources

(including forest, land and mineral) and markets, greater global recognition of the magnitude of the challenge of climate change and, finally, the growth and marketisation of higher education and research around the world.

All of these challenges have left their imprint on Africa, but there is also a specifically African context.

Africa is still a politically fragmented continent despite the progress towards regional integration being made at the level of the African Union. However, the “unholy trinity” of poverty, ignorance and disease is still a major challenge. Africa is still home to the largest numbers of refugees, displaced peoples and least developed countries (LDCs); and most African economies are still characterised by extroversion and the export of primary commodities with little local value addition.

Moreover, decades of structural adjustment and neoliberal globalisation have significantly reduced the developmental role of African institutions, particularly the African state, and liberalised trade in ways that make the prospects for industrial development seem dimmer. The extreme vulnerability to global and local hazards that Africa is facing make the challenge, for African countries, of having to develop under less than optimal global conditions, no less formidable today than it was 40 years ago.

Climate change is, certainly, a major global challenge; but responses to this challenge have entailed the commoditisation of part of the commons, such as forests, and the transfer of the costs to the South, with little attention paid to the issues of sustainability and the involvement of local communities in the programmes that are supposed to mitigate the adverse effects of climate change.

But the present context also presents some opportunities:

- Since the beginning of the New Millennium, African economies have been among the fastest growing economies in the world (UNCTAD Economic Development in Africa report 2012).
- There has been significant progress made in terms of infrastructure development and provision of education and health services.

- There are also many positive new developments in and around the African Union (AU), and the African Regional Economic Communities (RECs), indicating awareness of the need for, and renewed interest in moving towards greater regional integration.
- Considerable progress has also been made towards the institution and/or consolidation of democratic governance at different levels.
- Growing citizen awareness and engagement, particularly of the youth, as this is manifest in the contestation movements springing up around the continent
- Creative use of the new technologies (ICTs) in social media, in trade, industrial and agricultural development, teaching, in social and political action, and creating new opportunities for research in and on Africa.
- The engagement of China and the BRICS with Africa has created new policy space and led to significant developments in infrastructure (beyond stadiums) that have been going on over the last decade.

As for African higher education and social science research in this second decade of the twenty-first century, it continues to be characterised by:

1. Continued and accelerated fragmentation: In addition to the fragmentation of African knowledge systems along disciplinary and linguistic lines, but also along “Europhone” / “non-Europhone” lines, endogenous/non-endogenous knowledge, etc, the “Internationalisation” in higher education – meaning the infusion of a market logic and commoditisation in the sector and the marketisation of the social sciences themselves – has come to further partition HE in Africa. Besides the multiplication of private institutions of higher education world class universities (such as Sciences Po, Oxford...) are now opening extensions in Africa, while China is recruiting the best African professors and researchers for its own universities
2. Need for a new generation of scholars: As the first generation of post-independence African scholars is nearing retirement, there is a need

for the training of a new generation of African scholars whose emergence is hampered by the loss of good academic staff to brain drain, the rising numbers of private universities, the consultancy syndrome and the lack of resources for academic research.

3. Lack of area studies: The very limited number of research centres dedicated to the study of other regions and countries of the world, whence the thinness of the knowledge base on Africa’s trade and investment partners (knowledge on China, India, Brazil, Europe, Germany, the United States etc.) This prevents African policy communities, traders and investors from having a body of knowledge within Africa about their trade and development cooperation partners to rely on, and to identify opportunities and challenges associated with global trends, etc.
4. Prioritisation of STEM: African governments continue to prioritise the teaching and research in Science Technology, Engineering and Mathematics. The result is the absence of a clear vision, policies or institutional frameworks to support social sciences and humanities research (with few exceptions). And where social sciences and humanities are seriously considered and supported, the tendency is to emphasise market relevance, rather than the public good or the cultivation of critical thinking and democratic values.

Social sciences in Africa continue, therefore, to operate under conditions that are seriously under-equipped and under-resourced, both in African universities and in independent research institutions and NGOs.

But if we want to see the half-full glass we would admit that in Africa today there is a relatively more conducive research environment. The progress of democratisation coupled with a relative economic growth has led to greater openness to new ideas and greater academic freedom. The examples of the BRICS countries has finished to convince our political elites of the value of HE and research as keys to development in the knowledge economies we live in. Therefore, there have been both a phenomenal increase in the number of public and private universities, research centres

and institutes, think tanks and research NGOs and a multiplication of initiatives geared towards encouraging HE, research and innovation.

More funding institutions have also been created. In addition to the traditional International Organisations and the European and North American funding agencies which have and continue to fund social research in Africa, there are more and more African institutions, public and private, funding Higher Education and research such as Trust Africa, Mo Ibrahim Foundation, Dangote Foundation, Danjuma Foundation, etc. New donors include also the BRICS countries (particularly China, India and Brazil) which are taking greater interest and are already providing support to HE and Research in Africa.

Moreover, there is today a broader, more diversified and more self-confident community of scholars who bring the production of knowledge on Africa back to the continent. The African scholars in the Diaspora are playing a great role in this direction. And even if African studies remain dominated by the paradigms developed in the West many African scholars from the first post-independence generation have established themselves as competent theoreticians and are widely quoted in relevant fields. But replacing this generation of scholars is a difficult task at a time when African universities are facing the challenges of marketisation of higher education, brain drain, the consultancy syndrome, and lack of resources for academic research.

There is also a greater interest, both on the individual and institutional levels, in using new information technologies in HE and research, and the connectivity levels and rates are rising.

Nonetheless, the absence of adequate research infrastructure and the lack of interest on the part of the majority of African States to create national funds for social science research (as they do for STEM) put African social scientists and social science research institutions, public and private, in a situation of dependence vis-à-vis international donors and funding agencies. This dependence keeps a tight rein on African knowledge production since these sources are neither reliable, particularly during these uncertain times, nor are they always adapted to the local research priorities.

External Funding and Research in African Social Science

Until now the external funding destined to African social science research in Africa has been: demand driven, problem-solving oriented and developmentally focused.

Demand-driven and problem solving oriented

Because it is dependent on direct or indirect external funding from international donors, foreign governments and foundations much of the research going on in Africa is demand-driven, with a heavy bias for policy and problem solving research. This leaves little room for the development of research programmes that are not able to demonstrate the potential for producing immediately usable findings or those seeking to engage in basic and longitudinal studies. A more serious consequence of the 'problem solving' bias and demand driven research is the tendency to confuse and conflate consultancy with research.

The research supported by both the funders from the North and from the BRICS countries tends to be driven by priorities of the funders. For some bilateral funding agencies of the North and the East, foreign policy interests of their governments tend to take precedence over what African researchers and governments consider as their priorities.

In that context, individuals and research institutions and centres have even less room for defining the agenda for research, or for framing the good research questions. The best illustration in this regard is the scarcity in Africa, of good research programmes focusing on other regions of the world, because the African governments and private African foundations are not providing the financial support and incentives for African scholars to engage in such research, and because the external funders are, naturally, interested in research that helps find answers to their own questions.

Developmentally focused

A large part of the funding for social research in Africa comes from development cooperation budgets of the governments and multilateral agencies supporting research; 'development

research' is therefore the dominant kind of research. This puts a limit to the kinds of issues that research in the humanities and social sciences can explore.

So, there is no doubt that the kind of funding made available to African social science research determines to a large extent, the kind of research that can be carried out.

However, one must admit that funders' support for research on governance, civil society, gender etc. have contributed considerably towards the advancement of democracy, the promotion of gender equality and the promotion of academic freedom.

More generally, support from bilateral cooperation agencies (the Scandinavian countries in particular) and some private foundations to CODESRIA has helped keep independent research in the humanities and social sciences going at a time when it was very difficult to get any research of a slightly critical nature carried out in most African countries; and that has also been a major factor in the building of an African research community that transcends various barriers.

Where should external funding go? I would modestly suggest that it should go to African research universities, for the exploration of issues fundamental to Africa, for the core funding of independent research institutions and for credible research institutions seeking to establish endowment funds.

In Africa most of the social science research is undertaken by universities and strong research universities are needed. The research budgets of the African universities are insignificant and neither the alumni networks nor industry are strong enough to fill in the gap while government funding for most universities goes to the running costs. Funding of research universities will go towards research, capacity building and enhancement (at doctoral, post-doctoral levels, and for senior scholars/training trainers), for the reinvigoration of research traditions and for the cultivation of excellence.

Funding should be directed towards the exploration of issues fundamental to Africa, among which comparative research on the development experiences of other countries of the North and South, longitudinal studies, as well as emerging

issues, such as climate change, but from the perspectives of the humanities and social sciences.

External funding should also go towards the core funding of independent research institutions and NGOs which, unlike African universities, do not rely on African governments for their running costs.

At a time of economic crisis which has affected and will continue to affect funding levels, independent NGOs must establish a secure base for their finances and Endowment Funds represent one way of doing this.

In recent years, external research funds have not only become limited but securing them has become a veritable hurdle. I am not disclosing a secret when I say that the funding world has become extremely complex. Competition, the management of scarcity in highly fragile and uncertain conditions, on the one hand, and on the other hand preoccupation with integrity, quality assurance, priority-setting and strategic decision-making, has turned the operation of securing research funds into a major hurdle for scholars and research institutions.

I think I can speak for African researchers and research institutions when I affirm that there are very few among us who really know how to produce a proposal or a report for funding institutions such as the European Union, the Department for International Development in the United Kingdom, the German Research Foundation or other big funding institutions and agencies. Writing an application or reporting to funders has become a difficult task; it is not only time consuming, considering the increased frequency of reporting, but also ever more technical. The procedures and modalities for accessing grants/programmes are unfathomable, sometimes even esoteric! I am sure that I am not telling you something you don't already know!

How can funding institutions help fund-solicitors deal with these complicated and ever-changing rules and modalities? They can help by allowing time for adaptation, by providing the institutions with the professional training needed, by investing in mid-term to long-term projects instead of short-term programmes, even if this entails a more rigorous selection process, and mostly by introducing a dose of TRUST in relations between funders and fund-solicitors.

Cooperative Research and Capacity Building

I would like to conclude this presentation by speaking, always from CODESRIA's perspective, to two questions which are of interest to our hosts – cooperative research and capacity building.

Cooperative Research

As part of its mandate – “to promote and facilitate multidisciplinary research and knowledge production in Africa, promote the publication and dissemination of the results of research undertaken by African scholars and to strengthen the institutional basis of knowledge production in Africa by proactively engaging and supporting other research institutions and their networks of scholars within its programmes of activities” – CODESRIA actively encourages cooperation and collaboration among African universities, and among/with research organizations as well as other training institutions. Thus if research and training are the heart of CODESRIA's strategy, cooperation is the leg on which it stands and the agency for the application of this strategy.

Therefore, all the research undertaken in CODESRIA is collaborative, in the sense that it attempts to break all the barriers (disciplinary, linguistic, generational, national, gender...). In addition to this strategic choice the Council has also devised a special international collaborative programme which aims at ensuring the presence and representation of African researchers in major debates on Africa, and at the same time bringing African scholarly voices and perspectives to bear on global scholarly and policy debates, thus contributing to the universalisation of social science knowledge, strengthening scientific collaboration with partner institutions and creating an environment conducive to information and experience sharing.

This programme associates CODESRIA with strategic partners around long-term initiatives. These are mostly South-South collaborative programmes.

However, a multitude of short-term and narrowly focused cooperative projects link CODESRIA to universities, international and regional organisations and funding agencies, both individually and in cluster.

CODESRIA's experience in managing this last category of cooperative projects,

mostly funded by northern partners and international organisations, poses numerous challenges which are in fact inherent in unequal partnerships: the prioritisation of the interests and agendas of the northern funding partners, the difficulties of finding partners from the funding country, the requirement of co-funding by the African partner, and the tendency to build international consortia to approach funders. This has many good sides to it – initiatives taken by the researchers, strong relationships being built across continents, good research questions etc – but it also presents challenges; the consortia tend to be large, thus limiting the resources that can be made available to the African partners. In some cases, one has the feeling that African partners are used to get the funding.

Moreover, the calculation of the costs and funding requirements of the partners in the collaboration, and therefore the sharing of the funds, are often done in ways that favor the northern partners: the cost of the salaries and research time of the researchers is unequal, and the universities and research centres of the North have much higher administrative costs (sometimes up to 40% of the budget, which takes too large a proportion of the resources); whereas in Africa, there is a tendency for donors to refuse paying administrative costs, or to reduce these to as low as 7%)

This does not lessen in any way the importance of collaborative research because social science is universalistic in both its goals and methods. There are also aspects of research for which international collaboration is crucial, and training and capacity building is one of these. The solution then lies in moving towards more balanced – if not equal – partnerships.

Capacity Building

In the field of research-training, CODESRIA's main objective is to contribute to the nurturing of the younger generation of researchers in a culture of scientific excellence, respect for ethics, academic freedom, social responsibility, with a view to preparing the junior researchers to be the great African scholars of tomorrow.

For this purpose CODESRIA has a core programme called “Training, Grants and Fellowships”. This programme delivers

five types of activities: thematic institutes (gender, youth, governance...), methodology and writing workshops, fellowships and grants (small grants for thesis writing, advanced research grants for post-doctoral fellows, grants for textbook writing), a thesis award and an annual social science campus.

These are some of the most popular and highly demanded CODESRIA programmes. The recognition by the African community of researchers of these programmes indicates their efficacy, their correspondence to a need not fulfilled so far by African universities, and their value for the talented young African researchers who would otherwise be left without support in research training, a fundamental part of higher education.

Programmes like these which have been tried and tested, and whose impact on the research capacities and careers of hundreds of African junior researchers has been proven, constitute CODESRIA's core activities. However, CODESRIA is also collaborating with African univer-

sities in strengthening the new PhD/doctoral programmes and supporting all the initiatives aiming at enhancing the process of reform and renewal of African higher education and research systems. Beyond the numbers of PhDs produced by African universities, the issues at stake are the rehabilitation of academic research, the capacity to frame good research questions and the need to bridge the gaps between research and writing and between research and teaching.

In CODESRIA we consider these to be the most critical issues. Junior researchers need to be encouraged to focus on their doctoral programmes and build expertise in a few carefully chosen areas/fields, i.e. resist the temptation to engage excessively in consultancies, or to respond to all kinds of calls for proposals. For that purpose, programmes such as thesis and advanced research grants for young post-doctoral fellows that CODESRIA has been running since 1988, must be continued.

Junior researchers need also to be trained to write good funding proposals, apply

for funds, do more research and publish in the fields where they are trying to build expertise. For this purpose, they must be included in all research networks, not as assistants but, as full members, working on their own projects. In this way their academic mentoring is guaranteed as well as their access to research funds raised by the more experienced researchers.

There is no doubt that, building the research capabilities of our young researchers is an investment in the future. Junior researchers are a great asset for research and higher education; they carry novel views of the world and of our societies, and have ideas about change that can only enrich the research agendas of our institutions. We are all called upon to "Go to school to learn the future" (Robert Frost).

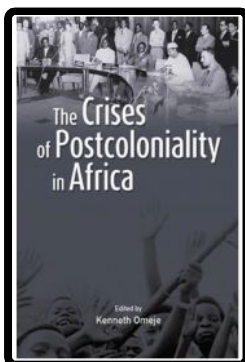
Note

- * Keynote speech delivered at the Volkswagen Foundation Grantees Meeting held in Hanover, Germany, 14-15 October 2013.

The Crises of Postcoloniality in Africa

Edited by *Kennth Omeje*

ISBN: 978-2-86978-602-8



The Crises of Postcoloniality in Africa is an assemblage of transdisciplinary essays that offer a spirited reflection on the debate and phenomenon of postcoloniality in Africa, including the changing patterns and ramifications of problems, challenges and opportunities associated with it. A key conceptual rhythm that runs through the various chapters of the book is that, far from being demised, postcoloniality is still firmly embedded in Africa, manifesting itself in both blatant and insidious forms. Among the important themes covered in the book include the concepts of postcolonialism, postcoloniality, and neocolonialism; Africa's precolonial formations and the impact of colonialism; the enduring patterns of colonial legacies in Africa; the persistent contradictions between African indigenous institutions and western versions of modernity; the unravelling of the postcolonial state and issues of armed conflict, conflict intervention and peacebuilding; postcolonial imperialism in Africa and the US-led global war on terror, the historical and postcolonial contexts of gender relations in Africa, as well as pan-Africanism and regionalist approaches to redressing the crises of postcoloniality.

'In this book, the colonial trope of Africa is subjected to critical analyses from the points of view of postcoloniality. The result is a varied, complex, and interesting exposition of the contemporary challenges and dilemmas of Africa from the many standpoints of postcolonial theory. It makes a useful contribution to our understanding of modern African politics.'

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International Criminal Justice, Peace and Reconciliation in Africa: Re-imagining an Agenda beyond the ICC

Introduction

In the decade since the International Criminal Court (ICC) came into existence, the epistemic enterprise of addressing accountability for mass atrocities especially in Africa has somewhat erroneously been conflated with the institutional life of the Court. With this conflation, conversations concerning international justice in Africa have degenerated into shouting matches in which epithets and denunciations are freely traded. Discussions on this subject are not always models of clarity, contemplation or mutual respect among participants in it. In this respect, I had complained five years ago about a “misbegotten duel between supposed imperialists and alleged impunity apologists.”¹

A significant part of these disagreements, it seems hue closely to narratives located in the spectrum between Afro-pessimism and Afro-optimism or “Africa rising” in popular and Area Studies literatures. Dispassionate discussion of crime, punishment and mass atrocities in Africa has suffered as a result, and the capacity to diagnose the situation and re-imagine pathways beyond immediate frustrations has suffered. This convening/project shows all is not yet lost. An opportunity continues to exist and all concerned about the future of Africa and its peoples must make a genuine effort to seize it. Seizing the opportunity must begin with eschewing all forms of intellectual coercion or zealotry and allow for cross disciplinary inquiries underpinned by a rigorous search for truth.

I’m cognisant of the fact that Africa is simultaneously an idea, a geography and, for most people, a pigment. The African Union and the International Criminal Court (ICC) are both institutions. Peace, justice, and reconciliation are epistemic ideas over which no one person, institution, or region holds proprietary rights. In this contribution I aim to suggest tentative pathways for this multi-disciplinary enterprise of re-imagining accountability for mass atrocities in

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Africa. In approaching this task, I should sound a health warning. The views that follow are entirely mine and reflect no institutional positions.

Multiple conversations

International (criminal) justice, peace and reconciliation implicate multiple disciplines. Each of these can be conceptually elusive. Together, these present infinite challenges of meaning, application, and practice. However, while the meanings may be elusive, the existence of a relationship between them seems well established. In authorizing the establishment of the Special Court for Sierra Leone in its Resolution 1315 of 2000 concerning the situation in Sierra Leone, for instance, the United Nations Security Council explicitly suggested an organic link between justice, peace and reconciliation following mass atrocity, saying that “a credible system of justice and accountability for the very serious crimes committed.... would end impunity and would contribute to the process of national reconciliation and to the restoration and maintenance of peace.”² Eight years later, the African Union High Level Panel on Darfur (AUPD) in its 2009 report argued that “[t]he objectives of peace, justice and reconciliation in Darfur are interconnected, mutually interdependent and equally desirable. None of the three goals can, or should, be pursued in isolation or at the expense of the other objectives.”³

In examining these concepts and issues related to them in one setting, we must recognise that we undertake simultaneous conversations over space, time, and subject matter. In terms of space, there is a conversation between people most affected by or who live with the atrocities and those who don’t. Among Africa’s populations, there is also a conversation between the Diaspora and Africa. There

is also a conversation between the past and the present. And there is another conversation between the normative focus of lawyers and the more empirical, experiential and narrative-based formats of other social sciences. In addition, there is also a conversation between philosophy, epistemology and institutions.

These conversations can be asymmetrical and noisy to begin with. Agreement on concepts does not necessarily translate into consensus on institutional design, architecture, and deployment. Finding a common language can also be frustrating. Non-sequiturs and other illogics are not unusual and distinct ideas can easily be mistaken for one another. I begin by suggesting that despite obvious frustrations, this multi-dimensional dialogue is a necessary enterprise and we must persevere in it.

Persevering, however, requires us to synthesise directions out of the various strands of conversations. In my view, the place to begin this must be in political economy and statehood in Africa.

African statehood and citizenship and the imperative of political reform

The primary obligation of the state is to guarantee the safety and security of all who live in it. The existence of this capability is not to be taken for granted nor asserted. Whether this capability exists, therefore, is a matter for empirical inquiry and evidence. But its existence is heavily implicated in the foundations of international criminal law and accountability in the principle of complementarity.

Most African states continue to struggle with fulfilling this role. State formation in Africa is an on-going project. Cycles of violence that have afflicted a majority of states on the continent since the end of colonialism reflect this reality. It is quite clear to any interested and objective observer that “governance deficits and pervasive insecurity.... are inter-linked and mutually reinforcing.”⁴ Steven Pinker has marshalled compelling evidence to show that the course of human progress

is defined by a progressive diminution of violence through legal regulation of its deployment and accountability for its unlawful use.⁵ “Declines in violence”, he argues, “are a product of social, cultural, and material conditions.”⁶

Around our continent, these conditions have got worse since Independence. For many people around the Africa, the directed and controlled violence of the colonial enterprise has been succeeded by an increasingly de-regulated and democratised violence of the post-colonial era. The post-colonial African State appears to have lost its claim to any monopoly of violence or function to ensure legal consequences for unlawful violence. In their compelling examination of the *Challenges of Security Sector Governance in West Africa*, Alan Bryden, Boubacar Ndiaye and Funmi Olonisakin point out that “in many African contexts, Max Weber’s vision of the state holding the monopoly on the legitimacy of coercive violence has never existed and states have historically been unable or unwilling to provide security to their citizens.”⁷

The ultimate measure of the effectiveness of any legal system or political economy, therefore, is its ability to protect those that live within its territory. In the conclusion to his book, *Defending My Enemy: American Nazis, the Skokie Case, and the Risks of Freedom* (1979), Aryeh Neier explains that “the Weimar government perished in the same way that it began its life: unable to act against political violence”⁸ and adds:

the lesson of Germany in the 1920s is that a free society cannot be established or maintained if it will not act vigorously and forcefully to punish political violence....Prosecutions of those who commit political violence are an essential part of the duty government owes its citizens to protect their freedom....⁹

Mahmood Mamdani’s history of the continent as a comparative timeline of the preclusion of citizenship is compelling.¹⁰ Another equally competitive rendition of this history can be given as a timeline of the destruction of the infrastructure for accountable government. By accountability here, I mean both political accountability enabling citizens to change their governments through the electoral process; as well as legal or judicial ac-

countability. These are located in the normative and institutional foundations of the State and guaranteed by the independence and skills of the judiciary, civil service, and bureaucracies of government to police the rules without which government becomes whimsical, arbitrary, and personalised.

For the most part, Africa’s post-independence regimes precluded any form of political competition for power through the creation of nation-building projects in which power was monopolised by single parties and often single persons. Pluralism or advocacy for it was criminalised. The institutions of state became personalised, corrupted, and instrumentalized to the end of keeping the single person or family in power. This destroyed government as a system of norms, rule constraints and institutional processes established for and by equal citizens. In the words of the ICC Statute, many African countries have suffered “a total or substantial collapse or unavailability of [their] national judicial system.”¹¹ In its place, discrimination was institutionalised and categories of citizenship created based on status or mass denial of precisely those public goods that the State supposedly exists to guarantee. The result was that by the middle of the 1980s, in most countries and most of our continent, those who controlled government enabled themselves to deliberately conflate the essential distinction between the public and personal, get away with this, and preclude the possibility of ever being held accountable whether through the legal process of investigations and prosecutions, or through the political process of competitive elections.

It is no accident that mass violence has become our shared experience irrespective of borders. To take elections as the political counterpart to judicial accountability, elections on our continent have essentially become reduced to three things – administrative processes of manufacturing figures unrelated to ballots (Nigeria); an expensive race to finagle three or four judicial votes from panels of five or seven judges depending on the country or office in dispute (Nigeria; Uganda; Ghana; Kenya); or a diplomatic debacle in which disputants for office are persuaded to split their differences at the risk of mass slaughter (Kenya, Sudan, Zimbabwe). Whichever option it is, they have become tools for affording a veneer

of public legitimacy to plunder. At the end of 2009, the African Governance Report concluded with rather remarkable understatement that “elections have yet to be free and fair in most African countries.”¹²

Mamdani is on strong grounds, therefore, in asserting that “[i]f we are interested in bringing the violence to a stop, we should be interested not just in crime and punishment but, more so, in political reform.”¹³ Political reform in this sense is a struggle against power and entrenched interests. Establishing mechanisms of political accountability within a capable state is thus an essential element of an effective accountability regime in Africa. The elements of reform required for sustainable response to atrocity violence requires attention. To appreciate that, one other issue is important: memory.

Memory and forgetting

Memories of suffering are short in much of Africa. As African citizens, we are descendants of several generations of victims of mass atrocities for which there was never and has never been accountability. We cannot change this by appealing to The Hague for it is possible to suggest that the absence of memories of accountability sustains a tradition of impunity for atrocity.

Concentration camps were invented in Africa during the Boer war at the end of the 19th Century before it travelled through the operations of the US in the Philippines back down to Nazi Germany. Contemporaneously, Belgium’s King Leopold II converted the Congo into one massive plantation killing field. One witness described atrocities in Leopold’s Congo Free State as “positively indescribable....estimates of the death toll range from 5 million to 15 million and historians have compared the atrocities to actual genocide.”¹⁴ In 1935, Benito Mussolini invaded Abyssinia (Ethiopia). In a brief and brutal campaign for territory, troops under his command attacked Ethiopians with chemical weapons gassing and killing an estimated 300,000-600,000 persons. Haile Selassie described what happened in his 1936 “Appeal to the League of Nations” as follows:

Towards the end of 1935, Italian aircraft hurled upon my armies bombs of tear-gas. Their effects were but slight. The soldiers learned to scatter, waiting until the wind had rapidly

dispersed the poisonous gases. The Italian aircraft then resorted to mustard gas. Barrels of liquid were hurled upon armed groups. But this means also was not effective; the liquid affected only a few soldiers, and barrels upon the ground were themselves a warning to troops and to the population of the danger. It was at the time when the operations for the encircling of Makalle were taking place that the Italian command, fearing a rout, followed the procedure which it is now my duty to denounce to the world. Special sprayers were installed on board aircraft so that they could vaporize, over vast areas of territory, a fine, death-dealing rain. Groups of nine, fifteen, eighteen aircraft followed one another so that the fog issuing from them formed a continuous sheet. It was thus that, as from the end of January, 1936, soldiers, women, children, cattle, rivers, lakes and pastures were drenched continually with this deadly rain. In order to kill off systematically all living creatures, in order to more surely poison waters and pastures, the Italian command made its aircraft pass over and over again. That was its chief method of warfare.¹⁵

This happened notwithstanding that the 1925 Geneva Protocol to the Hague Conventions of 1907 contained an international "prohibition of the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare." Elsewhere in Africa, from Kenya to Namibia, the colonial era reveled in egregious atrocities against "natives".

It bears acknowledging that the history of Africa's regional human rights system lies in a history of permissive attitude towards mass atrocities founded on the early indifference of post-colonial African governments to gross violations of human rights. Viljoen reflects that the most significant impetus for the adoption of the Charter was "a long list of human rights abusers who were at best ignored and at worst embraced by the OAU, including Idi Amin in Uganda, Emperor Bokassa in the Central African Republic, and Macias Nguema in Equatorial Guinea."¹⁶

Among advocates for accountability, however, memories remain short. Arguments over the relative merits and demerits of the ICC seem to have displaced any commitment to or respect

for memory. At the beginning of his *Book of Laughter and Forgetting*, Milan Kundera reminds us that "[t]he struggle of man against power is the struggle of memory against forgetting."¹⁷ There is a corollary to this in law: there is no time bar to or prescription for crimes of atrocity. Those who work for accountability for atrocity crimes in Africa must, thus, take a long view. As a long term policy issue, history needs to be resuscitated as a subject of study in schools. In the short term, one idea that could usefully be explored is an Africa Atrocity Archive.

Regional system for protecting human rights

The obligations subscribed to or recognized by African countries in the field of accountability for mass atrocities have evolved since the emergence of the post-colonial African State, the formation of the African Union (AU) and its predecessor, the Organisation of African Unity (OAU). This evolution is tied closely with shifts that have occurred in the practice of African States with respect to the doctrines of sovereignty, domestic jurisdiction and non-interference in the affairs of African States. It is not proposed here to undertake a full mapping of the contours of this evolution. But some landmarks are noteworthy.

The African Charter on Human and Peoples' Rights acknowledges its peculiar origins in a history of mass atrocities in three ways. First, Article 23(1) of the Charter uniquely guarantees a right to "national and international peace and security." Second, Article 26 of the Charter obliges African States to "guarantee the independence of the Courts and shall allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter." Third, Article 58 provides for special procedures for dealing with situations of "serious and massive violations" of human rights, or what would in effect be atrocity situations. In reality, these essential provisions for precluding atrocity crimes in Africa have for the most part not worked as envisaged.

At the national level, self-serving leaders have subverted effective institutions triggering conflicts with atrocious consequences. At the continental level, Nigeria's former Foreign Minister, Bolaji Akinyemi, suggested that the early prac-

tice of the OAU indicated that, in relation to civil wars and mass atrocity situations, the OAU mostly undertook discussions, resolutions and committee work within the constraints of its self-defeating doctrine on non-intervention.¹⁸ The International Panel of Eminent Persons (IPEP) constituted by the OAU to investigate the Rwanda Genocide complained in its report that "the OAU Charter is categorical about the sovereignty of member states and about non-interference in their internal affairs",¹⁹ noting with resignation that efforts to confront conflicts, violations or atrocities were "complicated by the need to work within these strict guidelines."²⁰

Historically, the practice of African States has, however, been mixed and does not lend itself to any single interpretation. In the Nigerian Civil War, Tanzania, Cote d'Ivoire and Gabon, among others, recognized Biafra as part of a response to what they considered atrocities in those countries – at a time when more established democracies were unwilling to do so. Tanzania's Julius Nyerere declined recognition to the notorious government of Idi Amin in Uganda, acting unilaterally first to bring down the East African Community in 1977 and, to overthrow Amin's government in 1978.²¹ In the wake of mass atrocities in the Central African Republic, Equatorial Guinea and Uganda, a significant shift in the OAU's doctrinal position with respect to gross violations of human rights took place, leading to unilateral intervention by different actors to overthrow the governments of all three countries between 1978-1979. In 1979, under the Lagos Accord negotiated at Nigeria's instance between eleven warring factions in the Chadian conflict, Nigeria unilaterally deployed a peace keeping operation in the country, later to be succeeded by an OAU force under Nigerian command.²² Between 1978 and 1981, sixteen West African States, under the auspices of ECOWAS, concluded two Protocols respectively on Non-Aggression and Mutual Defence, enabling the deployment of regional enforcement action by the Community.²³ Addressing the Ministerial conference on the negotiation of the African Charter on Human and Peoples' Rights in Banjul, Gambia, in 1980, Gambian President, Dauda Jawara, acknowledged the dawn of a new era in the OAU's disposition as follows:

It is unfortunate that we in Africa have tended, for too long, to overstate the

principle of non-interference in the affairs of other African States in relation to violations of human rights, when it is obvious that the question of human rights should be of universal concern and not only of that State within whose borders the gross violations are allegedly occurring. In this context, it will be recalled that at the Monrovia Session, the Heads of State and Government, without dissent, specifically requested the group of legal experts to provide for the establishment of bodies to promote and protect human and peoples' rights. We believe that implicit in that request is the desire to make gross violations of human and peoples' rights in any African State a matter of concern for all Africans.²⁴

The adoption of the African Charter on Human and Peoples' Rights in June 1981 crystallised this shift but failed to create any effective mechanisms behind it. Following the entry into force of the Charter in 1986, the establishment of the African Commission in 1987, and the collapse of the Berlin Wall in 1989, the OAU in 1990 adopted the Cairo Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World in which member States, among other things, committed themselves respectively, as a political objective, to establish "a political environment which guarantees human rights and the observance of the rule of law",²⁵ and declared themselves "equally determined to make renewed efforts to eradicate the root causes of the refugee problem."²⁶ Today, as when this Declaration was adopted, conflicts and mass atrocities remain the major cause of the refugee problem in Africa. To bolster the commitments embodied in the Declaration, the OAU established a Conflict Resolution Mechanism in 1993.²⁷ The implications of these commitments for the elimination of mass atrocities in Africa were to be put to test in the Rwanda Genocide and the Liberian Conflict.

Rwanda

The OAU began its involvement in the Rwanda crisis in 1990, three years before the establishment of any formal mechanism within the organisation for managing such situations and nearly four years before the onset of the Rwanda

genocide. In this, it deployed the full array of its "methods common to such interventions ... a ceasefire agreement, followed by observation, consultation, mediation, and conciliation at the level of regional Heads of State."²⁸ As described by the IPEP Report:

The priority of the mediators was to stop the civil war and forge agreements that would bring key players together. That way, they reasonably assumed, the uncivil war against the Tutsi would end. As a result, no direct action was taken against those conducting the anti-Tutsi pogroms with the support of the inner circle around President Habyarimana. Perhaps, no action was in fact possible. But the result was an excellent agreement that had little chance of being implemented.²⁹

The major reason for this failure, in the analysis of the IPEP was the failure of moral leadership among African leaders to call the extermination of the Rwandese Tutsi by its proper name. Again in the words of the IPEP:

Throughout April, May, June, and July, the OAU, like the UN, failed to call genocide by its rightful name and refused to take sides between the genocidaires (a name it would not use) and the RPF or to accuse on side of being genocidaires. ... Under the circumstances of the time, this Panel finds that the silence of the OAU and a large majority of African Heads of State constituted a shocking moral failure. The moral position of African leaders in the councils of the world would have been strengthened had they unanimously and unequivocally labeled the war against the Tutsi a genocide and called on the world to treat the crisis accordingly.³⁰

In effect, the IPEP called on the OAU to jettison its pre-existing doctrine and practice, especially in the face of mass atrocities. The views of the IPEP appear to have had an influence on the later conduct of the OAU and its member States generally and, in particular, to the situation in Liberia.

Liberia

Regional response to the onset in 1989 of the Liberian conflict began in 1990 through the Economic Community of West African States (ECOWAS), under the leadership of Nigeria. Invoking the

ECOWAS Mutual Defence Protocol, member States of the Community inserted a regional peace enforcement deployment – the ECOWAS Monitoring Group (ECOMOG) – into Liberia in October 1990. ECOMOG stabilised the major fronts in the conflict but, without progress in any direction, the warring factions began splintering, leading to a break down in command and control structures and an escalation in atrocities against non-combatants. Serial ceasefires and peace agreements broke down, forcing ECOWAS to seek the political support of the OAU member States. At the instance of the OAU member States at the Yaoundé Summit of the OAU in July 1996, the OAU adopted a decision warning the Liberian warring factions leaders that should the ECOWAS assessment of the Liberian peace process during its next Summit meeting turn out to be negative, the OAU will help sponsor a draft resolution in the UN Security Council for the imposition of severe sanctions on them, including the possibility of the setting up of a war crime tribunal to try the leadership of the Liberian warring factions on the gross violations of human rights of Liberians.³¹

The ECOWAS Council of Ministers³² and later the Summit of Heads of State and Government,³³ citing the "requisite goodwill" among the warring factions in Liberia, resolved in August 1996 to "invoke the OAU 1996 Resolution which calls for the establishment of a war crimes tribunal to try all human rights offences against Liberians." In their decision, the ECOWAS Heads of State specifically "condemned the crimes, atrocities and other acts by the Liberian fighters which violate the rules of armed warfare" and issued "a fresh warning to the factions to desist from such acts which are offensive to the international community", calling also on the "faction leaders to guarantee the safety of relief personnel in Liberia."³⁴ The ECOWAS Heads of State and Government subsequently transformed this into a summit level decision on "relating to Sanctions against persons who violate the ECOWAS Peace Plan for Liberia", embodying the Code of Conduct for the Members of the Council of State of Liberia.³⁵

This was a quite significant development in inter-State relations in Africa. Liberia's Council of State was the ruling Council for Liberia under the Abuja Peace Agreement and its Chairperson, Ruth Sando

Perry, was the Head of State. Under the Code of Conduct instituted by the ECOWAS Heads, “where a member or members of the Council are adjudged to be in breach of the provisions of the code of Conduct for members of the Liberian National Transitional Government (LNTG), and in particular, any act which impedes the implementation of the Abuja Agreement, appropriate steps shall be taken by the Chairman of ECOWAS”, including the “establishment of a war crimes tribunal to try human rights offences against Liberians.”³⁶ Less than one year from this, Liberia went to the polls and elected Charles Taylor President.

The significance of these decisions was two-fold. First, the threat to invoke war crimes prosecution was directed by African Heads of State and Government at a class that included a sitting Head of State. Secondly, it marked the first time the OAU or any group of African leaders would use such a threat in support of peace negotiations or settlement. In effect, the OAU and ECOWAS in tandem used the threat of war crimes prosecution to force a peace settlement and transition from conflict and mass atrocities.

The Peace and Security Council (PSC) Protocol

Until the establishment of the African Union, the mechanisms for dealing with mass atrocities in Africa were mostly ad-hoc, ponderous and ineffectual in preventing these atrocities or mobilizing the kinds of committed responses needed to ensure they didn't recur. There were several reasons for this. Serving Heads of State, even as the “Chairman” of the Assembly of Heads of State and Government, were reluctant to request the Commission to investigate their peers. The Commission was unable to undertake effective investigations in territories affected by serious human rights and humanitarian emergencies as, in most cases, the safety of its personnel and assets could not be guaranteed by home governments.³⁷ In some of these situations, such as Malawi under Banda, the host countries refused to guarantee the safety of Commissioners. In some others, such as Chad, Rwanda, and the Democratic Republic of the Congo, developments proved to be too rapid for the Commission to respond adequately. Following Chad and Rwanda, the Commission established its Special Rapporteur procedures. The first two to be

deployed were on Summary, Arbitrary and extra-Judicial Executions and on Prisons and Places of Detention in Africa.

However, it is also the case that where the Commission undertook an investigation, such as in the situations in Zimbabwe and in Darfur, Sudan, the AU appeared to have failed to act swiftly enough on its reports.³⁸

Against this background, the AU in 2002 created a Peace and Security Council as “a collective security and early-warning arrangement to facilitate timely and efficient response to conflict and crisis situations in Africa.”³⁹ Article 19 of the PSC Protocol provides:

The Peace and Security Council shall seek close cooperation with the African Commission on Human and Peoples' Rights in all matters relevant to its objectives and mandate. The Commission on Human and Peoples' Rights shall bring to the attention of the Peace and Security Council any information relevant to the objectives and mandate of the Peace and Security Council.

In effect, the mechanisms available to the Commission in response to situations of mass atrocities in the continent or of serious and massive violations are no longer restricted to Article 58 of the African Charter. A former Chair of the Commission, Emmanuel Dankwa, recalls his experience with this provision as follows:

In 2004 PSC requested the Commission to “carry out an investigation into human rights violations” in Cote d'Ivoire” while it endorsed the UN Commission on Human Rights decision “to set up a Commission to investigate the human rights violations” that had been committed since the beginning of the crisis. The African Commission is damned for waiting “to be prodded into action on a matter of grave concern to the continent, while a UN body had already initiated action”. The present writer testifies that long before that date, at the prompting of the Secretary of the Commission of an impending mission by the OAU, at the highest level, he wrote to the Secretary-General of the OAU about the Commission's eagerness to be part of the mission. And long before

the UN Commission on Human Rights dreamt of its lauded decision, the Commission, with the intention of dousing the flame of conflict and violation of human rights in Cote d'Ivoire sent a mission to that country with the present writer as leader of the mission. Towards the realization of its objective, the Commission sent another mission to la Cote d'Ivoire.⁴⁰

Complementarity: Regional and National

The preamble to the ICC Statute asserts that the Court “shall be complementary to national criminal jurisdictions.” The essential foundation of international criminal justice in the Rome Statute of the ICC is complementarity. The Court can only admit a case where the state from which it originates is “unwilling or unable genuinely to carry out the investigation or prosecution.”⁴¹

While the complementarity envisaged is with the states parties to the Statute, the architecture of the Rome Statute does not preclude complementarity between the ICC and regional mechanisms. Article 52(1) of the United Nations Charter expressly allows for “the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.” The only substantive limitation on regional treaty making in international law is in Article 103 of the UN Charter which provides that “in the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.”

These developments crystallised a substantial departure from the previous indifference of African countries to mass atrocities. By the turn of the century, the position of the OAU had evolved in all but name from non-interference through a condemnation of mass atrocities to a recognition that in some cases criminal prosecutions for mass atrocities could be warranted or justified in support of a strategic goal. In the course of these developments, it had established by deci-

sions and resolutions several organs that breached its non-interference principle, including Mechanism for Conflict Prevention, Management and Resolution in 1993, with some role in dealing with gross human rights violations,⁴² and a standing Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA), which meets at the highest levels every two years and amongst whose goals are promotion of rule of law, human, citizenship and participation rights, the elimination of war crimes, crimes against humanity and genocide, and the promotion of ratification of both the African Court Protocol and the Statute of the International Criminal Court.⁴³

It was, therefore, easy for the Constitutive Act of the African Union adopted in 2000 to embody new commitments mandating intervention where its predecessor, the OAU Charter established a rule of strict non-interference. Thus the Constitutive Act embodies new common political values, including a sanction-backed prohibition against a right of the Union to intervene in “grave circumstances”, such as war crimes, crimes against humanity and genocide.⁴⁴ In constituting a committee of eminent African jurists on the case of former Chadian President, Hissène Habré, in 2006, the AU Heads of State and Government clearly articulated a stand in favour of “total rejection of impunity”,⁴⁵ and has repeatedly reaffirmed this commitment since then.⁴⁶ Concerning the scope of this commitment, the Committee in its report argued that “Hissène Habré cannot shield behind the immunity of a former Head of State to defeat the principle of total rejection of impunity that was adopted by the Assembly.”⁴⁷

This position is supported by the normative commitments of most African states. In particular, the Protocol for the Prevention and the Punishment of the Crime of Genocide, War Crimes and Crimes against Humanity and All Forms of Discrimination⁴⁸ to the Pact on Security, Stability and Development in the Great Lakes Region,⁴⁹ the provisions of the chapter on genocide, war crimes and crimes against humanity apply irrespective of the official status of the suspect.⁵⁰ However, the AU has also expressed “strong conviction that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting

peace”,⁵¹ and urged strongly for complementarity between national, regional and international mechanisms of accountability for mass atrocity.⁵² In its report, the CEJA had presaged this position by recommending the extension of the jurisdiction of the (then) proposed merged African Court of Justice and Human Rights to include criminal matters. In justifying this recommendation, it argued:

The Committee discussed the prospects for the creation of the African Court of Justice and Human Rights based on the project to merge the African Court of human and People’s Rights and The African Court of Justice. The Committee proposes that this new body be granted jurisdiction to undertake criminal trials for crimes against humanity, war crimes and violations of Convention against Torture....The African Court should be granted jurisdiction to try criminal cases. The Committee therefore recommends that the on-going process that should lead to the establishment of a single court at the African Union level should confer criminal jurisdiction on that court.⁵³

The controversy over Immunities

Between 2004 and 2005, three African situations were referred to the ICC: Uganda and DRC were self-referrals while the Security Council referred the situation in Darfur. The referral of the Darfur situation was ultimately based on the report of an international investigation commission headed by Professor Antonio Cassese.⁵⁴ The role of African institutions in bringing this about is not always investigated or acknowledged. Let’s illustrate with the situation in Darfur. It is often forgotten that at its 35th Ordinary Session in May 2004, the African Commission decided to “send a fact finding mission to Darfur to investigate reports on human rights violations in Darfur and to report back to it.”⁵⁵ Led by the Chairperson of the Commission, the five-person mission deployed 8-18 July. In its report, it recommended, among other things that:

The Government should accept the setting up of an International Commission of Enquiry, which would include international experts from the United Nations, African Union, Arab States, international

humanitarian and human rights organisations with the following terms of reference:

- to investigate the role and involvement of the military, the police, and other security forces in the Darfur conflict, and to establish those responsible for committing war crimes and crimes against humanity, violation of human rights and international humanitarian law and ensure that they are brought to justice;
- to investigate the role of rebel movements, all armed militias, in particular the Janjawids, the Pashtun, the Pashmerga, and the Torabora, and to establish those responsible for war crimes, crimes against humanity and massive violation of human rights and international humanitarian law and ensure that they are brought to justice; and
- to rehabilitate the destroyed physical security infrastructure, and to suspend any police or security agents who are alleged to have been involved in the violation of human rights, pending the finalisation of investigations.

The Government should allow the International Commission of Inquiry unhindered access to the Darfur region to enable it to thoroughly investigate alleged human rights violations with a view of further investigating as to whether or not genocide has occurred.⁵⁶

Indeed, in April 2005, the Commission adopted a resolution on the situation in Darfur which, among other things called “on the Government of The Sudan to cooperate fully with the Prosecutor of the International Criminal Court (ICC) in his investigation under the terms of the United Nations Security Council referral of the Darfur situation to the ICC, in order to investigate and bring to justice all persons suspected of perpetrating crimes of concern to the international community.”⁵⁷ The resolution also appealed to the UNSC to “continue monitoring the implementation of its resolutions on the Darfur, in particular the cooperation by the Government of The Sudan with the Prosecutor of the ICC.”

These positive developments made Africa one of the strongest supporters of the ICC supplying an early rush of ratifications for the court. In 2004, Uganda

became the first country to refer a case to the Court. In 2006, however, a court in France indicted Rose Kabuye, a former Colonel in the Rwandese Army and Chief of Protocol to the President of Rwanda, in connection with the 1994 genocide in Rwanda. In response, Rwanda sponsored a debate at the AU on the “Abuse of Universal Jurisdiction”.

2008 would prove to be a watershed year of rupture between Africa institutions of international criminal accountability. In Sharm-El-Sheikh in June 2008, the AU adopted a decision in which it deplored the “abuse of the Principle of Universal Jurisdiction” as “a development that could endanger International law, order and security.”⁵⁸ Five months later, in November 2008. The decision further complained that the “abuse and misuse of indictments against African leaders have a destabilizing effect that will negatively impact on the political, social and economic development of States and their ability to conduct international relations” and requested for a meeting with the European Union to address this issue. While this request was pending, Germany, acting on the French indictment, arrested Colonel Kabuye in in November 2008 in Frankfurt, where she had gone to prepare for a state visit by President Kagame to Germany. Earlier in May the same year, Jean-Pierre Bemba, a Congolese Senator and contestant in the Presidential elections in the DRC had been arrested in Belgium on an arrest warrant issued by the ICC. In the same year, the ICC opened an investigation into President Omar Al-Bashir of Sudan, leading to his indictment in March 2009 for war crimes and crimes against humanity.

In response, on 1 July 2009, the Assembly of Heads of State and Government of the AU at the conclusion of its Summit in Sirte, Libya, decided that “AU Member States shall not cooperate ... in the arrest and surrender of President Omar al-Bashir of The Sudan.” In a press release issued two weeks later, on July 14 2009, the Organisation explained that this decision “bears testimony to the glaring reality that the situation in Darfur is too serious and complex an issue to be resolved without recourse to an harmonised approach to justice and peace, neither of which should be pursued at the expense of the other”.

At the recently concluded AU Summit in Malabo, equatorial Guinea, of June 2014, the AU adopted a Protocol on Amend-

ments to the Protocol on the Statute of the African Court of Justice and Human Rights, Article 46ABis which provides that: “No charges shall be commenced or continued before the Court against any serving African Union Head of State or Government, or anybody acting or entitled to act in such capacity, or other senior state officials based on their functions, during their tenure of office.”

On immunities, international law does not speak with one voice. First, there is no immunity from jurisdiction, responsibility or prosecution for anyone under international law for crimes of atrocity. This is also why there is no prescription for crimes of atrocity. However, customary international law clearly recognises a rule of functional immunity for sovereigns and the provisions on immunities in the ICC Statute are mutually contradictory. Article 27(1) of the ICC Statute itself is very carefully worded. It reads:

This Statute shall apply equally to all persons without any distinction based on official capacity. In particular, official capacity as a Head of State or Government, a member of a Government or parliament, an elected representative or a government²² official shall in no case exempt a person from criminal responsibility under this Statute, nor shall it, in and of itself, constitute a ground for reduction of sentence

A little-noticed provision in Article 89(1) of the ICC Statute reads: “States Parties shall, in accordance with the provisions of this Part and *the procedure under their national law*, comply with requests for arrest and surrender.”⁵⁹ What does a domestic court do where it is faced with a surrender or transfer request for a Head of State who, under its domestic law enjoys immunity. Article 98(1) further provides:

The Court may not proceed with a request for surrender or assistance which would require the requested State to act inconsistently with its obligations under international law with respect to the State or diplomatic immunity of a person or property of a third State, unless the Court can first obtain the cooperation of that third State for the waiver of the immunity.

Dapo Akande has suggested that there is a “tension between Art. 27 and Art. 98 of

the Rome Statute on the question of immunity. I have argued elsewhere that the only way to give meaningful effect to both provisions is to interpret Art. 98 as requiring the ICC and national authorities to respect immunities accruing to non-parties. On the other hand, Art. 27 is to be taken as removing immunities accruing to ICC parties.”⁶⁰

The scope of this most recent Protocol, however, potentially goes beyond Heads of State to cover “other senior state officials based on their functions.” This is new and rightly objectionable. In explaining this decision, the report of the Specialised Technical Committee that finalized the Protocol said:

delegations raised concerns regarding extension of immunities to senior state officials and its conformity with international law, domestic laws of Member States and jurisprudence, underlining the challenges inherent in widening immunities, and especially considering the lack of a precise definition of “*senior state official*”, as well as the difficulty in providing an exhaustive list of persons who should be included in the category of senior state officials. After exhaustive deliberations, taking into consideration the relevant Decisions of the Assembly of the Union, and appreciating that senior state officials are entitled to functional immunities by virtue of their functions, the meeting resolved that Article 46 A *Bis* should include the provision “senior state officials based on their functions.” The meeting further resolved that interpretation of “senior state official” would be determined by the Court, on a case-by-case basis taking their functions into account in accordance with international law.⁶¹

The ensuing controversy over this provision in the new Protocol has overshadowed the many significant developments introduced by the Protocol. For instance, it makes Africa the first regional system to establish a criminal competence for atrocity crimes; the Defence Office in this system is a distinct organ of the Court; and it recognizes and punishes corporate responsibility for atrocity crimes. Like all institutions, however, this experiment is imperfect and will need time both to prove itself and to be improved.

From victims to procuring regime change: Understanding Africa's Rupture with the ICC

It remains important to understand the reasons for the rupture. It has been suggested that this was mainly a response by African Heads of State to the Bashir indictment. This under-estimates the extent of the ICC's crisis of credibility in Africa. The extent of the shift in attitudes towards the ICC is evident in the fact that many of the candidates for the Presidency of the Assembly of States Parties are running an ICC-sceptic campaign. This would have been unthinkable 10 years ago. What has happened?

To begin with, in terms of factual sequence, the first community people to fall out of affection with the ICC in Africa were not Presidents or Prime Ministers but victims. In 2009, I had warned that:

Victims now seem to be the people paying the highest cost for international justice. They suffer threats of death, exile, and other forms of persecution for their commitment to justice with little protection, assistance or acknowledgement from governments or international institutions. I have heard claims that those who express uncertainties about the work of the ICC in Africa may have been purchased by powerful enemies of justice. This makes victims seem expendable and discredits their well-founded fears as dubious. They are neither. Most victims need reassurance that when the neighbourhood mass murderer arrives their only defence is not the promise of a warrant from a distant tribunal on thin resources. They are right in asking that the promise of justice should be accompanied by credible protection from reprisals.⁶²

Second, beginning with the execution of the Bemba arrest warrant, the ICC had become a factor in African contests for power. It was fair game. In a continent in which contests for power mobilize ethnic and other narrow identities, the ICC easily became an instrument to be mobilized or denounced along these narrow terms. In Cote d'Ivoire, DRC, Kenya, Sudan and arguably Central African Republic, the ICC became a dispositive and partisan factor in determining the outcome of elections.

With respect to the Bashir indictment, thirdly, the major issue for most African States was not the fate of President Bashir but the consequence for regional peace and security. The reasoning, as I explain elsewhere, was as follows:

The execution of the warrant without an adequately managed transition could create a power vacuum in Khartoum, unleashing destabilising tremors beyond Sudan's borders. Consequently, all nine countries that share a border with Sudan are on a war footing. Without a government for two decades, nearby Somalia is already a major destabilising factor in the region. Uganda's murderous Lord's Resistance Army, long supported by Khartoum and whose leaders are also wanted by the ICC, is re-grouping in vast ungoverned border territory between Sudan, Uganda and DRC. The 2005 'comprehensive' peace agreement (CPA) that ended Sudan's half century-long north-south war risks breakdown, while the Darfur crisis in western Sudan remains active. These uncertainties drive an undisguised arms race in the region. If the CPA collapses, many fear a transnational atrocity site like none this region has known.⁶³

Fourth, the ICC has been the recipient of unhealthy enthusiasms from its most ardent supporters. The States have been unwilling to give it means to match the reach of footprint of the Court, while simultaneously saddling it with a crippling burden of expectations and dockets. For many States, the ICC represents cheap diplomacy without costs. Civil society support for the court in its most formative years was uncritical and slavish, creating the impression among the leading personnel of the Court that it could do no wrong. This probably led them to underestimate the extent of the challenges confronted and encouraged mistakes that would prove toxic to the perceptions and reputation of the institution.

Fifth, the Court has been short of the kind of support in strategic diplomatic and other assets that it needs. This kind of hypocrisy has a long history in international relations. In this respect, it is worth recalling Emperor Haile Selassie's lamentation in his Appeal to the League of Nations in 1936:

What have become of the promises made to me as long ago as October, 1935? I noted with grief, but without surprise that three Powers considered their undertakings under the Covenant as absolutely of no value. Their connections with Italy impelled them to refuse to take any measures whatsoever in order to stop Italian aggression. On the contrary, it was a profound disappointment to me to learn the attitude of a certain Government which, whilst ever protesting its scrupulous attachment to the Covenant, has tirelessly used all its efforts to prevent its observance. As soon as any measure which was likely to be rapidly effective was proposed, various pretexts were devised in order to postpone even consideration of the measure.

Sixth, living out these enthusiasms, CSOs and academic advocates for accountability created a narrative of international justice in the Rome Statute that easily got us entrapped into being defined as using international justice as a tool for regime change by other means. The undue focus on Heads of State and immunities contradicted the strident argument that the ICC was a non-political institution. The challenge was always how to make the case for removing a President who proves himself able to win elections. In heated domestic political situations, therefore, it was easy, to cast the ICC as a project of re-litigating losses in domestic political arenas before a foreign-controlled court. The effort to render the ICC as antiseptic has been patronizing, self-contradictory and not honest. Unsurprisingly, it has backfired.

Above all, quite clearly, the ICC was over-sold. Promises by the pioneer Prosecutor to make accountability for atrocity crimes "sexy" were mis-placed and ill-judged.⁶⁴ With an annual budget that has never much been over \$160million and optimal staff strength of about 700, the ICC was always a court of very limited means. The burden of expectation on the court was far in excess of what this very limited institution could take. In this connection, it bears recalling that the *Mbeki Report* had argued quite strongly that the ICC's "prosecutorial policy leaves the overwhelming majority of individuals outside of the ICC system and still needing to answer for crimes they might have committed. Justice from the ICC exclusively

would therefore leave impunity for the vast majority of offenders in Darfur”.⁶⁵ It seems clear, therefore, that for the sake of the ICC and its credibility, it is necessary to look beyond the ICC in order to sustain the promise and project of accountability for atrocity crimes in Africa. To use a well-worn metaphor, the demand for accountability is well beyond the supply capabilities of the ICC.

Beyond the ICC: Evolving a Programme and an Agenda

We must begin from first premises: the responsibility for protecting persons living in Africa and affording them justice and fairness lies primarily with African States. This is where we must begin the search for an agenda beyond the ICC. Suggesting that there has to be an agenda beyond the ICC doesn't, however, imply nor does it mean that the ICC should be irrelevant. Rather it means that there should be explicit recognition of burden sharing between Africa and the ICC as one institution that contributes to a more accountable world. Mind-sets need to be adjusted: there are fallacies, illogics and unsustainable expectations inherent in treating the ICC as if it were a proxy for international justice.

The burden of expectation on the ICC in fact encourages more irresponsible and unaccountable governments in Africa. A strategy for a more effective ICC must preserve it as a credible threat and an option of exceptional with a limited docket of demonstration cases on which it can concentrate limited resources for effective results. In a world of shrinking budgets, we must accept that there is a relationship of inverse proportionality between the size of the docket of the ICC and its effectiveness as a threat to impunity anywhere.

There is, however, no choice between national or regional mechanisms and the ICC. They're part of a menu. Therefore, we need an agenda that works for Africa in order for the ICC to be relevant. That agenda, I submit, must begin with a political and institutional reform in African countries. A lot has been said about reforming elections to make them more credible and reforming courts. I would suggest that African scholars and theorists also have to give more attention to reform of public administration. Just as importantly, we need to make national institutions for the protection of human

rights work. One possible agenda that could emerge from here is how to make National Human Rights Institutions (NHRIs) relevant to the agenda of mass atrocities in Africa. Some research and designation is necessary.

Second, we must address the proclivity for short memories and the need for sustained memory on mass atrocities in Africa. It is worthwhile to consider here the idea of a Africa Atrocities Archive. I'll retell here a story that carries a suggestion:

When the Organisation of African Unity (OAU) was created in 1963, the Emperor Haile Selassie granted it land near Addis Ababa University. But the Africa's leaders were in a rush and didn't want to wait to construct their headquarters from scratch so they asked for the OAU secretariat to move into a ready-made set of buildings. They were given the police training college, and have been there ever since. Right next door to the college was located the city's central prison. Built by the Italians during their brief colonial occupation (1936-41), it was colloquially known as Alem Bekagn – “farewell to the world.” During the Italian period, many Ethiopians who passed through its squat, square portal never saw the outside world again. When exercising in the small octagonal courtyard, surrounded by two tiers of cells, all they could see of the rest of the world was the sky. Hundreds of Ethiopia's educated and social elite were killed there in what was called the “Graziani massacre” after the Italian military governor of the day. In Haile Selassie's time – before and after the creation of the OAU – Alem Bekagn continued to house political prisoners, the great majority of whom did actually see the world outside after their spells in prison. During the revolutionary period and the rule of the Dergue – the Provisional Military Administrative Committee headed by Mengistu Haile Mariam, from 1974-91 – Alem Bekagn's name became grimly appropriate. In the first days of the revolution, sixty ministers were killed just outside the prison's front gate. In the days of the Red Terror, it was the site of countless extrajudicial executions. Thousands of political prisoners, and people merely suspected of harboring opposition

sentiments, were crammed into the old prison and an expanding cluster of jerry-built barns in the compound. Alem Bekagn was the epicenter of Ethiopia's ruthless experiment in totalitarian rule. The building itself – low and ugly – was physically far smaller than its huge imprint on the psyche of a generation of Ethiopians.⁶⁶

In 2004, the government of Ethiopia donated the site to the AU. On the tenth anniversary of the genocide, April 7, 2004, the AU approved a resolution jointly sponsored by Ethiopia and Rwanda, to turn the site into a permanent memorial for mass atrocities in Africa. This was widely welcome. But in 2005, the site was demolished to make way for the new Chinese-donated headquarters conference building of the AU. Our obligation to memory remains to be fulfilled. In the short term, African intellectuals and researchers can begin mapping the archaeology, geographies and taxonomies of atrocities.

Third, legal research and anthropology is needed. Models of workable accountability are important. To begin with, African institutions could be taken a lot more seriously. It is not enough to simply dismiss them as unworkable or useless. If there is no demand on these institutions, they cannot prove themselves. The jurisprudence of African institutions as well as their practice thus needs better documentation and analysis. To begin this, we may wish to convene a closer examination of the new international crimes protocol to the African Court Protocol. Evidence-based advocacy is required. We also need to cultivate and grow the skills of Africa's legal and intellectual communities. This will require a knowledge creation and transmission agenda.

Such evidence-based advocacy will address the need to wean ourselves of some reflexes and habits. One of such reflexes is the idea that the ICC is able and African institutions are incapable. As institutions run by human beings, I begin by regarding all institutions as imperfect. Institutional theories and laws are about seeking mechanisms to perfect institutions. Many institutions are not always created for the right or sustainable reasons. But every institution is an opportunity waiting to be seized. If everyone went along with writing off the African Commission on Human and Peoples' Rights in 1981, we would have no African Court on Human and Peoples' Rights nor indeed the re-

gional courts and tribunals of the sub-regions of Africa.

Above all, we must not forget that mass atrocities are about human victims. As long as we continue to fixate on the politics, we miss this fact. We also miss the fact that victims will seek help from wherever they can get it. Such help is not always to see someone go to jail or hanged. There needs to be an agenda for how to amplify the voices of victims and ensure they have access to assistance.

All these will not be done by one entity or institution. Nor do they require the same concentration or pool of skills. They do require, however, that we sustain conversations beyond this convening and we find ways to seek mutual understanding and pathways beyond and complementary to the ICC. Zealotry of any hue diminishes this enterprise. Certainty about where it could lead to does not exist. We do need genuine partnerships though – between various disciplines, hemispheres, and points of view: partnerships built on mutual respect among a community of actors that can agree on ends but not always as to means.

Notes

- * This paper was first presented at a conference on “International Criminal Justice, Reconciliation and Peace in Africa: The ICC and Beyond” organized by CODESRIA, Social Science Research Council and the Centre for Democracy and Development in West Africa, 10-12 July 2014, Dakar.
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 - Milan Kundera, *Book of Laughter and Forgetting*, 5 (1979).
 - Bolaji A. Akinyemi, “The Organisation of African Unity and the Concept of Non-Interference in Internal Affairs of Member States” XLVI, *Brit. YrBk of Int’l Law*, 393 at 397.
 - OAU, *Rwanda, the Preventable Genocide: The Report of the International Panel of Eminent Personalities to Investigate the 1994 Genocide in Rwanda and the Surrounding Events* (2000); United Nations, *Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda*, (1999), hereafter cited as “*IPEP Report*”. Ketumile Masire, former President of Botswana, chaired the IPEP. Other members were, General Ahmadou Toumani Toure, former President of Mali; Lisbet Palme, Chairperson of the Swedish Committee of UNICEF; Ellen Sirleaf-Johnson, former Executive Director for Africa UNDP who would later become President of Liberia; Justice P.N. Bhagwati, former Chief Justice of India; and Stephen Lewis, former Deputy

- Executive Director UNDP (*IPEP Report*), para 11.4, p. 69 (1994).
- Ibid.*
 - Tulya-Muhika S., ed., *Lessons From the Rise and Fall of the East African Community: A Summary*, 35 (1995).
 - OAU, *Resolving Conflicts in Africa: Implementation Options*, paras 107-124.
 - Under cover of these instruments, ECOWAS States deployed a regional monitoring group in the Liberian civil war in 1991, later backed by the UN Security Council. See, Weller M., *Regional Peace-keeping and International Enforcement: The Liberia Crisis*, (1994); Ouguerouz F., “Liberia”, 2 *AYIL* 208
 - Speech by His Excellency, The President of the Republic of The Gambia, at the OAU Ministerial Conference on Human and Peoples’ Rights, Banjul 9-11 June, 1980, CAB/LEG/67/8, 7.
 - Cairo Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes Taking Place in the World, AHG/Decl. 1(XXVI), 1990, para. 10.
 - Ibid.*, para. 11.
 - OAU, *Resolving Conflicts in Africa*, (1993)
 - IPEP Report, para. 11.14, p. 71.
 - Ibid.*, para 11.28.
 - Ibid.*, paras 15.86-15.87.
 - 64th Ordinary Session of the Council of Ministers of the OAU, 1-5 July, 1996, Resolution on Liberia, CM/Res. 1650 (LXIV), para 12.
 - 8th Meeting of Ministers of Foreign Affairs of the ECOWAS Committee of Nine on the Liberian Crisis, Abuja 15-17 August, 1996, Final Report, para 32, reprinted in 22 *ECOWAS Official Journal*, 100 at 104.
 - 4th Meeting of the Heads of State and Government of the ECOWAS Committee of Nine on the Liberian Crisis, Abuja, 17 August 1996, Final Communiqué, para 13, reprinted in 22 *ECOWAS Official Journal*, 112 at 114.
 - Ibid.*, para 28. Also rising from their meeting in Monrovia on 9 November 1996, ECOWAS Foreign Ministers “condemned the abuses, harassment and atrocities inflicted on the civilian population.” See, 9th Meeting of Ministers of Foreign Affairs of the ECOWAS Committee of Nine on the Liberian Crisis, 8-9 November 1996, Final Report, para 67, reprinted in 22 *ECOWAS Official Journal*, 121 at p. 130.

35. See Decision HSGC9-1/8/96, Relating to Sanctions against Persons Who Violate the ECOWAS Peace Plan for Liberia.
36. Code of Conduct for the Members of the Council of State of the Republic of Liberia, reprinted in 22 *ECOWAS Official Journal*, 119 at 121.
37. By August 2012, for instance, the Commission had been unable to deploy a mission of investigation into Libya, for instance, because “the situation on the ground in Libya has continued to be so unstable and fluid, it has not been possible to gather the required evidence.” See Letter, Ref No. ACHPR/AfCHPR/2/799/12 of 28 Aug. 2012 to the African Court on Human and Peoples’ Rights in respect of Application No. 004/2011, *African Commission on Human and Peoples’ Rights v. The Great Socialist Libyan Peoples’ Arab Jamahiriya*.
38. See African Commission on Human and Peoples’ Rights, Zimbabwe: Report of the Fact-Finding Mission, DOC/OS(XXXIV)/346a (June 2002); African Commission on Human and Peoples’ Rights, Report of the African Commission on Human and Peoples’ Rights Fact-Finding Mission to the Republic of Sudan in the Darfur Region, EX.CL/364 (XI)Annex III (July 2004).
39. Protocol Relating to the Establishment of the Peace and Security Council of the African Union, art. 2(1), *adopted* 9 July 2002, *entered into force* 26 Dec. 2003, available at <http://www.au.int/en/content/protocol-relating-establishment-peace-and-security-council-african-union>, [hereafter PSC Protocol], Article 1.
40. Emmanuel Dankwa, “Relationship of the African Commission with other AU bodies: What has worked? What hasn’t?”, Paper presented to the 52nd Ordinary Session of the African Commission on Human and Peoples’ Rights in Commemoration of the 25th Anniversary of the African Commission on Human and Peoples’ Rights, Yamosoukro, Côte d’Ivoire, 4 (October 2012)
41. ICC Statute, Article 17(1)(a).
42. Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution, AHG/Dec.3 (XXIX) (1993).
43. CSSDCA Solemn Declaration, AHG/Decl.4(XXXVI), 2000, para 14, Stability Calabash (f)-(I).
44. Constitutive Act of the African Union, adopted 11 July 2000, entered into force, 26 May 2001, CAB/LEG/23.15, Article 4(h). On 24 January 2006, the AU established a Committee of Eminent African Jurists (CEJA) to consider the options for the trial of former Chadian President, Hissène Habré on allegations of international crimes including torture and war crimes, committed while he was President of Chad between 1982-1990. One of the Options considered by the Committee was the creation of an *ad-hoc* tribunal to be established under the authority of the Assembly of Heads of State and Government of the AU. The Committee concluded, among other things, that “the power of the Assembly to set up such an ad-hoc tribunal is based upon Article 3(h), 4(h) and Article 5(1)(d) of the constitutive Act.” See, African Union, *Report of the Committee of Eminent African Jurists on the Case of Hissène Habré*, July 2006, para 23, p. 4 (hereafter cited as “CEJA Report”).
45. Assembly/AU/Dec. 103 (VI).
46. Decision on the Implementation of the Assembly Decision on the Abuse of the Principle of Universal Jurisdiction, Assembly/AU/Dec.213(XII), preamble; Decision on the Application by the International Criminal Court (ICC) Prosecutor for the Indictment of the President of the Republic of Sudan, Assembly/AU/Dec.221(XII), para 6; Communiqué of the 142nd Meeting of the Peace & Security Council, PSC/MIN/Comm (CXLII), para 2.
47. *CEJA Report*, para 13.
48. Adopted in Nairobi, Kenya, 29 November 2006.
49. Adopted in Nairobi, Kenya, 14 and 15 December 2006.
50. Article 12. The States parties to the Protocol are: Angola, Burundi, the Central African Republic, the Democratic Republic of the Congo, Kenya, the Republic of Congo, Rwanda, Sudan, Tanzania, Uganda and Zambia.
51. Communiqué of the 142nd Meeting of the Peace and Security Council, para 3.
52. *Ibid.*, para 11; Decision on the Application by the International Criminal Court (ICC) Prosecutor for the Indictment of the President of the Republic of Sudan, Assembly/AU/Dec.221(XII), para 8.
53. *CEJA Report*, 5-6.
54. United Nations, Report of the International Commission of Inquiry on Darfur to the United Nations Secretary-General Pursuant to United Nations Security Council Resolution 1564 of 18 September 2004, 25 January, 2005, available at http://www.un.org/news/dh/sudan/com_inq_darfur.pdf
55. African Commission on Human and Peoples’ Rights, Resolution ACHPR/Res. 68 - (XXXV) 04 adopted on 4 June 2004, para 5.
56. African Commission on Human and Peoples’ Rights, Report of the African Commission on Human and Peoples’ Rights Fact-Finding Mission to the Republic of Sudan in the Darfur Region, EX.CL/364 (XI)Annex III (July 2004), paras 137-138 (italics supplied), available at <http://www.achpr.org/states/sudan/missions/fact-finding-2004/>
57. African Commission on Human and Peoples’ Rights, Resolution ACHPR/Res. 74 - (XXXVII) 05, paras v-vi.
58. Assembly/AU/ Dec.199(XI), para 5.
59. Italics inserted.
60. Dapo Akande, “Is the Rift between Africa and the ICC Deepening? Heads of States Decide Not to Cooperate with ICC on the Bashir Case” <http://www.ejiltalk.org/is-the-rift-between-africa-and-the-icc-deepening-heads-of-states-decide-not-to-cooperate-with-icc-on-the-bashir-case/>
61. Report of the First Ministerial Meeting of the Specialized Technical Committee on Justice and Legal Affairs, 15-16 May 2014, Addis Ababa, Ethiopia, STC/Legal/Min/Rpt, paras 25-26.
62. Chidi Anselm Odinkalu, “Saving International Justice in Africa”, *supra*, p. 16.
63. *Ibid.*
64. Julie Flint & Alex de Waal, “Case Closed: A Prosecutor without Borders”, *World Affairs*, Spring 2009, criticising former Prosecutor Louis Moreno Ocampo for having focused too much “on creating a “sexy court” that for many critics is based on public opinion rather than justice for victims.”
65. *AUPD Report*, paras. 244-245.
66. Alex de Waal, Human Rights and the African Union: Memory and Forgetting, 28 December 2007, available at <http://africanarguments.org/2007/12/28/human-rights-and-the-african-union-memory-and-forgetting/>

Tributes

Ali Al'Amin Mazrui – The *Mwalimu*, The *Ali*: A Tribute

During his *zamani* (Kiswahili for “the past”), we called him a renowned Pan-Africanist, an academic professor, a public intellectual, a prolific writer and speaker on African and Islamic issues and North-South relations, a filmmaker, a political activist, a humanitarian, a father, a husband, and many other honorifics. Now in his *sasa* (Kiswahili for the “now and the recent” and, thus, the “future”), we will forever remember and call him The *Mwalimu* (Kiswahili for “Honorable Teacher”) and The *Ali* (Arabic for “elevated”—prophetically, his first name). While all about Mwalimu Ali Mazrui swirled the daily pressures of academic and public life, he kept to a straight course. His extensive scholarly, peace and conflict resolution, interfaith dialogue, political activism and philanthropic activities across the globe are testimony of his dedication to humanity.

Very few great thinkers have inspired me to write many essays on them and their works. One of these great thinkers, I am quite happy to say, is Ali Mazrui. I have been appreciative of his untiring interest in and service to the cause of humanity for a very long time. Having been very close to him, he taught me three very valuable lessons, among many others, that I will try to do my best to pass on to the present and future generations of emerging thinkers.

The first very valuable lesson Mazrui taught me is that we African scholars must strive to make our work African-centred, concisely defined by Molefi Kete Asante as “the placing of African ideals at the centre of any analysis that involves African culture and behavior”, especially when it comes to the concepts we use in discussing Africa and/or African issues. This is important because most of the concepts used in works dealing with Africa and/or African issues employ Eurocentric concepts that often do not capture the essence of the phenomena being discussed, since Eurocentrism, as Toyin Falola precisely characterised it,

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involves viewing the world from a Western perspective, particularly European or Anglo-American experiences and values.

In reading the three-volumes of the work entitled *Africanity Redefined: Collected Essays of Ali A. Mazrui* (1992), which represents compilations of Ali Mazrui’s



most important essays, it becomes quite evident that with a broad spectrum of his writings, during his many decades as a scholar and public intellectual, he redefined the meaning of Africanity across geographical spaces, time, and cultures. The resulting definition is dynamic. It forces us to reject neo-imperialist paradigms and ontologies of what it means to be African. By encouraging us to think about Africanity as an idea rather than as a point of origin, the ideas contained in these essays force us to reposition ourselves in the debate of our place in global cultures and civilisations, and they prepare us to take a more active role in social and political affairs.

Indeed, to call a thing by its precise name is the beginning of understanding, because it is the key to the procedure that allows the mind to grasp reality and its many relationships. It makes a great deal of difference whether an illness is conceived of as caused by the evil spirit or by bacteria. The concept *bacteria* is part and parcel of a system of concepts in which there is a connection to a powerful repertory of treatments—i.e. antibiotics. Naming is a process that can give the “namer” great power.

Old Western movies about Africans often have an episode featuring a confrontation between the local “medicine man” (or “witchdoctor”) and the Western “doctor” who triumphs for modern science by saving the chief or his child. The cultural agreement that supported the “medicine man” is shattered by the scientist with a microscope. Sadly, for the children of modern medicine, it turns out that there were a few tricks in the “medicine man’s bag” that were ignored or lost in the euphoria of such a “victory” for science. Even less happy was the arrogance with which many of the cultural arrangements expressed in the African languages were undermined through the supposition of superiority by conquering powers. To capture meaning in a language is a profound and subtle process indeed.

The second very valuable lesson Ali Mazrui taught me is that in our work, we African scholars must be *âtenu* (Ancient Egyptian/Hieroglyphics) or *mapinduzi* (Kiswahili) or revolutionary (English), as opposed to being *âtenu m’ben* (Ancient Egyptian/Hieroglyphics) or *mapinduzi ya malazi* (Kiswahili) or revolutionary-accommodationist (English) or being *khêperu* (Ancient Egyptian/Hieroglyphics) or *kubadilisha* (Kiswahili) or reformist (English). The term *âtenu* was employed by Ancient Egyptians to describe revolutionaries, rebels or fiends who wanted radical change. Such people were perceived as *Mesti*, the divine parents of the Sun God or God of Day Râ; *Mesu*, the gods who begat their own



fathers or divine beings; and *Mesut*, children of God Osiris or divine beings. The concept *âtenu m'ben* was employed by Ancient Egyptians to refer to those who wanted change but would compromise and accept the status quo, listen, obey, or be content as long as their burdens were assuaged. The word *khêperu* for Ancient Egyptians described those who sought change in form, manifestation, shape, similitude, or image.

As Mazrui argued in *Africanity Redefined*, it would be totally inaccurate to even say that the principle of collective self-determination as a nationalist assertion was unknown in Africa before European intrusion. On the contrary, he asserted, the history of Africa is full of instances of resistance and rebellion against the European coloniser, as many Africans were inspired by a desire to maintain their autonomy and were unwilling to capitulate without a struggle against the new European presence in Africa. According to Mazrui, the range of African resistance is from Sultan Attahiru

Ahmadu of the Sokoto Caliphate in 19th-century Nigeria to the *Maji Maji* rebellion in Tanzania, and the so-called mad mullah of Somalia to the Shona-Ndebele risings in Zimbabwe in the late 19th century. These activities were, as Mazrui stated, primary resistance movements against colonialism, to be distinguished from secondary resistance movements which came with modern political parties in Africa. Both forms of resistance, for him, can be seen as instances of self-determination in the form of nationalist assertion.

The third very valuable lesson Ali Mazrui taught me is that we African scholars must be seriously engaged in African and African-Diaspora issues to ensure the development of a *Pax-Africana*, which he defined as the need for Africans to develop their own institutions and capacity for self-pacification, if we are to play a major role in global affairs. To do so, Mazrui in his seminal work entitled *Towards a Pax Africana: A Study of Ideology and Ambition* (1967) suggested,

Africans must have the military and political capacity to resolve conflict and not rely on outside powers to do it for them. He discusses such issues as African identity and dignity, and how they had influenced Africa's quest for non-alignment in global affairs.

Since much of what constitutes training for any endeavor consists of imitation, we will be well served if we continue the honorable teachings and elevated legacy Mazrui left us. Humanistic public service will appear in numerous locations and situations as a result of the inspiration and direction he provided us. We can all look forward to continued wide-ranging impact as we call upon our colleagues in varied professions and activities to conduct themselves with humane attention to the needs of their fellow human beings like Mwalimu Ali Mazrui did. While we all know that the task is beyond our fulfilling, we also know that we will not falter so long as we endure as Mazruiana stalwarts.

Tribute to Professor Ali Al'Amin Mazrui, 1933-2014: One of the World's Most Renowned Scholars

We should think of Ali as a long distance runner from a continent that specialises in giving the world some of its best long distance runners. Ali ran to his last breath: the ink kept flowing and the corpus kept growing, and the voice was as booming as ever.

I first met Ali at Makerere University in 1972. I was a teaching fellow who had just embarked on my doctoral thesis. Ali was the professor. We came from two different generations. His was the last in the battle against colonialism. Mine was the first to enjoy the fruits of independence. It was a time of intoxication for both of us.

The young Mazrui had been catapulted from the position of a lecturer to that of a professor in a short span of time. This helicopter rise was a testimony to two facts. The first was that just as a newly independent country had to have its own flag and national anthem, an African university in a newly independent African

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country had to have an African professor. That Mazrui was chosen to be that professor pointed to a second fact: he was among the best of home grown timber.

Professor Mazrui's story over the past decades has been one of tenacity and stamina under great pressure. I witnessed several moments in this journey, three in particular, each identified with a different place: Makerere, Dar es Salaam and Michigan.

The single most impressive aspect of Mazrui at Makerere was that, although he was a beneficiary of nationalism, he was not dazzled by it. He was, indeed, among the first to recognise the Janus-faced power of nationalism, in particular its tendency to ride roughshod over both minorities – ethnic and religious – and dissidents in the majority.

The young Ali stood for a tradition of free speech and critical inquiry. Though he often put his critique in the then dominant language of English liberalism, his call for free speech was seldom articulated in a narrow sense, as the privileged inheritance of elite intellectuals, but usually in a broad sense, as vital to the functioning of a healthy social order.

Full of zest and fearless, Ali's favorite past time was to target icons of the intellectual left. One has only to return to the era of *Transition* magazine, to Ali's collaboration with its editor, Rajat Neogy, to find pieces that have since become legendary. I am thinking of two in particular: "Nkrumah, the Leninist Czar," and "Tanzaphilia." But Ali did not just aim at distant targets from a safe distance. He spoke just as critically of the growth of nationalist power and autocracy at home. On the morrow of Idi Amin's 1972 Asian expulsion, Ali distributed a signed pamphlet at Makerere. It was titled "When Spain Expelled Jews." He did not wait to register



his opposition after the event; he took the risk of voicing it when the risk of doing so was immense.

At Makerere University, Ali established a tradition of bringing urgent social issues into the university. At the same time, he took the tradition of free speech into society. He was a public intellectual in the finest sense of the word.

Idi Amin's expulsion of Asians pushed me out of Makerere and I took a job at the University of Dar-es-Salaam. There, I was witness to a no-holds-barred debate between Ali Mazrui, by now an icon of post-colonial liberalism, and Walter Rodney, its most vociferous critic. No energy was spared. If words could produce fire, fires would have raged.

What was at issue in the Mazrui-Rodney debate? The debate was about nationalism and imperialism. Immediately, though, it was a debate over two issues: first, the role of imperialism and, second, the relationship of intellectuals to nationalism in power.

From today's vantage point, we can say that in no way was the debate wasted energy. Rodney emphasised *dependency*, and the external constraints on nationalist power. Ali, in contrast, highlighted the internal face of nationalism, its tendency to erode *democracy*.

That debate had no clear winner and no clear loser. And for precisely that reason, the debate did not end. It continued to rage inside Mazrui.

When I arrived at the University of Michigan, first as a visiting lecturer in the mid-70s and then as a visiting Professor in the mid-80s, I thought the Ali Mazrui I met had changed. When I asked Ali where I should locate my office, in the Centre for African and African-American Studies or in the Department of Political Science, his response was swift: it depends on whether you want a home or an office. Forced to migrate to the belly of the beast, Ali had begun to see beyond the liberal claims of political theorists to the reality of life in the empire. He had begun to see

the other face of empire: racism in the seventies and the war on terror in the new century. I thought he was beginning to sound more and more like Walter Rodney. Ali, among the first critics of nationalism, had turned into the latest critic of empire.

There is one crucial similarity between prophets on the one hand and public intellectuals on the other. Both seek to define the terms of the debate in an argument. But the terms of a debate cannot be defined alone; this endeavor requires a worthy adversary. It is in this sense that Ali and Rodney defined the terms of the debate in the 1960s. Sooner or later, all of us realised that we did not have to agree with Ali to be influenced by him.

Let us celebrate the life of Ali Mazrui, a great son of Africa, a compassionate father, and a public intellectual who defined the terms of political debate for his generation!

* First published at: <http://misr.mak.ac.ug/news/tribute-prof-ali-alam-in-mazrui1933-2014one-worlds-most-renowned-scholars>

Renowned Pan-Africanist, Scholar and Teacher, Ali Mazrui dies at 81

Ali Al'Amin Mazrui, 81, died peacefully on 12 October 2014 of natural causes at his home in Vestal, New York, surrounded by family. A political scientist, Mazrui was the Albert Schweitzer Professor in the Humanities and Director of the Institute of Global Cultural Studies at Binghamton University, State University of New York, until his retirement on 1 September 2014. He had also been serving as the Andrew D. White Professor-at-Large Emeritus and Senior Scholar in Africana Studies at Cornell University and as the Albert Luthuli Professor-at-Large at the University of Jos, Nigeria. He was a renowned scholar, teacher and public intellectual with expertise in African politics, international political culture, political Islam, and North-South relations. His prolific writing over the past half century has shaped ideas about Africa and Islam among scholars and the general public, earning him both international acclaim and controversy. He authored over forty books and hundreds of

Ali Mazrui Family Obituary

scholarly articles and book chapters. His political analyses appeared frequently in news media around the world. He is best known for the nine-part television series he wrote and narrated, "The Africans: A Triple Heritage." A joint production of BBC and PBS, the series originally aired in numerous countries in 1986. The series, and the book on which it is based, reveals and analyzes the complex ways in which African communities exhibit a blend of three cultures: indigenous, Muslim and Western.

Mazrui's own upbringing reflects this triple heritage. He was born on 24 February 1933, in Mombasa, Kenya, to Swafia Suleiman Mazrui and Sheikh Al-Amin Mazrui, an eminent Muslim scholar and the Chief Qadi (Islamic judge) of

Kenya. Immersed in Swahili culture, Islamic law, and Western education, he grew up speaking or reading Swahili, Arabic and English. He pursued his higher education in the West, obtaining his B.A. from Manchester University in England (1960); his M.A. from Columbia University in New York (1961); and his doctorate (D.Phil.) from Oxford University in England (1966). While studying in England, he married his first wife, Molly Vickerman, and they began a family in Kampala, Uganda, where he launched his academic career at Makerere University. He taught at Makerere for ten years, during which his first three sons were born: Jamal (1963), Alamin (1967) and Kim Abubakar (1968). At Makerere, he served as head of the Department of Political Science, Dean of the Faculty of Social Sciences, and Dean of the Faculty of Law. During his tenure at Makerere, dictator Idi Amin became increasingly repressive toward critics, ultimately forcing Mazrui into exile with his family to the United States.

Mazrui's career in the US began at Stanford University, where he visited for two years (1972–74). He then joined the Political Science Department at the University of Michigan for seventeen years (1974–91), where he also served as Director of the Center for Afro-American and African Studies (1978–81). In 1989, the State of New York recruited him to Binghamton University to assume the Albert Schweitzer Chair in the Humanities, previously occupied by Toni Morrison. At Binghamton, he founded the Institute of Global Cultural Studies and regularised his at-large affiliation with Cornell University. In 1991, he married Pauline Uti of Jos, Nigeria. They had two sons, Farid (1992) and Harith (1993), and adopted a daughter Grace (b. 2004) in 2012.

Mazrui's publications are influential and voluminous. He made his mark early in his career, before completing his doctoral studies, when in 1963 he published articles in the most prestigious political science journals in the United States and Britain: "On the Concept of 'We Are All Africans,'" *The American Political Science Review* (Mar. 1963) and "Consent, Colonialism and Sovereignty," *Political Studies* (UK) (Feb. 1963). His many books began with the publication of three in 1967 alone: *Towards a Pax Africana: A Study of Ideology and Ambition* (1967); *On Heroes and Uhuru-Worship: Essays on Independent Africa* (1967); and *The Anglo-African Commonwealth: Political Friction and Cultural Fusion* (1967).

Other Mazrui books include *A World Federation of Cultures: An African Perspective* (1976); *The African Condition: A Political Diagnosis* (1980); *Cultural Forces in World Politics* (1990); *Islam Between Globalization and Counterterrorism* (2006); and *African Thought in Comparative Perspective* (Seifudein Adem, Ramzi Badran & Patrick Dikirr, (eds.), 2014). *The African Condition* also formed the basis of the prestigious annual Reith lectures that Mazrui delivered in 1979 for the BBC. His book, *The Power of Babel: Language and Governance in Africa's Experience* (co-authored with nephew Alamin M. Mazrui) (1998) was launched in the British House of Lords at a ceremony honoring Mazrui's work. He and Alamin M. Mazrui also published *Black Reparations in the Era of Globalization* (2002). The project stemmed from his appointment in 1992 as

one of twelve Eminent Persons by the Organisation of African Unity Presidential Summit in order to explore the modalities and logistics of reparations for enslavement and colonisation. He also published a novel, *The Trial of Christopher Okigbo* (1971), which was inspired by his anguish over the Nigerian Civil War and the tragic death of a childhood friend, Mohamed Salim Said (nicknamed "Giraffe"). For an annotated bibliography of Mazrui's work, comprehensive to date of press, see *The Mazruiana Collection Revisited* (Abdul S. Bemath, (ed.), 2005). Books containing scholarly papers about Mazrui's work include *The Global African: A Portrait of Ali A. Mazrui* (Omari H. Kokole, (ed.), 1998) and the *Politics of Global Africa* (Seifudein Adem, (ed.), 2011).

Mazrui served in numerous capacities in addition to his primary professorships. He was a visiting scholar at Australia, Baghdad, Bridgewater, Cairo, Chicago, Colgate, Denver, Guyana, Harvard, Leeds, London, Malaysia, McGill, Nairobi, Ohio State, Oxford, Pennsylvania, Singapore, Sussex, Teheran, UCLA and Washington. Kenyan President Mwai Kibaki appointed him Chancellor of Jomo Kenyatta University of Agriculture & Technology in Nairobi, Kenya, a position he held for six years (2003–09). He was awarded honorary doctorates by several universities in such varied disciplines as Divinity, Sciences of Human Development, Humane Letters, and Political Economy. He also served in leadership roles in several organisations, including as President of the Muslim Social Scientists of North America and President of the African Studies Association of the United States. He also served as Chair of the Board of the Centre for the Study of Islam and Democracy and as Special Advisor to the World Bank. Mazrui was a principal contributor to several United Nations projects on matters of global significance, such as human rights and nuclear proliferation. He served as editor, for example, of Volume VIII (*Africa since 1935*) of the UNESCO General History of Africa (1993), and as Expert Advisor to the United Nations Commission on Transnational Corporations.

Mazrui's honors are numerous. For example, he won the Distinguished Faculty Achievement Award of the University of Michigan in 1988 and the Distinguished Africanist Award of the African Studies Association of the US in

1995. The President of Kenya awarded him the National Honour of Commander of the Order of the Burning Spear and the President of South Africa made him Grand Companion of Oliver Tambo. Morgan State University awarded him the DuBois-Garvey Award for Pan-African Unity. In 2005, the American journal *Foreign Policy* and the British journal *Prospect* ranked Mazrui among the top 100 public intellectuals in the world. He was also featured in the "500 Most Influential Muslims," (a.k.a. the "Muslim 500"), a publication by the Royal Islamic Strategic Studies Centre in cooperation with the Prince Alwaleed Centre for Muslim-Christian Understanding at Georgetown University. Mazrui was elected an Icon of the Twentieth Century by Lincoln University. For a more complete list of Mazrui's achievements, see the Institute of Global Cultural Studies website, <http://www2.binghamton.edu/igcs>.

Mazrui was also a gifted teacher and orator. His passion, eloquence, and charisma as a lecturer filled classes throughout his teaching career. Similarly, his reputation for insightful analyses and moving oratory created standing-room only audiences at public speaking events throughout the world. Indeed, his "Millennium Harvard lectures" drew large, engaged audiences for three consecutive days. (The lectures were subsequently published as *The African Predicament and the American Experience: A Tale of Two Edens* (2004).) Mazrui was, moreover, deeply dedicated to his students. One of the things he regretted most about his declining health was the inability to meet his teaching responsibilities. He was grateful to be able to video-record an apology to his students. He was so adored and revered as a teacher and mentor that family and friends referred to him as "Mwalimu" (Swahili for teacher).

Defining features of Mazrui's intellectual legacy include courage and controversy. A principal theme of his work was to identify and criticise abuses of political, economic and military power, whether by colonial or imperial nations, including the United States, or by leaders of developing countries, including African nations. His original and bold ideas generated passionate debate on African and Islamic issues. Expressing those ideas took professional and moral courage, especially when his personal security was put at risk. While he was still living in

Uganda in 1972, for example, he released a widely circulated essay entitled “When Spain Expelled the Jews and the Moors,” an unmistakable criticism of Idi Amin’s expulsion of Ugandans of South Asian origin. In fact, during Mazrui’s tenure at Makerere, he gave several public lectures that criticised Presidents Milton Obote and successor Idi Amin for violations of human rights and the rule of law. Additionally, while he was critical of Salman Rushdie’s 1988 novel, *The Satanic Verses*, Mazrui was one of the few famous Muslims to publically oppose the Ayatollah Khomeini’s fatwa calling for Rushdie’s death. These public stances could have cost him his life.

Mazrui also risked his reputation, even when not his life, by taking positions of principle that generated sharp criticism and condemnation. For example, his long-standing criticism of Israel (not Judaism or Jewish people) for its treatment of Palestinians provoked some pro-Israeli critics to challenge Mazrui’s character; label him (falsely) as anti-Semitic; impersonate him as the author of hateful communiqués; subject him to leaflets that used racial epithets while demanding the termination of his employment; and shut down, through concerted e-mail traffic, the ability of his institute to access the internet. His argument in favor of nuclear proliferation, whereby all countries could obtain nuclear weapons so long as any country could, was denounced by some as irresponsible and dangerous. He insisted, however, that the most effective way to persuade the current members of the “nuclear club” to agree to universal disarmament was to allow other countries they did not control to pursue the power of nuclear threat. His 1986 television series, *The Africans: A Triple Heritage*, won praise around the world, including by members of the US Congress in statements published in the Congressional Record. It also generated strong criticism, however, such as by other members of Congress and by the head of the National Endowment for the Humanities, who condemned the series as an “anti-Western diatribe” and withdrew the agency’s name from the programme’s credits. Ironically, the series was also banned for many years in

Mazrui’s native country of Kenya, not for being too anti-Western, but for being too anti-African. Arthur Unger, a reporter for the *Christian Science Monitor*, wrote during the airing of *The Africans* that when he told Mazrui that he disagreed with many of his opinions but found the ideas challenging, Mazrui replied, with a smile, “Good, ... Many people disagree with me. My life is one long debate.” For an account of some of Mazrui’s most prominent and controversial debates, see the multi-volume series, *Debating the African Condition: Ali Mazrui and His Critics* (2003, Vol. I), (2004, Vol. II), (2013, Vol. III).

Those close to Mazrui loved him for his character and personal qualities. His warmth was enveloping and his laughter was infectious. He was endlessly generous toward family, close and extended, and to people in less fortunate circumstances. He was gracious to all, including strangers and intellectual adversaries. The hospitality of Mazrui and his beloved wife, Pauline, drew hundreds of visitors to their Vestal, New York home from across town and the world. He also kept in touch with relatives, friends and colleagues in far off places with a personal newsletter that he wrote annually for nearly forty years. He enjoyed learning from people from all walks of life and cultures. An egalitarian and humanitarian, he endeavored to treat all people with respect, dignity and fairness. At the same time, he valued spirited debate about political, economic and philosophical ideas. Mazrui modeled integrity and decency.

Mazrui’s personal interests included reading murder mysteries by Agatha Christie and Mary Higgins Clark. He enjoyed watching films with his family, especially Hollywood classics, James Bond, Alfred Hitchcock thrillers, and comedies, such as *I Love Lucy*, *Airplane* and *Young Frankenstein*. He also enjoyed television dramas, such as *Upstairs, Downstairs* and *Mission Impossible*. He was a fan of boxing great Muhammad Ali and Egyptian singer Umm Kulthum. An avid consumer of daily news through print, radio and television, he especially enjoyed the radio broadcasts of the BBC World Service and NPR’s *Fresh Air* with

Terry Gross, as well as the PBS NewsHour and the Rachel Maddow shows on evening television. He loved travelling the globe to speak to audiences of all kinds, enjoying meeting people of different religions and ethnicities, sampling their cuisine, and taking in the natural beauty that different regions offer. A man of faith, he prayed to return Home. As his Mombasa family says, “We are from God and to Him we shall return.”

Mazrui is preceded in death by his parents Sheikh Al-Amin and Swafia Suleiman, his brothers Muhammad and Harith, and his sisters Salma, Nafisa and Aisha. He is survived by his wife, Pauline Uti Mazrui; five sons: Jamal Ali Mazrui (and wife Susan) of Takoma Park, Maryland, Alamin Ali Mazrui (and companion Rosalind Holden) of Binghamton, New York, Kim Abubakar Ali Forde-Mazrui (and wife Kay) of Charlottesville, Virginia, Farid Chinedu Ali Mazrui of Vestal, New York, and Harith Ekenechukwu Ali Mazrui of Vestal, New York; and by his daughter, Grace Jennifer Adaobi Ali Egbo-Mazrui. He is survived by three grandchildren: Will Nielsen Forde-Mazrui of Winston-Salem, North Carolina, Ali Alamin Mazrui of Vestal, New York, and Nicole Molly Mazrui of Takoma Park, Maryland. He is also survived by the close and long-time members of his Vestal home family: “Mama” Alice Uti, Goretta Mugambwa, and Maria Liverpool. He is survived by his sister Alya of Mombasa, Kenya, and by numerous cousins, nieces and nephews.

Mazrui will be buried during a private service in the Mazrui Cemetery near Fort Jesus, Mombasa, Kenya. For information about open events that will celebrate his life and work, see the memorial website [URL]. The family requests that expressions of sympathy take the form of contributions to the Prince Alwaleed Center for Muslim-Christian Understanding at Georgetown University, Washington, DC, USA.

One place to continue conversation about the life, works, and significance of Ali Mazrui is the Facebook page hosted by his family: www.AliMazrui.com.

Ali Mazrui, 1933-2014: A Tribute

*L*aa ilaaha illal-lahuu
Muhammadur Rasuulullah

["There is no good example except Allah (SWT).

Muhammad is the Apostle of Allah (SWT)."]

*Inna lillaahi maa akhaza,
wa lillaahi maa a'ataa,
wa kullun indahu,
bi ajalim musamman,
faltaahir waltahtasib.*

["Verily everything belongs to Allah (SWT)

that He hath taken away,

And belongs to Allah that He hath given.

Allah (SWT) is with him for an appointed time;

forbear and except reward."]

The colossus with the feet of steel joined his ancestors in the early hours of 13 October 2014. Ali Mazrui was larger than life! The most prodigious scholar of African politics, his multiple talents combined creative work in elegant prose and poetry with polemics. A teacher, orator, journalist, filmmaker, and public intellectual, he was arguably the most connected and best known African scholar for over half a century. There will be a legion of tributes in his honor all over Africa and elsewhere. My tribute will be limited to the place of language in his long writing and scholarly career.

Growing up in Christian homes, many Africans believe that they would hear about *Babel* only in Christian parlance – or, if you will, in Christendom – where it refers to the countless tongues when the “Tower of Babel” was being built. However, in this tribute, I crave your indulgence to allow me to use the opportunity of Mazrui’s death to re-introduce *The Power of Babel: Language and Governance in the African Experience* published by the University of Chicago Press in 1998. This seminal book was co-authored by Professors Ali A. Mazrui and Alamin M. Mazrui (two *Mazruis*, needing only one more to create a triple heritage of names!). I would like to use this book to pay tribute to a legend, to talk more broadly about the power and ambiguity

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of languages, how word choice connects you and me to society, and how language opens a window into the world of politics. Ali Mazrui certainly used languages to distinguish himself.

Autobiography is connected with language. *Mwalimu* Ali Mazrui (also honorifically called *Nana* in Ghanaian royal parlance) was born and raised in East Africa, where he learned English, Swahili, and Arabic. He was a Creolite, that is, one who had the capacity to mix languages, and became entangled in the cultures as well as the identities of these languages. Years later, when he became a respected scholar, he formulated his eclectic language background into what he called Africa’s “triple heritage”: indigenous, Islamic, and Western. That triple heritage, as he defined it, has a foundation in language. Undoubtedly, the Creolite in Mazrui came across very forcefully in this articulation of the triple heritage in a successful documentary film series on Africa.

Orality is critical, and it is sometimes presented as the use of African languages or their revival to advance the agenda of modernity. The endorsement of the creative power in orality becomes a sort of theatrical performance itself. The people whom he wrote about are grounded in orality, and they represent this orality in conversations and text. Mazrui was able to capture their imaginations and reality.

To Mazrui, English was a vehicle to mobility, modernity, and intellectual power. His prolificacy was facilitated by the infrastructure of the English language. His works are focused on African politics and economy, the search for change agents, and the understanding of processes in the *longue durée*.

The *languages* of Mazrui, a Creolite, embedded the narrative of the self in that of the nation. Although he did not pursue

his work in a chronological fashion, the genealogies are clear. There was the autobiography of childhood in the TV series, one that talked about his family, and how that family was connected to an identity. This is how orality structures a narrative. He possessed a nostalgia for Mombasa, Kenya, and lamented the passing of many of its cultural elements into oblivion, just as the griot in Senegal would present a storyline. Mazrui was fond of placing stress on space and memory which, although presented in the colonial language of English, he always grounded in orality.

Orality recognizes the organic relationship between the environment and human beings, as humans use the powerful animals in the jungle to describe themselves. Human beings developed a strong understanding of everything around them, from insects to trees, and call upon the resources of the environment to organize their religions and rituals. This connection with the environment can be characterised as sensing nature itself, and in doing so, using a language that draws heavily on all available objects and elements and working them into idioms, proverbs, and parables.

Moving into the school system, the language of orality is not discarded but expanded upon. English and Swahili become juxtaposed, and indigenous languages may be added to create a creolisation. One sees in a number of Mazrui’s writings this juxtaposition. Strikingly, he also brought in poetic stanzas, woven into prose, stylistic choices that embroidered an argument or were used as transitional connecting points in building an assembly of ideas.

In Mazrui’s work, poetry reveals creolisation, the unconscious recourse to the multiplicity of languages and creative genres. This brings the otherwise estranged languages of the farmers and the professor closer to a mutual understanding. Mazrui was a language bargainer, shopping for the appropriate genre in which to negotiate in the marketplace of ideas. He was indeed a smart bargainer, as he drew from so many diverse sources.

Orality is about dialogue, and Swahili is conversational. Thus, Mazrui often wrote as if he were engaged in dialogue, with a few sentences forming short paragraphs. These shorter paragraphs tended to invite another set of dialogues, a style not drawn from the European languages but from East African oral culture. When you “call out” in orality, it takes the form of a performance. Orality does not encourage monologue. Orality is spontaneous and creative, and one sees the deployment of both aspects in the way Mazrui answered questions in seminars and conferences. He could be theatrical, using imaginative and figurative language.

Mazrui’s intellectual assembly was a combination of the plurality of issues, the plurality of subjects, the plurality of perspectives, and the plurality of languages. But that plurality of languages was enfolded in what I have identified as the recourse to orality, the constant references to fragmented histories and memory. But as Mazrui deployed the English language, he needed to fracture and fragment himself, that is, his own being and body; his presentation of the past, grounded in orality, sometimes became “mythical.” Indeed, he often took the Islamic as “indigenous,” thus casting its impact in mythical ways as well. This is where Mazrui not only betrayed his preference but his transparency: the Western and the Christian became patriarchal and masculine, in opposition to the innocence and femininity of the mythical.

The dominance and status of the English language in Mazrui’s work are clear. The English language was used to present Africa to Africans and to the world, and to re-Africanise Africans in drawing from lost traditions. A blended language, the “Englishes” with doses of Swahili and Arabic revealed creativity but drew attention to curiosity as well. Creativity and curiosity raised questions not just about intellectual innovations, but the content of ideas. A language has such a powerful linkage with culture that writing in English does not mean a rejection of one’s cultural immersion. Let me illustrate this point with a citation from *The Power of Babel*:

Where do the ‘pronouns’ come in? Languages betray the cultures from which they spring. Pronouns are part of that story. In referring to a third

person English is gender-conscious – so the pronoun *he* refers to the male and the pronoun *she* refers to the female. In many African languages pronouns are gender-neutral. The words for ‘he’ or ‘she’ are fused into one. To the present day many Africans competent in the English language sometimes refer to a third person female as ‘he’ when speaking in English because of the linguistic influence of their own mother tongues. [210.]

And there are cultural nuances:

Most African languages do not have separate words for ‘nephews’ and ‘nieces’ because your sister’s children are supposed to be equivalent of your own biological children. The same word which is used for your child (*mtoto* in Kiswahili) is used for your niece or nephew. Very few African languages have a word for ‘cousin’. Your uncle’s daughter or son is the equivalent of your sister or brother, so cousins are counted almost as siblings. Once again language betrays the tightness of kinship ties in the African extended family. [*The Power of Babel*, 210.]

Identity is central to this language use: how Africans see themselves, how others gaze upon them, how they are represented. Mazrui had to define himself, and language enabled him to do so. Then he had to define his continent, again falling on the power of language to do so.

Turning again to *The Power of Babel*, specific elements emerge in how Mazrui and his co-author presented language in terms of its acquisition and usages, its universal nature, its connections to ethnicities, and its linkages to identity and nationalities. The way and manner that words are used can reveal a lot about people and places.

Mazrui presented the creative aspect of language in many ways. He used language to inspire heroism, as in his celebration of the career of poet-president Léopold Sédar Senghor, who was nominated many times without success for the Nobel Prize for his command of French (written and spoken), and his poetry and philosophy. To Mazrui, the love for John Milton’s *Paradise Lost* is said to have influenced Apolo Obote (1925–2005), president of Uganda, to

adopt Milton as his first name. Mazrui was full of praise for Julius Nyerere, the late president of Tanzania, who translated William Shakespeare’s *Julius Caesar* and *The Merchant of Venice* into Swahili. Mazrui valued these translations for advancing the modernist agenda of African languages.

Politics was always central to Mazrui’s philosophy. Indeed, just as he saw politics as influencing language, he saw language as also influencing politics. He linked the end of the Cold War and the fall of apartheid to the possible decline in the use of French, Russian and Afrikaans. Charting the rise and fall of European languages in Africa was like playing “a chess game with African cultures. Will the African languages be Europeanised or will the European languages be Africanised?”

This “chess game,” as Mazrui explained, dealt with choices and options, negotiations, and brokerages. The game was played in the context of globalisation. Power had to be extended, as part of imperialism, which involved the imposition of language. Power, too, had to be resisted, in the nationalism that called for self-assertion, for which, as Mazrui saw, language, too, was crucial. To him, no matter how the issue of control or resistance is resolved, language becomes the critical part of that resolution: the very possibility of co-existence within national frontiers and of cooperation between frontiers involves language.

Back to Mazrui and the “chess game”: as individuals struggle for influence, resources, money, power and more, we are drawn to those very institutions and structures that society puts in place to resolve our struggles. The state’s structures and its coercive apparatuses use the language of law and order to legitimise their violence. In the fabric of society itself, where these conflicts play out intensely, language mediates the struggles between men and women, matriarchy and patriarchy. The language of respect recognises boundaries between the youth and the elderly, resolving conflicts of interest in favor of older men. What we call persuasion is grounded in idioms, metaphors and similes that appeal on the basis of culture. The language of persuasion is of course different from that of threat.

To an extent, my point is that at the very heart of politics and political discourse is

the deployment of language. This language, in words and texts, communicates processes and actions. Each action has its own characteristics. The word, as Professor Ademola Dasylva of the University of Ibadan, Nigeria, is fond of reminding me, can be transformed into a spirit – as in words of prophecy, of curses, of wishes, of incantations. If many political scientists ignore language, Mazrui recognized fully its association with political discourse, both in the context of politics itself and the texts used to communicate its contents.

I began with autobiography as foundational, and I want to close with a celebration of this genre. Mazrui deployed various first-person narratives in his presentations. He defended the preservation of traditional institutions, but he was not a traditionalist. He was a man of multiple cultures, but he celebrated identity. Amazingly, he lived in the West, but he

translated Africa. He was, on the one hand, an autonomous scholar but, on the other, he was imbricated in the “arrested development” of Africa. Mazrui was a Creole, with a style that showed how to accept the cultures of the West while retaining an African identity.

Mazrui was the Griot of critical narratives, an agent provocateur of deeply rooted intellectual discourses. Never before have we seen an African intellectual so controversial, yet so loved by the same critical mass that pointed to his “controversiality.” What he wrote about, what he spoke about, how he wrote about them, and how he spoke were often the bones of contention – a fact that underscored the power of the spoken (and the written) word as observed in the life of this departed giant!

As a Creole, he maintained a stream of dialogue with the colonisers and the “globalizers”: he rejected de-persona-

lisation; he rejected de-culturalisation; and he rejected de-Islamisation. In sum, that is our *Mzee* – our *Nana* – the indomitable Ali A’lamin Mazrui, the teacher, scholar, global citizen, the embodiment of refined African-cum-Western cultural being, and, above all, a tireless and incurable pan-Africanist.

May Allah forgive his failings

And reward his contributions to the human spirit

May Allah (SWT) grant *Mwalimu* Mazrui *Jannat*

May the *Mzee* be received by all our ancestors

May Allah provide those of us he has left behind

The fortitude to continue the *Nana*’s work.

Let us proclaim today as the beginning of a new ideology: *Pax Mazruiana*!

Jazakumu Allahu Khayrain!

“Ali Mazrui” An Afro-Arab case

I met with the prominent Arab-African intellectual, Ali Mazrui, early in December, 1976 at a symposium on Arab-African relations held in Sharjah in the United Arab Emirates. I met Mazrui there in my capacity as one of the coordinators of the symposium along with Professor Mohamed Omar Bashir. The symposium was held at a time when there were difficult economic conditions in Africa due, mainly, to a hike in global oil prices, with the media blaming the Arab “petrodollar” for causing the crisis. There was psychological and media pressure on the Arabs to address the invented crisis which was believed to be behind their great prosperity!

On that day, Ali Mazrui, as an intellectual of Omani-Emirati origin, started to pay attention to his Arab identity along with his actual Africanity, considering that his ancestral family had spent several centuries in Mombasa, Kenya.

Prof. Ali Mazrui was a known critic of any type of despotism especially among African leaders. He also confronted *extreme* leftist groups as well as several *dictatorial figures* including the former-Ugandan dictator, *Idi Amin* and others.

Helmi Sharawy
Arab and African Research Center
Cairo, Egypt

His pre-occupation went beyond criticizing “oriented” development policies and was extended to the field of international relations where he had many intellectual confrontations even in UNESCO circles.

Due to the cultural and intellectual conflicts he was involved in, Mazrui had an uneasy relationship with several young African political scientists, including myself and others like Mahmood Mamdani, Dan Nabudere, Yash Tandon, Issa Shivji, Okwudiba Nnoli and Archie Mafeje. We saw him as a conservative and liberal intellectual, who was more of a Western figure teaching in their largest universities in Michigan, New York, and Binghamton, and behaving like their intellectual conservative leaders.

Despite his divergent views and confrontation with some young African political scientists, Mazrui was the one who led the campaign to restore the standing of Walter Rodney in Guyana,

after he was assassinated by the imperialists in June 1980, while defending the people’s rights.

Mazrui’s writings focused on different types of colonialism. This made him to link Zionism in Israel with Apartheid in South Africa in his defence of the Palestinians.

Mazrui was always keen to attend any conference on African political sciences because of his love for debates. His intellectual battles with some members of CODESRIA and other social scientists, especially the late South African scholar Archie Mafeje, on the issue of colonization and self-colonialism reveal his permanent desire for debate.

We translated and published the proceedings of this debate in Arabic, as it raised a new awareness among the new generation of scholars in the Arab world. This initiative encouraged more than one Arab nation to translate his famous work about culture and Islam.

Following the “Sharjah” symposium, Mazrui became more preoccupied with the Arab Islamic culture and he therefore became, in my opinion, “An Afro-Arab case”



Most of Mazrui’s writings went beyond his Arab origin in Africa, as he espoused his triple African heritage, which constitutes an integrated body and not a stratification of his identity.

Mazrui believed that Islam and Arabism are more closely related to African traditional beliefs and national cultures than Western Christianity. He also thought that the different varieties in the elements of the African and Arab Islamic culture provide a fusion among Arab and Africans, which is preferable to the confrontational relation between Africans and the world of Western Christianity.

Ali Mazrui’s debate with *Fukuyama led to a revelation of the spirit of hegemony in Western culture. Also, his fierce debate with Huntington* about conflict of civilizations shed light on Western cultural

biases, which do not exist in any of the Islamic cultures.

Mazrui also contended that women’s rights and how the status of women was perceived was better before colonization in Africa and also in the Arab world. The situation deteriorated during the time of “conservative” colonial state which claimed modernization as well as under the rule of patriarchal tyrant Arab-African states.

Mazrui also tackled historical, geographical and social events relating to Africa and the Arab world. For instance, he questioned the logic behind placing Yemen and Ethiopia, which are just a few kilometers apart, in two different continents, whereas Madagascar and Ivory Coast are regarded as “African States” in spite of the distance between them. He also contended that the spread

of AIDS disease in the Islamic regions is less drastic than the other regions, because of the rules of Islam.

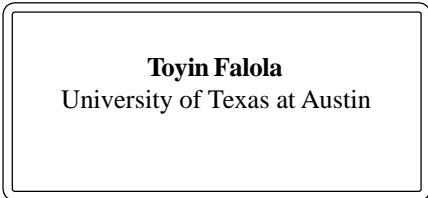
Mazrui’s views have always been clear about the need for a coalition of peoples in the South; especially the Arabs and Africans. Indeed, he wrote extensively on the importance of Afro-Arab cooperation within the framework of his hope in political peace and global culture. His arguments about “Afrabia” affirm the responsibility of Africans and Arabs to work together towards development and peace in Africa and the Arab world. It is possible, according to Mazrui, to merge the resources of wealthy Arabs and Africans in order to meet the needs of poor peoples in Africa and the Arab world under a joint Arab-African administration. We can, therefore, say that Ali Mazrui was truly an “Afro-Arab case”!

Professor Jacob Festus Ade Ajayi, 1929-2014: Our Foundation, Our Mainframe, and Our Roof – A Eulogy with a Dirge

*E, jé á sògbéré
Lójú oórì 'nì ó kú;
K'á lè r'ini tí ó sògbéré l'ihìn tàwa
Níjì a bá l'í*

It is honorable to render a dirge
By the grave side
Of that have departed with the
ancestors;
So that those we leave behind
May perform a similar dirge for us
When we also depart to join our
ancestors.

It was with much sorrow that we learnt on Sunday, 10 August 2014, of the passing on, a night before, of Professor Jacob Ade Ajayi. He was an eminent historian, a public intellectual, a celebrated educator, a famous administrator, and a devout Christian. Patient and attentive, he listened to the voices of various generations of Nigerians and also represented them fully in a legion of writings and speeches. He listened when many people chose to be deaf, and he looked while many chose to be blind. His death marks the end of an era of first generation African historians who carved niches for themselves and dared to tell



our story for the world to hear. Indeed, Mother Africa has lost one of her best sons; while historians have lost a leader; and the Christian community a *confidante*. Professor Ajayi was no ordinary man, but a larger-than-life figure, full of sheer charisma. He was widely known as a very generous scholar whose library was the refuge of many students and scholars. A highly respected figure, he had an incredible sense of place, and he occupied a preeminent one both in the writing of Nigeria’s history and the history of Nigeria itself.

Death reveals the geography of one’s influence; the landscape of one’s contacts; the environment of one’s being; the memory of one’s history; the fragmentation of one’s wholeness into its component strands. While death may be profoundly final in terms of a state of physical relocation; yet it can be

expansive in the creation of a new being who instigates a set of new narratives. The dead no longer register their physicality, including the emotions of the living. But perhaps the dead even feel much better than the living, who knows?

*Erín ti wó, kò le dide.
Erín ti wó, kò le dide.
Àjànàkú sùn bí òkè.
Erín ti wó, kòle dide.*

The mighty one has fallen The mighty one
has fallen The famous one is gone to
be with his ancestors
The mighty one has fallen.

In that fragmentation that divides life into its various chapters, Professor Ajayi’s contributions to the discipline of history will form the core of the various obituaries – as should be expected – and he was indeed a pioneer, the pillar of the discipline in its formative years. Let me pour the libation to this first chapter, but only in brief. He was an innovative and pioneer historian of nineteenth-century Africa, contributing to our understanding of missions and missionaries, the formation of a new Western-educated elite, and the transformations that took place in that

long century. He was adept at locating the internal forces that drive changes, an orientation that can be described as centering the “African perspective” as opposed to the Euro-centric. Talented and brilliant, *Ojogbon* Ajayi revealed the complexities of institutions, practices, and beliefs that emerged in the processes of encounter, not just by imposition but through the agency of Africans themselves and as dialectic engagement. His analysis of the colonial era warned that its impact should not be exaggerated, describing it as a mere episode. Where others saw a break with the past, he saw continuity. In this regard, he was one of the very few to balance the histories of Western and African institutions, while privileging the survival of African cultures. He initiated several studies on the post-colonial period, with major essays on development, culture, higher education and politics. In totality, his publications and writings spanned well over a two-hundred-year period. Two of his distinguished students, Professors Michael Omolewa and Jide Osuntokun, honored him as recently as this year with a long *festschrift*, *J. F. Ade Ajayi: His Life and Career*.

His intellectual sagacity was extended into the classroom, creating the second chapter in Professor Ajayi’s life. Always glad to impart knowledge, he gave countless lectures, full of knowledge and wisdom, that were always well attended. With his reputation firmly established, he supervised many graduate students who went on to become intellectual superstars in their own right; they took the ideas of the Ibadan School of History to other parts of the continent and beyond. He reshaped the entire curricula of the University of Ibadan’s history programme, introducing new courses in African history, thereby contributing to the decolonization of African Studies as well as its scholars. His standing, as a teacher, was also matched by his outstanding contributions to textbooks that became popular throughout the continent, influencing and shaping such major examination bodies as the West African Examination Council (WAEC) and the General Certificate of Education in London. :

K’ówó, k’ówó.
Àràbà ò wó mńí, ojú t’íròkò.
K’ówó, k’ówó.

The wish is that the imposing àràbà tree should fall

But the àràbà tree has survived, putting the íròkò tree to shame

The wish that the imposing àràbà tree should fall has failed. But there is a third chapter: the contribution not to history but to the nation itself, to history making and to “nation-building,” the term that Ajayi himself preferred. Dr. Ajayi’s childhood experiences show the interplay of historical forces. He grew up in the colonial era, benefiting from schools established by Christian missionaries. He contributed to the intellectual formation of his country, within the crucibles of nationalism, as a pioneer student at the University of Ibadan where he studied English, Latin, and History. For his PhD, he studied the century preceding his birth, in order to understand the foundation of a new Western-educated elite and the new agencies of modernity. He became a professor at his Alma Mater, and was involved in its management in the 1950s and 60s. In 1972, he was appointed the Vice Chancellor of the University of Lagos where he consolidated his credentials as one of the country’s leading intellectuals.

Professor Ajayi harnessed the fruits of his path-breaking research to offer advice to his community and nation. In this, he was generous and sincere in public affairs. He did not cause offence, but showed commitment to issues of development, democracy, and higher education. His solidarity was always with his colleagues for the promotion of the best in the university system. He did so within a commitment to the role of the humanities, and to his preoccupation with the place of culture. Truly urbane and cosmopolitan in speech and appearance, he was always polite, measured, and rational. He was not opposed to alternative opinions, and did not even challenge the firebrand orientation of some of us in the 1980s. Never did he discourage dissenting opinions nor penalize critics. While he recognized authority and the privileges associated with it, he was careful never to abuse either.

He occasionally intervened in politics to bring about peace and to diffuse political tensions. In addition to regularly teaching at the National Institute for Policy and Strategic Studies (NIPSS), Kuru, Baba Ajayi, as some of his students preferred to call him, contributed to political engineering by organizing mediation meetings with politicians. When the

relationship between President Olusegun Obasanjo and Governor Ayodele Fayose, then governor of Ekiti State, was fractured, Baba not only lent his voice to mending the relationship, he also met with the duo. At the pan-Yorubaland level, he was not only an unseen hand in the drafting of many position papers and policy directives, but he was also adviser to many of the Yoruba governors. He did not engage in the adulation of public figures, but regularly insisted on drawing from past traditions, paying attention to the peculiarities of our circumstances and rethinking any model that failed. History as a discipline, he once lamented, was becoming irrelevant for its inability to contribute to the task of nation building, and he called on his colleagues and future historians to rethink their methodologies, tools, and narrative orientation. He strongly believed in academic freedom, and he was critical of those who, through association with the military and politicians, contributed to undermining university autonomy. His social conscience enabled him to speak truth to power.

Call this chapter four. He was a Christian, and he and his wife, Chief Christi Ade Ajayi, conducted Christian Fellowship at their house in Ibadan. For them, fellowship is a communion of fellow minds, but its leadership requires the creation of a moral center, uncommon talent, erudition and impeccable integrity. It was these characteristics that led to the emergence of Elder Ajayi’s flock at No. 1 Ojobadan Street, Bodija, Ibadan, Nigeria. I was not a member of that flock but I met many who were influenced by it. Fellowships are sometimes predictable in their content: praise songs, Bible readings, and sermons. At Ojobadan, fellowship was not just teaching and preaching, but engaging in scholarly examination of the Holy Bible in more practical ways. At times, he was the teacher – dishing out from his pool of knowledge. At other times, Baba Ajayi would become a pupil – learning even from men and women whose levels of education were not comparable to his. In general and to engage in positive mimicry, members preached to one another to allow caution to guide their lives, to be mindful of the power of unseen forces to shape their lives, and to call upon positive forces to stabilize their lives. When we have a good meal, have good health and can function, we must thank God. When

we have a good friend, we must see it as a blessing. When we have life, we must cherish it. We must support our friends as best as we can. We must always cherish friends and families, knowing that in the final analysis, we need them to take our corpse, dress it, and put it in its final resting place. And we must keep our families strong, for their memory of us will be what is left:

*Òré kítíkítí, iyekan kàtàkàtà;
Òjó Ìlṛ̀ì kítíkítí bá kú,
Ìyekan kàtàkàtà ní kù.
Bèè eni mi ò c'ni,
Èyàn mi ò cèèyan
A ò ní fi wé aláàárò lásán*

Intimate friends cannot be better than siblings

For when you lose those intimate friends

Siblings will be there to fill the gap

So, do not ignore siblings

And relations

For they are better than outsiders

These were all positive words, radiated and communicated with positive energy, at Ojobadan Street. But Ojobadan and the career of the historian were connected, creating a narrative for chapter five. For, having become an elder, history becomes a tool for teaching and preaching. Ideas become principles: the affirmation of culture and language, the transmission of values, and the creation of communities that will promote sharing. We have to teach history, both as *itan* (history) and *aroba* (memory). Pa Ajayi's energy and enthusiasm for everything that life had to offer was infectious and inspiring. People who knew him would admire his strength, his passion, his resilience, his exuberance, and his adorably audacious character. I happen to be one of those. I always knew him as someone who could do anything positive, creative, beautiful. He was fiercely proud of his heritage, and he would tell vivid stories of his childhood days in colorful, folkloric detail. I salute his immortal spirit and know that though he is with God now, his life force will be here on Earth with us forever:

If I claim I do not consume palm oil
The oil produced by Ajayi is an exception
It's as inviting as the camwood
The palm oil produced by Ade is delicious

I am so much in love with palm oil now.
If I claim I do not consume salt

The one whose voice is as-sweet-as-the-salt is an exception

But, I will not exhibit my wealth by consuming

Jacob's salt excessively

Just one cotyledon of kolanut

is enough for a trip to the city of Oyo

Even if I claim I do not like humorous utterances

What do I do with this orator?

Salt beautifies the black-eyed peas with his palm oil

And makes the (cooked) peas inviting even in the cooking pot

The one without tribal marks transforms into an overnight beauty

Homage to you

Great warrior!

Writing about the past leads us to the memory of the past, and it is this memory that will form chapter six of my dirge. An individual can conquer death, and *Alagba* Ajayi, by becoming an ancestor, has done just that. As we are now in a different age, he will not demand of us cocks and palm oil, kolanut and salt, but the knowledge of his own past and the lessons to be drawn from it. He acquired autonomy and freedom during his life, the ability to free oneself both of excessive need and of excessive want. Of course, I am aware of the established arguments by economists that the concept of need and want is irrelevant; it is that of utility that counts, which is what individuals seek that they place value upon. Professor Ajayi got his "utility" right, placing his values on family, faith, and God. As that utility is not of objects, as in cars and more cars, its legacy endures since it cannot be damaged. And in placing his utility in faith, he becomes transcendental, with heaven as the abode of peace, a place without need and want, without worldly values.

*Baba lo gbàà, a ò rí i
Adé-Àjàyí ti rẹ̀wàl'ìàsà
Baba Í gbàà, a ò rí i.*

Our mentor is gone, to be with the ancestors

Ade-Ajayi has gone to the abode of our ancestors

Our mentor is gone, to be with the ancestors

Capitalism teaches us that one can use money to purchase immortality. An African worldview suggests a better alternative. One can purchase immortality. by being fundamentally good. The reality that we are daily confronted with evil means that life loses its meaning. To restore that meaning, we have to be so fundamentally good that we purify ourselves of any evil thinking – it is the very purity of our own mind that sustains us and protects us. An engagement with death is mediated by a worldview that accepts physical disappearance but celebrates memory and spiritual connections. Ajayi's insights, recorded in texts, will offer us a fillip to our famished souls.

*Bá a bá kú,
Ère là dà*

After death

People are deified

An ancestor does not die. He is alive. We will always see him as alive, as we require no imagination to re-read his works, to see his warmth and laughter, to remember his embrace, and his ever-positive words of encouragement. His history will always be with us, a history of a place that was defined to include you and me. We cannot convert this place into one of sorrow, as this would not follow the true spirit of our Baba. We cannot create bodies of pain, as Baba gave us an everlasting love. Our hearts cannot keep anguish, as our Baba taught all of us joy. Baba has left his heart behind, to go to a better home. Wherever he may be now, you all should know that the doors and windows to his abode are open. Today and tomorrow, he looks at you, he gazes at me, he listens to us, and all that Baba can see in Nigeria is hope.

*Baba, e tètè d'Ìyìn b'Ì
Òkú olómí kan kì í sùn*

So do not tarry on your return, father

For no parent leaves his/her child unattended

He is not dead. He has only rejoined the earth, to which we must pay true homage to receive him: Earth

I pay homage

You who feed and hunger

At the same time!

Your estate of no end

Have I traversed

Your nooks and crannies

Have I journeyed

No one dares you
Who takes back
Everything taken from you
You gobble like the lion at repose
Even the gods, you swallow
Receive him

He cannot die. The tumult of life is different from the history of life itself. For a heart so large, in clouds and sun, rain and thunder, Baba will always be here with us. His heart, large and compassionate, will continue to beat in the presence of millions of people:

Death, captured in a box
suspended in mid-air
Slowly ascends upward to land on a rock too far to see.

The phantom is bold.

All of us are in transit. While Baba Ajayi's body has been taken by God, the legacy of his mind remains fertile. His soul is uncontaminated by the vicissitudes of the flesh.

The righteous perish, and no one ponders it in his heart;

Devout men are taken away, and no one understands

That the righteous are taken away to be spared from evil.

Those who walk uprightly enter into peace;

They find rest as they lie in death. (Isaiah 57:1-2)

His inspirational words are constant reminders of life, not death. And he will continue to exude the promise of our convictions, regardless of his location in the firmament.

Ará igbàun dà o ò?
Ará igbàun dà?
Ìbá ce pé a kì í ku ni o,
Ará igbàun dà?

Where are those ancestors of ours?
Where are those ancestors of ours?

If we were created to live and not die,
Where are those ancestors of ours?

Let me close this short eulogy with a conclusion by asking for blessings for the Ajayi family, all of their homesteads—now and in the years to come. May the Lord ease the passage of the eminent historian as he bows out into the glorious realm. May his family be comforted by his life's accomplishments and his convictions that he will attain eternal life. We shall all exit yonder one day. In the meantime, let us give thanks to God for today: *bòkòtò máa tú yagba nìcò* –

bòkòtò máa tú yagba nìsò lóde;
Nítorí Ìjìlgbín Adé-Àjàyí.
bòkòtò máa tú yagba nìcò –
bòkòtò máa tú yagba nìsò lóde.

Let us dance and celebrate -
Let us dance and celebrate in public;
To honor Professor Ade Ajayi.
Let us dance and celebrate –
Let us dance and celebrate in public.

A Ciência Ao Serviço Do Desenvolvimento?

Experiências De Países Africanos Falantes De Língua Oficial Portuguesa,

Teresa Cruz e Silva & Isabelle Maria Casimiro (Orgs.)

ISBN: 978-2-86978-609-7



Cuidadosamente editado por Teresa Cruz e Silva e Isabel Casimiro este livro não poderia ser mais oportuno. As contribuições aqui recolhidas discutem as experiências dos cidadãos de Angola, Cabo Verde, Guiné-Bissau, Moçambique e São Tomé e Príncipe, e sugerem algumas respostas aos desafios que confrontam estas sociedades. Cada um dos autores apresenta estudos que examinam diligentemente a conjuntura política, social e económica e sugerem que os avanços registados nas últimas décadas no que diz respeito aos direitos e empoderamento das mulheres, à governação democrática, à justiça e direitos humanos, ao acesso ao emprego, à educação e à saúde, são ainda muito modestos em relação ao longo percurso que os nossos países têm que fazer para conquistar o bem-estar dos cidadãos. Torna-se pois imperativo que movimentos sociais dinâmicos e bem informados promovam processos de transformação e de desenvolvimento mais eficazes e sustentáveis.

Alcinda Honwana
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CODESRIA Reports

CODESRIA 40th Anniversary Conference

Introduction

The Council for the Development of Social Science Research in Africa (CODESRIA) commemorated the 40th anniversary of its establishment in Dakar, 10-11 June 2014. The theme of the conference was: "Building on 40 Years of Research and Knowledge Production for Africa". The event consisted of two days of historic meetings and round-table sessions which were attended by the founding fathers of the Council, former members of the Executive Committee of CODESRIA, former members of the Scientific Committee, various technical and financial partners, Senegalese government authorities and a significant number of members the community of researchers from the African continent and the Diaspora.

Opening Session The opening ceremony of the conference was chaired by the Prime Minister of the Republic of Senegal, Madam Aminata Toure, who delivered a goodwill message on behalf of President Macky Sall. Also present at the occasion was the Senegalese Minister of Culture and several others eminent personalities, officials and representatives of regional research organisations and members of the Diplomatic Corps. Some of the organisations that were represented at the conference include: the Mo Ibrahim Foundation (MIF) represented by Abdoulaye Djané, the Human Science Research Council (HSRC) represented by Themba Masilela Nordic Africa Institute, Uppsala represented by Lina Soiri, UNESCO represented by Marema Touré, the Rockefeller Foundation represented by Mwihaki Kimura Muraguri, the Thabo Mbeki Foundation represented by Vusi Gumede, Open Initiative for West Africa (OSIWA) represented by Mathias Hounkpè, Association of African Women for Research and Development (AAWORD) represented by its Director Odile Faye, and Africa Arab Research Centre represented by Shahida El Baz.

**Ato Onoma
Abdon Soffonou
Parfait Akana
CODESRIA**

In his welcome address, the Executive Secretary of CODESRIA, Ebrima Sall extolled the vision of the founding fathers of CODESRIA, which led to the establishment of the Council. He outlined the role and achievement of CODESRIA in its 40 years of existence noting that the Council has lived up to its mandate. He however pointed out the goal of CODESRIA must go beyond discussing history and assessing progress, adding that it is also necessary and important to rethink Africa and take a critical look at the future of the continent. According to Ebrima Sall, "we need to assess the ability of our community to adapt and to address the challenges facing the continent. The great challenge researchers will need to address today is that of the empowerment of Africa in all its dimensions. All this will be possible through the determination of all". He therefore called on members of the social science community to focus on new contextualization and conceptualization to meet current development requirements in Africa.

Also while speaking at the occasion, the President of the Executive Committee of CODESRIA, Fatima Harrak, expressed great appreciation to the government and people of Senegal for the unquantifiable support to CODESRIA in its 40 years of existence. She noted that the presence of the Prime Minister and the Minister of Heritage and Culture of Senegal at the occasion was symbolic and underscored the importance the Senegalese government attached to the Council. She did not fail to thank all her predecessors, the various members of the executive and scientific committees and CODESRIA staff for their commitment and sacrifice for the benefit of the continent over the years.

Fatima Harrak reviewed the progress made by CODESRIA since its foundation, through various research, training and publication programmes developed in its 40 years of existence and concluded that "CODESRIA has really fulfilled its mandate and we should be happy to celebrate the 40 years of service," According to her, despite the constraints that limit the development of research in Africa, the Council's contribution has been remarkable. However, she pointed out that, although CODESRIA has recorded many achievements in the field of social science research efforts still need to be made to mobilise the African research community and the diaspora to address the challenges facing the continent.

In her response, the Prime Minister of the Republic of Senegal, Madam Aminata Toure, said it was a pleasure for her to chair the ceremony. She paid tribute to the founders of CODESRIA for their vision in establishing the institution. She also commended CODESRIA's contribution to the process of empowerment and development of the African continent. MadamTouré noted that the initiatives developed by CODESRIA through programmes to address the challenges of research, training and publishing in the social sciences are very laudable. The Prime Minister then reiterated the commitment of the Senegalese government to continue to support CODESRIA.

Presentations and Discussion Sessions

As part of the anniversary programme, a series of presentations and discussions were held on various issues centred on the theme of the conference. In all, there were six round-table sessions.

Bridging the knowledge divide

The first round table focussed on: "Bridging the knowledge divide and negotiating a global presence: Epistemologies of the South and challenges for Southern

Scholarship” allowed an in-depth reflection on the struggle for the decolonization of the social sciences and humanities, and the transformation efforts of the global epistemological order. How do divisions in the global production and consumption of knowledge evolve in a rapidly changing world? How do new technologies challenge the boundaries between ways of knowing and ways of being? To what extent does the discourse on the “South” hide behind a façade of homogeneity, interesting gaps and cracks in the developing world? Have we managed to broker a global visibility for the knowledge generated in the South? These were some of the questions that emanated from the session.

Thinking Africa

The second round table on the theme “Thinking Africa” raised issues of “empowerment”, challenges of the social sciences and the barriers related to the socio-political environment and the dominant ideologies for academic freedom. Discussants interrogated issues such as how “thinking Africa” was perceived worldwide. Questions were also raised about the extent to which new restrictions on thinking and reflection are related to the former barriers to independent thinking in Africa as well as the value of thinking in a neoliberal Africa of the early twenty-first century.

Crises and Revolutions

The third round table on the theme “Crises and Revolutions” raised some issues on the concepts of “crisis”, “transition” and “revolution” in the literature on Africa. Some of the questions raised were: what can we learn from the frequent utilisation of the concept of “revolution” and the low emphasis on evolutionary change in the discourse on Africa regarding African political economies and international systems in which they are integrated? What is a revolution? What are the policies behind change and the highly contested meanings of “revolution”? What are the various ways to establish, engage in and experience the profound changes, including the transformation of the global economy, the rapid changes in ICT, the new developments in the higher education sector and recent political processes in North Africa, which influence almost all spheres of life on the continent?

Internal Review Committee on the institutional development and governance of CODESRIA

The fourth round table focused on a discussion of the report of an internal evaluation committee set up to review “institutional development and governance of CODESRIA”

The idea of an internal review process came out of the GA in Rabat in 2011 in view of CODESRIA effort to reposition itself for the future and re-examine its mandate and intellectual agenda, its mission and governance systems and the value it can contribute in a new context. The EC thereafter appointed Thandika Mkandawire as the chair of the committee.

The Committee’s report centred on the following highlights:

- **Mandate:** The committee had three mandates to: strengthen the secretariat and management structure; reinvigorate CODESRIA’s agenda and scientific processes; and strengthen governance. The committee decided to focus on the third mandate because the first will require a management audit and the second, a scientific review. While reflecting on issues concerning the charter and membership of CODESRIA the committee emphasised the need for CODESRIA to re-produce itself at national and regional levels as well as through South-South cooperation.
- **The need for reform:** Reforms have to be informed by principles. Do we share need for reform? Do we share larger principles on the basis of which reform should be done? While contemplating answers to these questions, the council has to deal with the effects of earlier reforms, which have led to unintended consequences. Also, it needs to adapt itself to a changing landscape where there is greater freedom around the continent, universities are larger in number and often more stable than earlier, possibilities for funding are becoming tighter; and other like institutions working on social science research are cropping up around the continent. Finally, while the Council’s flexibility has been good it requires a bit of coherence to remain true to itself. There is also significant change in the landscape in which the Council operates.
- **Membership** is a recurring issue, which affects GA and the election of the EC, which in turn determines the appointment of the ES and governance of the Council. In South America there are two separate organizations: CLACSO for centres and FLACSO for faculties. CODESRIA has combined these two and over time also introduced individual membership (1993) and associate members. While the Council has become more inclusive, the way this has been done has created problems since no effort was made to clarify the nature of these memberships and the relationship between them. The committee hopes to rationalize the charter to create membership provisions that suit the Council’s vision. This should include procedures for acquiring membership, provisions for a membership committee and a record of members and their standing.
- **Executive Committee:** The charter of the council requires it to adhere to the principles of the OAU, with the goal of strengthening the pan-African nature of the Council. Unfortunately, it has been interpreted over time to mean regional representation. The EC has to receive attention. The only criterion for membership now is choice by regional members. There is a need to add criteria concerning scientific accomplishments for all members. There should also be criteria concerning experience in institutional leadership for presidents. A formalized nomination, vetting and election process should be established. Terms of members should be staggered to ensure experience at all times. The reservation of seats for specialists on the committee might help ensure great inclusiveness. The ES must also have significant academic accomplishments and relevant experience in institutional leadership and should be able to recruit secretariat staff in consultation with the EC.
- **General Assembly:** The Council’s charter does not require the joint convening of the GA and a scientific conference and they used to be held apart earlier. The exigencies of funding led to their combination. This has created much confusion with people attending the conference assuming they have an

automatic right to participate in the Council's business affairs.

- **The new Charter:** It will be great to have a simple and short charter accompanied by a series of bye laws, regulations and policy documents to replace the oral traditions that guide much of the Council's work.

There were several contributions after the presentation. The major questions include: how governance system can enable the council serve its members better; what the needs of diverse and heterogeneous membership are and the extent to which the council should give consideration to regional diversity, age and gender diversity.

It was suggested that the Council should pay more attention to issues of inclusion and the training the next generation of social science researchers. In meeting new challenges it should consider the experiences of other like organizations in doing so. The SSRC has gone from an association of discipline organizations to a member-less organization. When its main funder- Rockefeller- pulled out the SSRC created a friends-of-social science platform, recruited donors unto its board, and asked universities to make annual donations. In the new environment the council could think of devolving more of its activities to universities and focusing on fellowships dealing with the most important subjects of research. An exploration of the impact of digitization on the continent and the work of the Council as well as a reform of governing councils to reflect the plurality of research in Africa are needed.

A note of caution was also sounded that whatever change is done must be carefully thought out and calibrated to avoid problems. It might be best to just keep charter and reinterpret it. There is a need to justify the launching of a review and to explicitly state its mandate and the vision of the Council from which other things will follow. The holding of regional assemblies that feed into GA might help bring people into the Council but the Council should try to pull back from the regionalism that pervades EC elections

Development and transformation

The fifth round table on the theme "Development and transformation" allowed discussants to revisit the concept of "transformation", conduct a thorough analysis of the dominant development models and explore social and economic transformation alternatives. What does "transformation" mean in the new debates on development in Africa and what role can be played by industrialisation, sectors of knowledge services and economies in the process? How do we perceive regional economic integration as a basis for the process of economic transformation of Africa? How do we give high priority to the issue of inclusion and level it up with that of growth, which has been dominating economic thinking for two decades in Africa? These were the core questions at the session.

Future Africans and new frontiers of social science research...

The sixth round table was on the topic: "Future Africans and new frontiers of social science research and knowledge

production in Africa." The session acknowledged CODESRIA's efforts to reposition itself in the larger process of contributing to the positive transformation of the African continent, while maintaining its historic pan-African ideal. There was however a lively debate on some key questions: What should be the focus of CODESRIA in the next 40 years and beyond? How do we relate new ways of thinking the "future" to the pre-adjustment efforts in development planning in Africa? Is it basically a "return to a future"? How does the transgressive spirit, which is central to the reinvention and re-creation of the future interact with ethics and respect for tradition and history that is for many the essence of being an African? What are the new research priorities? How do we effectively promote new generations of researchers? How do we make the relationship between policy research and social action more effective?

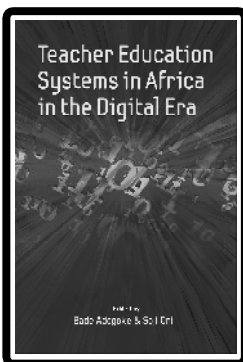
Conclusion

Maintaining its historical pan African ideals in the decades ahead as it remakes itself within the broader process of contributing to the positive transformation of the African continent remains one of the dominant pre occupations of CODESRIA. The debates around the African Union's 'Agenda 2063' and discussions about 'The Africa We Want' re-emerged at CODESRIA's 40th anniversary. The conference ended with a unanimous resolution to re-invent and re-position CODESRIA for the challenges of the future.

Teacher Education Systems in Africa in the Digital Era

Edited by Bade Adegoke & Adesoji Oni

ISBN: 978-2-86978-608-0



Teacher education is vital for the realization of a nation's development aspirations. The conception, incubation and delivery of any national development policy, as well as the reform and implementation of extant policies, are driven by the quality of teachers and their products within a functional educational system. Indeed, national and global models of development, including the millennium development goals revolve round the frames of quality education, beginning with teacher education. It is therefore important to have functional teacher education systems in Africa to help its citizens explore the networking of the world as a global village. This is achievable through a systematic

mobilization of national resources and visible commitment to the development of a modernized cadre of scientific and technological manpower. This book, *Teacher Education Systems in Africa in the Digital Era* is a rich exposition of theories and praxes essential for the development of teacher education in Africa. The book has immense benefits for teachers, teacher trainers, funding agencies, other stakeholders and policy makers.

Conference on International Criminal Justice, Reconciliation and Peace in Africa: The ICC and Beyond

From 10-12 July 2014, CODESRIA, in collaboration with the Social Science Research Council and the Centre for Democracy and Development in West Africa, Abuja, Nigeria, organised an international conference on “International Criminal Justice, Reconciliation and Peace in Africa”. The conference, which was held in Dakar, was opened by Senegal’s Minister of Justice, Hon. Sidiki Kaba. It brought together around one hundred researchers and practitioners including representatives of the ICC, the African Court on Human and Peoples Rights, and the International Criminal Tribunal for Rwanda for discussions on a range of issues touching on redress for mass atrocities and the worst human rights abuses as well as the way toward building reconciliation and sustained peace in African countries. Below is the conference report.

Introduction

Overview

The indictment of President Uhuru Kenyatta and his deputy William Ruto by the International Criminal Court (ICC) in 2010, amplified criticism of the ICC by African leaders and citizens while heightening debates on the relevance of international justice mechanisms such as the ICC on the African continent. It is in this regard that the Council for the Development of Social Science Research in Africa (CODESRIA) and the Social Science Research Council’s (SSRC’s) African Peace building Network (APN) organised a three day conference in Dakar, 10-12 July 2014 to discuss and build on current debates on the African continent on the role of the international justice system in advancing Africa’s peace, reconciliation and justice agenda. The conference was organised in collaboration with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, the Centre for Democracy and Development in West Africa (CDD West Africa), Open Society Foundations (OSF), and TrustAfrica. It was the result of recommendations from a brainstorming and planning meeting organised by CODESRIA and SSRC in September 2013. The conference was opened by the Senegalese Minister of Justice, Mr Sidiki Kaba, who has since been elected President of the Assembly of State Parties to the Rome Statute, and it brought together scholars, activists, practitioners and policy makers in the field of transitional justice and international criminal justice (including representatives of major regional and international organisations, such as the Prosecutor of the International Criminal Tribunal for Rwanda, the newly elected President of

Njoki Wamai
University of Cambridge

the East African Court of Justice, The Prosecutor of the Ministry of Justice in Cote d’Ivoire, the Deputy Co-Prosecutor of the Extra Ordinary Chambers in the Courts of Cambodia (ECCC), representatives of the African Court of Justice, and Human and Peoples’ Rights, the International Criminal Court, the Open Society Justice Initiative, the Extraordinary African Chambers for the Trial of Hissene Habre, and the Pan African Lawyers’ Union (PALU). Participants reflected on dilemmas in the international justice system while exploring prospects for sustainable peace through accountability and partnerships between national, regional and international human rights accountability systems. Important issues discussed and debated at the conference included: realities and perceptions of ICC justice, the peace and reconciliation versus justice dichotomy, issues of selectivity and sequencing by the ICC, peace building and justice dilemmas, building capacities of regional and national human rights systems using the principles of complementarity, pathologies of global inequality and resulting affective reattribution and traditional conceptions of transitional justice by communities

Opening Remarks and Background to the Conference

The opening ceremony provided a background to the issues that were discussed at the conference. The

Executive Secretary of CODESRIA, Ebrima Sall reminded participants to draw from the rich African perspectives on justice and international justice, which have often been ignored while discussing the complex relationship between peace and justice in the African continent. Abdul Tejan Cole praised CODESRIA for this initiative. He emphasised the need for Africans to interrogate peace and justice at a conceptual and empirical level. He called for partnerships between the various stakeholders involved on the continent. Cole argued that the false peace versus justice binary was deceiving since peace and justice are complementary. Ron Kassimir hoped that the conference would not limit itself to the perceived tension that surrounds transitional justice scholarship on whether peace and justice should be pursued simultaneously but more importantly interrogate why peace or justice is considered more important. Akwasi Aidoo emphasised the need for champions for justice, credible institutions for justice and movements to hold these institutions accountable. There is also need for funding institutions on the continent such as TrustAfrica to facilitate change. He promised TrustAfrica’s commitment to funding African justice initiatives and institutions while stressing the need to end impunity in the world even for past crimes such as slavery and colonialism. Hon. Sidika Kaba, Senegal’s Minister of Justice provided the global transitional justice background by tracing the history of transitional justice globally, while including the contributions Africa has made towards these efforts. He extolled the role of the French revolution in creating a legacy for human rights and the Nuremberg and Tokyo trials which

were the first transitional justice processes after gross human rights violations on a massive scale. In 1985, a number of Latin American countries made progress in establishing trials for military dictators from the 1970s. Later the International Criminal Tribunal for Yugoslavia (ICTY) and International Criminal Tribunal for Rwanda (ICTR) were established as ad hoc courts for accountability for crimes against humanity. The end of apartheid also provided another form of transitional experiences through truth telling in the 1990s when the South African Truth and Reconciliation Commission was formed and finally in 1998, the Rome statute was adopted by many African states.

Issues in International Criminal Justice Processes In Africa

Selectivity Bias

Various scholars considered the ICC's charges against Africans as selectivity bias. Siba Grovogui argued that the prosecution choices by the ICC and the instrumentalisation by non-signatories had led to this charge against the ICC. Tim Murithi also noted that the ICC system needed to address selectivity issues to ensure that International criminal justice is not sacrificed on the altar of global geopolitics. Professor Jean-Pierre Fofe agreed that ICC should address the issues raised against them on selectivity and politicisation of justice.

On the contrary, Makau Mutua argued that justice is inevitably selective. 'On the question of selectivity, justice is always selective; it is never free or fair even where systems work even in the United States (US). Can you interdict a judicial system purely on selectivity?' Mutua asked. He noted double standards and hypocrisy exist in the Kenyan case, since current selectivity debates at the African Union (AU) level only focused on the prosecution of elites ignoring Sang, an ordinary Kenyan who was a radio journalist.

Makau Mutua cautioned participants against believing the political elites rhetoric on the ICC. He recommended that discussions should be informed by the realities in Africa, noting that 'the widespread atrocities in Africa scream out for action by accountability and an end to impunity. Democratic Republic of Congo (DRC) has lost 5 million people in the last decade. In Kenya, where a functional legal system is in existence,

nobody has been convicted since the 2007/8 violence'. Additionally, Charles Chernor Jalloh argued that the pan-Africanism rhetoric has been appropriated by African elites based on perceived selectivity by the ICC.

Universality and Asymmetry of Global Power

Siba Grovogui argued that the meanings of justice are not universal but contextually formed. Among the supporters of African-led solutions, he faulted the ICC for finding judicial solutions to political problems saying that preponderance of evidence required proof, yet in political situations this was difficult. Grovogui cited cases such as the stadium massacre in Guinea in 2009, and Cote d' Ivoire where justice had to be about addressing structural inequalities as opposed to trial justice. Justice and reconciliation are not mutually exclusive but structural issues should be addressed as a priority based on the context.

Since the ICC lacks universality of membership, Grovogui argued that it is unfair for the ICC to demand cooperation from African states. 'How can the ICC claim to dispense universal justice when some powerful states like the United States are not members? We must see the link between peace and promotion of justice through the prism of universal membership. Contrary to Grovogui, Makau argued that asymmetry and geopolitics of power are not enough to delegitimise the ICC. The asymmetry argument against the ICC has not been used against other cases apart from where African presidents were involved, he noted. Jean-Pierre Fofe in his presentation: "Perceptions of 'Winners' justice: ICC engagements, peace and reconciliation processes in Uganda, DRC and Cote d' Ivoire" argued for a focus on statehood and power. By rearranging how people amass power, he contends that peace and reconciliation can be made possible at the national level.

Sequencing

Tim Murithi made a presentation on the dilemmas of ensuring peace and reconciliation while holding leaders accountable using the ICC cases in Kenya and Sudan. He emphasised the need for sequencing drawing from the Kenyan and Sudan cases at the ICC. He argues that if proper sequencing had been done by the

ICC, President Uhuru Kenyatta and his deputy could not have managed to pan Africanise their own struggles within the AU to win the March 2013 elections. The AU and the ICC have parallel prisms and there is need for harmonisation. He identified three prisms: the legal prisms, the political prisms and the peace and reconciliation prisms since the perpetrators are usually the same people who are needed for peace building.

Unrealistic Mandates

Charles Chernor Jalloh argued that criminal tribunals set unrealistic goals when they are established with reconciliation as an objective. Every tribunal proposes to attend to peace and reconciliation but at the statute level, it is limited to only creating a mechanism for prosecution. After examining the ICC, the ICTR and Special Court for Sierra Leone (SCSL), Jalloh observed that criminal courts are only useful in prosecution and other benefits like peace and reconciliation are additional benefits which may not occur. He cited Res 1315(2000) which authorised the SCSL as too ambitious in its mandate, 'a credible court that will contribute to peace, justice and reconciliation'.

Victims

A number of sessions discussed the situation of victims within the peace, justice and reconciliation debates. Ato Kwamena Onoma called for a nuanced view, noting that victims were not homogenous groups. This was supported by Betty Okero from the civil society organisations network who demonstrated that there were different types of victims in Kenya: visible ones who live in internal displacement camps and invisible ones that are integrated among their families who are often ignored by policy makers. Onoma argued that victims had competing interests and could be aspiring for a different kind of justice compared to what other players may desire for them, especially political elites and civil society actors. Victor Ochen reported that many African victims in a conference in Kampala reported to have lost hope in the ICC. Onoma also warned the ICC against becoming a channel for the pursuit of politics by other means by paraphrasing the famous war scholar, Carl von Clausewitz who had warned, 'War is the continuation of politics by other means'. Understanding the context of

operations to ensure proper sequencing can strengthen peace building processes. In conclusion there is need to focus on the victims. 'The invisibility of victims in conversations about the ICC even among intellectuals is concerning,' Makau Mutua warned.

The Tension between Justice, Peace and Reconciliation

This section is a summary of sessions moderated by Pascal Kambala and Girma Menelik focusing on the challenges of transitional justice initiatives in Africa and the need for intricate solutions that can accommodate the pursuit of both peace and justice. Djacoba Tehindranarrivela defended AU's commitment to peace, reconciliation and ending impunity despite its recent experiences with the ICC. He cited a number of legal articles which showed AU's commitment to both justice and peace, while ending impunity which include: the Constitutive Act: Article 4(a) and the respect for human life, and the sanctity of human life. He argued that the AU needed to translate its ideals into concrete political action to end impunity. He provided three ways of reconciling AU's humanitarian objectives to fight impunity with its political objectives: enhancement of AU's criminal justice capacity; ensuring that the vetting of justice officials is done and, finally, clarification of the concept of justice and determination of those who should be reconciled. According to Djacoba, the essence and functions of justice include: establishment of truth, the determination of culpable persons, the denial of collective responsibility, the dismantling of institutions and sanctioning of individuals responsible for gross human rights abuses and consequently victims' catharsis. Any reconciliation that goes against these fundamentals of justice cannot be true reconciliation and would fuel future violence and conflict.

Benson Olugbo argued that the concept of justice should include alternative forms of justice in addition to criminal justice at the ICC. Olugbo criticised the office of the prosecutor (OTP) for preferring a restrictive interpretation of the concept in its Article 53 of the Rome Statute which assumes that ICC responsibility is exclusively criminal 'in the interests of justice'. The OTP argues that criminal justice leads to reconciliation and reconciliation leads to peace. Drawing

from two case studies from Nigeria, Boko Haram and Movement for the Emancipation of the Niger Delta (MEND) he argued that amnesty had brought peace in Nigeria after MEND was given amnesty. Nigeria has lessons that can be learnt from, but the national justice system, which provided amnesty for the insurgents is in tension with the 'interests of justice' concept advanced by the ICC. Yeo Aly from the Court of Appeal in Abidjan said that justice should lead to peace and reconciliation because the two are inseparable. There is need for proper sequencing for sustainable peace to be achieved.

ICC and Peace-building

Moderated by Cyril Obi, the session explored the role the ICC can play in peace building and the tensions that exist between the objectives of criminal justice prosecutions and peace building objectives in the short-term which may include reconciliation though amnesties. Obi presented the different types of justice that communities aspire for in a peace building context: criminal/trial justice and socio-economic justice. Drawing from the Sierra Leone and Cote d'Ivoire case, Mohammed Suma from the International Centre for Transitional Justice (ICTJ) argued that there is need for a holistic peace building programme that includes elements of criminal accountability because justice and peace don't contradict each other but rather promote each other. He observed that the ICC process also impacted other processes that contributed to peace building such as Truth, Justice and Reconciliation (TJRC) processes. The truth telling process in Sierra Leone was conducted in isolation as opposed to partnering with the special courts which is a challenge to reconciliation.

Reflecting on the Sudan case, Dismas Nkunda argued that ICC should understand the context before issuing a warrant of arrest to ensure that peace building initiatives on the ground are not undermined. Using the Sudan and Kenyan cases he illustrated how the ICC warrant strengthened El-Bashir to remain the president of Sudan while in Kenya the ICC played the role of matchmaker for Uhuru Kenyatta and William Ruto who are alleged perpetrators leading to their victory. Otilia Maunganidze warned against prescribing similar peace building

programmes to different contexts using an analogy of how a tailor makes clothes based on individual measurements. She also presented the different policy documents on peace building at the United Nations and African Union which African states can draw from. ICC was lauded for its role as a deterrent factor in Kenyan elections thereby contributing to peace building.

International Justice and Global Politics

Politics of Affective Reattribution

This session's reflections were based on the ICC in the context of international relations and politics. Kamari Clarke sought to explain the apathy behind the ICC by African leaders and citizens. She argued that the framing of the justice issues with neoliberal legal concepts based on the Rome statute failed to acknowledge the social, political and historical concerns of the conflicts that underlie justice processes. This hegemonic legal encapsulation has led to what Clarke calls 'affective reattribution.'

She further explained that this affective reattribution has led to affirmative reaffirmation of imperialism which is seen as a continuity of the sentimentalisms of the past: slavery and colonialism. Emotional externalities and individual internalities then contribute to how individuals and collectives understand justice which leads to rejection of the ICC, seen as a neo-colonial form masquerading as a project of justice. There is need to think of new alternatives to the ICC such as the proposed African Court of Justice and understand how affective attachments are held and how they mobilise social action against hegemonic international legal domains.

Sovereignty and Complementarity

In her presentation Henrietta Mensa-Bonsu, addressed several concepts and issues which influence Africa within the international politics of justice. The first issue is the concept of sovereignty. Mensa-Bonsu argued that the ICC's actions of indicting African leaders is based on sovereignty contrary to the sentiments of the political elite, since they are parties to the Rome statute and working under the principles of complementarity. On complementarity, she noted that given the externalities of

global politics, by its very nature perceptions of a lopsided justice are inevitable. Limited funding from the global south, the lack of universal jurisdiction and the categories of those who can make referrals put Africa at a disadvantage since no African countries belong to the permanent five members of the Security Council. Since prosecution by the ICC is only done when national institutions are unwilling or unable to properly investigate and prosecute crimes, the subjection of many African cases to ICC prosecution is due to lack of capacity. Several issues have influenced how the ICC is perceived including: perceptions of selective justice, perception of victors justice and perception that ICC is insensitive to national and cultural realities in Sudan and Kenya, perceived ineffectiveness of the pre-trial chamber and inadequacy of the witness protection programme especially in the Kenyan cases. On the future of the ICC, Mensa-Bonsu hoped that the court will address issues such as selectivity and also obtain universal membership for its credibility.

A Case for Regionalism

In her presentation on the benefits of regionalism compared to internationalism, Matiangai demonstrated why she supports regionalism. Regionalism should be supported by building the capacity of African institutions to administer justice. There is need to build regional institutions such as the African Court of justice. She argues for support of the court based on its proximity to the people and their cultures. Using the imagery of proximate violence on the African body politic she illustrated why strengthening a regional court was important. Obiora Okafor also called for strengthening of African regional alternatives for justice while working with the ICC in ending impunity.

Roland Adjovi also explored alternatives to international criminal justice at the national level by proposing for strengthening national justice systems, integrating traditional justice systems and special hybrid courts such as the Hissene Habre extraordinary justice process located in Senegal. The challenge is to focus on the competencies of these regional courts while drawing on the competencies of international courts without being subordinated.

Responding to Charges against the ICC

Amady Ba, ICC Spokesperson and Head of the Public Affairs Unit

Abdul Tejan Cole started the discussion by challenging Amady Ba to defend ICC's record in case selection in the light of the recent policy paper on the interests of justice from the Office of the Prosecutor (OTP). Amady Ba urged scholars and policy makers to understand the ICC process of investigation before making claims of bias. He defended the ICC against allegations of bias in case selection, which has led to a majority of cases from Africa, by explaining how the process of investigation works and the challenges the ICC faces. On the method of case selection, Ba argued that prosecuting cases is based on the admissibility of the evidence which is voted for by a committee and not politics. The members of this panel are drawn from member states.

The ICC is guided by various principles which include independence, objectivity, cooperation, complementarity and personal responsibility of an individual among others. Amady Ba explained the process of investigations which includes: checking facts for admissibility and in the interest of justice for victims. The challenges the ICC is facing include: lack of universal membership and cooperation (only 122 member states are members), perceived tensions between peace and justice interests, complementarity and wrong perceptions. So far the ICC has 26 mandates, 8 arrests have been made, and 10 have been detained. Concerns were raised after the presentation about the ICC's failure to acknowledge the global inequalities in legal encapsulation which ultimately lead to selectivity in the prosecutions of cases. Cases cited included the Cote d'Ivoire case where warlords like Guillaume Soro were not prosecuted and the Kenyan case where the police were not indicted despite overwhelming evidence on their role in the 2007 post-election violence.

Lessons from Other Justice Initiatives

This section will focus on lessons the AU can draw from other justice processes on the continent. These include: the African Court on Human and Peoples' Rights

(ACHPR), the International Criminal Tribunal for Rwanda (ICTR), the Extraordinary African Chambers for the Hissene Habre Case, the Extraordinary Chambers in the Courts of Cambodia and the East African Court of Justice.

Hon. El Hadj Guisse', African Court of Human and Peoples' Rights

Justice El Hadj Guisse, argued that justice should be relevant to the context and the community where the injustice was committed. He hoped this would inform the proposed African Court of Justice and reported that plans are underway to merge the existing African Court on Human and Peoples Rights with the proposed African Court of Justice to enable criminal prosecutions to be done on the continent. The existing African Court on Human and Peoples Rights has been lauded for providing for individual and non-governmental organisations (NGOs) participation in the judicial process as observers who can provide advice to the court.

In a recent heads of states meeting in July 2014 in Malabo, Equatorial Guinea, the summit introduced an immunity article (27:2) in the proposed African Court of Justice constitutive act. The immunity clause drew equal condemnation and support from African citizens and participants in the meeting. Those in favour of the clause argued that it was a compromise which hopefully would ensure ownership and political will from heads of states for the African Court of Justice. Those against the inclusion of the clause such as Makau Mutua argued that inclusion of article 17 on admissibility and article 27(2) on immunity of heads states threatened to derail progress made on addressing impunity in the African continent. There were concerns from some participants about how the court will work with the ICC given the immunity clause that heads of state had introduced.

Justice Hassan Jallow: Prosecutor, International Criminal Tribunal for Rwanda (ICTR)

The ICTR is set to conclude its operations in September 2015. ICTR is prosecuting those who played a leading role in committing of mass atrocities in the Rwandan genocide. Justice Jallow provided a few lessons learnt from ICTR which include: there is need to address

structural issues in a county and build capacity of national justice administration systems to prevent a Rwanda-like situation happening again while ensuring legal reforms which includes domestication of human rights laws and other best practices. The Rwandan case has provided other important advancements in international human rights law by providing a new perspective on rape in the Akayesu case¹ when they said rape can be constitutive of genocide and inclusion of customary law to assist in justice such as the Gacaca courts. A compendium on the lessons learnt from the ICTR process has been compiled.

Moustapha Ka, Prosecutor to the Extraordinary African Chambers: Hissene Habre Case

The Extraordinary African Chambers in the courts of Senegal were inaugurated by the Senegalese government and the African Union in February 2013 to prosecute the person(s) most responsible for international crimes committed in Chad between 1982 and 1990. The former president of Chad, Hissene Habré, was arrested in June 2013 by the Senegalese police. He has been charged with genocide, crimes against humanity, war crimes and torture. The Chambers' investigating judges are now carrying out their investigation to begin trial in the first half of 2015. Ka, the prosecutor of the Chamber reported they have had funding challenges but this has not deterred them from this process showing that African states are committed to ending impunity. He observed that through this process it was clear that the AU is committed to accountability by heads of states.

Extraordinary Chambers in the Courts of Cambodia: William Smith, Deputy Prosecutor in Cambodia

The hybrid tribunal known as the Extraordinary Chambers in the Courts of Cambodia (ECCC) has learnt lessons that can be shared to international justice processes in the African continent. The court has made progress in raising awareness on the human rights violations committed by the Khmer Rouge through the 390,000 cases and 70,000 public hearings held. This has created a culture that demands for justice in Cambodia. The ECCC has faced similar challenges to processes on the continent such as lack of adequate funding and the 27 year delay has obliterated some evidence.

Proposed African Court of Justice and the East African Court of Justice

Donald Deya from the pan-African Lawyers Union (PALU) argued that building the African human rights and justice system was important to end the confrontations between the ICC and AU. He illustrated how the available courts such as the East African Court of Justice have been effective in the administration of justice so far, having resolved 27 out of the 28 cases presented to the court since its formation. Deya called on participants to look at the other 57 articles of the African Court of Justice instead of focusing on the immunity clauses.

The Role of National Human Rights Institutions in Transitional Justice

Aliro Omara shared his experiences as a member of the Ugandan Human Rights Commission on the role of national human rights institutions (NRI) in addressing impunity and ensuing accountability for human rights violations. Florence Jaoko, a former chairperson of the Kenya National Human Rights Commission also contributed in this vein. Human rights institutions seek to ensure accountability and as a result combat impunity by monitoring and reporting violations, establishing human rights policies such as the IDP policy in Uganda, investigating human rights by establishing patterns of root causes and information gathering. There is need to strengthen NRIs because they play an important role in the pursuit of peace and justice.

Alternative Justice Approaches

Michael Otim from Uganda provided the Mato Oput² alternative justice system in northern Uganda as a process and ritual for traditional justice that was a form of restorative justice. Mato Oput has been influential at restoring broken relationships in the community in Northern Uganda. There is a need to explore traditional justice systems for reconciliation among community members in African countries and develop policy towards facilitating their greater exploitation. In these systems it is sometimes victims who determine the acceptable solution as opposed to criminal trials.

Anne Kubai from the Faculty of Theology, University of Uppsala argued that punishment needed to be interrogated as a form of justice because it does not seem

to enhance deterrence. Drawing from the Rwandan case study she provided evidence to show that punishment does not often lead to deterrence and there is need to focus on restorative methods of accountability at the community and national level that are more reconciliatory.

Protection of Rights beyond Litigation

This session moderated by Kudakwashe Chitsike. Jolly Kemigabo discussed how minority groups are often ignored in justice, peace and reconciliation processes. For instance, she reported that in Rwanda 10,000 minorities from the Batwa ethnic group were wiped out during the 1994 genocide. Victims should not be treated as a homogenous group. Indigenous communities have a right to participate to bring peace in their communities. Nadia Ahidjo focused on women as minorities in the justice systems in Africa. She recommended the strengthening of African human rights systems to ensure justice for women. The Akayesu case is a progressive case which strengthened protection of women rights. Betty Okero from Kenya presented the case of victims as minorities in justice systems by drawing on the Kenya case where post-election violence victims were treated as traitors by their ethnic communities and national elites for their alleged role in providing evidence to the ICC.

Endnote Speech by Chidi Odinkalu

Focus on Statehood and Citizenship in Africa: The Way Forward

Chidi Odinkalu's core argument was that the crisis of statehood and citizenship is the main challenge behind ensuring justice and sustainable peace in Africa. He recommended research directed towards the state and citizenship in Africa to inform the causes of gross human rights violations and resulting solutions. Odinkalu challenged participants to desist from the dichotomy that places the discussions about the ICC as either in support of imperialism for those that support and against imperialism for those against. 'We need a framing that retains memory that is methodical, that retains these experiences of the ICC history while never losing hope ...' Odinkalu argued.

Chidi argued that ICC had been failed by civil society organisations and there was

need for the ICC to partner with heads of state instead of having an antagonist relationship with them. Due to the acrimonious relationship, ICC has inadvertently contributed to the election of indicted persons in Kenya and Sudan while victims and human rights defenders in these countries continue to be victimised and killed in some cases. On the peace and justice relationship, Odinkalu argued that peace can exist without justice sometimes as evidenced by the colonial peace and the post-apartheid peace in South Africa. There is need for further research in such nuances. There is need to find a means of preserving evidence of crimes of humanity.

He provided several research recommendations as a way forward for this conference which include: documenting the role of African states in ending impunity such as the role of Nyerere in Uganda and other contemporary cases; research on statehood and citizenship in Africa, which is the source of most transitional justice challenges being discussed in the conference; training of forensic pathologists, research on Africa's diplomatic history among others. A full list of research recommendations is included in the recommendations section below.

Recommendations for Research to Codesria And APN/SSRC

There is need:

- i) to invest in research and document taxonomy of African states and leaders in Africa who have been instrumental in ending impunity. For instance, the role of Nyerere in ending Amin's brutal regime in 1979. The role of Museveni in ending impunity by ensuring Amin was not remembered as a hero through a state burial in 2003.
- ii) for a political science convention on statehood and citizenship in Africa. This would lead to research into statehood in Africa and the nationhood projects as a way to understand justice, peace and reconciliation.
- iii) to invest in a memory project on an African atrocities archive after investing in training forensic pathologists.

- iv) to invest in research and publications on the diplomatic history in Africa to produce anthropologies with interdisciplinary conversations.
- v) for more research on Sexual and Gender Based Violence (SGBV) issues on the continent. The role of peacekeepers in SGBV and the victims of such actions are under-researched.
- vi) for further research about the complexity of victims on the continent as victims are not homogenous, but complex.
- vii) to identify and research African states that went through gross human rights violations that have reconciled by singling out the foundations of their reconciliation.
- viii) for different African communities to identify what justice means to them and the meaning of peace.
- ix) to deepen research by understanding what can be the Africa Union's role in enhancing the national capacity of member states to prevent impunity and what challenges exist in implementing AU policies.
- x) to address the lack of credibility of the ICC. A concrete policy reflection should be held with the ICC and AU to address the issues raised such as selectivity.

Recommendations for Policy Makers

There is need to:

- i) invest more resources in the ICC: ICC budget is 150 million dollar/year with over 700 staff. This reduces its effectiveness and contributes to bias in selectivity (member states)
- ii) encourage membership of all states and in the Rome Statute.
- iii) invest in training forensic pathologists to investigate atrocities on the continent(AU)
- iv) punish peacekeepers for sexual based crimes committed during peacekeeping. Ensure reparations for those violated by peacekeepers (UN, AU)
- v) focus on structural inequalities as a way to begin reconciling communities in addition to trial justice (ICC,

UN, national governments, development partners)

- vi) for the ICC to take into account a historical consciousness that can begin to understand the global inequalities and traumas of slavery, colonialisms and the Cold War (ICC, UNSC)
- vii) reform the United Nations Security Council (UNSC) by expanding the permanent membership to include African countries and removing veto powers. UNSC should introduce rules of procedure. The office of the prosecutor needs to issue a policy paper (UNSC, ICC, and AU).
- viii) ensure justice and reconciliation processes such as ICC, special courts and TRC, work together at the national level (national governments).
- ix) For AU and development partners to commit funding to the Extraordinary Chambers for Hissene Habre (AU, development partners)

Notes

1. Jean-Paul Akayesu, was the mayor of Taba, Rwanda before the genocide in 1994. On 2 September 1998, Trial Chamber I of the Tribunal found him guilty of nine out of fifteen counts charging him with genocide, crimes against humanity and violations of the Geneva Conventions in the first ever trial before the Tribunal. His was the first conviction ever for genocide and it was the first time that an international tribunal ruled that rape and other forms of sexual violence could constitute genocide. It was also the first conviction of an individual for rape as a crime against humanity (International Crimes Data Base, 2013).
2. Mato oput is an Acholi ceremony undertaken only in the case of intentional or accidental killing of an individual. The ceremony involves two clans bringing together the perpetrator and the victim in a quest for restoring social harmony. Mato oput begins by separating the affected clans, mediation to establish the 'truth' and payment of compensation according to by-laws. The final ritual, 'drinking the bitter root' is a day-long ceremony involving symbolic acts designed to reunite the clans. The drinking of this bitter herb means that the two conflicting parties accept the bitterness of the past and promise never to taste such bitterness again (Pambazuka, Issue 271).

Media Statement on the Launch of the World Social Science Forum (WSSF) 2015*

Introduction

The third World Social Science Forum (WSSF) is scheduled to be held at the International Convention Centre, Durban, South Africa, from 13 to 16 September 2015. The forum is a flagship activity of the International Social Science Council (ISSC) and the 2015 forum will be hosted by the Human Sciences Research Council (HSRC) and the Council for the Development of Social Science Research in Africa (CODESRIA). The Forum is the most significant gathering of scholars and policy-oriented intellectuals drawn from all the regions of the world and across different disciplinary interests in the social sciences and humanities. It serves as a platform for presenting new knowledge and insights, re-thinking received wisdom, charting new directions, promoting innovation in the research-policy-action nexus, and nurturing new international partnerships.

The 2015 WSSF is being convened under the theme: *'Transforming Global Relations for a Just World'*. The theme builds on critical issues that permeated debates during both the 2009 and 2013 editions of the Forum which focused respectively on the themes "One Planet - Worlds Apart" (2009) and "Social Transformations and the Digital Age" (2013) and addressed issues of power asymmetries, injustices, disparities, disjunctions and the divide that pervaded contemporary global realities. The 2015 WSSF will now focus on issues of inequality and justice as core concerns around which discussions about global relations must be structured. The 2015 Forum will contextualise the debates within the framework of a global order that is in the throes of multiple transitions (such as global economic crises, economic growth in the South, and changes in global governance) which in turn offer possibilities for multiple transformations. Below are statements on the launch of the upcoming Forum.

Quality of Life Issues Main Drivers of World Social Science Forum 2015

Durban, South Africa – Over four days, policy makers and shapers comprising scientists, politicians, activists, civil society organisations, activists, labour and business leaders will gather at the Durban International Conference Centre (ICC) for the 2015 World Social Sciences Forum (WSSF), to be held from 13 – 16 September.

The forum is a flagship activity of the International Social Science Council (ISSC) and is hosted by the Human Sciences Research Council (HSRC) and the Dakar-based Council for the Development of Social Science Research in Africa (CODESRIA). These host organisations have partnered with a consortium of over 13 interested parties, comprising national government departments, leading South African universities, science academies, research institutes, research foundations, local and international research councils and prominent non-governmental organisations.

The forum, which takes place every three years, will focus on real-life issues that citizens all around the world grapple with – inequality and injustice, hence the theme: *Transforming Global Relations for a Just World*.

Speaking at the launch of the forum, 22 October 2014, Professor Olive Shisana, chair of the WSSF 2015 and CEO of the HSRC said the theme is informed by "growing inequalities at global, regional, national and local levels and its impact on the quality of life of populations as well as on the sustainability of resources necessary to support quality of life.

"Participants will address trends in inequality and the measurement, nature, manifestations and drivers of this injustice. The forum promises to provide a platform for exciting, informative and insightful discourse".

The WSS Forum 2015 takes place against the backdrop of major transitions– transitions that affect global governance, the

use of resources, and the quality of life of people. It will shine the spotlight on the nature and dimensions of inequality, including:

- The extent and consequences of income and asset inequalities;
- The impact of inequality in terms of patterns of production and consumption on sustainability;
- The impact of gender inequalities, as manifested in unequal access to resources, employment and other social benefits;
- Generational inequalities, with a focus on the youth; and
- Wage inequalities and labour unrest.

"It is now very clear to all that a world in which power and resources are concentrated in the hands of a small minority while the vast majority are having problems getting their basic needs for food, shelter, security and freedom met is neither just nor sustainable", said Ebrima Sall, Executive Secretary of CODESRIA.

"What the global social science community will be doing in Durban in 2015 will build on the debates in WSSF I (Bergen 2009) and II (Montreal 2013) and will, in many ways, be similar to what the World Social Forum has been doing for the past two decades or so: highlighting the problems with global relations as they currently are, as well as the various ways in which social movements and many other actors are trying to transform them.

"We are also aware that the sites of the struggles to transform global relations include the knowledge production world itself where the asymmetries of the global order tend to be mirrored. For those of us in Africa and in other parts of the Global South, the 2015 WSSF provides an opportunity to showcase the best of our research and publications, and demonstrate that another world is not only possible: it is a necessity," Sall said.

"The state of the world is worrying", admits Alberto Martinelli, president of the International Social Science Council.

“Almost half of the world’s wealth is currently owned by the top one percent; vulnerable employment accounts for more than half of all employment in developing regions; about one eighth of the world’s population is suffering from chronic hunger; over 900 million people worldwide lack basic literacy skills, 60 per cent of which are women.

“Serious environmental changes interact in complex ways with these worrying trends, provoking natural and social disasters, illnesses, conflicts over resources, migrations. We need to look critically and creatively into these challenges drawing on the world’s best social science contributions, from all disciplines and all corners of the world. This is what the WSSF is about.”

These issues make the forum a timely initiative on crucial matters facing the world today. “I can only praise the *World Social Science Forum 2015* for bringing together key forces of change towards a just world: innovative social science researchers, dedicated policy shapers and active citizens from around the world. The problems we all face are increasingly complex, entangled, and global. Any news bulletin in any country will bear witness

to this”, said forum patron, George Monbiot, an English writer known for his work in environmental and political activism.

Going further to champion the cause of the focus of the WSSF 2015, he added that “we need more social science studies to help us understand these challenges and consciously shape our responses to them. We also need more spaces where researchers and society can openly debate the issues, influence each other, work out solutions and decide to act together. I am personally convinced of the transformative power of knowledge shaped in this spirit”.

The International Social Science Council (ISSC) is the primary body representing the social sciences worldwide, with the mission to strengthen social science research to help solve global priority problems.

“Our added value lies in our capacity to mobilise and support the full diversity of social science perspectives and approaches required to generate knowledge that can effectively contribute to solving the many urgent challenges facing societies today”, explains Heide Hackmann, Executive Director of the ISSC. “The ISSC’s World Social Science Forums aim

to shape global research agendas, energize the further development of innovative research, and assist with its effective application to society.”

The host country of the WSSF 2015 meeting illustrates the challenges to be discussed at the forum. “This forum will be held in South Africa, one of the most unequal nations of the world – a country marked by financial, spatial, material, and programmatic inequalities”, said Shisana.

“These differences are not academic. They define access to basic services such as water, sanitation, health, education, and housing. They also define relations among peoples. In the end, they define quality of life, determining who lives long and who dies early. The Forum will allow participants to tour geographical areas to experience for themselves the manifestations of inequality”.

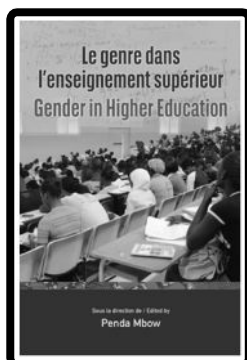
It’s now 329 days to go before the start of this very important Forum at the Durban ICC. “We trust that as we meet in Durban in 2015 to deliberate on global transformations for a just world we will have the wisdom to learn from our varied experiences as we examine social science for knowledge co-production, public policies and social intervention”, concluded Shisana.

* www.codesria.sn

Le genre dans l’enseignement supérieur / Gender in Higher Education

Edited by *Penda Mbow*

ISBN: 978-2-86978-607-3



Les luttes pour l’égalité entre les hommes et les femmes se structurent aussi dans l’enseignement supérieur, puisque l’éducation de façon générale véhicule des disparités en dépit de tous les efforts. L’Université africaine reste dominée par les hommes, dans ses structures de représentation comme ses procédures de prise de décision, situation argumentée et renforcée par la culture patriarcale. Il relève d’un impératif de « niveler le terrain genre dans l’enseignement supérieur » par la mise en place de stratégies de réorganisation et de transformation des institutions de l’enseignement supérieur. Cette publication, ouvre des perspectives intéressantes sur le genre dans l’enseignement supérieur. La diversité des textes, reflet de la diversité culturelle et géographique des auteurs, constituent les meilleurs atouts pour ce travail qui va combler un vide. La situation évolue favorablement ; en effet, la prise

en compte de la question de l’égalité entre les sexes dans les programmes universitaires par la reconnaissance et le renforcement du rôle de l’université dans la société, devient une réalité.

Inequality and Social Injustice must be Addressed*

It is a great pleasure for me to welcome you to the launch of the countdown to the World Social Science Forum which will be held here in Durban in September next year on behalf of our Premier, the Honourable Edward Senzo Mchunu and the people of KwaZulu-Natal. It will be an honour for our province to host this gathering of social scientists from all over the world, which will be deliberating on the critical issue of what the various social science disciplines can do to assist governments to better understand the causes, effects and possible solutions to inequality and social injustice in our world.

It is fitting that the World Social Science Forum focused on these critical issues will be held 20 years after the World Summit for Social Development, held in Copenhagen in March 1995. The Copenhagen Declaration contained a commitment to promote economic and social development in the national and global arena that was based on the principles of justice, equity, participation, transparency, accountability and inclusion.

The World Social Science Forum in 2015 will be an opportunity to not only recall these commitments, but will also be an opportunity for social scientists, policy makers and other interested parties to interrogate the progress that has been made in giving effect to these principles.

In this regard it is valuable to also recall the resolution adopted by the United Nations General Assembly in 2007 that decided that 20 February will be celebrated annually as the World Day of Social Justice. The resolution recognised that "Social development and social justice are indispensable for the achievement and maintenance of peace and security within and among nations." It also recognised that "Social development and social justice cannot be attained in the absence of peace and security of respect for all human rights and fundamental freedoms."

Issues of inequality and injustice both manifest themselves and can be studied at the international, continental, regional,

Weziwe Thusi
KwaZulu-Natal

national and local levels. It is therefore appropriate and fitting that a wide spectrum of organisations – the International Social Science Council, the Council for the Development of Social Science Research in Africa, The Department of Science and Technology, the Human Sciences Research Council, and the University of KwaZulu-Natal – are playing leading roles in organising the 2015 World Social Science Forum. I would like to assure all of you of the full support of the provincial and the City of Durban.

The World Social Science Forum in 2015 will be held at a very significant time in the history of our country, which makes the Forum of particular importance to us. To quote Premier Mchunu in his State of the Province Address of July 2014: "The ruling party, led by President Jacob Zuma, has declared the next five years and beyond as an era of radical economic transformation. In this era we will tackle unemployment in particular, which will logically impact on equality and poverty." A central theme in the Premier's speech was a commitment to eradicate poverty and reduce inequality in our province. We therefore welcome the fact that the 2015 World Social Science Forum will focus its scientific agenda on issues of inequality and injustice.

Another key focus of the programme of action of the KwaZulu-Natal Provincial Government over the next five years is youth development. In this regard, we hope that the scientific agenda of the Forum will both pay attention to and create the space for young researchers to give voice to their knowledge and experiences. We hope that the National Research Foundation, the University of KwaZulu-Natal and all the universities in our province will make a special effort to facilitate the participation in the Forum of young researchers from our province.

The Durban International Convention Centre has hosted many international conferences over the years, and the various departments in provincial government all play their part in supporting the Convention Centre because of the substantive and economic benefits that accrue from its activities. Rest assured that this support will continue. We are committed to ensuring the success of the 2015 World Social Science Forum and the City of Durban is looking forward to hosting all of the delegates and participants in the forum. The interest in your substantive discussions will be keen, your welcome will be warm and the hospitality will as always be generous.

I would like to urge all delegates, especially those who will be arriving from abroad, to stay for an extra day or two after the 2015 conference, to explore our beautiful city and province. KwaZulu-Natal offers our visitors an unforgettable experience from our endless golden beaches, two world heritage sites, from our historical landmarks and a rich history dating back centuries. Our multi-cultural society bears witness to the success of our liberation struggle and peaceful transition to democracy. More than our beautiful landscape, delegates must experience the warmth of our people. I dare say KwaZulu-Natal is the friendliest province in our country and Durban is indeed South Africa's playground and I hope delegates will take some time out to play.

Ladies and gentlemen, I am greatly honoured to welcome all of you to our province and I want to express our appreciation to you for choosing KZN. Thank you for all the hard work that is going on behind the scenes in preparation for the Forum in 2015.

* Welcome Address by the Member of the Executive Council for Social Development in the KwaZulu-Natal, Mrs Weziwe Thusi, at the Launch of the World Social Science Forum 2015 Held in Durban on 21 October 2014

Global Social Sciences to help Solve Global Priority Problems

I am crossed by feelings of desolation as I witness the state of the world and the convergence of problems such as poverty, inequality, illness, lack of education, corruption, social discontent and environmental change. These issues are now intricately linked and entangled, in ways that reinforce their complexity and make action to remedy them very difficult. That's why I must admit feeling also thrilled, if I can say so, knowing that the 2015 World Social Science Forum will be on "Transforming Global Relations for a Just World". This is a timely and urgent topic, and the Forum is an ideal occasion to look into these complex challenges with the world's best, most creative social science contributions with a wide set of stakeholders, from all corners of the world.

Surely, questions of transformations and justice resonate with intensity in South Africa, and in Durban, the city which will host the Forum. In many ways, Durban epitomizes the important political and social changes that shook the country in the recent past. It is still at the forefront

Alberto Martinelli
International Social
Science Council

of important initiatives and struggles for a just world. I would like to thank, in the name of the International Social Science Council (ISSC) and its numerous members worldwide, the Human Sciences Research Council of South Africa (HSRC), the Council for the Development of Social Science Research in Africa (CODESRIA), and their numerous partners for having undertaken the great task of organizing the next World Social Science Forum, on this topic in this city, together with us.

The ISSC is the primary body representing the social sciences at an international level. Our mission is to strengthen global social science to help solve global priority problems. We work to increase both the production and use of social science knowledge in all parts of the world and for the well-being of societies everywhere.

rywhere. With our members, we mobilize and support the full diversity of perspectives and approaches required to generate knowledge that can effectively contribute to solving the many urgent challenges facing societies today.

It is in this spirit that we initiated the series of World Social Science Fora five years ago. This will be the third edition of the Forum, and the first one to take place on African soil. The very first Forum was held in 2009 in Bergen, Norway, on the theme *One Planet – Worlds Apart*. In 2013 a consortium of Canadian partners hosted a Forum on the theme *Social Transformations and the Digital Age*. Both fora highlighted, in their own ways, power asymmetries, unequal access, regional divides; it therefore feels more than appropriate that issues of inequality and justice become the main focus of the third one. Inequality and social justice will also be the topic of the next World Social Science Report (to be published in 2016), one of the other flagship activities of the ISSC.

Let me finish with a warm invitation to visit the website, send ideas for sessions, and be with us in mid-September next year.

* Statement of Alberto Martinelli President of the International Social Science Council at the Launch of the World Social Science Forum 2015 Held in Durban on 21 October 2014.

Research to Empower Political, Social and Economic Actors*

The World Social Science Forum (WSSF), the World Social Science Report (WSSR) and the International Social Science Council (ISSC) are three pillars of a vigorous initiative of the world social science community, which I have had the privilege of supporting in my capacity as Assistant Director General of UNESCO in charge of the social sciences (2001-2010). I am delighted to see that these initiatives are coming to maturity now.

The social sciences serve a fundamental human concern: the need to understand the forces driving society/societies, the reasons behind them and to propose remedies. In this undertaking, Africa has to construct its own distinct voice and theoretical paradigms to address social trans-

Pierre Sané
Imagine Africa Institute

formations on the continent, accompany and empower the bearers of progress and positive change through knowledge and help to open up the policy space through participation

The Human Science Research Council of South Africa and CODESRIA ought to be congratulated for taking up the challenge of organising the 3rd edition of the World Social Science Forum (WSSF) in Africa and for the theme selected: *Transforming global relations for a just world*. The operative word here of course is 'transforming' in other words 'altering

radically' in order to produce the desired effect.

For us in Africa, this can only be achieved by a transformation of Africa's social relations and modes of production. The historical mission of the African social scientist in this undertaking cannot be limited to the production of knowledge, however important that may be. The public resources we are directing at research have to feed into the empowerment of political, social and economic actors, making the researcher a conscious and active agent of the desired transformation. I met many of those researchers in apartheid South Africa in the late 80s when I was directing the IDRC programme of support to post-apartheid policy research. If we do not want to see Africa locked into a new global apartheid regime we need to mobilise energies, knowledge and actors to prevent it from happening.

* Solidarity Message on the occasion of the launch of the 3rd World Social Science Forum, presented by Pierre Sané, President of Imagine Africa Institute