



# HORN OF AFRICA BULLETIN

## ANALYSES • CONTEXT • CONNECTIONS

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### Analyses

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### Myths of oil riches drive resource conflict

The discovery of oil in the Lake Albert region in Uganda and the Lake Turkana area of northwest Kenya has come after more than 60 years of unsuccessful exploration in the Horn of Africa (HOA) countries – Ethiopia, Somalia and Kenya. Managing these discoveries to ensure maximum benefit for the nations poses many challenges for the governments and companies involved, not least among them the high community expectations that reflect both the present success and the past failures.

Past oil exploration ventures in the HOA all failed to find commercial deposits and the recurring cycle of hope and disappointment made local communities fertile ground for the growth of myths about local oil riches. Stories abound of giant oil discoveries secretly capped for future production or otherwise kept hidden by conspiracies between companies and foreign powers. There is now a widespread belief that the region has vast oil and gas deposits ready to be produced, with the Kenya and Uganda discoveries seen as proof. These misconceptions underwrite serious local and regional conflict in the HOA, to the point of armed warfare, such as in the Nugal Valley in Somalia.

This paper discusses some of the causes and content of the main myths about oil discoveries in the HOA and their role in driving expectations and conflict. It provides, as counterbalance, a brief analysis of exploration results between 1950 and 2010, and suggests that more cautious public statements by both companies and governments would be useful.

#### Myths and misconceptions

For decades, many people in the HOA have longed for an oil discovery to provide a transformational economic boom at national, local and personal levels. The wealth of the oil-rich Arab countries is widely known to HOA communities and they had looked to each new exploration venture for its promise of like-riches. When each venture failed, the loss of that promise proved difficult to accept or deal with rationally, and myths developed to provide more palatable explanations.

The term ‘myth’ is used here for a belief system that develops to explain natural events that are inexplicable to the community. In essence, the failure of the drilling is rationalized against the pre-drill expectation by denying the failure and seeking a preferred explanation in the myth.

Prior to the 1970s oil price rise, the most common myth in the HOA (and world-wide) was that the companies did discover oil but were waiting for the price to go up. Thereafter, proximity to the Middle East has sponsored myths unique to the HOA region, commonly involving conspiracies between the Arab countries and the oil companies. The basic version holds that the companies found big oil fields but were paid by the Saudis and others not to produce them. The oil deposits are imagined as vast underground lakes or oceans, extending beneath the Gulf of Aden to Yemen and beyond, or as mighty rivers that flow out of Africa into Arabia. The companies are said to have been bribed not to tap into these lakes and rivers, and thereby halt the flow of oil to Arabia. The local or national community is cast as the rightful owner of the oil, which is being stolen from them, along with the attendant wealth. This notion of robbery by the Arabs has long found a receptive audience in the predominantly Christian societies of Ethiopia and Kenya.

This myth first flourished in the 1970s and, based on the author's conversations at the time with policymakers and individuals in urban and rural communities, pervaded all levels of society and power: the 'river of oil' conspiracy was raised in Kenyan Parliament in 1974 and was commonly cited in Ethiopia to explain Tenneco's 1975 termination of their exploration venture – actually linked to the insecurity following the 1974 coup against Emperor Haile Selassie, and the kidnapping of Tenneco personnel.

During the 1980s and 1990s, the myth persisted but evolved variously to accommodate the changing political landscape. In Somalia, for instance, the USA became the villain in the early 1990s: they were deemed to have found oil in the Nugal Valley but capped the wells because of the conflict that followed the overthrow of President Siad Barre.

Today the predominant myth views the entire HOA as a proven oil province, with vast deposits of oil and gas. The emphasis now is less on what might have been found in the past, and more on the certainty of what will be found in the near future. It is as though earlier myths of conspiracy and robbery have been re-interpreted more positively to emphasize that the rivers and oceans still flow, and the promise of wealth remains. This myth has emerged rapidly in the past decade and, in the author's experience, is heard alike from the general public and the highest government officials.

The myth is regularly presented in the national newspapers and repeated by the international press. Ethiopian newspapers, for instance, invariably refer to the Ogaden region as 'oil-rich'. Nazret.com, a leading Ethiopian news site, describes the country as 'endowed with energy resources such as coal, oil and natural gas', despite there being neither production nor proven commercial deposits. A 2009 Australian *Sixty Minutes* program on Somali piracy<sup>1</sup>, reported that Somalia was believed to be 'floating on an ocean of oil', and that the riches from that ocean, when tapped, would see the pirates peacefully at home with their families! The mythology is not without millenarian overtones.

The oil discoveries in Uganda and Kenya have rightly sparked renewed optimism about oil potential of East Africa. A large part of that optimism is rational and well founded: analogous basins in the East African Rift system might contain similar oil accumulations. Conversely, the optimistic expectation of giant oil discoveries across the entire HOA is neither rational nor well-founded – but it is popular.

### **Misunderstandings feed myths**

The oil myths in the HOA draw considerable content from company and government announcements, and from public misunderstanding of the oil exploration process.

The main public misunderstanding – and the source of much speculation about conspiracies – revolves around the cycles of exploration, with one company following another to explore in the same area. To many, it makes no sense that a company

wants to explore in an area where there has been years of failed exploration by others. They ask why, if the other companies found nothing, is this company looking there again? This is especially the case when, as has happened in the HOA, the same company returns to the same region.

From an industry perspective, this serial exploration is the norm. Companies are constantly re-evaluating areas, trying to understand why past efforts failed and whether application of new geological concepts and survey techniques might yet yield success. In contrast, the public sees these returns as proof that the oil is definitely there and has been known to be so all along, having been either discovered by the company previously or, somehow, just known. For many, it is incomprehensible that the companies would spend the time and money that they do, without knowing the oil was there! (My involvement in various ventures over 40 years in the region is often cited in like-fashion.)

Statements by companies about the significance of oil and gas indications (called ‘shows’) in wells also contribute to the confusion and the mythology. Announcements about the past results can appear contradictory. For instance, a company starting exploration might report very positively about oil shows in early wells but, later, after drilling more wells and spending millions without a commercial flow, they might be rather negative about the significance of those shows. Another company, newly arriving to explore that same area, might then refer positively to those same results and speak optimistically of the potential for future discoveries. This is just the ebb and flow of exploration enthusiasm but it strikes many people as awash with conspiracy of some manner.

For the past decade or so, with increased exploration activity, much involving smaller entrepreneurial companies, and electronic communications reaching even the remotest areas, the main stimulus to the mythology has come from company press statements about the oil potential of their permits. These statements vary from mildly exuberant predictions of future success to detailed oil reserve estimates in company reports and presentations. The latter are the most damaging: often billions of barrels are predicted. This obviously helps maintain shareholder interest and market value, but it also sets high the local expectation for the coming oil bonanza.

It is true that these pronouncements carry the obligatory disclosure, but that has little impact on discussions in the village market or the ministry offices: few remember anything except the company’s declaration of large oil deposits. The expectation – indeed, the certainty – of an oil discovery becomes part of the government’s thinking and is restated in ministerial policy pronouncements and press releases. The public’s acceptance of the oil myth is thereby reinforced. Some of this can’t be avoided entirely but it can be minimized by more balance and caution in press releases by companies and governments alike.

### **Results of exploration in the Horn of Africa**

Systematic oil exploration commenced in the HOA basins in the late 1940s and has continued at various levels until the present day. To end 2011, 129 oil exploration wells have been drilled in the onshore HOA REF: about 41 in Ethiopia, 55 in Somalia (and Somaliland), and 33 in Kenya.<sup>2</sup> (These figures exclude appraisal wells and shallow stratigraphic holes.) Of those wells, 90 (70%) were completely dry or had no significant traces of oil or gas: 28 (50%) in Ethiopia, 22 (73%) in Kenya, and 40 (75%) in Somalia. There were 6 ‘discoveries’: Calub (gas), Hilala (oil and gas) and El Kuran (oil) in Ethiopia, Loperot (oil) and Dodori (gas) in Kenya, and Agfoi (gas) in Somalia. None of these discoveries has been deemed commercial; none has been developed. The other 33 wells had oil or gas shows that suggest some potential in the local area and encourage further exploration.

The blunt reality is that, to end 2011, six decades of exploration and 129 wells have not yielded a single commercial oil or gas discovery in the HOA. This does not mean there is no potential: 129 wells in this vast area is very low-level exploration

by world standards, especially when nearly 70% of the wells were drilled over 30 years ago, and many were probably not located on valid structures. But it does mean that there is no basis for historic beliefs about hidden oil fields or current convictions that giant oil discoveries everywhere are inevitable.

That the popular belief is the exact opposite of these facts testifies to the power of the mythology. Witness the senior minister who told the writer there were oil wells all over Somalia, proving that oil was everywhere. The fact that almost all the wells were devoid of any significant oil show was not a concern: it did not conform to the mythology and must, therefore, be erroneous or irrelevant.

The recent discoveries in the Lokichar Basin in Kenya have shown that large discoveries are possible, even after considerable unsuccessful exploration. It bears noting, however, that Shell's 1992 Loperot-1 well in that area discovered a small oil accumulation but the significance was underestimated by industry until Tullow Oil's recent successful drilling. (Similarly, the discoveries in Uganda's Albert Rift are in an area of known oil seeps that had been overlooked for decades by explorers). Optimism is high regarding analogous basins along the East African Rift system, but it is myth-making to argue that the discoveries have upgraded all other HOA basins, which are of different geological age and history.

### **Regional conflicts linked to oil myths**

In recent decades, oil resources have been a cause of major armed conflict in countries such as Sudan, and an oil discovery in countries with internal conflicts is commonly seen as more curse than blessing. In the HOA, there have previously been no rich oil fields to focus conflict, but conflicts have developed nonetheless, from Gambela in Ethiopia's far southwest, to Puntland in Somalia's northeast, underwritten in part by local myths of vast oil and gas riches.

For example, the border conflict between Somaliland and Puntland is almost certainly linked to the prevailing mythology about oil discoveries in the Nugal Valley. The disputed area has been a part of Somaliland since colonial times and was unchallenged as such until Puntland declared itself an autonomous state of Somalia in 1998, and sought to redraw the border, claiming sovereignty over land controlled by Sool, Sanaag and Cayn clans. According to the mythology, American oil company Conoco, now ConocoPhillips, discovered oil in the Nugal Valley in the early 1990s, but 'capped' the wells because of the unrest following the 1991 coup. This mythology is reinforced by Western commentators who portray the US-led intervention in Somalia, popularized in the movie *Black Hawk Down*, as an attempt to retain ownership of these 'rich oil discoveries'.<sup>3</sup>

Oil companies exploring in Puntland have reaffirmed the mythology and exacerbated the situation with public statements about the Conoco discoveries and the potential for billion-barrel discoveries, without adequate reference to the relatively low chance of success. Major fighting between Puntland and Somaliland forces occurred near Las Anod, the capital of Sool region, in October 2007 and, despite reconciliation talks, the situation remains volatile. In April 2014, the Somaliland army took control of what are now called the Holhol Oilfields.<sup>4</sup>

Similarly, the centuries-old conflict in the Ogaden region in southeast Ethiopia between Muslim Somalis and the Christian Ethiopian state, has a complex of superimposed secular motivations, including ownership of the 'Calub and Hilala oil-fields'. In 2005, only months after Malaysia's national oil company Petronas Carigali commenced surveys in the area, the Ogaden National Liberation Front (ONLF) declared that oil exploration was the cause of increased conflict. Through 2006 the ONLF made regular threats of military action against the oil companies, and in April 2007 killed over 70 soldiers and civilians, including nine Chinese workers, in an oil survey camp. In 2009, a British oil survey member was ambushed and killed.

It is now the widely-held view on both sides of the conflict that the Ogaden is rich in natural resources. A Google search for 'resource-rich Ogaden' quickly shows

this is also the prevailing view among government agencies, NGOs, the UN, and bloggers generally: the top hits all refer to the Ogaden's resource richness and vast oil deposits! The reality is that the Ogaden has no known commercial oil deposits. The Calub Gasfield has been considered un-commercial for forty years and remains undeveloped.

This is not to say that there isn't the potential for commercial oil and gas fields in the Ogaden. As in the Nugal area, the past exploration results encourage further work, but there is nothing yet to justify claims of an oil-rich region. If commercial oil or gas fields can be found and developed, the potential value for the people of these harsh regions is considerable. But until the fighting over imaginary oil riches ceases, the exploration necessary to find any such fields cannot usefully proceed.

## Conclusion

The oil discoveries onshore Uganda and Kenya and the gas discoveries offshore Mozambique, Tanzania and Kenya have required a revaluation by the oil industry of the hydrocarbon potential of East Africa. A conference in London in late 2012 was headlined, with typical industry exuberance, 'East Africa – Petroleum Province of the 21st Century?' Industry optimism about further discoveries is high.

Properly managed by the governments and companies involved, these resources can bring enormous economic benefit to the national and local communities. A key challenge will be to ensure that the oil does not become a cause for conflict, locally or regionally. It will not be an easy task. The entitlement to a share in the wealth accrues first to the land 'owner' and that can become a very contentious issue, especially in areas with a history of nomadic migration, either in-country or cross-border.

Where oil has been discovered in Uganda and Kenya, there is already considerable social discord over the sharing of oil revenues between local and national communities.<sup>5</sup> Nearby border disputes have been sharpened: South Sudan and Kenya, over the Ilemi Triangle area, for example, and Uganda and DRC, over jurisdiction in Lake Albert. Similar difficulties will likely attend any new discoveries.

Elsewhere in the HOA, disputes, both internal and international, are increasingly underpinned by perceived and imagined oil potential. Expectations of future oil discoveries abound. The supporting mythology has become too well entrenched to be easily rewritten but this does not mean it cannot be influenced. The much-needed changes in public attitudes and expectations are possible, but only if the political leadership, specifically the ministers responsible for resources, are properly advised and informed.

The responsibility for this rests with the exploration companies involved, in partnership with the local government organizations such as the Geological Survey or the Petroleum Department. An informed minister means a better balance of caution and optimism in government announcements and, in time, that just might lead to a better-informed public, a weakening of the mythology and a lessening of conflict.

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1 The Pirate Coast, 23 March 2009

2 Figures based on open-file reports in various ministry libraries and the author's records

3 'Black Hawk Down' – Hollywood drags bloody corpse across movie screens by Larry Chin. <http://www.rense.com/general18/blackhawk.htm>

4 'Somaliland National Army takes control of Holhol Oilfields', Somaliland Sun, 21 April 2014

5 'Harnessing Oil for Peace and Development in Uganda - Understanding National, Local and Cross-border Conflict Risks Associated with Oil Discoveries in the Albertine Rift,' *Investing in Peace*, 2, 2009, International Alert.

## Holy wars in Africa

### Boko Haram: A triad of history, religion and poverty

The scourge of holy war threatens nations across Africa in much the same way as it does in the Middle East, the Arabian Peninsula, Pakistan and Afghanistan. The irony is that this level of religious aggression in Africa is happening just as some analysts are predicting that progress in good governance and economic growth in parts of the continent will result in an African success story.

Over the last decade, armed religious groups – Mulathameen Brigade (the “Masked Ones”) in Algeria, al-Shabab in Somalia, Boko Haram in Nigeria, al-Qaeda in Islamic Maghreb (AQIM), Ansar Dine in Mali, Ansar AlShariya in Tunisia, *Séléka* in the Central African Republic – have proliferated throughout the continent, gained strength and pose a grave threat to national, regional and, indeed, global peace and security. Beyond ideological similarities, these groups also share operational tactics as well as the goal of establishing Islamic Caliphates or states in their respective countries.

Clearly, a military response is required to the kind of aggression and violence shown by these groups. It is equally clear, however, that it will take more than drones, bullets and counter-military initiatives to pacify these movements. As this article focused on the case of Nigeria’s Boko Haram argues, there is a host of historical, religious and socio-economic factors that help to explain this rising phenomenon and understand its manifestations in other parts of the African continent.

#### *The case of Boko Haram*

Boko Haram, a militant Islamist group in northern Nigeria, is an African variation of ISIS/L (Islamic State in Iraq and Syria /Levant) in the Middle East – which has declared an “Islamic Caliphate” and renamed itself the “Islamic State”.

However, even though it seems quite recent, Muslim sectarianism and the resurgence of Boko Haram in Africa constitute a toxic blend of bitter *history*, *religion* and *poverty*.

### History

Wars of conscience and emotion invariably emerge over an extended period. The legacy of history hangs heavy over the present. In the words of Karl Marx, the memory of “dead generations weighs like a nightmare on ... the living.” Nowhere is this more so than with Boko Haram.

Formally known as *Jama’atu Ahlis Sunna Lidda’awati wal-Jihad* (People Committed to the Propagation of the Prophet’s Teachings and Jihad), or simply *Boko Haram*, which means “western education is forbidden” in the Hausa language. Founded in 2002 by Mohammed Yusuf, Boko Haram launched its first military operations in 2009 in a spate of attacks and shoot-outs in the streets of Maiduguri in northern Nigeria. Yusuf was arrested and killed, his mutilated body was displayed on state television and Nigerian security forces announced the elimination of Boko Haram. Yusuf was succeeded by the charismatic Abubakar Shekau, the current leader of Boko Haram.

The roots of Muslim unrest in Nigeria extend back to the amalgamation of the northern and southern British protectorates to form the consolidated Colony of Nigeria in 1914 and the independent state of Nigeria in 1960. In the north the Muslim Kanem-Bornu Empire, with a history traceable back to the 9<sup>th</sup> century CE, existed as an independent empire until 1900, when it was defeated by the Sayfawa dynasty. The separate Sokoto Caliphate of the Hausa/Falani was established in 1802.

Nigeria’s predominantly Muslim states in the north have effectively never reconciled themselves to an imposed merger with the south which is populated largely by the Yoruba and Igbo who are mainly Christians and adherents of African traditional religions. From the time of the merger economic power has been entrenched in the

south and Muslims came to see western education as a vehicle for the imposition of Christian values on their communities. These were values that Yusuf interpreted as a form of ‘ethnic cleansing’.

Recent atrocities allegedly committed by Boko Haram and counter-initiatives by Nigerian military forces have led to a new exchange of accusations and counter-accusations. Amnesty International accused Nigeria’s military Joint Task Force of being responsible for the death of 950 Boko Haram militants in detention facilities in 2013 and Human Rights Watch provides evidence of Boko Haram using child soldiers to commit atrocities. The recent abduction of both boy and girl children by Boko Haram adds to these accusations.

The stark contrast between under-development in the north and growing pockets of wealth in the south, plus the high levels of corruption associated with the oil industry in the south and the abuses of security forces is used by Boko Haram to advance its ambitions to promote its dream of an Islamic state.

This history weighs heavily on Nigerian consciousness and raises fears of a religious conflict with a capacity to undermine stability in Nigeria and other African countries.

## Religion

Boko Haram is arguably the most serious religious threat to security on the African continent since President George W Bush launched his post-9/11 ‘freedom agenda’ in 2001, when he told the world: “If you’re not with us you are with the terrorists.” Conservative academics in America at the time celebrated the end of the Cold War, with Francis Fukuyama speaking of the “end of history” and Samuel P Huntington of the “clash of civilizations” and an emerging “third wave of democratization”. They spawned a coterie of academics who peddled the notion of a new world order within which the ‘Age of Revolution’ would come to an end as the essential values of the West triumphed over communism, Islamic worldviews and other ideologies. In support of the foreign policy of the Bush administration, this group of academics suggested that henceforth fundamental social change would be a top-down process within which the West would control and improve the lot of the rest of the world through carefully sponsored initiatives.

Functioning within this paradigm, they furtively argued that the religious and cultural practices of Muslims ought to be exercised in accordance with what was touted as the ‘benevolent guidance’ of Western notions of religious multiculturalism. Effectively, this brand of Western chauvinism has had the opposite effect. It injected a new intensity into Islam as the historic and prevailing religion in the Middle East, Arabian Peninsula and South East Asia. Arguably Shia resurgence in Iran and elsewhere in the region can be partly explained by the political leaning of wealthy, conservative Gulf State monarchies that have close political and military ties with the U.S. All of these states – Bahrian, Kuwait, Qatar, Saudi Arabia and the United Arab Emirates – are predominately Sunni, with the exception of Bahrain which is ruled by an elite Sunni minority over a Shi’ite majority, as was the case in Iraq under Saddam Hussein.

The Sunni-led ISIS/L rebellion against the current Shia government in Iraq is, in turn, a reaction by Sunnis against political exclusion – which is the reverse of what happened under the Saddam Hussain regime that excluded Shias. Effectively, these intra-Muslim conflicts are used by global powers, as well as by political leaders in the Middle East and Gulf States to promote Sunni-Shia proxy wars.

The Muslim world is intensely interconnected by memories that reach back to the death of the Prophet Muhammad in 632 CE, the arrival of Muslim refugees and merchants in Africa, the growth and decline of the Ottoman Empire between 1500 and World War I, the invasion of Iraq in 2003 by the United States, and the present civil war in Iraq and Syria. It is a memory with implications for Tunisia, Egypt, Libya, and other countries of the Sahara, the Sahel, and further afield in the Central African Republic (CAR), Mali and Nigeria. The question of power, however, hangs

in the balance. Its location, distribution, and capacity to gather the forces of conflict, linked as this is to democratization, religion and culture, have grave implications for governance.

Boko Haram bears an innate ‘family resemblance’ to developments elsewhere in the Muslim world, where there are new endeavours by the expropriated to rise in rebellion against their expropriators. Refusing to allow their religion to be subordinate to Western triumphalism, resilient Muslims are engaged in a fight-back against the Western influence. Driven by literalist interpretations of the Quranic proof-texts, Boko Haram sees the Nigerian state as being run by non-believers, even when the country has a Muslim president (which President Goodluck Jonathan is not). These convictions have the potential to destabilise Nigeria and the neighbouring countries of Niger and Cameroon, and to impact on the unrest in Chad, CAR and Mali.

At the risk of abusing the Bard’s *Tempest*: “To prayer, to prayer for all is lost”, in situations of desperation, the manifestation of extremist religion often becomes a last resort as well as a residual source of self-dignity. Boko Haram’s strain of Islamic fundamentalism is condemned by a range of Islamic scholars and organisations across the world. Militant religious ideologies, however, thrive where meaningful participation by ordinary people in the kind of politics that is able to improve their basic needs is restricted. The link between religious alienation and material deprivation is a close and intimate one.

### Poverty

Ngozi Okonjo-Iweala, Nigeria’s Coordinating Minister for the Economy and Minister of Finance, underscores the burden of history in Nigeria’s need to redress poverty, arguing that “the past is an integral part of the current situation in Nigeria, which the Nigerian government is seeking to transform into something new”.<sup>1</sup> A wise person once observed: “While the past continues to be present, the problem is that it is not evenly spread.” This makes the northern provinces, where development has been neglected by successive governments, a priority for Nigerian governance.

Inequality in Nigeria as a whole is directly linked to the consequences of the discovery of oil in 1956 and aggravated by the widely acknowledged corruption in the oil and gas industry. More than half of the Nigerian population has no access to the power grid and vast numbers of impoverished Nigerians eke out a living on under US\$2 a day. The Ogoni people in the Niger Delta continue to protest against international companies, government functionaries and oil industrialists who reap the profits (and increase greenhouse gas emissions) in an oil industry that produces approximately 2.5 million barrels of oil a day. Current protests revive the memory of the arrest and sentencing to death of the celebrated Ken Saro-Wiwa, a writer and co-founder of the Movement for the Survival of the Ogoni People (Mosop) and eight others in 1995 under the government of General Sani Abacha, a northern-based strongman. He bribed the political and business classes with money derived from the exploitation of the oil-rich Delta region and employed the military to crush all resistance to his rule.

Boko Haram ascribes this corruption and abuse to Nigeria’s non-Muslim economic and political system that has resulted in the elite gaining in power and wealth since before the dawn of independence.

Endeavouring to balance the economic challenges facing Nigeria, Okonjo-Iweala quoted Diezani Allison-Madueke, the Minister of Petroleum Resources, as saying: “We dare not neglect either the development of [oil] refineries or the impact of their emissions if we are talking about poverty relief.”<sup>2</sup> Boko Haram is, however, demanding more than ‘balance’.

### Whither Nigeria

Nigeria’s next presidential election is scheduled for 14 February 2015 and questions abound:

- Can President Jonathan be re-elected in the current climate, reviving a recurring debate on whether the presidency ought to alternate between the country's largely Christian south and predominately Muslim north? This is a situation aggravated by the fact that both Jonathan and his predecessor, Olusegun Obasanjo, are Christians.
- If elected, can Goodluck Jonathan sustain his reform programme in the light of Nigeria's history of authoritarian rule, political violence and the present levels of corruption in the private and public sector?
- Can Africa's largest economy, with a growth rate of over 7% per annum be converted into jobs and answer the essential material needs of Nigeria's poor, estimated at more than 50% of the population?
- Can religious and historical diversity be held in creative tension? Specifically, how should the current challenge posed by the militant Islamist group, Boko Haram, be addressed?
- What role can Nigerian play in troubled countries beyond its borders that face religious conflicts?

Reflecting on Nigerian economic inequalities and the activities of a restive Boko Haram, a senior Africa diplomat, observed confidentially that "stability precedes morality in the politics of the real world".<sup>3</sup> This suggests that global and Nigerian power-brokers will be asking whether Jonathan is able to manage Muslim communities in the north that have the capacity to commit acts of terror in the heart of the nation's capital, before backing him in the 2015 presidential campaign.

Realistically, the question is what can he do in the current religiously-charged situation? Without engaging in decisive action against Boko Haram the stability of the country will suffer. If he turns to the West for assistance against Boko Haram, he will play into the hands of Muslim extremists who will use this to undermine his candidature and rule. Jonathan finds himself in a situation where he is 'damned if he does and damned if he doesn't'!

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1 In "Reforming the Unreformable: Lessons from Nigeria," symposium, Centre for Conflict Resolution (CCR), Cape Town, 9 May 2013.

2 Quoted by a participant at the above CCR symposium.

3 In conversation with author, Washington DC, 21 November 2013

## Kenya: stillborn land reforms

The history of land in Kenya is soaked in blood. In an effort to stop the bloodletting, successive governments have set up several inquiries to look into the issue of land. Given the wealth of recommendations generated from those inquiries, it would be fair to assume that land reform is a done deal in Kenya.

This was what a panel discussion in Nairobi in August sought to establish. The Kenya Alliance of Resident Associations organised a public debate on whether land reform was taking root in Kenya. The discussants included a representative of the commission overseeing the wide-ranging changes in the country's land system that are set out in Kenya's four year-old constitution. Other discussants included a representative of the commission overseeing the implementation of the constitution and a longstanding land rights and reform advocate.

Some discussants put a positive spin on things, arguing some progress has been made to manage and resolve the intractable issues around land in Kenya. The common thread that ran through their short presentations and responses to questions from the audience, however, was that there is huge resistance to changing the status quo on land.

### **Revoked Lamu land titles**

In the backdrop of the discussion was the dramatic announcement President Uhuru Kenyatta made just days earlier. He told the country in an unscheduled Friday night speech on 30 July that his government had revoked the title deeds for about 500,000 acres of land in Lamu County<sup>1</sup>. The president said these title deeds had been illegally given to 22 companies between 2011 and 2012.

In the debate organised by the Kenya Alliance of Resident Associations the question arose whether the president had the power to revoke title deeds, irrespective of whether he was motivated by public interest. The question arose because under the constitution the National Land Commission has the powers to revoke title deeds, but only after investigating the legality of such titles.

Abigael Mukolwe, the Vice Chairperson of the National Land Commission, told the meeting that the commission is the only government body that could revoke title deeds following an investigation. She said the commission had assisted in the land audit in Lamu County that led to the president's announcement. Mukolwe said the commission had started the process of investigating the 22 title deeds in question by advertising public hearings and inviting submissions from the public on the matter. Mukolwe explained that at the end of the investigation the commission could confirm that the title deeds were genuine. She said the commission could also determine the title deeds were issued irregularly and order the registry to regularise them. Or the commission could find the title deeds were illegally given and order they be revoked, Mukolwe said. She said that in July the commission had revoked 60 titles it had determined were illegally issued.

### **The Ndungu Report**

Kenyatta said in his July 30 statement that apart from legality of the titles his government was also concerned with the fact that 22 companies had control over 500,000 acres of land.

“This criminal conspiracy has dispossessed individuals and families living in this region of their land and opportunities for improving their wellbeing,” Kenyatta said. “It has also helped fuel the current insecurity being experienced in the region, and frustrated our efforts in building cohesion in the country.”<sup>2</sup>

What Kenyatta said echoed the observation of one of the several inquiries set up by previous governments to look into land.

“In extreme situations, public land has been the subject of outright plunder through speculation. This latter phenomenon has resulted in the unjust enrichment of a few people at great expense of the general welfare of the public,” said the report of Commission of Inquiry into the Illegal/Irregular Allocation of Public Land<sup>3</sup>. The report is commonly referred to as the Ndungu Report, named after the chairman of that commission of inquiry, Paul Ndungu. The report was published in June 2004.

The use of public land has been one of the most controversial issues in Kenya because some past allocations seemed to have been made on the basis a president's whims. Successive presidents since 1963 have made such allocations that later have been traced as a source of tensions around ownership, land usage and rights across the country.

The Ndungu report observed that there were several ways public land could be allocated under the old system. One factor the president was supposed to take into account was public interest. Other ways of allocating public land included an auction process or a selection process by committee made up of people in the area where the allocation was being made<sup>4</sup>.

“The bottom line is that public land cannot be allocated to individuals by the President without reference to the foregoing imperatives. He cannot dish away land to people at his personal whim or caprice. Yet, this is what has happened over the years since independence. (It must, however, be noted that abuses were also not uncommon during the colonial times but this Commission’s inquiry does not extend to that period),” said the Ndungu Report.

It is observations like these in the Ndungu Report and those made in previous inquiries that informed the writing of the chapter on land in Kenya’s constitution, which came into force on August 27, 2010. Also, informing the chapter on land is the violence that has erupted over the decades in different parts of Kenya around land ownership, usage and rights.

### **Land and the Constitution**

A key feature of the chapter on land in the constitution is that it takes away the discretionary powers the president enjoyed under the old constitution that had been in force since 1963. Another key feature is that the public’s views and submissions are to be factored in all the work of the National Land Commission.

Despite the National Land Commission being a constitutional requirement, its formation and work has not been smooth sailing. Its members were confirmed by Parliament in the second half of 2012, but they could not assume office because of a court case challenging their nominations. The High Court dismissed the case in October 2012 but even then the President at the time, Mwai Kibaki, did not appoint them until February 2013<sup>5</sup>.

These changes are what informed the Kenya Alliance of Resident Associations to frame the August talk to ask, “Is Kenya’s Land Reform Agenda on Course?”

Odenda Lumumba, the Chief Executive Officer of the Kenya Land Alliance, was emphatic that the answer was ‘No’. Lumumba said that the tug-of-war between the National Land Commission and the cabinet secretary for land had slowed down land reform. He also said that the National Land Commission was slow in writing and publishing rules and regulations around matters such as how foreign ownership of land in Kenya is to be managed.

“Our implementation (of land reforms) is a total failure,” concluded Lumumba, who is a long-standing land rights and reform advocate.

He also had a warning. He said that the slow pace in drafting a law governing community land was exposing the country and its citizens to exploitation.

“Community land is embedded with natural resources which will put Kenya on the 21st century map,” Lumumba said, referring to the oil discovered in Turkana County and coal in Kitui County. Most of these resources are on land owned by a community of people and not individuals.

National Land Commission Vice Chairperson, Abigael Mukolwe, said that when they took office they expected resistance.

“The only difference is that we did not know the magnitude,” said Mukolwe.

She explained this is one of the reasons that informed their decision to be based at the Lands Ministry building, Ardhi House. She said they are aware of Ardhi House’s reputation as a den of corruption and inefficiency. But they concluded that land files are stored there and they will stay at Ardhi House until they completely inherit the assets of the lands ministry, including the files, within the constitutionally determined period of five years.

Mukolwe said that by the end of the year, the National Land Commission will have drafted a law to manage land cases emanating from historical injustices. She said this draft will be informed by the work of a task force that has been gathering public views on the ways to handle historical injustices around land.

The commission appointed the task force in February this year and it is supposed to complete its work by November<sup>6</sup>.

This yet-to-be-drafted law on historical land injustices presents the first opportunity Kenya has to move beyond talking and analysing the problem to tackling it.

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- 1 Report of the Presidential Strategic Communications Unit dated August 1, 2014: <http://www.president.go.ke/government-revokes-deeds-of-500000-acres-of-land-in-lamu/>
- 2 Ibid
- 3 Page 9 of Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land; Government Printer, Nairobi, June 2004
- 4 Pages 6-9 Report of the Commission of Inquiry into the Illegal/Irregular Allocation of Public Land; Government Printer, Nairobi, June 2004
- 5 Statement of the Commission for the Implementation of the Constitution dated February 18, 2013: [http://www.cickenya.org/index.php/newsroom/press-releases/item/288-failure-by-the-president-to-appoint-the-national-land-commission#.U\\_xR\\_GNr0zA](http://www.cickenya.org/index.php/newsroom/press-releases/item/288-failure-by-the-president-to-appoint-the-national-land-commission#.U_xR_GNr0zA)
- 6 Gazette Notice of the National Land Commission appointing Task Force on Historical Land Injustices: <http://www.nlc.or.ke/nlc-gazettes-taskforce-on-historical-land-injustices/>

## RESOURCES

### **'Where is everyone?'**

In this critical and provocative review of the humanitarian aid system's response to displacement emergencies in conflict contexts in South Sudan, eastern Democratic Republic of Congo and Jordan, *Medecins Sans Frontieres* describes the limitations and deficiencies of the international aid system. Based on extensive literature review and 136 interviews with humanitarian actors and decision-makers from the UN, NGOs and academia over two years, "this report makes uncomfortable reading for those of us involved in the aid system" says the report.

Read it at <http://www.msf.org/article/msf-report-where-everyone>

### **When states delegate civil defence**

This report by the *United States Institute of Peace* addresses the increasingly common practice of state-sanctioned civil defence groups—"groups that governments have established or supported to provide security to communities when state security forces are unwilling or unable to do so. Given the perverse results that many communities experience from armed militias breaching domestic and international law, this report recommends developing better accountability of such groups."

Between 1981 and 2007, says the report, governments in 88 countries established or supported more than 300 armed militias to provide security to local communities. Such militias often directly engage in armed conflict and law-and-order activities. "Many such civil defence groups make local communities less secure by refusing to respond to state direction, setting up security apparatuses in competition with state authorities, committing human rights violations, and engaging in criminal behaviour" observe the report.

It stresses the doctrine of state responsibility and the application of international humanitarian law, human rights law, and international criminal "law to obligate the state or states that establish or support civil defence groups to investigate, prosecute, punish, and provide reparations or compensate victims."

Available at [http://www.usip.org/sites/default/files/SR350\\_Civil\\_Defense\\_Groups\\_Developing\\_Accountability.pdf](http://www.usip.org/sites/default/files/SR350_Civil_Defense_Groups_Developing_Accountability.pdf)

## How 9/11 is taught in America

Cheryl Lynn Duckworth, “*9/11 and Collective Memory in US Classrooms: Teaching About Terror*”, Routledge Research in Education, 3 September 2014.

Cheryl Lynn Duckworth, a professor of Conflict Resolution at Nova Southeastern University, Florida, investigates how the events of 11 September 2001 are being treated and taught in American classrooms. Describing it as a “chosen trauma” for the US, she makes use of the quantitative and qualitative data gathered from US middle and high school teachers, to find out “what narrative is being passed on to today’s students about that day.”

The research also reflects on foreign policy developments and trends since the 11 September attacks and analyses its implications for future trends in US foreign policy. “The understanding that the ‘post-9/11 generation’ has of what happened and what it means is significant to how Americans will view foreign policy in the coming decades (especially in the Islamic World) and whether it is likely to generate war or foster peace.”

*The book can be bought here: [http://www.amazon.com/Collective-Memory-Classrooms-Routledge-Education/dp/0415742013/ref=sr\\_1\\_1?ie=UTF8&qid=1407891145&sr=8-1&keywords=duckworth+teaching+terror](http://www.amazon.com/Collective-Memory-Classrooms-Routledge-Education/dp/0415742013/ref=sr_1_1?ie=UTF8&qid=1407891145&sr=8-1&keywords=duckworth+teaching+terror)*

## South Sudan’s multiple crises

“*From post-conflict recover and state-building to a renewed humanitarian emergency: a brief reflection on South Sudan*” is the latest briefing paper by the **Secure Livelihoods Research Consortium**. Written by Daniel Maxwell and Martina Sanchi, this paper examines South Sudan’s descent into multiple crises.

Noting that since December 2013 – only two and a half years after it became an independent country – South Sudan has been mired in a deep political, military, and humanitarian crisis, the authors observe that “agencies have been caught up in a rapid and overwhelming transition from post-conflict recovery to relief in a context affected by armed violence. In view of this transition they have been forced to adapt their work plans, to readjust their approach, and to renegotiate relations with other important stakeholders.

At the same time they have been forced to come up with plans for how to foster peace, stability and the transition back to recovery.”

*Read the report here: [http://www.securelivelihoods.org/publications\\_details.aspx?resourceid=320&keyword=South+Sudan](http://www.securelivelihoods.org/publications_details.aspx?resourceid=320&keyword=South+Sudan)*

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### Editorial information

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For a link to HAB and more information see [www.life-peace.org](http://www.life-peace.org)

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### Editorial principles

The Horn of Africa Bulletin (HAB) is an international newsletter, compiling analyses, news and resources primarily in the Horn of Africa region. The material published in HAB represents a variety of sources and does not necessarily represent the views of the Life & Peace Institute (LPI) or the cooperating partners, the All Africa Conference of Churches (AACC) and the Fellowship of Christian Councils and Churches in the Great Lakes and the Horn of Africa (FECCLAHA). Writers and sources are normally referred to, although in exceptional cases, the editors of the HAB may choose not to reveal the real identity of a writer or publish the source.

