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Full Length Research Paper

Electoral institutions and management of elections in Nigeria and Ghana: A comparative assessment

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Since the arrival of new democratic train in West Africa, elections have been characterized with naked violence and irregularities which have negatively manifested in economic underdevelopment and political instability. To this end, understanding the dominant nature and character of the electoral management bodies of Nigeria and Ghana to identify a body that is substantially functioning well is central to this paper. This study found a more stronger INEC in terms of electoral management comparing the previous elections with 2015 general elections, yet issues such as non-permanent position of her experienced principal officers, nature of funding, ineffective working relation with other stakeholders are still challenges. This paper discovered that a substantial level of autonomy, permanency in membership of Ghanaian Electoral Commission (EC), proper funding and a doctrine of Inter Party Advisory Committee significantly contributed to its electoral success; by extension democratic consolidation. This study was of the view that Nigeria stands to distinguish itself, if it meticulously adopts and adapts Ghana's viable electoral model.

Key words: Democracy, election, electoral system, electoral management.

INTRODUCTION

It is incontrovertible that in early 1990s, the third wave of democracy blew in West Africa, while countries in this sub-region were forced to comply with this new trend of political order. Being a system of government with distinct values and traits, democracy celebrates free, fair, credible and integrity-based elections. In this context, the option of elections being modes of acceding political power was not negotiable. This implies that elections are a backbone of democracy. Elections in a free and fair sense constitute a fundamental criterion of a good

democratic order. Indeed, without elections democracy is unthinkable because it is a platform through which people express their minds as regard who lead them. To Agbaje et al. (2011: 7) globally, credible elections have become a major factor whenever issues of democracy, democratization and good governance are raised. Meanwhile, the nature and character of elections (credible or not) determine largely its acceptability and by extension the end product of the produced government. Essentially however, sound electoral management body

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is required to achieve positive and desired end product of the election. In fact, Omotola (2014:24) asserts that good elections are said to be impossible without effective electoral governance. This suggests that effective and independent electoral commission is germane to credible elections. In addition, Electoral Management Bodies exhibit important effects on the quality of elections and democracy (Lundstedt and Edgell, 2020:8). To this end, electoral Management Bodies do not only effect democratic processes but shape the conduct of various actors in electoral game.

Regrettably however, robust electoral management bodies are missing in many countries of West Africa sub-region, Nigeria inclusive in spite of her enormous resources and strategic position in the continent. Disappointedly, some elections held in these countries were characterized with naked irregularities, violence, killings, arsons, thus at times translate into socio-economic crisis, poor standard of living, poverty, underdevelopment and seismic political instability. In the context of Nigeria in particular, aside the 2015 general elections believed to be relatively peaceful, other elections have been characterized with condemnable irregularities. This was vividly captured from the assertion of the former INEC Chairman that:

The formidable challenge remaining to be addressed is how to continue to bring further improvements to the electoral process and prevent a reversal to the old order of chaotic, undemocratic and violent elections, with attendant negative consequences of authoritarian bad governance, instead of the desirable good and democratic governance (Jega, 2011:21).

In a similar vein, challenge of election administration was also noticed in Ghana. As succinctly argued by Oquaye (2012:5) in 2008, Ghana was at the boiling point of crisis owing to NDC serious complained that opposition party NPP and Electoral Commission of Ghana planned to manipulate election results. The foregoing assertions suggest that there is a fundamental problem of constructing democratic governance (via election) in Nigeria and Ghana even, if not the entire West Africa sub region. Hence, Hounkpe and Fall (2011) says that there are perceptions in West Africa sub-region on whether elections are of international best practices or poorly managed and badly conducted. Therefore, if elections perceived as workable general solution to dictatorial government, the need for an autonomous, sound and robust electoral management body became quite imperative. It is against this premise that our focus is on comparative study of the electoral management bodies of Ghana (EC) and Nigerian Electoral Management Body (INEC). Structurally, this study acknowledged and justified the centrality of elections to democratic system in its introduction; how elections have been a great threat to democratic stability in Africa and Nigeria in particular formed the statement problem. Secondary data collection approach was carefully adopted. Relevant concepts

explored and discussed while the history; similarities as well as differences in the EMBs of both Nigeria and Ghana also formed important section of this study. Extant lessons to be learned from one electoral institution and other formed the concluding part.

Statement of the problem

Considering elections as one of devices through which diverse interests can be expressed equally and comprehensively, credible elections are among the chief ingredients of a good democratic system. In essence, democracy is unthinkable without free, fair and credible elections. However, viable electoral management body is very crucial to any electoral success. It is unfortunate that over the years, the performance of electoral management bodies in many West African countries has not been quite impressive because elections were characterized with irregularities, violence, killings, arson which has socio-economic crisis, political instability and underdevelopment effects. In Nigeria for instance, previous elections have been marred with series of irregularities. According to Urji and Nzodi (2012: 6) in Nigeria, elections are usual in recent time; meanwhile the integrity of these elections is subject of worry for the stakeholders in this industry. As asserted by Ugochukwu, (2009) and INEC (2007), the volume of litigations brought before the election petition tribunals and nullified election results by competent courts largely attested to dissatisfactions that greeted the 2007 general elections (quoted in *ibid*). Furthermore, in the history of post-election violence in Nigeria, the bloodiest violence happened in 2011 general elections. Indeed, it was uneventfully captured by Urji and Ndozi, that:

In fourteen Northern states where post-electoral violence was prevalent, violent protesters killed several people, including an unspecified number of National Youth Service Corps (NYSC), private houses and churches were burnt, thousands of people were displaced from their homes and places of business (2012:6).

In a similar vein, albeit prior to the conduct of 2015 elections, Abdulahi Smith has maintained that since her attainment of independence in 1960, all the general elections conducted in Nigeria were characterized with violence of different magnitude.

Moreover, the story was not completely different in 2015 general elections, because cases of violence were recorded particularly in the Southern and Eastern parts of the country. In fact, the leader of EU election observers, Fisa was reported to have asserts that during the 2015 general elections, violence was reported across the country. This violence includes: clashes among political parties, attack on the electoral officers and voting materials. Credible reports have shown that problems were very severe in Rivers and Akwa Ibom States

(Agbaje, 2015; Newswatch Time). Additionally, another international observer Bekaren succinctly argued that what characterized the election was far from international best practices and the standard set by INEC (News Agency of Nigeria, 2015).

Meanwhile, cases of electoral irregularities were also noticed in Ghanaian electoral process. According to Jockers et al. (2009), the pocket of violence that characterized Ghana general elections may in comparison be less than what was noticeable in other countries within the region; yet to undermine these pockets of violence is to place the country on a surface of potential severe electoral violence (cited in Amankwaah, 2013:5). In fact, a former parliamentarian and Professor of Political Science rightly submitted that:

Some Ghanaians look for their passports and sought solace abroad, as many stored food against the expected war; Churches and Mosque were filled with panic stricken prayer warriors. As the final results were being awaited, NDC Youth armed to the teeth invaded the EC head office and burn vehicle tyres.... In 2012 the panic scenario was repeated (Oquaye, 2012:5).

Consequently, the aforementioned pocket of electoral challenges has manifested in voters apathy and at the long run which has reduced the level of citizen's participation in electoral process, hence governance. Considering the efficacy of this menace on our fledgling representative democracies, there is compelling need for urgent solution to avert undesirable democratic reversal. It is against this background that this paper intends to attempt a comparative appraisal of electoral management bodies in Nigeria and Ghana with a view to improve electoral management system in the selected countries.

Aim of the study

The study aims at comparing the electoral bodies of both Ghana and Nigeria.

1. To understand the level of independence of the Nigeria electoral body (INEC) and Ghana electoral management body (EC).
2. To identify areas of similarities and dissimilarities between the two electoral management bodies.
3. To recommend ways in which the less effective one could be more efficient.

METHODOLOGY

This study adopts secondary method of data collection. This implies qualitative method of data gathering. To this end, the study garners relevant data from: various publications of the government; technical reports and journal articles; relevant text-books, magazines; newspapers; important publications of different groups; scholarly research reports; and valuable institutional records; In addition, relevant materials from the internet also leave not unused.

CONCEPTUAL EXPLORATION

Electoral system

The dominant nature of an electoral system and its acceptance by the stakeholders in the electoral process determine largely how elections advanced democratic order. Electoral system means the rules by which elections are conducted (Almond et al., 2011:85). This according to them determines who can vote, how people vote and how votes are counted. William (2008) viewed electoral system as an established method of creating collective choice ultimately via voting. According to this book, what are central to a good electoral system are: the sum number of available seat; the widen nature of each districts; the seats allocation laws from votes cast and carefully designed ballot papers that guaranteed voters' preferences.

Indeed, in contemporary world, the combination of the above variables and adherence to different laws and processes, varieties of electoral systems emerged. Obah-Akpowoghaha (quoted in Ebirim, 2013:12) opined that, an electoral system means difficult procedures adopted to select those who represent the masses in public offices particularly in a democracy. To Obah-Akpowoghaha, country's political life does not only affect by the preferred electoral system, but also, benefits as well as the costs are shared accordingly among the candidates and political parties. In this view, Jibrin (2010) argues that most controversy about electoral systems centered on the rules for converting votes into seats. Such rules are not only important but they are democratically technical. The conversion of votes into seats formed the inner workings of democracy. Such a framework is essential to the political machine. Most time electoral systems make provision for the way and manner through which people's representatives are to be elected or chosen. Hence, elections are perceived as activities that are complex because of diverse elements that are involved and benefits from one another.

In the perception of Nnoli (cited in Ebirim, 2013:12) an electoral system entails the extant laws and processes that serve as guidelines for voters in the course of performing their franchise and shape how the parliamentarians occupy the allocated seats in the legislature. According to Nnoli, all laws specifically made and nationally made body of rules defined largely, the procedures, rules and regulations that govern ballots. Also, public institutions entrusted with the responsibility of managing elections either addressed as government Department (as we have in Swaziland) or as an autonomous Electoral Commission (as in Lesotho). Also, some scholars have argued that primarily, what an electoral system does is that votes won by political parties are translated into seats. This is done at every level (general, regional or state or district levels) of elections. In another development, a non-governmental international body called *International Institute for*

Democracy and Electoral Assistance (2009) maintained that, electoral systems defined, in addition structured the laws that guide the ballots. It also helps in determining the characters to elect, the nature of political campaign, the functions of political parties and ultimately, who rules.

Furthermore, a preferred electoral system could be a viable mechanism of social re-engineering. It suggests simply that, as a framework, electoral system could encourage consensus building in a diverse and polarized society. A good electoral system is chiefly appreciated as it converts the cast votes by the electorates into available political office seats and as such, determines the preferences voters have. It also influences individual voter, candidate as well as political party's behaviours. Consequently, a country's electoral system is a viable technique that is used to measure the number of elected positions in government. It helps to identify individual persons and political parties that are awarded seats after the elections. In other words, this explains that a good electoral system as a political institution is at the core of any representative democracy.

Election administration

It is irrefutable that election administration is a pivot task geared towards stemming a widely celebrated liberal democracy. Election administration which is also known as electoral governance has attracted different perception from scholars owing to its centrality to establishment and sustenance of democracy. According to Omotola (2010:539) election administration is demanding tasks which have elements of: making laws, implementation of these laws and element of adjudication. In electoral sense, law making means a designed procedures and regulations that guide the electoral game; rule application addresses the question of implementation of designed rules while the rule adjudication implies the resolution of disputes that greeted the elections. This in essence means that the interaction (positively) of various structures of government and processes is crucial to the outcome of election.

Moreover, Jinadu (1997: 2) viewed election administration as an arrangement engaged in by the electoral management body to have public offices occupied through elections. To Jinadu, when issue of election administration is raised, both the *structure* and the *process* are of concern. Structure is the established body entrusted with powers to arrange and monitor elections. In Nigeria, INEC is the structure that has the mandate of conducting elections. On the other hands, process according to Jinadu means the guidelines to follow; the rules that must be adhered to by various actors involved. Indeed, these rules encompassing: setting up electoral management body, selection and composition of its members, voters' registration, candidate nomination, voting, ballots sorting and counting, results declaration, staff training, constituency delimitation,

voters' education and more importantly registration of political parties. In his submission Beckett (2011) added that, issue of funding, provision of needed logistics, contribution of government, and independent of the commission and tenure of members of electoral management body are all essential to electoral administration.

However, it is of concern noting that good election administration is still in question most especially in developing countries including Nigeria. Fairly organized, properly coordinated and satisfactorily conducted elections have been a contentious issue in Nigeria. The nature of electoral system adopted by different countries affects the good standing of electoral administration. Meanwhile, country's internal make-up as well as electoral context is a factor that influenced the type of electoral system adopted by different societies. In Nigeria for instance, the simple majority and plurality system adopted has impacts on the success or otherwise of the system. Owing to first-past the post and simple majority arrangement, the attitudes of the candidates, voters and political parties are shaped largely by the electoral system adopted. This, by implications, makes electoral governance a serious challenge. Political parties and their candidates have seen elections as do or die matter because of instilled fear of zero-sum game system. Hence, deepening electoral administration in Nigeria has been a herculean one.

Electoral management and integrity

Contemporarily, there are concerns about sound electoral management in many democracies. Put differently, many elections worldwide faced series of condemnations following noticeable malpractices. According to Norris (2014) (in James, 2014) established democracies are often thought to be immune from more serious 'first order' difficulties yet problems associated with election administration and management are common to them. These include mistakes administratively committed while conducting elections and strategies adopted that resulted in poor and undesirable outcomes. It is imperative to note that studies which seek to understand how elections can be improved upon have traditionally focused on the electoral laws, electoral systems design, electoral laws and design of electoral administration. According to James (2014), electoral management is defined as inter and intra-organizational interaction that used policy frameworks and available assets that are keys to good elections delivery.

Findings show that poor electoral management discouraged citizens' trust in electoral process most especially in developed democracies; it affects consolidation and fosters violence elections in developing democracies (Elklit and Reynolds, 2002; Pastor, 1999). The professionalization of electoral management bodies observed by James (2014) was perceived to be a critical

plan and goal-setting of international Organizations. According to Global Commission on Elections (2012), there are new studies on policy instrument used within electoral management boards to manage the people, resource and technology at their disposal. Ultimately, however, there have been some works on what constitutes 'good' EMB' performance. Elections are often evaluated in terms of whether international norms, (op cit.) democratic norms (Birch, 2011) or natural laws are broken. According to James (2014), a range of frameworks have been developed to more narrowly assess EMBs and election administration. Many of these frameworks go beyond looking at the flaws in elections that directly result from office-seeking statecraft (Ugues, in James, 2014).

Location of the electoral management bodies within the structures of the state

In recent years, different criteria have been used to classify electoral management bodies. Fundamental among these was their recruitment exercise. In a context that allows civil servants to organize elections, the EMBs follow *governmental approach*. It is a *judicial approach* in a situation where judges are appointed to conduct elections. Electoral management bodies are regarded as *multi-party in orientation* where members of electoral management body are from different political parties. Also, approach of electoral management body is believed to be *expert based* when a selected renowned, experienced and independent minded individual made up of body that organizes and conducts elections (Garber, 1994; Harris, 1997 cited in Lopez-Pinto, Bureau for Development Policy UNDP, 2000). In another development, EMBs have also been viewed on the basis of structural characteristics. Klein (1995) argued that, this is to look at the EMBs from angle of recruitment (permanent, Independent, not centralized electoral system) (Klein, 1995). In addition, the variations in country's political, cultural as well as their democratic evolutions shaped the institutional character of their EMBs. Globally, development of electoral system has been conditioned with different factors. These include: An old established orientation of body of rule, readiness of actors to embrace dialogue during transition, nature of economy and level of dissatisfaction by the masses (Diamond et al., 1988; Bratton and Van de Walle, 1997). It is historical that, elections were conducted by the executive branch of government alone. However, contemporary democracies have moved towards highly independent and multi-party oriented electoral management bodies. In addition, the legal stance of many electoral bodies in modern democracies is not negotiable. For instance, it is evidence that constitution of some countries provided for electoral management bodies of equal status with the three arms of government. In fact in Venezuela and Costa Rica, electoral management bodies

are the fourth branches of government. Additionally, many countries in the continents of Asia and Africa have their electoral management bodies constitutionally empowered (Lopez-Pinto, 2000).

Nigerian Independent National Electoral Commission (INEC)

Under the Nigerian 1999 Constitution, there was a provision for the establishment of an independent electoral management body known as INEC. Indeed, Section 14 (1) states that; there shall be a body known as the Independent National Electoral Commission INEC. The commission shall have a Chairman as the head who shall be Chief Electoral Commissioner. In addition, Twelve (12) other members known as National Electoral Commissioners shall work along with the chairman to deliver on the mandate of the commission. These set of people as provided for in the constitution must be people of impeccable character. The chair must not be less than fifty years of age while other twelve members must not be less than forty-years of age (Constitution, Federal Republic of Nigeria 1999). Furthermore, the power of INEC as stated by Section 14 (5) of the Constitution includes the power to: organize elections for the offices of President and Vice-president, organize as well as conduct elections into executive and legislative public offices across the country, register political parties, provide guide-lines for campaigns and monitor the operations of political parties, compile the voters' registration to achieve credible and acceptable elections in Nigeria. Other assigned duties to the INEC by the Parliament must as well be performed by the commission. The scope of INEC responsibility was clearly provided for in the 2010 Electoral Act as amended. These include: The guideline to be followed by political parties to get duly registered, provision of voters' cards for qualified citizens, the activities of the commission on Election Day, the nature of election malpractice and procedures for electoral dispute resolutions.

Nigeria's electoral management body: A historical synopsis

It is of assertion that a body with the primary responsibility of administering elections in Nigeria has over the years featured differently yet structurally indifferent. To substantiate this thought, Adetula (2007:7) succinctly noted that Nigeria has experienced several dissolutions, re-constitution and restructuring of electoral management bodies as a result of military incursion in politics. It is historic that prior to the 1960 independence (1958-1959), of existence was the Electoral Commission of Nigeria (ECN). It was headed by R. E Wraith who conducted the 1959 general elections. Upon her attainment of independence in 1960, the constitution of Nigeria

provided for a Federal Electoral Commission (FEC). This commission organized and conducted post-independence general elections of 1964 and 1965 respectively. Following the military incursion of 1966, FEC was dissolved, and new Federal Electoral Commission (FEDECO) was constituted by the former President Olusegun Obasanjo in 1978 with Chief Micheal Ani as the head. This commission successfully organized the 1979 elections in tune with the transition to civil rule agenda of Olusegun Obasanjo and ushered in Second Republic under the leadership of Alhaji Sheu Shagari. Also, in 1983 Justice Ovie-Whiskey assumed the headship of the commission (FEDECO) and as such organized and conducted the general elections. Furthermore, in 1987, after a successful Coup staged by Ibrahim Babangida, a new electoral body was established by Decree No 23, which was headed by Professor Eme Awa; Prof Humphrey Nwosu and Prof. Okon Uya respectively. In 1994, National Electoral Commission of Nigeria NECON was established by late General Sani Abacha led military government. This commission was headed by Chief Sumner Dagogo-Jack from 1994 to 1998. Subsequently, the sudden demise of Abacha in June 1998 saw the emergence of new electoral body known as the Independent National Electoral Commission INEC. This was established by General Abdusalam Abubakar's administration following the dissolution of Abacha's NECON electoral body.

Apparently, INEC chaired by Honourable Justice Ephram Akpata conducted the transitional general elections that gave birth to Fourth Republic in 1999. In the year 2000, Abel Guobadia was appointed and he conducted the 2003 general elections; while, Maurice Iwu organized the 2007 general elections following his appointment as a chairman of the commission in 2005. However, there is no gain saying that the appointment of a highly discipline academic Prof. Attahiru Jega as a new chairman of INEC in 2010 forced the commission to repositioned itself and delivered on assigned mandate. This was obvious in the 2015 general elections. The ruling Peoples' Democratic Party PDP lost to the main opposition party All Progressive Congress APC. This is a mile stone in Nigeria's electoral history. On June 30th 2015, Jega's tenure expired and Amina Sakari acted until the appointment of Mamood Yakub by President Muhamadu Buhari as the new head on the 29th October, 2015. Upon completion of his tenure of five years, Professor Mamood Yakub was on 27th October, 2020 re-nominated by the president for another five years' term which requires Senate confirmation. It must be added that INEC has representation in all the 36 states of Nigeria including Federal Capital Territory, Abuja.

Ghanaian Electoral Commission (EC)

The issues of electoral democracy and management of

elections in Ghana before 1960 were quite challenging. Indeed, there was an issue of EC independence and the confidence of citizens in the electoral process and the body that manages elections. The return of Ghana to democracy in 1990s provided for a new electoral management body which has the trust and confidence of the citizens. Like in the case of Nigeria, the activities of Electoral Commission of Ghana go beyond organizing elections; it includes: the registration and monitoring of the activities of political parties. Also, the EC of Ghana has a level of independent. It has power to organize itself and determine its own internal affairs. As an institution entrusted with the management of elections, Electoral Commission of Ghana is not immune from some challenges. In fact, staff welfare, voters' registration management, and ineffective coordination of relevant institutions are among the factors that have not strengthened the Electoral Management Body of Ghana.

Ghana's electoral commission: An evolution

Since her independence in 1957 and prior to the new wave of democratization in 1993, Ghana had used 'autonomy electoral management body'. Historically, between 1968 and 1974, only one commissioner was in charge of elections in Ghana. Between 1982 and 1992 the National Commission for Democracy NCD was in charge of elections as the body conducted District Assembly elections. In a similar vein, in 1992, the interim National Electoral Commission (INEC) was established. This body conducted the 1992 general elections and also managed the Constitutional Referendum that took place in the same year. Moreover, on a legal sense, the present Electoral Commission came into existence in line with the provision of the 1992 Constitution. Specifically, Article 43, 44, 45 and 46 of the constitution provided for the creation of EC of Ghana (Electoral Commission, 2008). In fact, of specification was the Ghana Constitution on the composition of the electoral commission members, their qualifications, salaries and term in office. The core functions of the commission as well as its independence of any person and /or institution were left not unspecified by the constitution. Meanwhile, despite the strong constitutional provision to ensure EC autonomy, the commission still faced criticism from the opposition parties. By implication, the EC has faced a lot of challenges in the elections conducted in 1996; 2000; 2004; 2008 and even in 2012 since Ghana's democratic restoration in 1992.

Nigeria-Ghana electoral bodies: The similarities

Considering their geographical location on the Africa continent; suffered European domination; years of political independence; military incursion and democratic

experience Nigeria and Ghana are better positioned to learn from each other, ultimately institutionally. It is axiomatic that the two countries have established Electoral Management bodies in which their structure, organization and composition have manifested in their outputs and level of citizens' confidence. Table 1 shows mostly the areas of uniqueness of Nigerian Independent National Electoral Commission (INEC) and the Electoral Commission (EC) of Ghana more importantly in respect of legal frameworks.

It is vivid that the two electoral management bodies (INEC & EC) were dully established by the extant body of rules. These are: The 1999 Constitution of the Federal Republic of Nigeria and the 1992 Constitution of Ghana. In the context of Nigeria, from its name "Independent National Electoral Commission" signifies "autonomous body" free from any interference whatsoever. It is a permanent institution that conducts elections into various offices in the country. Also, in Ghana, Electoral Commission of Ghana is responsible for the management of its electoral system. Both legal documents provided that: the Electoral Commissions are not subject to the direction or control of any person or authority. Hence, these two bodies are similar in this direction. Additionally, owing to the strategic position of both INEC and EC in their respective body polity, their autonomy was clearly provided for and guaranteed by the constitutions. This also makes Ghana and Nigeria electoral institutions unique. In the same vein, the two electoral bodies are permanently established as public institutions saddled with the responsibility of managing elections. This simply suggests that they are not intermittent electoral bodies, like we have in some countries.

In another development, both electoral bodies possessed very important prerogative and strong referees. As clearly provided for in their various constitutions, both INEC Nigeria and EC of Ghana have unique prerogative powers and functions. Under this, they have power to: Control and supervise all public elections and referenda; Register and control of the activities of political organizations; Define the sites of polling state; Printing ballot paper; it recruits and train staff that man the polling stations and those that manage the entire electoral process. Both EMBs do accredit domestic and foreign election observers; provision of important information for the successful completion of the electoral process. Both INEC and EC receive and distribute accordingly, the materials allocated to the political parties; invalidate the results of elections before or after publication; thy investigate irregularities when brought to its notice. Furthermore, the power to remove EMB's chair lies in the Mr President of both countries.

Evidently, on Thursday 28th June 2018, President Nana Akufo-Addo removed the Chairperson Mrs Charlotte Osei and her two deputies, Mr. Amadu Sulley and Ms. Geogiana Opoku Amankwah from office. The President's action followed the recommendation of the committee set

up by the Chief Justice, Sophia Akuffo, in response to various allegations of fraud and corruption leveled against them. Similarly in Nigeria, on 28th April, 2010, the former President Goodluck Jonathan wrote and directed former Chairman of the Independent National Electoral Commission INEC Professor Maurice Iwu to embark on leave as a preparation for his exit expected to constitutionally end on 12th June, 2010. As such, the most senior electoral commissioner was to take-over from Iwu before the appointment of a substantive INEC boss. The forgoing evidences from the two countries clearly attest to the unique power of Mr. President in Nigeria and Ghana to appoint and remove the chair/chairperson of their EMBs. Another important area of convergence in these electoral bodies was the prerequisite of membership. Both Nigerian and Ghana legal frameworks required members of the commissions to be of the same status with the members of the parliament in respect of their qualifications. That is, to be eligible for EMB membership you must be qualified to be a parliamentarian.

Nigeria-Ghana electoral management bodies: The divergence

As unique as the EMBs are, they clearly have variables that differentiate them from each other. Indeed, the observed variability in their outputs might not be unconnected to their legal, administrative, structural and contextual differences. As shown in Table 1 INEC Nigeria and EC of Ghana are not unique in some areas

Appointment process

As shown in Table 2, the appointment of the members of INEC in Nigeria is by proposal by the President. This is in consultation with the Council of State. Meanwhile, such a nominee requires the confirmation of the Senate. This implies that, the power of Mr President to appoint INEC Chair/ Chairperson is checked by the Council of State as well as the parliament. Put simply, the appointment of member of the electoral body in Nigeria is a joint effort of the executive and the legislature. Evidently, on 27th October, 2020 President Muhammadu Buhari re-nominated and forwarded to the National Assembly the name of immediate past INEC chair Professor Mahamud Yakubu for another five-year term. The president has no unilateral power of appoint INEC boss. Hence, Senate confirmation is strategic to the appointment of INEC chair in Nigeria. Meanwhile in Ghana, the proposal for the appointment is also from the president in consultation with the Council of State though for *mere advice*. The Council of State is just an advisory body established by the 1992 constitution without any major power. Another trait in Ghana case is the need for a strict compliance

Table 1. The similarities.

S/N	Content	Nigeria (Independent National Electoral Commission INEC)	Ghana (Electoral Commission EC)
1	Legal status	Section 153 (f) of the 1999 constitution provided for the establishment of the Independent National Electoral Commission INEC	Article 43 of the (Constitution) and Act 451 of: The Electoral Commission Act, 1993 Provided that: (1) there shall be an electoral Commission which shall consist of: a chairman (b) two Deputy chairmen; and (c) four other members.
2	Autonomy	INEC Establishment Act Part 1 (6) Says: Commission not to be subject to the control of any other person or authority In the discharge of its functions under this Act, the Commission shall not be subject to the direction or control of any other person or authority.	Act 451. (3) The Electoral Commission Act, 1993 Provided that: Except as provided in the Constitution or in any other law not inconsistent with the Constitution, in the performance of its functions, the electoral Commission shall not be subject to the direction or control of any person or authority.
3	Duration of the commission	Section 1 of the Electoral Act, 2010 provided that: 1. The Independent National Electoral Commission as established by S. 153 of the constitution: (a) shall be a body corporate with perpetual succession, and (b) may sue or be sued in its corporate name.	Article 43 (Constitution) shows that EC was established as a permanent Public Institution.
4	Prerogative power	Part 1 Section 2 of 2010 Electoral Act states that: In addition to the provisions conferred on it by the constitution; the Commission shall have power to— (a) conduct voter and civic education; (b) promote knowledge of sound democratic election process; and (c) conduct any referendum required to be conducted pursuant to the provision of the 1999 Constitution or any other law or Act of the National Assembly. Section 15. Part 1 of the Third Schedule of the 1999 Constitution also listed in details the functions of INEC from; (a) organise, undertake and supervise all elections to the offices of the President and Vice-President, the Governor and Deputy Governor of a State, and to the membership of the Senate, the House of Representatives and the House of Assembly of each State of the Federation; (i) carry out such other functions as may be conferred upon it by an Act of the National Assembly.	Article 45. (1992 Constitution) and Act 451 S. 2 of The Electoral Commission Act, 1993 states that: The Electoral Commission shall have the following functions. (a) to compile the register of voters and revise it at such periods as may be determined by law; (b) to demarcate the electoral boundaries for national and local government elections; (c) to conduct and supervise all public elections and referenda; (d) to educate the people on the electoral process and its purpose; (e) to undertake programmes for the expansion of the registration of voters; and (f) to perform such other functions as may be prescribed by law.
5	Appointment and removal of members	Sec. 154 (1999 Const.), INEC Act. Part 1. (3b) and Sec. 14.(a) Part 1 of the Third Schedule of the 1999 Constitution states the power of President to appoint the Chairman and members of the commission INEC Act. Part 1. 3(2) empowered the president to remove any member, though with clear conditions.	Article 43.(2) (1992 Const.) states that: The members of the Commission shall be appointed by President under article 70 of this Constitution. and Act 451. 4(2) of The EC Act, 1993 provided that: The President shall, acting on the advice of the Council of State appoint the Chairman, Deputy Chairmen and the other members of the Commission. Article 146(9) (1992) gives the president power to remove EC chair
6	Eligibility of members	Section 156. (1) (1999 Constitution) Provided that: No person shall be qualified for appointment as a member of any of the bodies aforesaid if - (a) he is not qualified or if he is disqualified for election as a member of the House of Representatives;	Article 44 (1) (1992 Constitution) states that: A person is not Qualified to be appointed a member of the Electoral Commission unless he is qualified as a member of parliament.

Source: Authors, 2020.

Table 2. Dissimilarities.

S/N	Content	Nigeria (<i>Independent National Electoral Commission INEC</i>)	Ghana (<i>Electoral Commission EC</i>)
1	Appointment procedures	Section 154 (1) 1999 Constitution in appointing the Chairman of INEC , be appointed by the President and the appointment shall be subject to confirmation by the Senate. While (3) In exercising his powers to appoint a person as Chairman or member of the Independent National Electoral Commission, the President shall consult the Council of State	Act 451 sub sec 4(2) of: The Electoral Commission Act, 1993 The President shall, acting on the advice of the Council of State appoint the Chairman, Deputy Chairmen and the other members of the Commission
2	Composition of members	INEC Act Part 1 Sec. 2(1) established that: The Commission shall consist of a chairman who shall be the Chief National Electoral Commissioner and the chief executive of the Commission and twelve other members to be known as National Electoral Commissioners	Article 43. (1992 Constitution) There shall be an Electoral Commission which shall consist of: (a) a Chairman; (b) two Deputy Chairmen; and (c) Four other members.
3	Tenure of members	Sec. 155 sub 1(c) (1999 Const.) Provided for five years term as: in the case of a person who is a member otherwise than as ex officio member or otherwise than by virtue of his having previously held an office, for a period of five years from the date of his appointment. (Five Year and renewable once)	Act 451. Sec. 5(1-2) The Electoral Commission Act, 1993 Stated that: The Chairman of the Commission shall have the same terms and conditions of service as a Justice of the Court of Appeal. The two Deputy Chairmen of the Commission shall have the same terms and conditions of service as are applicable to a Justice of the High Court (<i>Has no period</i>)
4	Procedure for the removal members	The Executive-Legislature powers. Sect. 157. (1) (1999 Const.) Subject to the provisions of subsection (3) of this section, a person holding any of the offices to which this section applies may only be removed from that office by the President acting on an address supported by two-thirds majority of the Senate praying that he be so removed for inability to discharge the functions of the office (whether arising from infirmity of mind or body or any other cause) or for misconduct.	The Executive –Judiciary Powers. This is captured in Article 146 (1, 4 and 9) of the 1992 Constitution
5	Temporary Staff	Recruits temporary staff from the National Youth Service Corps (NYSC) and Academic in the University	Recruits temporary Staff competitively from all qualified Ghanaian
6	Funding	Funded by both Government (through the Ministry of Finance) and Donor Agencies. The salaries and allowances of commissioners are charged directly on the consolidated revenue reserves while election expenses are not	Funded by both Government (through the Ministry of Finance) and Donor Agencies. Salaries, allowances of commissioners and other staff of the commission are charged on the consolidated revenue reserves.

Source: Authors, 2020.

with the tax regulations of Ghana. The president does not need to consult the parliament in the appointment process. Indeed, the position of the Council of state is not binding on the president.

Composition of members

In terms of composition of members, the two electoral bodies differ. In Nigeria, as provided for in the INEC Act Part 1 Sec. 2(1) established that:

there would be chairman also known as chief National Electoral Commissioner as the head of the commission. Other appointed members are known as National Electoral Commissioners. Indeed, the appointment of these members also

requires the confirmation of the Parliament as in the case of the Chair/ Chairperson. Two National Commissioners are appointed from each geo-political zone while one Resident Electoral Commissioner is appointed from each state of the Federation. He/ she is deployed to INEC offices outside their states of origin. In the case of Ghana, the composition of the EC comprises six (6) members who work directly with the chair to deliver on their core mandate. It consists of two Deputy Chairmen and four other members. Before they could be appointed, the laws require that presidential nominee must fit to be member of the parliament. Hence, in Nigeria, the Electoral Commission composes of thirteen (13) members. The Commission has representatives in all the thirty-six (36) states of the Federation and the Federal Capital Territory. The Commission has representations in all the states of the federation and Federal Capital. In Ghana, the Electoral Commission consists of seven (7) members. Among these seven, three work permanently for the Commission while others are not permanently engaged by EC. At the local level, three members represent the Commission.

Tenure of office

Quite significant as area of difference between the two bodies is the tenure of office. In Nigeria Sec. 155 sub 1(c) (1999 Constitution) provided for five years term. In Nigeria, the tenure of members' electoral body (INEC) is five years. This is renewable but once. But the electoral commission has permanent members who continue to work after elections. What is fundamental here is that, there is clear tenure of office for the members of the Commission. Their work and engagement with the commission is within the constitutionally stipulated five years terms. In other words, their appointment has tenure. It is instructive to note that former INEC chair Attairu Jega has to leave office after his five years terms despite a widely acknowledged success recorded. In the case of Ghana, members of the Electoral Commission have no fixed tenure of office. According to the 1992 Constitution, the Chair/ Chairperson of EC enjoys and has similar conditions of service as a Judge of Court of Appeal. This Implies that if infraction(s) was not committed, the EC Chair/ Chairperson is irremovable. He/she serves in the office till the retirement age of seventy 70 years as applicable to the Appeal Court Judge. Similarly, the Vice-Chair of the Commission also enjoys the same benefits like a high court judge. They are irremovable too; having committed not infraction(s) that constitutionally warrant their removal. Hence, they hold and maintain their positions until the fixed retirement age of sixty-five years. Moreover, with a sense of uniqueness, the appointment of EC chair/person and other two Deputy chair has no specific duration until their retirement as public officers. Electoral commissioners in

Ghana are largely independent from influence and control of political class unlike what is observable in some neighbouring countries. This suggests that, the span of service and responsibility of Ghanaian electoral chair and other two deputies is wider than those whose members have a fixed tenure (*Five Year and renewable once*). Unlike, in Nigeria where the Chairman of INEC spends renewable 5 years, in Ghana, it is worthy of saying that they optimally utilize the acquired experiences of their principal officers as he/she stays for long in office. This is very fundamental.

Removal of the chair/chairperson and members from office

Another area of divergence in the Nigeria and Ghana electoral institutions was the *process and procedures for removing the chair/chairperson and appointed members of the electoral bodies*. In the context of Nigeria, the Constitution demands the joint efforts of both the executive as well as the legislature before this could be done. In fact, as the appointment of electoral Chair/ Chairperson is a Constitutional issue, so their removal from office is a constitutional matter. The decision to dismiss INEC boss originates from the president. This must be supported by the 2/3 members of the Senate. The procedure is difficult because it requires the endorsement of 2/3 majority of members of the upper legislative arm of government. (Hounkpe and Fall, 2011:24). This procedural rigidity is to have the members of the Commission well protected and unduly distracted in the course of doing their constitutional duties. Meanwhile, in Ghana, it is more or less executive/Judiciary relations before the removal of the Electoral Commission member(s). The basis and procedure for the removal of EC Chair/Chairperson from office is unique. There is no undue rapport between the executive and the commission. Hence, undue influence from the executive or the legislature hardly characterized the system. To have the chair of the commission or any of his deputies dismissed, proven incompetence, mental or physical incapacity and misconduct must be established. As presented by Fall et al. (2011:91) the process of removing EC Chair or any of his/her deputy goes thus:

1. Upon receiving a petition for the removal of Electoral Commission chair or any of his/her deputies, the president requests the determination of the ground and substance of the petition by the Chief Justice of Ghana.
2. When founded a *prima facie* case, the chief justice sets up a five-member investigative committee. The Judicial Council appoints three of them from member of the High courts and/ or regional tribunal chairs. The remaining two members are selected by the chief justice in line with the Council of State's advice. The committee members could be selected from the legal profession,

Council of State or from the parliament.

3. It is expected of the committee to investigate the issue(s) raised against the EC chair/or his/her deputies, and makes objective recommendations to the Chief Justice of Ghana. Upon receipt, the Chief Justice communicates the executive, while the action of the president must be within the recommendations of the committee.

In essence, the president being the chief executive with a significant influence on the appointment process also has the final say when the issue of dismissal of EC chair and/or the deputies arises.

Recruitment of temporary staff

In another development, the Electoral Commission of Ghana and INEC of Nigeria differ in respect of election-day staff recruitment. Following the 2010 electoral reform initiative under Attairu Jega, the commission recruits its temporary (Ad-hoc) staff from the National Youth Service Corps NYSC as well as academic from the University. This is to foster needed credibility and integrity of elections. The involvement of impartial election officers (NYSC members and senior university officers) in electoral process has reposed the lost faith and belief in the outcome of the elections and the political system (Aliyu, 2017:97). It would be recalled that prior to this reform, INEC employed civil servants as Ad-hoc staff during the elections. Many believe that these civil servants are not immune from the influence of their employer (government) hence questions the credibility of elections conducted. In the case of Ghana, EC recruits its temporary workers among general public based on merits. Hence, the stakeholders repose trust in the commission's process of election-day staff recruitment. These temporary staff are recruited and used at the polling stations during elections.

Funding exercise

In Nigeria, from the standing point of the legal framework, the commission enjoys funding from the government, aids [and] grants (Donor assistance such as UNDP, DFID, EU CIDA) to carry out its functions. Section 81 sub section (1) of the 199 Constitution and the 2010 Electoral Act as amended requires the submission to the Federal Ministry of Finance the yearly estimate of the Commission's expenditure and income (Fall et al., 2011:132). For the members of the commission, salaries are paid though as prescribed by the National Assembly. As such, the amount was determined by the Revenue Mobilization and Fiscal Commission (RMFC). Meanwhile, Section (3-5) of the 2006 Electoral Act made a clear provision for the establishment of the Independent

National Electoral Commission Fund. Fund from the Federal government, interest from Investments and grants from donor agencies are paid (deposited) to this established Electoral Commission Fund. Hence, disbursements are made accordingly. Consequently, government indirectly influences and controls the activities of the commission. This logic set in, as the commission, must defend its budget; have it vetted by the Finance Ministry as provided for in the Electoral Act. In fact, the revenue estimate and expenditure of financial year is prepared and presented to the parliament for necessary approval (Fall et al., 2011). Indeed, the forgoing understanding gives room for the interference of the National Assembly in the activities of the commission. INEC must be added and has to join a queue at the Ministry of Finance for the needed fund (Omeiza, 2012:182). Meanwhile, in Ghana, Article 10 of the Electoral Commission Act provided that the commission's administrative expenses which include salaries and wages of its workers are charged on the Consolidated Fund (Fall et al., 2011:92-93). As in the case of Nigeria, the Electoral Commission of Ghana received funds from both Federal Government as well as support from the development partners. The Electoral Commission of Ghana largely decides its budgets. Of course, the budget is submitted to the executive, and for any amendment(s) on it, there must be consultation with the commission. This has really helped the commission to be far less subjected to undue influence via financial process. In another development, five years prior to the implementation of its plans, the Election Department of the commission prepares and approves the budget of the commission. Hence, this early preparation of budget helps the commission to solicit donation from the development partners on time.

Electoral management bodies and other election stakeholders in Ghana

In comparison with Nigeria, the Electoral Commission of Ghana established a cordial relationship with the major actors in the electoral process. The commission gave premium and provided a fertile ground for effective collaboration between it and other important actors. In fact, within its logic, good collaborative measure with political parties has provided an avenue for actors to have a more conducive electoral process. For instance, Intra-party Advisory Committee IPAC fosters mutual understanding and respect for the commission. This also imbues trust and confidence of the stakeholders in the electoral process. As a framework, EC through the instrumentality of IPAC takes into consideration the concerns of both parties as well as candidates in elections. Also, IPAC is a mechanism of information sharing about: the arrangement made and the challenges confronting the commission. It drives towards itch-free

electoral exercise. Indeed, there have been calls for the formalization of IPAC so as to make it more desirably effective and efficient.

The above discussed relations also extended to the security agencies. Indeed, there is The National Election Security Task Force (NESTF) which was an initiative of the commission. The EC of Ghana brought forward various security forces that are germane to the peaceful and violence-free elections. For good planning and proper training of the security operatives, NESTF as an innovation has helped the Commission to adequately budget for security and provides a peaceful atmosphere for elections to take place.

CONCLUSION AND RECOMMENDATIONS

As opinions of scholars hardly differ over the adoption of elections as preferred mechanism of getting political power in the contemporary liberal democracies, it suggests that elections are crucial to competitive politics. By implications, virile electoral management bodies became quite imperative to achieve this onerous fundamental political goal. Unfortunately, over the years the missing credible elections in many West Africa democracies has raised a big question of viability on their electoral management bodies. Consequently however, huge losses both in human and materials senses have been recorded. In fact, the implication of violence, incredible elections manifested in its attendant socio-economic and political crises and by extension underdevelopment in this sub-region. Interestingly, Nigeria and Ghana shared similar political experience. Expectedly therefore were their electoral management bodies to have asserted themselves and conducted free, fair credible and widely acceptable elections. But, pockets of challenges including: substantial level of autonomy; tenure of the principal officers; nature of funding and inter party advisory council slightly drew a line between the effectiveness of Ghana's EC and the Nigerian INEC.

One of the most important issues that demands attention is the independence of the Electoral Management bodies. The autonomy of the Commission does foster initiatives and decisive decision making. The internal arrangement in respect of the electoral process is free from possible interference from the electoral actors or other institutions. To strictly assign and allow electoral management bodies to perform their constitutional mandate would free them from undue interference from any quarters. The independence of electoral management body is essential to its performance. In Ghana for instance, the EC internal audit service and contract verification service and its administrative expenses (salaries, benefits and pension) charged on the Consolidated Fund reduce the influence that may arise from other player(s) in electoral process and by extension

strengthen its autonomy. The recent assertion by the former INEC boss Jega as reported by Fabiyi (2015) that: "the only regret he has been his inability to create a special salary structure for the staff of the commission" is a clear indication that the commission has not enjoyed desired autonomy.

Also, the tenure of the electoral commission as well as its principal staff is very germane to its viability. In actual fact, permanency in membership of the Ghanaian Electoral Commission's top officers has largely helped in consolidating on their achieved electoral objectives. Unlike in Nigeria where the position of INEC chairman is not permanent and of implication is lack of consolidation in terms of experience. Indeed, the tenure of INEC officers may considerably impact the stability and policy continuity and overall performance of the commission. Incessant change of leadership would not enable the commission to consolidate some reform initiatives. Permanent tenure for the chairman and other top members of the Ghana's Electoral Commission is one of the ingredients that keep their electoral body desirably functioning. This factor is missing in Nigeria electoral model because of our five 5 years renewable tenure. Insight benefit and one of the major discoveries in this comparative study is that, Ghana's electoral commission was able to make headway because of the accumulated experiences of its top electoral members. This was possible because they enjoy permanent position and became experts in election administration.

Conversely in Nigeria, the system does not have sitting doyens in election administration, owing to five year single tenure nature of our electoral law for the chairman of INEC. Nigeria could borrow a leaf from her neighbour and sustain the reformation strategies of the Jega led INEC. It must be added that, amendment should be made to the constitution to equate the service year of the INEC Chairman with that of the Court of Appeal as the case in Ghana. This would allow INEC boss to build on his experience and by extension expectedly deliver. Another thing Nigeria (INEC) should copy from Ghana's model is the idea of effective Inter-Party Advisory Council IPAC. This study discovered that EC of Ghana does meet frequently (once in every month) and exchange views with the key players (political parties) who carry them along about the activity of the electoral process. In fact, it appears as if this framework is getting to the level of being institutionalized, as it turns a routine exercise. This is a good example worthy of emulation.

Finally, this study observed that attitude of stakeholders in the democratization project speaks volume about desirable good governance. This is noticed in Ghana, as the managers of election, political actors and the masses are committed to the country's democratic project. This study is optimistic of a virile INEC considering the antecedent and pedigree of its new Chairman Prof. Yakub Mamood. Hence, all the stakeholders in election administration should see their participation not as a

mere activity, rather as an integral part of social life and our yearning for good life.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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Review

Fiscal federalism, sub-national revolts and internal colonialism in Nigeria

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One subject that has remained contentious since the introduction of federalism in Nigeria has been how the revenue accruing to the nation will be shared between the federating units, namely, the federal, state and local government and among the states and the local government councils. The over centralization of power and resources in the first tier of government, has weakened other levels of governments, and undermined their capacity to fulfill the raison d'être for their establishment. The principle of independence and co-ordinate jurisdiction of different tiers of government that is a prerequisite of federalism has substantially been eroded, thus, exacerbating various forms of revolts. This paper reviews fiscal federalism, sub-national political revolt and internal colonialism in Nigeria. It utilized secondary data and content analysis as its methodology. The paper observed the structural imbalance in Nigeria's federal system occasioned by colonial experience amongst others as the causes of sub-national revolts and recommends restructuring of the Nigeria as the panacea for the survival of federalism in the country.

Key words: Corruption, federalism, fiscal federalism, sub-national, internal colonialism, Niger Delta, Revolt.

INTRODUCTION

"In the past 50 years, the structure of Nigerian federalism has metamorphosed from 3 regions to 36 states and from 299 local governments in 1979 to 774 currently (Omole, 1999: 75)." One subject that has remained controversial has been, how the revenue accruing to the nation will be

shared between these levels of government in the federation. The principle of independence and co-ordinate jurisdiction of different tiers of government that is a prerequisite of federalism has substantially been eroded in the country. This is caused by the numerous

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interventions of the military in politics and the emergence of dominant, sectional military bureaucratic clique within the power elite, whose survival depended on repression and unmediated management of the state power and resources. The over centralization of power has weakened the other levels of governments, and undermined their capacity to fulfill the *raison d'être* for their establishment. "The persistent mismanagement of this national resource; massive political corruption, reckless neglect of the oil producing/bearing communities as well as the absence of social equality, equitable system of power sharing and resource distribution have combined to create a fertile environment for internal colonialism and sub national revolt."

This paper therefore examines the relationship between fiscal federalism, sub-national revolts and internal colonialism in Nigeria. Furthermore, it interrogates the following:

- (1) the fundamental issues in Nigeria's fiscal federalism
- (2) how fiscal federalism instigate sub-national revolt and internal colonialism in Nigeria
- (3) the extent to which fiscal federalism in Nigeria promotes peace, security and development.

Finally, recommendations that would be a catalyst for peace, unity and development in Nigeria were advanced.

CONCEPTUAL ANALYSIS

The important terms that need conceptualization here to sharpen the focus of our discussion are fiscal federalism, sub national political revolt and internal colonialism.

Fiscal federalism

Conceptually, fiscal federalism could also be regarded as 'intergovernmental fiscal relations'. Federalism strive with a written constitution, which clearly delineates the boundaries of authority of each level or tier of government. The Federal Constitution is an amazingly important document that provides the framework for the relationship between the entities that make up a federation. It creates a boundary between horizontal and vertical power sharing. 'The constitution provides and creates a framework for the delineation of power in the united federation and states (Egobueze, 2020: 177)."

Richard Musgrave, a German born American economist developed the concept of fiscal federalism in 1959. Fiscal federalism connotes the financial relations between units of government that form the federation. It involves the dissection of governmental functions and fiscal relations between levels of governments. It is part

of broader public finance discipline (Kapucu, 2007). Ekpo (2004) contributes to the foregoing argument by noting that the evolution of fiscal federalism in Nigeria is determined by historical, political, economic, cultural, geographical, and social factors. However, controversies have trailed this fiscal arrangement since 1946.

Fiscal federalism could be conceptualized from economic, political and social perspectives. From the economic standpoint, it could be defined as 'governmental arrangement with more than one level with each having different legislations governing taxation and expenditure. The principles of fiscal federalism deal with the conjectural principle of intergovernmental fiscal relations and its encroachment on macroeconomic structures. They focus on the questions of efficient economic structures for multi-level public sectors. Hence, the pre-occupation of the theory of fiscal federalism is to answer the fundamental questions of the rationale for adopting a federalism in a country and the rules for the assignment of functions and sources of revenue to different levels of government. Theoretically, the concept essentially suggests that the main principles that have been elaborated for regulating intergovernmental fiscal relations are those of diversity, the federal capacity to achieve unity in a variety of diversities or pluralism; stabilization through the macroeconomic direction by a central authority, efficiency through minimum costs of resources allocation and provision of public goods, derivation through local control over resources to meet local preferences and the centralized redistribution of resources. Other related criteria of intergovernmental fiscal interactions are equalized to eliminate sharp regional differences, correction of intergovernmental externalities; and neutrality in order to minimize the distortions arising from allocational interference with differing resource endowment and tax capacity.

Although the practice of fiscal federalism has been circumscribed by a variety of historical, political, cultural and economic factors in most federations, it is possible to discern the essential features of fiscal federal practice. First, is the 'allocation of functions between the center and the regions. Second, is the freedom that both the center and unit governments exercise in the disbursement of revenue. Third, resources available to the various levels of government must be adequate as much as possible, to meet the needs and responsibilities of each government. Fourth, is administrative economy and efficiency'. In conclusion, the arguments are not at variant with Egobueze and Ojirika (2018: 198) who opined that, "one of the most contentious issues in Nigeria is the problem of fiscal federalism." The contention of these scholars is propelled by the consistent struggle for the change of revenue allocation formula in the country, the clamour for resource control in the Niger Delta Region and the vociferous call for restructuring in

general.

Sub-national political revolt

Political revolt evolved when people within a state or system are oppressed and demand for justice through legal or illegal means. It is most often an illegal and violent attempt by a group of people to change certain political order, norms or legislations in their country's political system that are viewed to be oppressive and repressive to a certain group within the state. The aim of such revolt is to protect the interest of the oppressed people. The explanation of political revolt falls within the family of political violence. In whatever form it occurs, political revolt is a mark of instability within the political system. It is a rejection of a prevailing circumstance that is viewed as anachronistic to natural justice. Revolt, in the first place, is a physical injurious expression of conflict. Thus, political revolt is "the use of physical force so as to damage or injure a person or persons or their property for political reasons. Sub national political revolt is the violence initiated by a group or people from the lower units of government like states, provinces, or cantons in a federalism against the federal government.

The government's response to sub-national revolts have been repressive rather than the use of dialogue; the state has consistently applied the rod in the management of revolts. This approach of the Federal Government to managing sub-national revolts do not permit the expression of grievances on round table, rather, they allow the revolt to escalate, resulting to frequent clashes between the affected sub-national groups and the government security agencies. The effect of this, is, the breakdown of laws and orders and loss of lives and properties. The government's strategy has centred on clampdown on the leadership of these organizations and their possible incarceration in detention cells. Such reactions have not succeeded in abating, rather they intensified the conflicts.

Internal colonialism

The concept of internal colonialism has been given different interpretations. It is the undue exploitation of the resources of the minorities by the majority ethnic nationality. That is, it is an economic exploitation of the minorities by the major ethnic groups. Slavery is a critical example of internal colonialism, and this seen expressions in draconian regimes like the Apartheid South African. The first mention of the concept was in 1957, in a book by *Leo Marquard*, regarding South Africa. However, the word was publicized by Pablo Gonzalez Casanova in 1965, which was equally criticized, but his

work thereafter influences research on the concept.

It is indeed the domination of the minority groups in a state and characterized by uneven development caused by their exploitation of the majority groups. It is, therefore, the subjugation and the exploitation as well as control of the economic, political and social resources of the minority groups by the majority groups in a nation. In Nigeria, this is exemplified by the domination of over two hundred and fifty ethnic other nationalities by the Hausa/Fulani, Yoruba and Ibos. It is like the relationship between the colonizer, like the British, France, Portugal and Spain and colonies, like in Nigeria, Brazil, India, etc.

An internal colony naturally bears the wealth and resources that feeds the state. The Nigerian example presents a case where the wells of the black gold located in the Niger Delta Region feeds the rest of the country and the decision on how to spend the wealth is determined basically by the majority tribes found in the Northern, Western and Eastern Regions of Nigeria. The Niger Delta thus, becomes the goose that lays the golden egg which is selfishly shared by the dominant trio that form the oligarchy. The internally colonized who are not masters of their destinies are constantly dominated and the resources of their land used to developed Lagos, Abuja to name but a few, while they wallow in abject poverty, precipitating resource led violence and conflicts which remain the signpost of the Niger Delta region. However, the oil bearing communities are willfully excluded from prestigious social and political positions, which are determinant of the decisions that shape the sharing of the resources exploited from their soil. This uneven exploitation led to revolutionary pressures and acrimonious contestation as well as agitations for resource control in the Niger Delta due to their economic and political domination by the majority ethnic nationality.

FISCAL FEDERALISM, SUBNATIONAL REVOLT AND INTERNAL COLONIALISM IN NIGERIA

Some of the reasons for the adoption of federalism in Nigeria are the diversity of the nation and the desire for political, cultural and social identity of a people of over 250 ethnic groups, several languages, diversities and a lot of political traditions; the desire for some form of political unity in spite of these diversities; and the desire for economic and political viability and development in a nation of uneven distribution of human and natural resources. The deeper ends of the reasons for this option of federalism are economic development, security, equity, equality and justice. Incidentally, the recent contradiction in the Nigerian federal experience marked by the sub national political revolt, militancy and insurgency from the Niger Delta to the Sambisa forest; the agitation for resource control and the allegation of internal colonialism

on the minority ethnic groups by the majority ethnic groups using the apparatus of state power provides argument for the review of the Nigeria's federal system. Adesina (2000) was right to observe that the nature and condition of the financial relations in any federal system are crucial to the continued existence of such a system. Fiscal matters transcend the purview of economics. They have in most cases, especially in plural societies, assumed political, religious and social dimensions.

Fiscal Federalism is one of the most discussed issues in Nigeria due to its impact on the stability of the state. Consequently, what accrues to each level of government is of major concern to every individual stakeholder. Critically, revenue sharing is a major question in a federal arrangement, and it has become persistent amber that fans conflicts.

The observation of scholars on the promblematique under interrogation is instructive, particularly in Nigeria, where the percentage of revenue allocated to a tier of government most often affects its performance. In Nigeria, governance functions as practiced by both the national and federating states is worrisome, especially in the nation's fiscal regime. The federal government is more endowed by the fiscal laws against the federating states and this has increased the dependency of the federating bodies on the Federal Government. State and local governments are suffocated in generating revenue internally by the overbearing powers of the Federal Government vested in her by the Exclusive Legislative List. Based on this, they are unable to withstand the shocks from the ethnic nationalities within their jurisdictions. Consequently, there is anger, which ignites conflicts between the federating units against the federal government for self-reliance. This paper therefore calls, for fiscal decentralization and good financial autonomy which is deficit in Nigeria.

The adoption of federalism and the creation of regions in Nigeria provided a framework within which the dominant regional elite sought access to regional power as a basis for their exclusive control over the regional cash crop economic base, and for defending it from extra-regional competitors. Thus, Obi (2000: 263) opines that "a critical flashpoint of tension, conflict and struggle was the issue of revenue allocation, and fiscal relations between the tiers of government." The issue of revenue allocation in Nigeria has been contentious and highly debilitating and has been at the epicentre of some of the 21st century conflicts in the country.

The history of revenue allocation in Nigeria could be traced to the Richard's constitution of 1946. "Although the constitution was not strictly federal, the creation of the regional level of government immediately raised the question of allocating revenue among the central government, the new regional centers and the old Native Administration."

Since 1946, many Revenue Allocation Commissions have been set up to solve the problem of revenue sharing in Nigeria and different principles have been adopted by the various commissions in the distribution of the revenue, but none has been generally accepted by all. Historically, the following revenue commissions have been set up in Nigeria, these are the Phillipson commission of 1946; the Hick-Phillipson commission, 1951; Chicks commission, 1953; Raisman commission, 1958; Binns commission in 1964. On the recommendations of these commissions, the principle of derivation was prominent. "After the military takeover of government in 1966 and the subsequent creation of twelve states, the Dina commission of 1968 was set up to take care of the dislocations in the equitable distribution of national resources arising from the creation of states in 1967." The recommendation of this commission was implemented, thus, creating a vacuum in which the federal military government effectively centralized the allocation process. Consequently, "through decree 15 of 1969, 13 of 1970, 9 of 1971, and 6 of 1975, the balance of control and access to revenue tilted towards fiscal centralization at the federal level (Obi, 2000: 265)." The process of alteration was effected through a progressive decrease of the principle of derivation and the strengthening of the principles of the Distributable Pools Account (DPA).

It is, however, important to note that fiscal centralization was partly informed by the influence of oil as the chief source of the economy, the lesson of the civil war; to reduce the power of the regions and prevent them from being strong enough to challenge the centre, ensuring that a 'neutral' centre could mediate relations and provide equal access to resources to all tiers in the pursuit of balanced development. Most fundamentally, perhaps, was the transfer by the ruling junta of the military culture of the single command to issue of governance.

In 1977 and 1979, the Aboyade and Okigbo Commissions were set up by the Obasanjo and Shagari's regimes, respectively to restructure the revenue allocation system with a view to enabling each tier of government to discharge its constitutional functions. "It is remarkable that at this time, oil has become the most important national resources and therefore, the management of the revenue allocation scheme became highly politicized (Adesina, 1998: 235)" leading to the establishment of the National Revenue Mobilization, Allocation and Fiscal Commission in 1988 by General Ibrahim Babangida. "Among other things, the modified recommendations of the commission that was accepted in December, 1989 allocated 2% of the value of minerals produced to each state and another 1.5% that was managed by the federal government for their development (Adesina, 1998: 240)." The Babangida regime further increased the derivation principle to 3% and finally the

1999 Constitution of Nigeria, put the minimum allocation at 13% to mineral producing states.

The Nigerian Constitution guarantees fiscal federalism. This is provided in Sections 16, 80 and 162 of the 1999 Constitution of the Federal Republic of Nigeria, 1999 (As Amended). The main Section that dealt with fiscal federalism is Section 162 which authorizes the Federal Government to maintain a special account known as “the Federation Account” into which shall be paid all revenues collected by the government of the federation except the proceeds from the personal income tax of the armed forces of the federation, the Nigerian Police Force.

Incidentally, the constitution did not limit the principle of derivation to 13% but since the adoption of the constitution, only 13% had been paid with respect to the derivation. It is important to state that President Obasanjo attempted to deny the oil bearing states of the Niger Delta the 13% when he introduced the onshore/offshore dichotomy before the supreme ruled against the federal government on that matter. This caused a lot of upheaval and stimulated discontent which later snowballed to the Niger Delta crisis.

Section 7 and 8 as well as 162 of the 1999 Constitution (As Amended) subordinates the Local Governments to the states. It removed the financial autonomy of the Local Governments. Subsection 6 of Section 162 of the constitution provides inter alia: ‘each state shall maintain a special account to be called ‘*State Joint Local Government Account*’ into which shall be paid all allocations to the Local Government Councils of the state from the Federation Account and from the government of the state (CFRN, 1999).’ The implication of this subsection is that there is no direct allocation to the Local Governments; hence, their financial autonomy is eroded. This is an aberration to the spirit of true federalism. As applicable to State Government, Local Government Councils’ Allocations should be paid directly to their accounts, instead of the current system in which their allocation are charged into ‘States Local Government Joint Account.’ Currently, financial autonomy of the Local Government Councils is a topical subject of debate in the country because of the undue interference by most State Governments on the Local Government allocations. Funds meant for the Local Governments are often diverted into other services and in most cases, controlled directly by the State Governors, while the councils are given stipends to pay salaries and very minimal allowances.

It is instructive to state that before 1970 when agriculture was the mainstay of the Nigerian economy, agricultural activities revolved around the three major regions, namely, Northern, Eastern, Western and later, Midwestern regions. During this period, the revenue sharing formula was based on the principle of derivation which was put at 100% and later, 50% to the regions.

This situation made the regions to be buoyant and economically active. It appeared this situation was possible because the revenue were derived from the majority ethnic groups (Obulor, 2013: 66). This inference became clearer by the 1970s, when the ascendancy of petroleum as the mainstay of the country’s economy. Petroleum is derived from the minority Niger Delta region (Obulor, 2013, p. 66). The revenue sharing formula as mentioned earlier slide seriously to as low as 1.5% and later rose to 3% and now 13% in the 1999 Constitution (As Amended). Under the oil economy, (Obi, 2000: 265) opines that ‘fiscal federalism has gone through several convulsions which culminated in the tightening of the grip of federal power over the entire process, with the concomitant increase in the struggle for access to, and control over federal power.’ For the people of the Niger Delta, no explanations short of minority status of the region in the political equation of the country can account for this anomaly in the revenue sharing formula. From that period till now, it has been the exploration and exploitation of oil and gas in the Niger Delta without restraint. In 1969, the Federal Government assumed the role of the sole owner of all mineral resources in the country which was opposite of the prevailing order when agriculture was the main source of revenue for the Federation. The aim of the government is to effectively own and manage oil and gas resources from the Niger Delta region which is a minority ethnic nationality. Towards achieving this, the federal government enacted some decrees and regulations that practically ceded the ownership and control of the resources from the Niger Delta region. These include: The Exclusive Economic zone Act, Cap 116 Laws of the Federation of Nigeria, 1990 as amended by Act, No. 42 of 1998; Land use Act, Cap 202 of the Federation of Nigeria, 1990; Oil Pipelines Act, Cap 338 Laws of the Federation of Nigeria, 1990; Petroleum Act, Cap 350 Laws of the Federation of Nigeria, 1990 as amended by the Act. No. 22, 1998; the Minerals and Mining Act No. 34 of 1999 (Obulor, 2013: 68-69).

With these laws in place, it is easy for the federal government (controlled by the three Major ethnic groups, namely the Hausa/Fulani, Yoruba and Igbo), to have unhindered access to plunder the resources from the minority Niger Delta. As Oyeranmi (2020, p.275) observes, between 1970 and 2010 it is estimated that between \$300 and \$400 billion of oil revenue has been stolen or misspent by corrupt government officials. Obviously, no conscious efforts were put in place to give special attention to the development needs of the Niger Delta region from where the resources that finance the Nigerian State are derived. Instead, the resources derived from the Niger Delta are used to feed the nation and develop cities like Lagos and Abuja and the personal estates of individuals from other parts of the country while

the people of the Niger Delta region suffer from serious environmental degradation and ruin as a result of oil exploration and exploitation. Currently, some of the states suffer from the soot pandemic which is occasioned by gas flaring and associated activities. There are also oil spillages, industrial pollution, bush burning and erosion, noise pollution, bio-diversity depletion, poor farm yield and poor health conditions of the people.

A number of alliances are discernible in the processes of the plunder of the resources of the Niger Delta region. These include the alliance between the Nigerian state and the oil multinationals; the alliance between the Nigerian state and the three major ethnic groups of the country that preside over the revenue allocation, and the alliance between the local elites and the oil multinationals/Nigerian state. These alliances have over the years been singly or collectively responsible for the state of despoliation and underdevelopment of the region. For instance, the alliance between the Nigerian state and the oil multinationals provides and guarantee security for the oil companies to exploit the resources of the region in complete disregard for industry best practices. This tends to embolden the oil companies operating in the region to deny their host communities claims on compensations and social amenities as a result of the destruction of their ecosystem and basic means of livelihood. It is significant to note that while the areas of operation of these multinational companies are provided with basic social amenities such as good road health facilities, pipe borne water, electricity, etc., the surrounding communities where the oils and gas are exploited are left in total darkness, obscurity, poverty and obviously undeveloped. More than anything else, the alliance emboldens the oil companies to always invite the Nigerian security forces at will to unleash violence and terror on the host communities at the slightest provocation or misunderstanding. Typical examples are the destruction of Umuechem community in 1990, Ogoni massacre in 1993, Egi communities in 1993, Egbema in 1996, Odi in 1999, and Zaki-Bian in 2005. Till date, oil exploitation has stopped in Ogoni land because the Ogoni people stood steel and demanded for environmental justice. The cost of this struggle led to the loss of the lives of many prominent Ogonis and the socio-economic impact of this is the loss of great revenue to the Federation Account. This alliance has led to the full militarization of the Niger Delta region in a democratic era. Gun trading is becoming a daily norm. It makes the region look as if it is in war-fare as echoes of the guns sound unhindered, and this has dampened peace and made the people more disunited than ever. The action has desecrated the region locally and discredited it globally, as most foreign government at one time or the other have placed red-alert in the area and limited the movement of their nationals to the area for both investment and or tourism.

The second alliance involves the Nigerian state and the three major ethnic groups of the country: Hausa/Fulani, Yoruba and Ibo who ensures that the revenues derived mainly from the Niger Delta region are expropriated from them through the instrumentality of the Nigerian State and its policies in order to develop these major groups, while impoverishing the Niger Delta region. This accounts for massive poverty, unemployment and underdevelopment in the Niger Delta. This is what Okowa (2006: 6) refers to as 'Matthewnomics' or the 'Matthew Effect'. Matthew principle, or Matthew effect, is sometimes summarized as "the rich get richer at the expense of the poor that get poorer." This situation is what we refer to as internal colonialism in Nigeria. We contend here that the economic marginalization of the minority ethnic groups by the majority ethnic groups, state neglect, repression, poverty, political corruption and recklessness are some features of internal colonialism and the main causes of sub-national political revolt in Nigeria.

In interrogating revolts in Nigeria, it is imperative to underscore the underpinnings that crystalline conflicts. The over dependence on the Petro Dollar is the core cause of conflicts in Nigeria, and this engender internal revolt. The Elites spread between the political and economic fronts see the Oil and gas business as a 'do or die' affairs, thus, they employ both cruel and unprofessional means to forcefully appropriate the common wealth to themselves. More often than not, these power Elites are from the major ethnic groups in the federation. They massively accumulate and squander the treasury and corruptly enrich themselves, families, friends and cronies to the disadvantage of the locals, whose land and water bear the natural resources, and environment is polluted as a result of the exploitation activities. Of all the attributes of the resource curse, corruption seems to have had the most profound negative impact on development in Nigeria. The issue of corruption has become so proverbial in the country. Other than the huge development resources that are stolen and laundered locally and abroad, corruption weakens the state and its institutions and undermines the prospects of development. 'It is estimated that Nigerian elites stole between 400 billion and 600 billion dollars between 1960 and 1999 and that the amount stashed in foreign accounts rose from 50 billion dollars in 1999 to 170 billion dollars in 2003. We can imagine the impact of such a gargantuan amount on electricity supply, health care delivery, educational development, and infrastructural expansion (Naanen, 2015: 44).' Alapiki (2015: 36) has observed that an indication of just how corrupt Nigeria is being documented in the worldwide Corruption Perception Index (CPI) published by Transparency International. In 1998, Nigeria was ranked as the most corrupt country in the world. It also toppled the list of most corrupt nations with respect to the conduct of

business, followed by Bolivia, Colombia, Russia and Pakistan (Transparency International, 1998).

Four main features that are discernible from the nature and operation of the Nigerian federation and political economy as earlier discussed are corruption, inequality, injustice and domination of the major ethnic groups in leadership position which cause unbridled discontent of the sub-national groups in the manner the government is run. The entrenchment of those features in the socioeconomic and political system of the country has equally generated feelings of dissatisfaction within the entire system of the country and dissatisfaction in this regards desires essentially from the skewed nature of the system of distribution and allocation of socioeconomic and political goods, a role excluding within the confines of the state (Obulor, 2013: 57). The end product of the aforementioned imbroglio is dissatisfaction by individual as expressed in the form of strikes, demonstrations, riots, robbery, kidnapping for ransom and political assassination. Dissatisfaction at the sub-national level is expressed in the form of ethnic militia uprising or sub-national revolts. Consequently, there remains unhindered echoes of guns and revolutionary pressures in the country raging day and night, and leaving the citizens sleep with thwir two eyes open, and the seemingness of the Hobesian state of nature described as "solitary, poor, nasty, brutish, and short (Munro, n.d)" and characterised by "war of every man, against every man (Munro, n.d)." Internal revolds in Nigeria, could be critiqued centripetally; it is exemplified by the Buko Haram uprising in the North-east, the MASSOB and later the Indigenous People of Biafra (IPOB) in the South-east, the Niger Delta Militants in the South-south O'dua People Congress (OPC) in the South-west, the raging Herdsmen or Pastoral uprising in mostly North-central, and others are scores of revolts prevailing in the nation today. All these are pointers to the dissatisfaction of the sub-national groups on the structure and nature of Nigeria's brand of federalism. It is obvious from the foregoing that the Nigerian Federation has been characterized by extreme violence. For those whose rights and resources are denied through acts of state violence, the recourse to counter violence becomes a means to their salvation.

In order to give a synoptic clarity of some of the groups that led recent sub-national revolts, we shall briefly discuss the activities of the following four groups, namely:

- (1) The O'dua People Congress (OPC)
- (2) Movement for the Actualization of the Sovereign People of Biafra (MASSOB)
- (3) Movement for the Survival of the Ogoni People (MOSOP) and
- (4) Niger Delta People's Volunteer Force (NDPVF).
- (5) Boko Haram

(6) Herdsmen/farmers, conflict

The O'dua People Congress (OPC)

O'dua People's Congress (OPC) is a Yoruba Socio-Political Militant Organization whose activities cover the entire South-west geopolitical region of Nigeria. The OPC was formed in 1994 ostensibly to champion the course of the Yoruba ethnic nationality following the annulment of the June 12, 1993 Presidential elections widely believed to have won by one of their own, hief M. K. O. Abiola. The Yoruba people of South-west Nigeria saw the annulment as a calculated design by the Nigerian state controlled, then by the Hausa/Fulani hegemonic dynasty to deny the entire Yoruba race of their stake in the Nigerian Federation. It was received as a clear case of political deprivation, marginalization and rejection of the Yoruba in corporate Nigeria. It was in this regard that the OPC became the militant body of the region in order to bring about social justice for the people of the south-west region.

The OPC threatened to destabilize the country through bomb blast targeted at every strategic place of national interest and to cause serious social interest that would make the country ungovernable and possibly dismember the federation. Under the factional leadership of Chief Ganiyu Adams, and Fredric Fashenu, they intensified the tempo of social and political unrest in the country resulting in years of a possible break-up of the federation. The OPC was finally appeased when in 1999 another Yoruba man in the person of Chief Olusegun Obasanjo was elected president of the Federal Republic of Nigeria. Obasanjo's election marked the beginning of the Fourth Republic in Nigeria.

It is important to note that the OPC was not only fighting against social and political injustice but for economic adventualism. They were conscious of the fact that if their son was the President of Nigeria, he will preside over the allocation of the national resources, thus, to that extent, the region would definitely get a fair share from the federation account. Collaborating with the thought, Obulor (2013) opined 'following the annulment of the June 12, 1993 election, the choice for the Yoruba was clear: access to the office and wealth of the nation or self-determination.'

OPC therefore fought for political relevance, economic opportunities and social emancipation of the Western region and this threatened the peace and national security of Nigeria.

Movement for the actualization of the sovereign state of Biafra (MASSOB)

MASSOB is a group that is seeking for political, social

and economic relevance as well as the sovereignty of the South-east people of Nigeria. It is assumed to be a successor of the stillbirth Federal Republic of Biafra that engaged Nigeria in a 30-months civil war (1967-1970) that actually produced the doctrine of no victors and no vanquished in principle. However, the war produced victors and vanquished. The victors were the Hausa/Fulani and the Yoruba, while the vanquished were the Ibo and the minority Niger Delta people (Okowa, 2006: 40). The disastrous effects of the war had attendant human and material losses that devastated the people and land of the Ibos, especially and the minorities within the Eastern Nigeria. The consequence of the war was the adoption of the three 'R' policy of Rehabilitation, Reconstruction and Reintegration which was poorly managed by the Nigerian state, led by the northern hegemony. Indeed, the Ibos were marginalized socially, politically and economically. This marginalization has continued to define the political and economic decisions over power sharing in the country. The statement of Joe Irukwu, President of Ohaneze Ndigbo, a sociocultural group of the Ibos that Nigeria started as a tripod, comprising the East, West and the North. The North had the Presidency for thirty-five years. The West will by next year (2007) have it for twelve years. But we had ruled for only six months (Obulor, 2013: 62).

Another instance of marginalization as argued by the leadership of Ndigbo is in the area of creation of states in the country. As the argument goes, while other geopolitical zones of the country, namely, the North-east, North-west, North-central, South-west and South-south have a minimum of six states each, the Southeast has only five states (Uduma, 2015). The zone also records the least number of Local Governments Areas and seats in the National Assembly. All these are reflected in the share of revenue allocation that goes to the States and Local Governments of the zone. They also complained that they are excluded from occupying important political and military positions in Nigeria.

It is therefore in consideration of all these that MASSOB was formed by some aggrieved people of the area. MASSOB is led by Chief Ralph Nwazurike and fighting hard for self determination by having a separation country in the spirit of the defunct Republic of Biafra. MASSOB undertakes its activities through violent protests, demand for a sovereign state of Biafra for the Ibos, the minting of Biafran currency and the hoisting of the Biafran flag in strategic places throughout the Southeast and engages the Nigerian security forces in shoot-outs, thus questioning the legitimacy of the Nigerian state.

In the final analysis, the agitation of MASSOB is rooted in the failure of the Nigerian state to engage in just allocation of resources and social good to the region vis-à-vis other regions.

Movement for the survival of the Ogoni people (MOSOP)

The agitation of MOSOP is basically rooted on environmental justice and protection of the land, water and air of the Ogoni area. Due to the fragile ecology of the Niger Delta region, oil production has the impact of upsetting the delicate balance between land, water and life (Obi, 1995). Apart from the threat to the ecosystem, most of the communities in the Niger Delta, especially, the Ogonis lack basic infrastructure, while their local economies are ruined by pollution. The contradiction arising from oil production and pollution, fueled demand for compensation, basic infrastructure, community development projects, employment of indigenes, payment of reparations for past exploitation and the degradation of the oil-producing environment. The refusal of the multinational oil giant to respond to these demands provoked tension. MOSOP thus, forced the Shell Petroleum Company to stop exploration and exploitation of oil and gas in Ogoni in May 1993, leading to a daily loss of millions of Naira. The leader of MOSOP, Ken Sarowiwa, an environmental right activist was subsequently executed with nine of his kinsmen by the Federal Government of Nigeria over a trumped - up charge of murder of four prominent Ogoni leaders. Till date, MOSOP has continued to resist oil exploitation and exploration till the areas impacted by environmental pollution in Ogoni land are cleaned-up.

It is worthy to note that in furtherance of its demand and pressure for social, economic and political emancipation as well as environmental justice, MOSOP got a judgment against the Shell Petroleum Development Company of Nigeria (SPDC) over the devastation of its environment, and UNEP in its Report made far reaching recommendations, which includes the total 'clean-up' of the Ogoni land.

Movement for the emancipation of the Niger Delta (MEND)

This is the umbrella organization of the militia groups in the Niger Delta region of Nigeria fighting against the oppression and exploitation of the Niger Delta people. In November, 2005, following a series of meetings between representatives of different militant groups, which included the Federation of Niger Delta Ijaw Communities (FNDIC), the Niger Delta People Volunteer Force (NDPVF), Klansmen Konfraternity (KK), Greenlanders among others, led to the emergence of MEND. An agreement was made to start using militant force to attack oil installations with the aim of drawing Federal Governments' attention to the socio-economic, environmental and political injustice in the Niger Delta.

The aim was to destroy the capacity of the Nigerian government to export oil. The NDPVF led by Alhaji Mujahid Asari-Dokubo is one of the most prominent of all the militant groups in the Niger Delta. In 2004, the group threatened an all-out war against the oil industry which caused a spike in global oil prices (Alapiki, 2015: 40-41). Asari Dokubo was arrested by the Nigerian state in 2005 and detained, but was later released in 2007. MEND and other militia groups have continued to wage revolts against the Nigerian State, attacking human and installations of the Oil and Gas Industry in the region. To assuage the situation, on assumption of office, late President Umaru Yar Adua launched the Amnesty Programme for the Niger Delta Militant. It was a triple pronged programme of Disarmament, Demobilization and Reintegration (DDR). Indeed, 'available literatures suggest that the Amnesty Programme impacted the peace and stability of the region. Nigeria pre the Programme was drifting into the precipice. The nation was frail, peace and stability became a global concern. Kidnapping of all sorts became the order of the day, and as noted earlier, the Hobbesian state of nature was the order. The introduction of the Amnesty Programme was greeted with satisfaction by local indigenous Nigerians and friends of the country abroad (Ejiezie et al., 2020: 6).' Till date, the Niger Delta region is still boiling, and several countries, especially America and the west have put travel bans on their citizens to most part of the region.

Boko Haram

Boko Haram is a terrorist Islamist movement based in northeast of Nigeria, but also active in the Chad, Niger Republic and North Cameroon. The group is led by Abubakar Shekau. Estimates of membership vary between 5000 and 10000 fighters. They have been linked to al-Qaeda and Islamic State (ISIS). Report says Boko Haram killed more than 5000 civilians between January 2009 and June, 2014 (Alapiki, 2015: 45). Boko Haram literally means that '*Western education is evil and taboo*'. As it were, the sect admonishes its adherents to reject western education and possibly oppose its further spread in Northern Nigeria. Since its formation in 2002, its leadership has repeatedly vowed to make Nigeria ungovernable through violent attacks targeted at public properties and the Nigerian security agencies.

It is important to state that soon after the assumption of office by President Obasanjo, the North started to raise the feeling of disaffection against the government and its leadership. For instance, the government's re-organization of the military was immediately misinterpreted and alleged to be an exercise to undermine northern interest. The privatization programme of the administration was also alleged to be a calculated design to sell publicly

owned properties to the Yorubas with a view to empowering them more than people from other regions (Obulor, 2013: 77).

We contend that it is not enough to view the Boko Haram and the violence they unleash as purely religious. Underling the so-called religious crises in the north are heavy doses of political and economic underpinnings that express deep disaffection against the Nigerian state and its system of social production and reproduction. One of such fundamentals is the mass impoverishment of the people of the Northern region over the years. The northern elites dominated the political space of the country since 1960 and presided over the allocation of resources. However, this dominance did not translate to any meaningful improvement of the material condition of existence of the people of the region including their 'stomach infrastructure.' The North generally ranks highest in the incidence of poverty than the southern part of the country (Obulor, 2013: 79). This was aptly captured by the report presented by the then Governor of Central Bank of Nigeria, Professor Chukwuma Soludo in 2008 in which the north ranked highest with 75% poverty level among the geopolitical zones in Nigeria. The point here is that the combined factors of power shift and mass poverty could have strong feelings of disaffection in the north, hence the Boko Haram.

Herdsmen/Farmers conflict

Nigeria is blessed with arable land that supports agriculture. This made quite a lot of her citizens to be engaged in the agrarian economy, which is the second major source of Nigeria's earning and employs about 70% of the citizens. As noted by Egobueze et al. (2020: 63) 'media reports indicate that there have been increases in the cases of attacks by Fulani herdsmen on several farmers in communities.' The Herdsmen and Farmers conflict is as a result of pastoralism. The conflict is a violent move over scarce resources and the use of natural vegetation and water resources within the grazing lane. Land, a natural gift from God is the major source of the conflict. Land ownership is largely responsible for the present-day tension and conflicts between herdsmen (nomads) and host farming communities within the Guinea and Savanah regions of the country, especially, the middle belts, known as North Central as well as some parts of South-east and South-south of Nigeria.

This conflict arose from the intensity of production activities that are propelled by increasing demand for land. It is believed that Nigeria has recorded several violent conflicts in many rural communities from 1999 till date associated with this factor and this conflict has resulted to some thousands of deaths and internal displacement of several others. This has distorted

farmer's livelihood since they live and earn their living from rural areas.

Dimelu et al. (2017) note that the conflict between pastoralists and farmers in agrarian communities presents a formidable challenge to both food and livestock production in Nigeria. It is associated with structural issues like population, cultural, political and ethno-religious differences as well as unproductive conflict behaviours and struggle for livelihood survival by the disputants. There are problems of incompatibility of livelihood strategies, competition for access and use of natural resources such as land and water between the pastoralists and farmers in the affected areas. All these are associated with the resource which defines power sharing and economic opportunities in the country.

CONCLUSION

It is clear from the foregoing, that the Nigerian fiscal federalism has created a monster which is standing against the unity and development of the country. The principles of independence and co-ordinate jurisdiction of different tiers of government that are key prerequisites of federalism have been substantially eroded.

Military interregnum at different periods in the political historicity of the country has been the greatest undoing of the Nigerian federalism. Genuine federalism can at best be associated with democratic civilian regimes, since it is only under a civil democracy and popular participation that political and fiscal powers can be decentralized such that the States and Local Governments can enjoy relative constitutional and fiscal autonomy. Conversely, whenever federal constitutional and political powers have been emasculated by the military regime, there is very little possibility for fiscal federalism. That is why what we had since the military incursion till today is fiscal centralism, which is a feature of unitary government.

This study also revealed that the massive corruption among the political class over the year has alienated the people and exposed them to enormous hardship, poverty and unemployment. This is part of the reason for the sub-national political revolt across the country.

Finally, the study revealed that over the years, the majority ethnic groups who control the apparatus of state power both in democratic and military regimes have used their privileged position to subjugate, marginalize and plunder the resource of the minority ethnic group for their ethnic and class interest. This has resulted to internal colonialism and the agitation of the ethnic minority people of the Niger Delta region for resource control, and or self determination, It is from this region that much of the country's revenue is derived from. They seek answers to the question of economic, political and environmental justice and this has heightened the acrimonious

contestation for restructuring of the federation.

The Nigerian state appears to be in a keg with gun powder waiting to be ignited with fire for it to explode. The sound and consequences of the explosion would indeed be terrific. All hands must be on deck to ensure that the fire is not lighted for the keg to explode. Restructuring the centripetal structure is imperative at this juncture to minimize or finally forestall sub-national revolts, which is associated with internal colonialism. A stitch at nine, they say, saves ten.

RECOMMENDATION

There is no doubt that federalism is the best system of government for a plural society like Nigeria. For federalism to achieve the objective of national integration, unity in diversity, justice and economic development, fiscal federalism must reflect the need and desire of the people. When this is achieved, internal colonialism and sub-national political revolt would either be minimized or eliminated. In view of the foregoing, we advance the following recommendations:

- (1) The Constitution of the Federal Republic of Nigeria, 1999 (As Amended) should be restructured to provide for fiscal decentralism as against the current fiscal centralism which was inherited from the military. Fiscal centralism has caused a lot of havoc in Nigeria by making the States and Local Governments to depend on the Federal Government for their economic survival. This eroded the fiscal autonomy of the federating governments. Fiscal centralism also encouraged massive corruption and financial impropriety at the centre, which is still hunting the country. All regions and federating states in the country are highly endowed with natural resources, thus, they should participate actively in the economy by developing their potentials for the good of the country. They should have taxing powers over some subjects reserved in the exclusive list that will enable their economy to grow.
- (2) The principle of derivation should be the basic principle of revenue allocation as it was in the 1963 Republican Constitution. The 13% minimum benchmark with respect to derivation as provided for in the 1999 Constitution should be reviewed upward to 50%. The 13% derivation is grossly inadequate and inhibits corruption which is a desideratum to injustice and this is an eloquent testimony of internal colonialism. That is the reason why the people of the Niger Delta region are asking for resource control. If oil, which is the mainstay of the Nigerian economy was discovered in any of the major ethnic groups in the country, 13% would likely have been increased.
- (3) States and Local Governments should keep separate

accounts into which all revenues generated in their domain should be paid. Specified revenue for certain resources that cut across State boundaries should be paid to the federal government account in addition to a specified proportion contributed by other levels of government to the Federal Government in pursuance of its national economic and development goals.

(4) There should be a deliberate effort to restructure the political economy of Nigeria by diversification. The mono-cultural state of the economy, which is dependent on oil and gas cannot bring about economic development which the Federation is in dire need of. The economy as it is currently structured, is disarticulated and distorted. There is therefore need for forward and backward linkages to grow the economy. This means that all sectors of the economy, namely, solid minerals, agriculture, industry, manufacturing, to name but a few, have to complement each other for sustainability and development.

(5) Finally, there should be a vigorous fight against corruption and injustices to enable the people have faith in the government. This will go a long way to discourage sub-national revolt. The current war against corruption should be intensified and expanded beyond partisanship, it should be holistic.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interests.

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Full Length Research Paper

Attitudes of the Sudanese people towards the performance of new transitional government: An exploratory study

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The article is exploratory in nature and uses descriptive statistical tools to describe the attitudes of Sudanese people towards certain policy issues faced by the Transitional Government in Sudan, which has emerged after the popular revolution of December 19, 2019, that ousted Bashir's Islamite military regime. The new Transitional Government is now less than two-year-old. Hence it is difficult to evaluate its policies in a credible manner. Thus, the paper hopes to help future researchers to develop more meaningful hypotheses about the performance of the new Transitional Government in Sudan. The major theme of the article is to investigate the attitudes of the Sudanese citizen's attitudes towards the performance of the new Transitional Government regarding certain pressing policy issue area inherited from the previous regime which includes the issues of policymaking, economy, bread shortage, as well as oil and cooking gas shortage, the issues of peace security and corruption.

Key words: Sudan, transitional government, revolution, policy, politics, crises.

INTRODUCTION

Sudan used to occupy an area of one million squares miles before the secession of the southern part and the consequent emergence of the independent state of South Sudan, which chops away one-third of this vast area. Situated at the horn of Africa and stand in the middle between the Arab and African countries, Sudan exhibits the cultural characteristics of both Africanism and Arabism. Whereas the Northern region houses a predominantly culturally-oriented Arabicized Muslim population, other areas (the South, the West, and the East) houses a rich diversity of heterogeneous African and Hamites tribes that adopt Islam, Christianity, and

other pagan religions. Besides Arabic, there are more than 156 local dialects and languages. This diversity creates a problem of identity, with the Arabicized North leaning toward the Arab World and African elites preferring more African-oriented affiliation.

Since Sudan's independence, the Muslim and Arabicized North have dominated the political arena, thereby creating inequality in wealth and power distribution. Therefore, poverty and hunger crises devastated the marginalized regions in the South, the East and West. With the arrival of Bashir's regime and the precipitously declining economic conditions, poverty

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and hunger crises spread out not only in the marginalized regions but also in the Northern Region and Khartoum. This condition resulted from widespread corruption, civil wars, political instability, and international economic sanctions. Consequently, these conditions exploded the political situation and triggered the revolution of December 2019, which toppled down Bashir's regime.

This uneasy coexistence of these diversified entities has tremendous impacts on policies and policymaking, which creates grievances among the non-northern elites and incites ethnic nationalism, which explains the prevalence of civil wars and political instability since the independence of the country in 1956 (Johnson, 2003). This situation has been made more complicated by the advent of the Islamists regime of Omer Bashir in 1989, which adopt an aggressive policy of Islamization of politics and policymaking (Jaspars, 2018). A social revolution overthrew the latter in December 2019, leading to an emergence of a Transitional Government that inherited the challenging policy issues with which the present Transitional Government is struggling with. Since its inception, the Transitional Government has encountered very thorny policy issues, including the fragile policymaking system, economic issues, the shortage of bread crises, the shortage of oil and cooking gas, the debacles of security and peace, and the problem of eradicating endemic corruption. These policy issues are the subject matter of this article.

The recency of the Sudanese revolution and the fact that so far no academic study has addressed this issue underscores the importance and necessity of this article. Thus, as an exploratory work, the paper seeks to provide some preliminary data about this issue to help future researchers develop serious hypotheses and in-depth analysis of the subject.

LITERATURE REVIEW

Evolution of the system of government in Sudan

Since Independence from Egyptian-British colonial rule in January 1956, the country has been caught into a vicious circle of alternating rounds between short-lived liberal democratic systems and military *coup d'états* (Collins, 2008; Berridge, 2020; Woodward, 1980). During this period, Sudan experiences three short-lived multi-party systems in 1956-1958, 1964-1969, and 1985-1989. However, the three military regimes ruled for longer periods between 1958-1964, 1969-1985, and 1989-2019 (Niblock, 1974). The two major parties dominated the politics of the multi-party system: the Umma and the National Unionist parties (Elhoussein, 1989; Mansour, 2014). The two parties derive their support from the two religious sects' loyal followers: the *Ansar* (Mahdist), led by the *Mahdi* family, and the *Khatmiya*, which was led by the *Mirghani* family (Elhoussein, 1989). The influence of

both sects, though still existing, is waning at present because they collaborated with the Bashir's regime.

The competition between these two sects summarized the nature of the three periods of multi-party eras (Niblock, 1987). Hence these multi-party systems were characterized by sectarian politics (Albino, 2006). Popular uprisings eventually ousted the three military governments in October 1964, April 1985, and finally, in December 2019. The latter is the more dramatic because it brought down the Islamists military regime of Omer Al Bashir, which hold a bloody grip on power for thirty years and brought the country to the verge of total collapse. The most influential force which managed, organized, and directs the popular demonstration, which led to the demise of the Islamists military regime, is the Sudanese Professional Association (SPA). Following the collapse of the system, painstakingly tough negotiations between the civilian Freedom and Change Forces (FACF) (composed of SPA, different opposition parties, civic associations, and groups of guerrilla fighters), and the Military Council composed of army generals who help to oust the ruling Islamists regime but who were part of the previous system. With their divergent and conflicting ideological orientations, the lack of harmony among the FACF's members has a destabilizing impact on the new Transitional Government policymaking system.

It is safe to argue that the public policymaking systems in Sudan, before the emergence of the current new Transitional Government, in all past civil and military regimes, was the prime culprit that drove Sudan to the club of semi-failed states (Cockett, 2016). It has always been dominated by Arabicized elites drawn from the tribes of northern Sudan and characterized by sectarian politics, ethnicity, and the marginalization of non-Arabicized ethnic groups (Jok, 2015). After independence in 1956, Arabicized northern elites dominated the government policymaking system (Fegley, 2010). In all government branches, the Arabicized northern elite monopolized political power and assigned the marginalized ethnic groups to unimportant ministries, with northerners occupying almost 90% of civil service positions. This condition is also applicable to the top ranks of the army and the police and other security departments, as well as education, healthcare, and local administrations. This discrimination is the primary reason for the grievances of ethnic and tribal groups originating in the southern, the western (e.g. Dar Fur) and the eastern regions (Johnson, 2016). Political parties that assumed political power after independence had no political and economic programs and even no idea about how Sudan was to be governed and no plans for nation-building to accommodate the country's diversified nature (Taha, 1955). The first post-independence northern independent thinker to highlight the seriousness of this issue was Mahmoud Mohammed Taha. As early as 1955, he developed and propagated a comprehensive federal constitution to integrate the different country's different

regions and encourage self-rule and public participation in equal footing for all citizens (Taha, 1955).

During civilian and military regimes, the policymaking system has always been centralized, and the one million square miles country was ruled from the capital Khartoum. Even when the second military regime and the third Islamists regimes adopted deformed versions of Taha's scheme, their policies of decentralization and federalism were designed mainly to control the marginalized population rather than to encourage public participation in the policymaking system (Mansour, 2014). The outcome of this situation was that most economic and political development activities were biased and benefited the Arabicized northern part of the country. Thus, one can safely argue that the thorny policy issues staring in the face of the present Transitional Government (that is, the fragile policymaking system, economic crises, the shortage of bread crises, the lack of oil and gas; the debacles of security and peace and the problem of eradicating corruption) are the legitimate outcome of malfeasance, endemic corruption, and inefficiency inherited from previous government systems; aggravated beyond conceivable proportions by the defunct Islamists Bashir's regime (Tossell, 2020).

The revolution that ousted the Islamists regime following massive popular uprising and demonstrations protesting the rising costs of staples and the steeply declining standards of living has created a new political stage. The widespread anger has been brewing slowly for thirty years under Bashir's regime. The regime was able to suppress periodic and unorganized unrest in the past using its brutal security machines. The chief among these machines was the Security Apparatus and the Rapid Forces militia led by general *Himitti*; the latter was formed to protect the regime but eventually sided with demonstrators to topple down the Bashir's government. The Regime ruling party, the National Congress, failed to provide policies to alleviate the economic crises because it was drawn into endemic corruption and became dependent on Bashir's personal rule to sustain its protagonists' interests. The situation precipitated into a vicious civil war led by the marginalized elite in Southern Sudan and Dar Fur. It resulted in the displacement of thousands of civilians in Dar Fur and the South and led to bloody genocide and ethnic cleansing. The latter led to the indictment of Bashir and some of his aides by the International Criminal Court (ICC) (Jok, 2015). The regime was also crippled by its Islamists policies to spread its version of Islam to neighboring countries. This fact alarmed some Arab Gulf states, Egypt, and Western countries, leading to a series of economic sanctions and the designation of Sudan as a state sponsor of terrorism, thereby deepening the economic crises (International Crisis, Group, 2019).

The African Union and the Ethiopian prime minister actively mediated the negotiations between the Military Council and FACF. The talks resulted in the

Constitutional Document that provided for the establishment of three government bodies. The first body is the Sovereignty Council, which consists of some of the previous Military Council members and civilian members chosen by the Freedom and Change Forces. The second body is the Council of Ministers, whose members are mostly appointed by the Freedom and Change Forces. Finally, the third body is an appointed legislative body. The latter has not been established pending the peace negotiations with gorilla warring factions. Thus, the first two bodies represent the current policymaking system entrusted with achieving the main slogans of the revolution: freedom, peace, justice, and *medania* (civilian government). Whereas the predominantly civilian Council of Ministers drawn from FACF possesses all the executive powers to fulfill the revolution goals, the Sovereignty Council was assigned ceremonial and symbolic powers. Nevertheless, maintaining real military force, the latter continues to enjoy real executive powers and put tremendous pressure on the civilian government.

The Sovereignty Council's military component continues to control the army and the police forces through the right to appoint the Ministers of Defense and Interior. Both portfolios are occupied by military and security generals associated with the Sovereignty Council and the previous regime. Since its inception, the Transitional Government has encountered very thorny policy issues, including the fragile policymaking system, economic issues, the shortage of bread crises, the shortage of oil and gas, the debacles of security and peace, and the problem of eradicating widespread corruption. Although Jesus Christ's famous saying that "Man shall not live on bread alone" is, yet the Sudanese revolution of December 2019 proves that the shortage of bread and other staples can uproot a military dictatorship. Ironically the country which Arabic textbooks and economists describe as "the breadbasket of the Arab World" is experiencing an acute shortage of bread (Mahran, 2000).

Public policymaking system in Sudan and economic debacle

The roots of all current crises and challenges (the shortage of bread crises, the lack of oil and gas; the debacles of security and peace, and the problem of eradicating corruption) that are inherited by the present Transitional Government can be attributed to the mismanagement and the low-performance rates of the Sudanese economy. Current reports of international economic and financial organizations paint a gloomy picture of the Sudanese economy (IMF, World Bank, FAO (Moscoso, 2016). During the first decade after independence in 1956, the multi-party government had complete control of the public-sector-oriented economy.

With stable international conditions, the country

witnessed a stable economy that achieved self-sufficiency, at least in food production. Nevertheless, the civil war that broke out in 1955 in the southern region led to some limited economic and political instability whose negative impacts were not felt in the Arabized Northern region but devastated the African population's livelihood in the southern part of the country (Johnson, 2014). To add insult to injury, most northern-dominated governments, more or less, adopt aggressive Arabization and Islamization policies against the African population in the South (Jaspars, 2018).

The first military government that ruled the country in May 1969 to April 1985 whose ideological orientations covered the whole spectrum of political ideologies from the extreme of the socialist left, allying itself with the Soviet bloc and later to capitalism thereby shifting itself to the West, pragmatism, and end up with an Islamic fundamentalist orientation. These developments explain the regime's dramatic shifts in policymaking. From the outset, it adopted the policy of nationalization and was driven later by pragmatism to adopt ambitious development policies. The program failed to boost the productive capacity of the economy, and the government adopted repressive Islamists and economic policies to preserve its shaking legitimacy after the failure of its economic policies (Jaspars, 2018). By the late 1970s, the military government encountered falling export earnings accompanied by rising import bills, tremendous budget deficits, and surging foreign debt. The worsening balance of payment and deepening external debt forced the government to seek the help of the IMF and consequently adopted its austerity policy. Thus, the government approved three development programs in 1978 with financial assistance provided by the IMF. These programs sought to improve the current account, attract foreign investors, increase productive capacity, reducing the rate of inflation, and promoting economic growth. Until 1985 the outcomes of these programs were stagnation of exports, an increase in imports, deteriorating trade balance, and soaring of foreign debt. These factors led to the loss of the purchasing power of the national currency and increased rural and urban poverty. These adverse developments marked the shift from the public-sector-based economy to a more free-market oriented one. One of the political achievements of this regime was to stop the civil war in the South through the Addis Abba Accord in 1972, which provided for an autonomous regional government for the South. The government later reversed this policy to pave the way for its Islamists regime, therefore, leading to the collapse of the Southern regional government and falling into the debacles of the civil war again (Johnson, 2003).

One of the most severe outcomes of these policies is the spiraling of inflation rates leading to poverty and economic crises, which triggered the April 1985 uprising that ousted the military government. Ironically the IMF, whose help was sought to help the government, led to its

demise. This policy was the same factor that triggered the popular uprising against the multi-party system (that came after the fall of the second military government) which also adopted the IMF prescription that paved the way for the military takeover of the Islamic National Front, led by the late Hassan Erturabi, in June 1989. The Islamists military government also adopted the IMF prescription and liberalization of the economy coupled with massive violent and torturous, unprecedented human rights violations to suppress any opposition to the new regime. These policies eventually triggered again the December 2019 revolution that ousted the Islamists military government.

A few other political non-economic factors contributed to the failure of the government to halt the economic decline. These included the civil war in the South that consumed a substantial portion of the national wealth and tremendous resources made available to oppressive internal security forces to suppress the rising opposition to the Islamists government (Bashir, 2010). The oppressive policies of the government, coupled with declining standards of living in the marginalized regions in the West (Dar Fur) and the East, grounded the seeds for the emergence of military insurgence and rebellion in these regions (Cockett, 2016). The emerging insurgent groups, which later conducted fierce guerilla warfare with the proliferation of different armed militia groups representing the marginalized ethnic groups in western and eastern Sudan in addition to the continuing civil war in the South (Jok, 2015). The Naivasha Agreement in 2005 that the Northern government negotiated with the Southern rebels provided for a referendum in the South for self-determination. The latter ended up with secession of the South and the emergence of the state of the independent State South Sudan. This outcome was a result of the Islamist's regime handling of the agreement during the transitional period and the mistrust created thereof (Jok, 2015). Apart from the humanitarian sufferings among the vulnerable population and the environmental damage, the civil war destroyed national wealth. Thus, the war disrupted the financial resources that the government could have directed towards the provision of vital social services such as education and healthcare; currently, the two services continued to deteriorate to unprecedented low levels.

In the second half of the 1990s, the economy achieved favorable higher economic growth rates since the 1960s (Ali and Elbadawi, 2003). This high growth rate was enhanced further by the discovery of oil in Southern Sudan (now the independent State of South Sudan) in 1998. The export of oil resulted in considerable revenues nevertheless it encouraged wide-spread corruption among the ruling party leaders and followers. This time is the only period since the 1960s that witnessed positive rates of economic growth. Since the 1990s, the Islamists regime embarked on aggressive economic liberalization.

One of the politically motivated policies of the Islamists

regime was the destruction of agriculture, especially the Jazeera Cotton Scheme, which represented the backbone of export trade and source of foreign currency because it was the house of the strongly leftist-oriented Framers Union. Agriculture remained the backbone of the Sudanese economy, contributing to more than one-third of the country's GDP and account for the livelihood of 80% of the population. With a total area of 684 million acres of land and substantial economic resources, including arable and grazing land, water, livestock, minerals, gold, and diversified climate zones, the government could have used these natural resources to produce many types of crops such as cotton, sorghum, groundnuts, sesame, Arabic gum, wheat, and sunflower. The government targeted the three sectors of agriculture (the traditional rainfed, the mechanized rainfed, and the irrigated areas) for two different reasons: to suppress political opposition and generate revenues to finance the enormous bureaucratic apparatus. The policy against agriculture discriminates against cotton by effectively destroying the Jazeera Scheme. Other crops suffered heavy explicit and implicit taxation. Producers of cotton and groundnuts suffered from the fact that the government priced their crops at values that were lower than their market prices. In contrast, their inputs were valued at the higher free market rate and thereby disincentivizing the producers of these crops (Mahran, 2003). Therefore, the farmers deserted agriculture and migrate to Khartoum to work in foreign currency speculations, thus creating severe urbanization problems and deprived the country of valuable agricultural products.

Other sectors suffer similar types of harmful policies, such as Sudan Railways, which also housed the strong leftist Workers Union. The net outcome of all these policies was the gradual decline of the whole economy, bringing it to the edge of collapse and leading to crises in all essential commodities and account for the thorny issues which the Transitional Government is facing now. The crisis is evident in the shortage of bread crisis, the deficiency in the supply of oil and gas, the debacles of security and peace issues, and the problem of eradicating corruption. The culminating effect of these problems was to ignite the sparks of the revolution in all urban and rural areas in Sudan. Despite the importance of these factors, the economic crisis that caused the downfall of the regime originates in part from South Sudan's secession in 2011. The establishment of an independent state in the South deprived the government from the nearly three quarters of oil revenue because most of the discovered oil fields exist in the Independent state of South Sudan.

Previously, oil exports provided half of all tax revenues and two-thirds of Sudan's foreign exchange revenues. Although the secession agreement provided for a series of lump-sum payments of around three billion from the South to Khartoum, but soon the South failed to provide these lump-sum amounts of money because of the civil

war which broke out in the newly independent state of South Sudan between competing tribal elites in December 2013. The inability of the Islamists policymaking system to deal with the crises worsened by international isolation, the US sanctions led to shortages of hard currencies reserves, which resulted in a lack of fuel. A small boom in gold production has not made up for the loss of oil revenues because traders decline to sell their gold to the Central Bank and instead smuggled it to countries where prices are higher. Furthermore, Sudan's foreign debt, estimated at 60 billion, prevents Sudan from accessing foreign loans, except for some intermittent loans from Gulf states. Its designation by the US as a state sponsoring terrorism deprived it of illegible debt relief under the joint International Monetary Fund-World Bank Heavily Indebted Poor Country Initiative (HIPC). Other policies encouraged by the IMF, such as the devaluation of the national currency and cutting off of state subsidies to social services, led to more decline in the standard of living (The International Crisis Group, 2019). In addition to these problems, the voluminous malfeasance, graft, and corruption among the Islamists elites aggravated and deepen the crises.

METHODOLOGY

Research question

The main research question of this article is "what are the attitudes of Sudanese citizens towards the new Transitional Government's performance regarding certain policy issues?" Since the study is only exploratory, the authors adopt a convenient sample. Convenience sampling of research subjects from social media is becoming more appropriate and is frequently used by researchers. To address this research question and the exploratory purpose of this article, the authors design a questionnaire to collect the data for this article through an online survey sent to Sudanese individuals active in social media because of the Covid-19 pandemic. The authors have selected the questionnaire questions with the help of a professional statistician and IT specialist to address the core issue policy areas. The IT specialist has overseen and helped in the outreach for respondents and, together with the statistician, assisted in tabulating the raw data. In designing the questionnaire, the IT specialist has facilitated the QuestionPro tool which is an online survey software used to create, distribute, and analyze surveys and questionnaires. It facilitates creating a range of online questions such as multiple-choice questions, dropdown lists, and many other forms of questions. It also supports the distribution of survey questions through social media platforms, emails, and websites. The software provides raw data in various file formats such as Excel, SPSS, and CVS. It also supports the application of some initial descriptive statistical analysis of data and some charts. The authors distributed the questionnaire online using Facebook, Twitter, WhatsApp, and other Sudanese social media groups during the period extending between March and May 2020. The survey link was distributed via multiple social media that are known to have Sudanese members. These include WhatsApp groups, Facebook, and were sent through Twitter accounts. The survey link would lead the respondent directly to the survey page, accessible by smartphones, tablets, and laptops. Thus, though appropriate to the exploratory nature of this article, the data collected express the

opinions of these groups exclusively and do not represent the opinion of Sudanese people at large. The data collection tool, the questionnaire, consists of 33 questions reflecting the respondents' views about the performance of the new Transitional Government in different consequential policy issue areas.

The questionnaire utilizes the Likert Scale consisting of five scores and ranging between 1 indicating strong disagreement, 2 indicating disagreement, 3 depicting a neutral response, 4 showing agreement, and 5 indicating strong agreement with the different statements of the questionnaire. Therefore, a mean response closer to 2 represents disagreement, and consequently, a mean response above three represents agreement with the views of the survey. A mean around 3 indicates indecisiveness and neutrality towards the specific issue area. Each issue area is operationally defined by several statements grouped under one table bearing the name of the issue area. The authors have also calculated the means and standard deviation for each statement and use the grand mean (the mean of means) to represent the sample's average response on each of the tables. The research has encountered certain limitations mainly arising from the Covid 19 pandemic, which limited the researchers' ability to facilitate in-person questionnaire distribution. This fact limits the applicability of research findings to specific sections of the Sudanese population. However, this limitation is not very serious since the article's objective is to collect preliminary data to help future researchers develop an in-depth study of the present Sudanese debacle.

Sample description

The authors distributed 1000 questionnaires. The sample size after the exclusion of ones not completed is 792, 75% (594) were males, and 25% (198) females (only one respondent didn't indicate their gender type). Based on education levels, 0.25% just completed primary, and 0.25% middle-school, 5.8% high school, 5.4% with Diploma, 51.9% with Bachelor degree and 36.4% hold post-graduate degrees (only one person didn't specify the education level). According to the age groups, there is 1.4% of age less than 20; 15.4% between 20 and 29; 23.9% between 30 and 39; 21.8% between 40 and 49; 23.6% between 50 and 59; and 13.9% are 60 or over. Based on the respondent's occupation there are 8.1% students, 4.5% are labor workers, 52.3% are professional workers, 17.3% are business persons or freelancers, 9.2% are unemployed, or homemakers and 8.6% are educators. Regarding the geographical areas of the respondents, there were 65.4% from the middle region, 23.86% from the Northern region, 5.56% from the Western region, 4.42% are from the eastern region and 0.76% are from the Southern region. In terms of political party affiliation, 87.2% are not affiliated with any political party, while 12.8% are members of a political party. On the other hand, there are 62.6% of the respondent indicated that trust the SPA, and 37.4% do not.

RESULTS AND DISCUSSION

Data analysis

Table 1 concerns the issues related to the policymaking system, which have emerged after the triumph of the December 2019 revolution. The first statement in table 1, "I believe the distribution of government powers between the civilians and military is fair," reflects the belief of the respondents that the distribution of government powers between the civilians and military is not fair with only 19.4% of the respondents are in favor, and 52.4% are

against the proposition, with 28.2% are either neutral or not responded. The mean of 2.6 with SD 1.152 supports this conclusion, which is explainable by the widespread opposition among the respondents to the participation of the military in the Sovereignty Council because all of them were active members in the defunct government. This conclusion finds additional support from the respondents' reaction to the statement "the Transitional Government powers are not efficiently utilized". Whereas 78.5% believe that the Transitional Government does not use their powers efficiently, only 10.1% cast positive responses, and 11.4% are neutral or did not respond to the statement. The high mean score of 3.98 supports this conclusion, which indicates the belief of the respondents that the Transitional Government is not utilizing its powers efficiently. The responses to the third statement, "the military component in the Sovereignty Council impedes the government performance," shows that while a majority of the 63% of the respondents blame the military component in the Sovereignty Council for the impediment of the Transitional Government performance, a minority of 22.2% does not subscribe to this assertion with 14.8% are either neutral or did not address the statement. The high mean score of 3.67 with SD 1.285 sustains the conclusion that the military members in the Sovereignty Council are to be blamed for the disruption of the government work.

However, a majority also holds the belief that "the diversity and disharmony among the Freedom and Change forces hinder the government decision-making," with 76.4% agreement with that statement. While only a minority of 11.6% opposes the statement, 12% are either neutral or did not respond to the statement. The high mean score of 4.02 and SD 1.064 supports this conclusion. Moreover, most respondents believe that "the anti-revolution groups obstruct the government decision-making and policy implementation negatively," with 51.6% supporting the statement. Whereas 25.5% disagree with it, 22.9% are either neutral or did not respond to the statement. The high mean score of 3.53 and SD 1.267 lend considerable support to this statement. Finally, regarding the last statement, "the previous regime affiliates obstruct the government decision-making and policy implementation," the respondents believe that the previous regime affiliates impede the government decisions and actions, with 59% subscribing to the statement. While 28.6% oppose it, 12.4% are either neutral or did not respond. The high mean score of 3.45 and SD 1.298 support the assertion in the question. In conclusion, the responses to the statements in Table 1 reveal the mistrust and suspicions shared by the respondents against the military members and the role of the previous regime's supporters. The grand mean of 3.49 and Std. 1.2 reveals the unsuccessful efforts to reform the policymaking system.

Table 2 includes questions regarding economic problems and issues inherited from the previous regime. While only a minority of 27.1% agree with the statement

Table 1. Policy making issues.

Question	No.	Min	Max	Mean	Std. Dev
I believe the distribution of government powers between the civilians and military is fair	792	1	5	2.26	1.5
The transitional government powers are not efficiently utilized	792	1	5	3.98	1.0
The military component in the Sovereignty Council impedes the government performance	792	1	5	3.67	1.3
The diversity and disharmony among the Freedom and Change forces hinder the government decision-making	792	1	5	4.02	1.1
The anti-revolution groups obstruct the government decision-making and policy implementation	792	1	5	3.53	1.3
The previous regime affiliates obstruct the government decision-making and policy implementation	792	1	5	3.45	1.2
Grand Mean	792	1	5	3.49	1.2

Table 2. Economic issues.

Question	No.	Min	Max	Mean	Std. Dev
The transitional government policies help in resolving the economic pressing issues	792	1	5	2.60	1.2
The declining exchange rate of the national currency against the USA dollar is due to the speculations of some influenced people who are dedicated to the old regime	792	1	5	3.59	1.4
Subsidies for strategic goods encourage their smuggling to neighborhood countries	792	1	5	3.72	1.2
I believe the economy is satisfactorily improving	792	1	5	2.27	1.0
The political freedom to me is more important to me than economic issues	792	1	5	2.70	1.3
Grand Mean	792	1	5	2.98	1.2

that the "Transitional Government policies help resolve the economic issues" inherited from the previous regime, 50.2% do not support the statement, and 21.6% are either neutral or did not respond to the statement. The low mean scores of 2.6 and SD 1.193 indicates low approval levels to the Transitional Government effort to straighten up the economic issues. Regarding the statement "The declining exchange rate of the national currency against the USA dollar is due to the speculations of some influential people who are dedicated to the previous regime", 59.9% agree with it, and 24.5% are against it, and 25.6% are either neutral or did not respond to the question. The steep decline of Sudanese currency exchange rates against the dollar is responsible for the deterioration of living standards. The high mean score of 3.59 and SD 1.351 lend support to the idea that currency speculators associated with the previous regime use their monopoly status to attack the local currency to augment the economic problems inherited from the previous government.

A total of 63.7% of the respondents believe that "government subsidies for strategic goods encourage their smuggling to neighboring countries" while 24.4% are against this assertion, and 11.9% are either neutral or did not respond to the question. The high mean score of 3.72 and SD 1.225 supports the statement. In response to the statement, "I believe the economy is satisfactorily improving," whereas only 13.7% believe that the economy is satisfactorily improving, 61.2% disagree with the assertion, and 25.1% are either neutral or did not respond to the question. The low score of the mean of

2.27 and SD 1.016 supports the statement. Notably, 48.4% agree with the statement "the political freedom is more important to me than the economic issues, and 29% are against it, while 22.6% are either neutral or did not respond to the statement. The low score of the mean of 2.7 and SD1.321 proves that economic issues are more important than political freedom. In conclusion, the respondents believed that the Transitional Government fails to resolve the persistent economic problems. The most astonishing result is that the respondents believe that political freedom is more important than economic issues. However, the low grand mean of 2.98 and Std. 1.0 underscore the failure of the government to address the economic problems.

Table 3 deals with the acute bread shortages, which is evident in the long queues in front of bread bakeries. Regarding the statement "the shortage of the bread is created by the previous regime influential members", whereas 49.6% express agreement with the statement that the previous regime influential affiliates create the bread crisis, and 30.9% disagree with the statement with 19.5% are either neutral or did not respond to the question. The relatively high mean score of 3.34 and SD 1.391 substantiates this conclusion. This conclusion is further confirmed by the response to the statement that "the distribution of the bread flour procedure continues as before the revolution," in which a majority of 55.4% agrees with the statement and 11.1% are against it. In comparison, 34.5% are either neutral or did not respond to the question. The mean score of 3.66 and SD 0.941 substantiates this conclusion. In response to the

Table 3. Bread crises.

Question	No.	Min	Max	Mean	Std. Dev
The shortage of bread is created by the previous regime influential members	792	1	5	3.34	1.4
The distribution of the bread flour procedure continues as before the revolution	792	1	5	3.66	.94
The management of the Bakeries and government oversight over them are weak	792	1	5	4.07	.94
Some of the military members of the government benefit from the shortage of bread	792	1	5	3.28	1.2
The transitional government is working hard to resolve the shortage of the bread problem	792	1	5	3.52	1.2
The government failed to provide the bakeries with enough flour	792	1	5	2.62	1.2
Grand Mean	792	1	5	3.42	1.1

statement, "the management of the Bakeries and government oversight over them are weak, while 71.9% of the respondents agree with this statement, 7.6% disagree with it. However, 20.5% are either neutral or did not respond to the statement. The high mean score of 4.07 and SD 0.943 attest to the fact the respondents are not happy with how the government addresses the bread crises, which has originated in the previous regime, its malfeasance, and monopolies.

In the statement that "some of the military members of the government benefit from the shortage of the bread," unexpectedly, 43.3% of the respondents believe that some of the military members of the Sovereignty Council benefit from the shortage of the bread, and 26% are not supporting this statement with 30.7% are either neutral or did not respond to the question. The high mean score of 3.28 and SD 1.243 substantiates this conclusion. The statement that "the Transitional Government is working hard to resolve the shortage of the bread problem" is supported by 47.9% and opposed by 21.9%, whereas 31.2% are either neutral or did not respond to the question. The mean score of 3.52 and SD 1.239 lend support to this conclusion. Regarding the statement "The government failed to provide the bakeries with enough flour" is endorsed by 22.5% are and rejected by 50.6%, with 26.9% either neutral or did not respond to the questions. The low mean scores of 2.62 and SD 1.88 is good news to the Transitional Government.

In conclusion, although a majority of the respondents express their belief in the Transitional Government, they believe the bread issue is deliberately perpetuated by the supports of the previous regime to destabilize the Transitional Government. Again, the mistrust towards the military members of the government reappears again here. Although the grand mean for this issue area is slightly above 3 with Std.1.1, it indicates moderate, though not consequential, success for the government efforts to address bread issues.

Table 4 also deals with the very pressing public policy issues of the acute shortage of oil and cooking gas, which stifled the country and impeded the movement of goods and services. The problem is inherited from the previous regime. The statement that "the previous regime affiliates deliberately perpetrate the oil and gas shortage"

gains the approval of 49.7% of the respondents. However, 30% of the respondents do not agree with the statement, and 20.3% are either neutral or did not respond to the statement. A high mean score of 3.34 and SD 1.138 in table 4 indicates considerable agreement with the statement. This conclusion is supported by the responses to the statement that "the previous regime supporters use the shortage of oil and gas as a tactic to overthrow the Transitional Government." This statement is endorsed by a majority of 68.7% of the respondents, while 11.9% are against the statement, and 19.4% are either neutral or did not respond to the statement. The high mean score of 3.96 and SD 1.100 indicates the high level of agreement among the respondents concerning the role of the previous regime's supporters to destabilize the Transitional Government.

Nevertheless, the statement that "the shortage of oil and gas is due to the failure of the government to provide enough quotas of these commodities" receives the agreement of 30.3% with a majority of 43.3% blaming the Transitional Government for this shortage, with 26.4% of the respondents are either neutral or did not respond to the question. The table shows a relatively low mean score of 2.83 and SD 1.186 that sustains the statement. The responses to the statement "managing, distributing and monitoring of oil and gas are not done properly" substantiate the previous results, with 72.6% of the respondents supporting the statement with only 5.8% disagree with it, and only 20.4% of the respondents are either neutral or did not respond to the statement. The mean score of 4.1 and SD 0.861 carries no good news to the Transitional Government since a large portion of the respondents blames it for this failure. It seems from the responses in this table that the respondents blame the Transitional Government for the shortage of oil and cooking gas. The grand mean of 3.56 and Std. 1.1 points to slightly positive views about the efforts of the government in this issue area.

Table 5 unveils the altitudes of the sample towards the sensitive issue of internal security and the civil war. The response to the statement that "the Transitional Government succeeded in enforcing internal security" is approved by 26.5% only. 38.3% of the respondents reveal negative attitudes towards the efforts of the Transitional

Table 4. Oil and gas problems.

Question	N	Min	Max	Mean	Std.
The previous regime affiliates deliberately create the Oil and Gas shortage	792	1	5	3.34	1.3
The previous regime supporters use the shortage of oil and gas to overthrow the transitional government	792	1	5	3.96	1.1
The shortage of oil and gas is due to the failure of the government to provide enough quotas for these commodities	792	1	5	2.83	1.2
Managing, distributing, and close monitoring of oil and gas are not done properly	792	1	5	4.10	.86
Grand Mean	792	1	5	3.56	1,1

Table 5. Peace and security problems

Question	N	Min	Max	Mean	Std. Dev
The transitional government succeeded in enforcing internal security	792	1	5	2.77	1.1
The peace negotiation process with the militant groups is going on the right way	792	1	5	3.08	1.1
The personal interest of some of the military body in the government jeopardizes the peace process	792	1	5	3.59	1.145
I believe we will reach a comprehensive peace soon	792	1	5	3.34	1.1
Handing the former president to ICC will expedite the peace process	792	1	5	3.76	1.2
The behavior of the policemen and other security staff towards the civilian has changed,	792	1	5	2.58	1.2
Grand Mean	792	1	5	3.1	1.1

Government in this area, 35.2% of the respondents are either neutral or did not respond to the statement. The low mean scores of 2.77 and SD 1.129 indicates dissatisfaction with the government efforts in the area of peace and security. The attitude of the respondents towards the statement "the peace negotiation process with the militant groups is going on the right way" is not optimistic and gets the approval of only 37.3%. With the disapproval of 26.8%, 35.9% are either neutral or did not respond to the question. With a mean score of 3.08 and SD 1.088, the Transitional Government receives moderate support in this issue. The statement that "the personal interest of some of the military members in the government jeopardizes the peace process" is approved by a majority, 52.6%, disapproved by 17%, and 30.4% who are either neutral or did not respond to the statement. The mean score of 3.59 and SD 1.145 supports this conclusion. Regarding the question "The personal interest of some of the members of the military body in the government jeopardizes the peace process," with a mean of 3.59 and SD of 1.145, the respondent reveals a deep mistrust of the military component intentions. This conclusion is a natural because the members of the military component were top officials in the previous regime.

The vital statement, "I believe we will reach a comprehensive peace agreement with the militant groups soon," receives 44.7% approval. While 19% are against 36.3% are either neutral or did not respond to the question. The mean score of 3.34 and SD 1.089 is

relatively optimistic in this crucial area. The statement "handing over the former president (Omer Bashir) to International Criminal Court will expedite the peace process" receives the approval of 58%, the disapproval of 16.5%, and 25.5% of the respondents are either neutral or did not respond to the statement. The high mean score of 3.76 and SD 1.271 indicates substantial approval from the respondents since the issue is closely related to ending the civil war in Dar Fur and the Blue Nile region. The statement regarding "the behavior of the policemen and other security forces towards the civilian has changed" seems to get very low approval of 23.6% compared to the 46.7%, who believe the security forces have not changed their behavior, with 29.7% are either neutral or not respond to the question. The mean score of 2.58 and SD of 1.245 prove this conclusion. The grand mean of 3.1 and Std. 1.1 indicates the respondents' general indecisive position toward the government's achievement regarding the thorny issue of peace and security.

Table 6 deals with the corruption problem that occupies a central place in the Transitional Government's agenda because of the prevalence of corruption and malfeasance in the previous regime. Therefore, the statement that "I don't think there is significant corruption in the country" receives only 7.0% approval and 70.3% disapproval, and 22.7% are either neutral or did not respond to the question. The mean deficient scores of 1.88 and SD 1.007 indicate a strong belief in the prevalence of corruption. However, the statement "the government has

Table 6. Problems of corruption

Question	N	Min	Max	Mean	Std. Dev
I don't think there is significant corruption in the country	792	1	5	1.68	1.0
The government has succeeded in eradicating the previous regime political organizations,	792	1	5	2.34	1.1
The government has succeeded in eradicating the previous regime economic organizations	792	1	5	2.15	.97
The existence of the previous regime influential affiliates is the leading cause behind the failure to uproot corruption	792	1	5	3.85	1.1
The transitional government has succeeded to eradicate corruption to some extent	792	1	5	3.00	1.1
There are some government members resisting the effort of fighting the corruption	792	1	5	3.96	1.0
Grand Mean	792	1	5	2.67	1.0

succeeded in eradicating the previous regime political organizations" receives a very low approval of only 17.2% of the respondents. While 53.9% disagree with the statement, 29.9% are either neutral or did not respond to the statement. The noticeably deficient mean scores of 2.34 and SD 0.076 suggest the failure of the Transitional Government to uproot corruption. The statement that "the government has succeeded in eradicating the previous regime economic organizations" gets the approval of only 10.4% of the respondents and the disapproval of 59.7%, with 29.9% who are either neutral or did not respond to the statement. Again, the low mean scores of 2.15 and SD 0.973 send a negative signal to the Transitional Government about its efforts to eradicate the previous regime's economic organization.

Regarding the statement, "the existence of the previous regime influential affiliates in the government institutions is the main cause behind the failure to eradicate corruption." While 64.1% agree with this assertion, only 13.1% disagree, and 22.9% are either neutral or did not respond to the question. The mean score of 3.85 and SD 1.121 is consistent with the views of the respondents in this statement.

The Transitional Government gains a slightly significant rate of approval to the statement "the Transitional Government has succeeded in eradicating the corruption to some extent," with 36.2% approving, 29.8% disapproving, and 34% are either neutral or did not respond to the question. The mean score of 3.0 and SD 1.136 gives the Transitional Government moderate approval. The response to the statement that "some government members resist the effort to eradicate corruption" is approved by 64.2% and disapproved by only 9.7%, with 26.1% are either neutral or did not respond to the question. The high mean score of 3.96 and SD 1.082 indicates the strong belief among the respondents of the role of the previous regime military elements in the Sovereignty Council and civil service as responsible for blocking the Transitional Government efforts to eradicate corruption. In conclusion to these results, one can safely say that the respondents generally believe that the government did nothing much to combat corruption. The grand mean of 2.67 and Std.1.0 indicate

the view of the respondent's that the government did nothing much to uproot the endemic corruption.

Conclusion

The purpose of this study is exploratory. Therefore, it is difficult to provide any meaningful recommendations or definitive results. By writing this article, the authors intend to help future researchers to develop more sophisticated hypotheses to the area of politics and policymaking in the post-December revolution in Sudan. For this purpose, the article traces the evolution of the Sudanese poetical system and policymaking in an attempt to illuminate the roots of the present crisis that generates the package of the critical policy issue areas staring at the fragile Transitional Government and its institutions. The article highlighted the continuous efforts of the anti-revolution elements and the active pockets of resistance by the supporters of the defunct regime to destabilize and overthrow the new system. However, this conclusion is not very ambitious in terms of offering specific practical pieces of advice to the Transitional Government in the absence of testable hypotheses. Hence it is sufficient to summarize the significant findings of the study.

In general, the study has not brought good news to the Transitional Government. For example, issues areas receive grand means slightly above 3 with policymaking issues (3.49), economic issues (2.98), bread shortage (3.42), oil and gas shortage (3.56), peace and security (3.1), and (2.67) for the eradication of corruption. These results indicate the prevalence of indecisiveness and neutrality on the part of respondents. This behavior is not unexplainable at this stage. However, the grand mean of 2.98 for economic issues suggests the failure of the Transitional Government to address these critical economic issues. However, it is not astonishing at all that the Sudanese Professional Association (SPA), which effectively planned and direct the demonstrations against the previous regime, received the support of a majority of the respondents (62.6%).

Nevertheless, the respondents blame the Sovereignty Council for these failures. The study also clearly reveals

the mistrust and suspicions shared by the respondents against the military members in the government and the role played by the supporters of the previous regime in blocking the efforts of the government. They blame the military component in the government for the weak performance of the government. The respondents are generally unhappy with the Transitional Government performance on the other thorny issues. Still, in all these issues, they blame the anti-revolution and supporters of the previous regime for hindering the Transitional Government performance in different public policy issues.

The study highlights many managerial and administrative implications and challenges for the Transitional Government in Sudan and other governments that will take over after the transitional period. These challenges include the serious flaws in the edifice of the administrative apparatus, corruption, lack of transparency, lack of institutionalism, and good governance. The most damaging legacy of the previous regime is recruiting civil servants according to political loyalty rather than merit, thereby leading to declining indecency in the civil service. These challenges underlie the roots of almost all issues and crises encountered by the Transitional Government. Addressing these challenges represents the avenues for future researchers.

CONFLICT OF INTERESTS

The authors have not declared any conflict of interest.

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Review

Political opportunism, impunity and the perpetuation of Victor's Justice: A case of the Rwandan Genocide

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The genocide in Rwanda remains one of the most tragic and horrendous events witnessed in Africa, and an important case study in the exploits of transitional justice. An approximated number of one million people were subjected to systematic rape, murder and torture with several thousands of people being displaced in the process of ethnic conflict in Rwanda-evidencing genocide, war crimes and crimes against humanity. Rwanda provides yet another example of the need for justice in post-conflict states, and the need to protect human rights and the restoration of the dignity of human beings. However, a post-conflict situation has to contend with how this justice is dispensed, by whom, towards whom and to what end. This paper argues that partial justice was served (and continues to be) in Rwanda concomitant with victor's justice and the political opportunism of the emergent Rwandan Patriotic Front (RPF) government.

Key words: Political opportunism, genocide, impunity, transitional justice, human rights.

INTRODUCTION

In discussions and accounts of transitional justice, we can dispense justice and still not serve it at all. With what may seem an attraction to gruesome morbidity, we are always drawn to discuss cases where humanity has failed with the objectivity of intellectual curiosity, relegating empathy to its rightful place as a function to explain contending variables in our quest to understand phenomena. This paper will discuss the dynamics of the Rwandan genocide within the framework of transitional justice vis-à-vis impunity and political opportunism. Methodologically, the paper borrows heavily from various and key Rwandan genocide scholars. To give context and provide the premise for the overall objective of the paper, the author will discuss the divisive relations between the Tutsi and Hutu groups and attempt to offer an elucidation of the details of the Civil War in Rwanda and further make an examination of the events that

culminated into the genocide in 1994. While this has been extensively done by the many works that have been done on the Rwandan genocide, it remains pertinent for the reader that might be coming across work on the genocide for the first time through this article. The paper will move to discuss the cataclysmic ramifications of the genocide with an emphasis on the part played by the Rwandan Patriotic Front in the process of the conflict. Lastly, an analysis of the post-genocide period will be made. Of particular importance will be the investigations of the UN which in turn led to the establishment of the International Criminal Tribunal for Rwanda (ICTR), the various studies and accounts that have been published on the transitional justice outcomes, and some reports on contemporary examples of arrests of those that are accused of being perpetrators of genocide. These are very important premises for the thesis of this paper.

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Conclusively, this discussion terminates by exposing the unequivocal partial justice dispensed by the Gacaca courts system and ICTR, and examines the effect on the trustworthiness of transitional justice processes.

THESIS

Therefore, this paper argues that: the culpability of Rwandan Patriotic Front (RPF) members for crimes during the genocide was not taken into account due to political expediency and non-committal on the part of those charged with the responsibility to prosecute. The successes of the Gacaca courts and the ICTR are tainted because the convictions emergent from these mechanisms reveals that only the crimes of Hutu perpetrators were widely prosecuted, and continue to reflect the “trend” in contemporary times, as opposed to those committed by the Tutsis of the RPF. Therefore, this paper is anchored on the argument that in totality, there is a case for continued impunity and partial justice in the trials of the Rwandan genocide making the outcomes of the pursuit of justice in Rwanda, a victor’s justice influenced by political opportunism.

The system of justice at an international level is a symbol of global cooperation, protection of human rights and the basis for a legal position on genocide and all crimes grossly violating the said human rights.¹ The literature that was reviewed in this undertaking discusses the Rwandan genocide by situating the dynamics of transitional justice and the historical trajectory of the Rwandan genocide. This review informed the major premise of the proceeding narrative that will seek to make the case for the continued interplay between political opportunism, impunity and victors’ justice in the Rwandan genocide.

Creating international courts plays a huge role in global governance by adding a very crucial dimension to the said global governance—a mechanism that makes universal jurisdiction actionable. States are subject to warranted external intervention, and also the trial of individuals that are culpable of violations of human rights. In the truest fashion that upholds *jus cogens*, atrocities exacted by persons on others that violate human rights indiscriminately cannot be shielded by the ostensible resort to claims of the inviolability of state sovereignty. Hellsten (2012:5) argued that,

in this criminal justice sense, Transitional Justice (TJ) can currently be seen to undermine the doctrine of state

sovereignty that had largely guided international relations since the 1648 Treaty of Westphalia. While not every state has signed, ratified and/or domesticated all the treaties and agreements related to international law and transitional justice, the international community (of those who have done so) can still take action against these ‘outlaw’ states and against individual members of their regimes when international human rights standards are violated or crimes against humanity are committed.

These international institutions of justice, and the conventions that establish them, at least at face value, appear to provide the mechanisms of an assured end to impunity. However, global justice as it has been postulated, remains far from being attained. International justice has scored some successes, but has yet to bring full comprehension of the crimes of genocide. The mechanisms of international justice have a tendency to make impositions of western conceptions of people’s rights, retribution, civil society, justice in post-conflict environments, and the rule of law (Hinton, 2010). An examination or rather appraisal of impunity should take into consideration the national, local, and international approaches to the manner in which justice is dispensed and the attendant consequences to transitional justice of the said impunity.

The genocide of Rwanda is a significant area of focus because of the employment of several justice models in responding to the crisis (Jallow, 2009). The year 1994 saw the establishment of the ICTR by the UN Security Council via resolution 955. The court was formed with the hope that it would work in tandem with the Rwandan state courts, but the aversion to the attempts by the UNSC to make it so greatly affected the work of the ICTR. Despite the objections to the formation of the tribunal, the convictions made by the tribunal were important for the Rwandese, and that this served to help regain their humanity. The ICTR established significant examples that contributed to the redefinition of genocide and augmented the capacity of the international justice mechanisms (Ibid).

THE RWANDAN GENOCIDE: A BRIEF TRAJECTORY

A veritable comprehension of the occurrences during the Rwandan genocide requires a grasp of the history shared by the Tutsis and Hutus. the region referred to as Rwanda today was occupied by a population that was overtime become divided along social status-forming identities premised on ownership of cattle (herdsmen), peasantry (agriculturalists), service in the army, and labour relations between the “haves” and “have nots”, the former referent to the “Tutsi” and latter to the “Hutu”. For example, service in the army was divided along Tutsi and Hutu identities where the Tutsis were the combatants and the Hutus non-combatants who merely provided menial services to the combatants. This left the Hutus relegated

¹The author acknowledges the fact that crimes occasioned on persons such as murder (in ‘normal’ crime situations such as homicide) are violations of human rights but this assertion is made with explicit reference to the context of the subject matter.

to the lower echelons of society mainly with peasant status, while the Tutsis created kingdoms that were presided over by Tutsi monarchs. This “identity dichotomy” had economic, political and social effects (Childress, 2015). Des Forges (1999: 32) states that,

as the Rwandan state grew in strength and sophistication, the governing elite became more clearly defined and its members, like powerful people in most societies, began to think of themselves as superior to ordinary people. The word “Tutsi,” which apparently first described the status of an individual—a person rich in cattle—became the term that referred to the elite group as a whole and the word “Hutu”—meaning originally a subordinate or follower of a more powerful person—came to refer to the mass of the ordinary people. The identification of Tutsi pastoralists as power-holders and of Hutu cultivators as subjects was becoming general when Europeans first arrived in Rwanda at the turn of the century.

After World War 1, Belgium through the Treaty of Versailles took control of Rwanda. The stratified social structure of “dominant” Tutsis and “subservient” Hutus continued. From the 1930s through to the 40s, sentiments of restlessness began to develop in the Hutu majority population and an undulating Hutu nationalism emerged (Madsen, 1999). Part of the blame for the divisive nature of Tutsi-Hutu relations has been placed on Belgium. Belgian colonisers are said to have given privileged consideration to the Tutsis— they received better education and became steeped in western ideals and values (Anyidoho, 1997). This is exemplified by, for example, the Hamitic Hypothesis. This hypothesis championed by John Hanning Speke, posits that all things of value in Africa were brought to the continent by the Hamites who were a variation of the Caucasian race, and that Tutsis represented that variation, coming from the general population of Ethiopia, unlike the Hutus who were indigenous to “black Africa,” and by that classification, were inferior (Childress, 2015). However, the ethnification of Rwandan society during colonialism was not solely premised on primordial reasoning. Hain (2011:6) offers that,

Though Speke’s theory was founded on primordial conceptions of ethnicity, the colonizers had economic, social and political incentives to divide the groups as well. Invariably, the Belgian’s coalition with the Tutsi was also based on their position in society as the elite and dominant political authority in Rwanda. By favouring the Tutsis and discriminating against the Hutu’s, the Belgian’s further strengthened the divide and animosity between the two ethnic groups and ultimately empowered their own control of the state.

The Hutu Social Movement, a political party which espoused equal treatment of Hutus who had been long suppressed, was formed by Kayibanda in 1957. In almost

retaliatory fashion, the Tutsis created the Rwandan National Union (UNAR). The Party of the Movement of the Hutu Emancipation (PARMEHUTU) was then formed by Kayibanda in 1959. The naming of the party was deliberate and meant to communicate its exclusionary nature as a party premised on advancing Hutu interests. This unequivocally showed Tutsi leaders that the welfare of Tutsis was at risk (Childress, 2015). The political volatility in Rwanda was palpable such that later in 1959, violent clashes referred to as the “Muyaga Massacres” between Hutu and Tutsi factions occurred.

Elections were held in 1960 in which the PARMEHUTU emerged with the most government seats. Elected Hutu members of government with the collusion of Belgian representatives announced that they had created the “Sovereign Democratic Republic of Rwanda in 1961”. This immediately terminated the centuries-old Tutsi monarchy. King Kigeli who was the Tutsi monarch at the time of the creation of the republic of Rwanda was deposed and Kayibanda became president. With full cognisance of the fact that the Hutu-Tutsi schism traced back centuries, this altering of the political situation in Rwanda incontrovertibly laid the premise for the cataclysmic violence that was to occur in Rwanda. Tutsi people’s trepidation was founded on the concerns over a retributive Hutu regime. This triggered Tutsi refugee-migration into Uganda. Kayibanda, fearing a retaliatory assassination inspired by exiled Tutsis became reclusive (Madsen, 1999).

The upending of the Tutsi monarchy was the gateway to what became the preoccupation of the emergent Hutu government: the complete Tutsi marginalization so that all chances of the restoration of the Tutsi monarchy were eliminated (Childress, 2015). Juvenal Habyarimana led a coup which made him president of Rwanda in 1973, with his sole interest rested on maintaining a Hutu hold on government with very minimal Tutsi involvement. In attempts to redress the historical deprivation of the Hutu population, Habyarimana introduced a quota system for education and other government benefits on the basis of Rwanda’s ethnic demographics (Kuperman, 2003). However, several Tutsis retaliated by forming guerrilla groups which aimed to regain power. These guerrilla groups known to the Hutus as Inyenzi (cockroaches) because of their characteristic night attacks, operated from Burundi, Tanzania, Uganda and Democratic Republic of Congo- former Zaire. By such attacks, the Tutsis hoped to regain some measure of control or power.

The Hutus responded by engaging in mass retaliatory killings of innocent Tutsis culminating into a mass migration of Tutsis to nearby countries. In the middle of the 1960s, a greater portion of Tutsi people were in exile living outside of Rwandan territory, with most of them migrating or fleeing to Uganda. It was approximated by the United Nations High Commissioner for Refugees (UNHCR) that there were 150,000 exiles outside Rwanda’s borders, but also acknowledged the potential for the actual number to be twice that of the estimate due to

the possibility that not all exiles were fully registered. The Rwandan exiles made swift assimilation and settlement in the refugee camps where they were gathered, with the majority of them taking up menial jobs that enabled them to survive and meet their basic needs. On the back of UNHCR aid, the children of Rwandan refugees were able to make social progress that was not only better than their parents', but that was also much better than that of the local Ugandan people. The education of refugee Rwandan children was paid for by UNHCR while the children of indigenous Ugandans, due to lack of money to pay for school, dropped out (Kamukama, 1997). These opportunities that accrued to Tutsi refugees were used to get away from life in refugee settlements and acquiring well-paying jobs. The apparent "success" of Rwandan refugees in Uganda began the spread of xenophobic sentiments among the Ugandans. Resentment and envy gripped native Ugandans who felt that they had been overtaken in virtually every aspect of life by Rwandans. There was a general fear that Milton Obote, the Ugandan president, would move to exclude from the political process, citizens and Refugees that were of Rwandan origin. These trepidations were partially stalled by the overthrow of Obote through a coup by Idi Amin in 1971. However, in 1980, Obote returned his presidency after the 1979 overthrow of Idi Amin's regime. These developments were soon followed by a guerrilla war in neighbouring Uganda waged on the ruling regime that had a major influence on the events that were to occur in Rwanda (Ibid).

Paul Kagame and Fred Rwigyema were two key Rwandan protagonists in the Ugandan National Resistance Army (NRA) guerrilla movement that overthrew Obote. They, together with several other Tutsis in exile in Uganda, went on to create the Rwandan Patriotic Front in 1979 (Rusesabagina, 2006). After the NRA usurped power in Uganda in 1986, the RPF's existence and operations became overt and "legitimized" much to the trepidation of the Rwandan government in Kigali. Through the 1980s, the RPF's growth in Uganda was exponential (Madsen, 1999).

In 1988, a cultural show initiative that showcased the lives of Rwandan refugees in Uganda set the stage for international dialogue on the possibility of Rwandan refugees returning home. This initiative was coincidental because it was started at a time when discussions on most fronts about the possible and desire to return home of Rwandan refugees were taking root. This led to the formation in 1988, a Commission of Ugandan and Rwandan ministries was established to engage in discussions on possible means to tackle the refugee problem. A decision was made by the Rwandan and Ugandan governments reach out to the UNHCR for assistance in conducting a survey in refugee camps that would establish whether Rwandan refugees desired to return home or stay in Uganda. The suggested survey was never carried out (Kamukama, 1997).

A growing rift between NRA and RPF soldiers inspired

military action. In 1990, RPF fighters instigated an attack on Rwanda from Uganda. The guerrilla force was mainly made of Tutsis who were the children of refugees that had left the country in the wake of the 1959 revolution. Over the years, as the erstwhile discussion has documented, sentiments of hatred and ethnic tensions between Tutsi and Hutu groups had been exacerbating and this translated into the said invasion of Rwanda in October 1990. At this point, the Civil War of Rwanda had erupted (Anyidoho, 1997). According to Jesse (2017:146),

Beginning in October 1990, the Rwandan Patriotic Front (RPF)-a political party composed primarily of militarized Tutsi refugees who had fled previous periods of ethnic violence-invaded Rwanda from Uganda, triggering a civil war. The invasion was intended to force the government, then led by Hutu President Juvénal Habyarimana, to accept a power-sharing agreement and recognize the right to return of Tutsi refugees of previous periods of violence. However, the invasion radicalized many of Rwanda's Hutu elites, whom in their efforts to undermine popular support for the RPF implemented a media campaign of anti-RPF and anti-Tutsi rhetoric and began training Hutu youth to defend their nation against the so-called foreign invaders-giving rise to the infamous 'Hutu Power movement'.

THE MASSACRES: A CONTEXTUAL ACCOUNT

The frequency of war crimes and genocide in Rwanda was portended by the commencement of the Civil War. More than 1,200 Bagogwe people, a group related to the Tutsi found in North-western Rwanda were massacred by Armed Forces of Rwanda while Hutus slaughtered Tutsis all through the northern and southern regions of Rwanda (Madsen, 1999). The complicity of the RPF in the repeated violation of International Law was replete in their actions during the Civil War. Thousands of civilians were the targets of brutal attacks. In one instance RPF soldiers attacked a prison at Ruhengeri and freed many prisoners whom they enrolled as fighters. The RPF also looted homes and asked the evicted victims to assist with carrying the looted goods. These civilians were murdered afterwards. Politically motivated assassinations also occurred. The RPF is alleged to have taken issue with political rivals that were vociferous and consistently critical of their violent actions. Outspoken Hutu politicians and businessmen were targeted in RPF assassinations. Accusations of mass murders in the Byumba and Ruhengeri provinces were levelled at RPF in 1993. It was estimated that the RPF killed 40,000 people in the said provinces. Internationally, concerns over the Rwandan situation were expressed, with an international commission issuing an opprobrium of the ethnic massacres that were being effected by both parties to the conflict. The passivity of influential world leaders in abstaining from timely intervention in Rwanda and

seeking a solution was unfortunate (Rusesabagina, 2006).

Even in the face of copious amounts of evidence of genocidal propaganda and extremist hate, US diplomats in Kigali opted to avoid addressing the “controversial” subject matter and opted to talk about familiar human rights issues such as the harassment of journalists due to the harsh censorship policies of the government (Cohen, 2007). This was indicative of the largely held international attitude of insouciance towards the Rwandan conflict that played a huge role in fanning the fires that were to engulf the nation in a genocide that accounted for the deaths of virtually a million innocent Rwandans.

After several failed cease-fire attempts, the Rwandan Patriotic Front and the Rwandan government of Juvenal Habyarimana, signed an agreement of peace on August 4 1993 in Tanzania at Arusha. This agreement, dubbed the Arusha Accords, advocated an all-encompassing transitional government that entailed the inclusion of the RPF. This idea did not sit well with many Hutus. The vehement opposition to, and suspicion of RPF inclusion in the new transitional government by the Hutus, delayed the implementation of the Arusha agreements. Despite this, president Habyarimana was insistent on enacting the agreements in 1994 (Kamukama, 1997).

There was still a sense that something ominous was on the verge of occurring in Rwanda despite the Arusha Accords. The brief and shaky peace that was established was obliterated when the plane carrying the Burundi President Cyprien Ntaryamira and the Rwandan President Juvenal Habyarimana, was gunned down on its way to Rwanda; killing all passengers on board. This assassination was ostensibly used by the Hutus to commence killings of Tutsis (Norwegian Helsinki Committee, 2002). The killings were well orchestrated and the Hutu militia executed their plans with methodical precision. The killings can be categorized in three forms; the Hutu assassinations of Tutsis and moderate Hutus; the targeting of moderate political officials by Hutus; and the murders that were taking place as a ramification of the civil war situation (Cohen, 2007).

These murders were essentially a resumption and continuation of the civil war. Genocidal killings were planned and arranged by the collaborative efforts of the government, the Interahamwe militia, sectoral leaders and cells, and the Rwandan Armed Forces (FAR), with the objective of exterminating Tutsis and those Hutus opposed to the government. The media, church leaders and some intellectuals rendered assistance to the Hutu government (Iliopoulos, 2009).

As the Rwandan genocidal situation fell into entropy, the United Nations and the international community remained unhelpful and even perfunctory. Hutus, at the risk of losing their own, were ordered to take the lives of their neighbours. Mille Collines Free Radio and Television (RTLM) station promulgated propaganda against the Tutsis to the masses. Spanning several years, Hutus had

been consistently exposed to Tutsi and RPF bashing and this contributed to inculcating, in the minds of Hutus, anti-Tutsi sentiments. The assassination of President Habyarimana invoked a retaliatory spirit in many Hutus across Rwanda which was characterised by house-to-house searches by Hutus, looking for Tutsis to kill. Most Tutsis fell victim as the chances to escape these raids were essentially non-existent (Keane, 1995).

DISCUSSION: BUILDING THE CASE FOR CONTINUED POLITICAL OPPORTUNISM AND VICTOR'S JUSTICE

The co-ordinated massacre of Tutsis is a well-documented, investigated and highlighted. In fact, it forms the core of the narrative of the Rwandan Genocide. It has been met with indignation, contempt and condemnation on a global scale through the media and prosecutions after the genocide. In fact, in explaining political opportunism in the case of the Rwandan genocide, the much-highlighted culpability of Hutus in terms of the scale of their atrocities are closely linked to the political ends hoped to be achieved by the Hutu leadership.

The discussion of political opportunism on the part of the emergent Tutsi (RPF) leadership is not addressed in most literature attempting to explain political opportunism in ethnic conflicts. As erstwhile intimated, this oversight or perhaps deliberate emphasis on a typically one-sided investigation of the atrocities during the Rwandan genocide, may be largely due to the unavoidable scale of Hutu killings and their alleged role as the instigators of the infamous genocidal crimes- inspired by the “ethnification” of the conflict for the purposes of maintaining power. Figueredo Jr. and Weingast (1999:263) state that,

Leaders who face a high risk of losing power often pursue a strategy we call “gambling for resurrection,” an attempt to maintain power by inducing massive change in the environment which has only a small chance of succeeding. For leaders who have failed in the normal course of politics, gambling for resurrection offers the hope of forestalling loss of power. This strategy may have costs, but these costs are borne by the citizenry, not by the leader. And, if the strategy works, the leader remains in power. Genocide undermined support for a new RPF regime.

In further attempting to explicate how genocide was employed as a tool of political opportunism by the Hutu leadership, Figueredo Jr. and Weingast (1999:266) further stated that,

Genocide made it unlikely that a new RPF regime could survive. Implicit in this claim is an explanation of why moderates participated in the violence. Suppose that

Hutus had not initiated genocide. A new RPF regime would have had two natural groups to appeal to for political support sufficient to sustain power. The first was the domestic Tutsis... In addition to their ethnic brethren, the RPF might be able to garner the support of moderate Hutus. Sufficient support would allow the new regime a basis to establish ethnic peace. . . Genocide undermined support for a new RPF regime in three fundamental ways. First, it eliminated the most natural support group of the new regime, the domestic Tutsis. Second, it eliminated a small fraction of the second support group, the moderate Hutus, and forced the rest into cooperating with genocide. Third, it made it impossible for the new regime to commit to not undertaking reprisals. This in turn had two effects. First, it would prevent most Hutus from supporting the regime. Second, by forcing moderate Hutus to participate in the genocide of Tutsis, it made it virtually impossible for the RPF regime to differentiate moderate Hutus from other Hutus. Moderate Hutus would not be safe from reprisals and thus would not support and RPF regime...Extremist Hutus initiated genocide because they were losing power. The genocide's diabolic political purpose was to undermine the stability of the new RPF regime. This would allow the extremist Hutus a chance to regroup and, later, to challenge the RPF.

However, as alluded to previously, the part played by the RPF in the process of the genocide received very minimal attention, more so on the part of those mandated with prosecutorial authority due to what we may perhaps term the "innocence of the victim". At the start of the genocide, commanders of the RPF viewed the anarchy and discord as the opportune time to usurp control of the Rwandan capital, Kigali. Over many years, the RPF fought to resuscitate, in some form, the control that Tutsis once had in Rwanda. The genocide provided an opportune moment to regain some control (Cohen, 2007). Chakravarty (2009:32-33) puts this in perspective by stating that,

The RPF strategy was to define itself as an inclusive nationalist party working toward the overthrow of the one-party dictatorship in Rwanda. The party had a well worked out political ideology well before the violence began unlike other rebel groups who worked out a political agenda in the course of the fighting. It attracted prominent Hutu dissidents of the regime in Rwanda who went into exile to join the party. RPF soldiers, cadres and top officials were disciplined, highly committed to the core goals of the party. RPF elites justified the invasion of Rwanda on October 1990 arguing that the Tutsi refugees who wanted to return had been obstructed in their attempts to negotiate the issue of repatriation with the government of Rwanda; they also suggested that theirs was a struggle for the 'liberation' of every Rwandan from the dictatorial regime in power. RPF discourse suggests that of all events that defined the party, the 'socialrevolution' occupies the most prominent place.

Their analysis of the causes of genocide draws on their interpretation of the effects of the 'social revolution' in 1959. Many top party leaders were young adults at the time. It turned out to be the beginning of a long history that would normalize institutionalized racism, anti-Tutsi propaganda and periodic massacres. In the RPF worldview, this was the starting point of the process that unfolded slowly but surely, preparing Hutu psychologically for the final denouement that was April 1994. Party elites sometimes allude to 1959 as the beginning of the genocide.

It does not take much labour or emotional industry to render sympathetic feelings towards the Tutsis for the egregious crimes they suffered at the hands of Hutus. Moreover, extensive examination of the detailed planning that Hutus made to carry out the genocidal killings, does not make it a hard task to sympathize with Tutsis. However, it is also not controvertible that being victimised through becoming the target of planned genocide does not warrant or bestow upon the said victim, the right to engage in retributive acts concomitant with gross violations of human rights or rather "reverse genocide".

This is perhaps a simplified way of looking at a complex issue, especially if we are to use the erstwhile model of Figueredo and Weingast which elaborated that the Hutus' ambitions to maintain power through genocide made it impossible for the RPF not to retaliate. It only makes for logical conclusions that when attacked or provoked, especially with genocidal intent, fear and the instinct to survive combine to form a retaliatory outlook as a means to protect oneself. However, the political and ethnic dimensions of the Rwandan conflict, and the systematic way in which the RPF conducted their "retaliation" expose their actions as having gone beyond the province of "survival instincts" and into deliberate, systematic retributive murders of Hutus; and because such crimes have been defined and categorised as constituting gross violations of human rights, with emphasis on scale and method, the RPF members responsible for these acts cannot use targeted victimisation as an alibi in justifying their actions. The human rights argument does not support such a thesis. The transitional justice apparatus, and specifically international law by virtue of norms of jus cogens, makes a compelling argument for the prosecution of RPF members because they committed crimes identified as grossly infringing the human rights of Hutu victims.

The United States Agency for International Development (USAID) while examining the Rwandan refugee conditions made a discovery evidencing calculated killings carried out by the RPF. The widespread understanding of the aggressive action of the RPF was that it was exacted on those that were to blame for the genocidal acts that were carried out on Tutsis but, a UN report on the actions of the RPF asserted that most of acts reported show that Hutus were attacked based on their ethnicity, as evidenced by several attacks on

Congolese Hutus who were not refugees. The report gives evidence of the systematic employment, in South Kivu, of barricades by the RPF, which helped them to identify Hutus by the village they came from or by their name, thus enabling the RPF to kill them.

The report further states that these claims citing a tendency by the RPF to target Hutus solely based on their ethnicity is substantiated by the evidenced pronouncements that were made by the RPF during their so-called “awareness” speeches where it was stated that any Hutus present in Zaire (DRC)² were there to carry out genocide because the “actual” migrants had made their return home. Such pronouncements were considered as having the potential to incite the population into killing or aid in doing so, Rwandan Hutus (Iliopoulos, 2009).

Mass murders were also carried out by the RPF in the Buyoga and Byumba communities. 20,000 innocent civilians were reportedly murdered by the RPF, in the wake of Hutu attacks. In another example of culpable “retributive genocide”, the RPF killed 10,000 shelter-seeking Hutus at Kiziguro parish. It was at this site that Hutus had recently assassinated 1,000 innocent Tutsis. At a place called Kabuye, the RPF, in an egregious display of malice conspired to create a plan to kill Hutu youths. The RPF recruited youths in varying teams into their army, who were later murdered. Those youths that were recruited after one team was murdered were fallaciously told that their predecessors had been promoted and to the battlefield to perform combat duty. An estimated 3000 youths lost their lives during this plot. Nothing short of cold-blooded murder, this scheme demonstrates yet another example of the responsibility for possible genocide and war crimes on the part of the RPF. Targeted killing campaigns were continued by the RPF. In one instance, catholic clergymen alongside 3 girls were executed on the command of an RPF superior. Witnesses to these murders were tracked down in door to door searches and killed. The RPF exacted these murderous acts with the objective of destroying the Catholic church in Rwanda (Rusesabagina, 2006).

In another incident, a businessman was murdered alongside his family. His extended family was separated into Hutus and Tutsis in which case his Hutu relatives were massacred. In the process of these systematic killings, the RPF ultimately gained control over Rwanda on July 17, 1994. Reports vary on the total number of Hutus that were slain by the RPF during the genocide. It is estimated that between 25, 000 and 40,000 Hutus fell victim to the vindictive actions of the RPF. Other reports peg the killings at 60,000 Hutu civilians (Waldorf, 2011).

As is the case in any post-conflict situation, Rwanda after the genocide was in disarray. Economic and political dislocation gripped the nation, with there being virtually no social structure and infrastructure. Most of the political leaders and public office holders had been murdered. In

the wake of the massive death count, an approximated 2 million Hutus had fled the country after the RPF gained power and control. This exacerbated an already complicated post-genocide situation because it became extremely difficult to find people to work and contribute to the rebuilding of the nation. Before the transition to a new government made up of both Tutsis and Hutus, the United Nations Security Council tasked an expert commission to examine if genocide had taken place in Rwanda or not (Nowrojee, 1996). The commission provided irrefutable evidence that systematic killings concomitant with genocide had occurred, and demanded the creation of an international tribunal to seek post-genocide justice in Rwanda (Norwegian Helsinki Committee, 2002). The ICTR was established by the Security Council in November 1994 with the foremost thought being that it would foster stability and peace in Rwanda through the public addressing of genocidal crimes and the prosecution of the most complicit perpetrators (Cruvellier, 2010).

The emergent Rwandan government that is, the post-genocide “inclusive” government, which was Tutsi-dominated put forward the request for the formation of a tribunal. Paradoxically, the new Rwandan government later voted against the creation of the ICTR for fear of the prosecution of RPF soldiers for war crimes. The Rwandan government was also opposed to the idea of giving the tribunal supremacy over Rwandan courts, and also locating it outside of Rwanda. Forsythe (2009:121) opined that,

even if the UN rendered help in establishing a functional court system in Rwanda, states that housed Rwandan refugees would most likely have very little trust in the newly created government to extradite leaders from the former regime. Neither would the triumphant RPF leadership be trusted to ensure that RPF soldiers are made to account, in national tribunals, for their retributive killings during the genocide. However, instead of substituting peace for impunity, the establishment of the ICTR went ahead with the objective of effecting justice through prosecution and punishment of those that were complicit in the violation of international law.

The tribunal boldly claimed to work for the establishment of justice by fighting impunity. However, an investigation of the prosecutions that were carried out by the tribunal reveal that this claim is askew from the truth. It is undeniable that primarily, several Hutus that perpetrated genocide were successfully prosecuted. Nevertheless, the ICTR fell short in the addressing and prosecution of crimes that were perpetrated by the RPF. The blame however, does not fall squarely on the ICTR as the emergent Tutsi regime was not co-operative and made the work of the tribunal difficult. The efforts of the tribunal to carry out investigations and subsequently try indictments of Tutsi retaliatory murders in 1994 and their involvement in the assassination of Juvenal Habyarimana,

² Herein, the author has proceeded to include in brackets the current official name of former Zaire—Democratic Republic of Congo (DRC).

were subject to the frustrations from the Rwandan government.

Despite ICTR investigators collecting evidence supporting the erstwhile mentioned allegations, indictments against any Tutsi were never concluded by the tribunal (Ibid). The positive results achieved by the ICTR are overshadowed by the lack of success in prosecuting complicit RPF members. The tribunal appears to have served victor's justice as it has still not prosecuted any RPF members. Human Rights Watch (2014) state that,

Perhaps the most significant failure of the ICTR has been its unwillingness to prosecute crimes committed by the RPF in 1994, many of which constituted war crimes and crimes against humanity. Although the ICTR had a clear mandate to prosecute these crimes, (its jurisdiction covers genocide, war crimes and crimes against humanity), not a single RPF case has been brought before the ICTR for prosecution, creating a sentiment among some Rwandans and international legal observers that it provided only victor's justice. Pressure from the Rwandan government, combined with a reluctance to offend the government and jeopardize its cooperation with the ICTR, resulted in the ICTR focusing exclusively on genocide-related crimes.

The only attempt at prosecution of RPF members occurred when the ICTR gave allowance to Rwanda to conduct a domestic trial of a case that it had previously investigated. The conditions were that if the trial was deemed ineffective or unfair, the ICTR prosecutor would were then tried for the killing of thirteen clergymen in 1994. In the proceedings that followed, two low-ranking RPF soldiers pleaded guilty while their superiors were handed acquittals. The ICTR was satisfied with the outcome of the trial and closed their own investigation (Waldorf, 2011). This remains the only domestic case in which the RPF have been tried. The case was dismissed by Human Rights Watch as being heavily politically manipulated. It lasted for only a few days and receiving very negligible attention internationally with the most conspicuous confirmation of this being that the ICTR dispatched an eyewitness for only a single day during the hearings, concluding debates and the proceeding decision (Human Rights Watch, 2014).

Despite the Rwandan government claiming that justice had prevailed by citing these domestic trials as confirmation, and the satisfaction shown by the ICTR prosecutor; 2 acquittals and 2 pleas of guilt does not serve justice when juxtaposed with the severity of the actual crime, most especially when considered within the wider context of 45,000 victims of possible genocidal violence and war crimes. Essentially and comparatively, the atrocious actions undertaken by the Hutus in the genocide were not disparate from those of the RPF. The RPF crimes also fit the criteria of co-ordinated planning and methodical execution. To give context to the

erstwhile, Chakravarty (2015:71) gives the following accounts,

About 25,000–40,000 Hutu had died at the hands of the RPF between April–August 1994; it was likely (but not certain) that this number included combatants as well as civilians (HRW 1999: 18). The death toll at Kibeho camp (for the internally displaced) in April 1995 range from 2,000-7,000 people (Sibomana:106). There was another major massacre at Kanama camp in September 1995. Between October 1997 and January 1998, almost 10,000 Hutu were killed on Rwandan soil (Reyntjens 2004: 195). Estimated casualties totaled approximately 200,000 refugees during this period (Reyntjens 1999: 121, compiling figures from reports by Human Rights Watch, Médecins Sans Frontières, etc.). The figures cited here do not include the tens of thousands of Hutu who died at the hands of rebel groups operating in the Congo under the sponsorship of the RPF government. In the early days of the Congolese Civil War, the RPF had argued the need to protect the Congolese Tutsi from violence and to pursue Rwandan Hutu militants across the border. This moral justification was sullied, even questioned, when RPF elites were accused of using proxy forces to maintain their military-commercial interests in the mineral-rich eastern Congo. The UN Mapping Exercise noted that the atrocities recorded (if verified beyond reasonable doubt).³

The massacres carried out by the RPF were widespread, and systematically done. They involved huge numbers both in terms of victims and perpetrators. The killings were too large and similar in fashion to be considered disjointed crimes. Given the manner of discipline among RPF forces and the hierarchical nature of communication, it is undeniable that the superior officers were aware of the killings and tolerated them (Des Forges, 1999).

Soldiers of the RPF that were put on trial in military courts did not receive any indictments of crimes against humanity or war crimes. On the insistence of President Paul Kagame, who is known to have been ardently opposed to the ICTR, the “few” RPF soldiers who perpetrated violent crimes were found out, put on trial and subsequently received punishment. He argued that for those opposed to the way in which Rwanda dispensed of justice, they should come together and improve the judicial system as opposed to being its adversaries (Clark and Kaufman, 2009).

However, reports with strong credibility demonstrated that Mr Kagame was privy to the war crimes perpetrated by the RPF soldiers and did nothing to stop them them (Waldorf, 2011). Swaths of detailed information on the RPF killings has not been employed to facilitate justice for the victims of genocide. In what may be seen as fear of interference from the government of Rwanda and suffering a similar destiny as his erstwhile counterpart

³Footnotes 1, 2,3 and 4.

Carla Del Ponte, removed by forceful means as the chief Prosecutor on behalf of the UN after seeking to prosecute RPF members; the ICTR prosecutor Hassan Bubacar Jallow confirmed being in possession of evidence of the RPF crimes, but remained reluctant to commence prosecution of the said crimes (Edwards, 2003).

Arguably, the RPF as the emergent “victor”, enjoys immunity, with transitional justice focused on the prosecution and conviction of crimes perpetrated by Hutus. The RPF, as victors, have dictated history and in the process, have continued to dictate how justice is dispensed. Despite there being a sufficient number of grievances against the RPF, as has been sufficiently documented and thus demonstrated herein, credence is given to the claims that the local courts are controlled by the government and are thereby rendered incapable of prosecuting complicit officials of the RPF. The ramifications of not punishing the crimes committed by the RPF against innocent civilians could have severe effects in the future as the narrative and account of post-genocide justice remains largely controlled by the RPF government. Even more so, the peace that is extant in Rwanda should not be premised on ignoring the RPF crimes.

The ICTR did not put to trial even one of the RPF members involved in grievous crimes during the genocide. This unequivocal omission exposes the fact that the tribunal served partial justice and this puts a huge dent in the court’s work. The failure by the international community to put to trial RPF members that committed grievous crimes gives credence to the fact that there remains by and large, impunity in Rwanda, many years after the genocide. In the continued dispensation of justice in trying perpetrators of genocide, examples abound to substantiate charges of victors’ justice. Reuters (2016) article that appeared in the New York Times read in part that,

a pastor accused of leading and coordinating attacks on minority Tutsis during Rwanda’s 1994 genocide has been sentenced to life imprisonment, Rwanda’s high court saidThe pastor, Jean Uwinkindi, who once led a church on the outskirts of the capital, Kigali, was convicted of crimes of genocide and crimes against humanity committed during the slaughter.

Furthermore, the BBC (2016) reported that,

Rwanda genocide suspect Ladislas Ntaganzwa, has been flown to Rwanda from Democratic Republic of Congo for trial. Arrested in eastern DR Congo in December, Mr Ntaganzwa is accused in a UN indictment of genocide, crimes against humanity and violating the Geneva Conventions. He is alleged to have helped form a Hutu militia to ‘exterminate’ Tutsis while mayor of the town of Nyakizu.

On May 17 2020, Felicien Kabuga was arrested in

France following an arrest warrant that was issued in 1997 by the ICTR, for his participation in the Rwandan genocide. He was the proprietor of Radio Mille Collines which was at the forefront of promulgating hate speech towards Tutsis. The famous command “to kill the cockroaches” was broadcast from the radio station. Kabuga is also said to have been responsible for the importation and distribution of the thousands of machetes that were instrumentalized in the conduct of the genocide (Carlson, 2020).

Al Jazeera (2020) reported that, “Rwanda has issued an international arrest warrant for former Rwandan spy chief, Aloys Ntiwiragabo, who is under investigation in France over his role in the African country’s 1994 genocide.” Paul Rusesabagina, a critic of the RPF government was arrested on August 31, 2020. Bearak reported that,

Paul Rusesabagina, whose heroism during the 1994 genocide in his native Rwanda was portrayed by Don Cheadle in the Hollywood film “Hotel Rwanda,” was arrested Monday and charged with terrorism, arson, kidnapping and murder, according to the state-run Rwanda Investigation Bureau... According to the Investigation Bureau’s announcement, Rusesabagina “is suspected to be the founder, leader, sponsor and member of violent, armed, extremist terror outfits,” including splinter groups of those who committed the genocide more than a quarter-century ago and allegedly operate out of neighboring Burundi and Congo.

The preceding examples show that prosecutions, allegations and subsequent arrests have continued to only involve “Hutu” suspects. This “trend” creates a credible reason to argue that real justice was not dispensed by the ICTR nor by the post-genocide Rwanda is a Victor’s Justice in perpetuation. This forces one to consider that perhaps RPF culprits would only be held to account or brought to justice in the event that a regime change that puts Hutus in political control once again, happens; corroborating the vicious nature of victor’s justice, and exposing one of its greatest dangers. Further to this, the neglect by the international community of various reports, studies and scholarly works that evidence RPF murders as concomitant with war crimes, crimes against humanity and possibly genocide leave a glaring hole in efforts to corroborate international justice and the promotion of human rights.

It may not be far from the truth that the 2015 referendum in Rwanda which facilitated Kagame’s bid for a third term, which must be considered within the framework of political opportunism, was inspired by the need to maintain the status quo and by extension prevent the backlash and trial of RPF crimes during the genocide if a Hutu become president. These are conjectural speculations but they speak to a well-founded logic supported by what has been witnessed in the pursuit of

transitional justice in Rwanda⁴. The political opportunity provided by political power has provided the RPF leadership with the ability to avoid prosecution, manipulate the local justice system, and frustrate efforts of the international justice apparatus—as witnessed with the ICTR. Waldorf (2011:1277) exemplified this when he concluded that,

Rwanda had made clear it was never going to cooperate with an RPF prosecution by handing over suspects or evidence to the Tribunal. It had also shown it could shut down the Tribunal's genocide trials by stopping the flow of witnesses and not face any meaningful international censure. At that point, the ICTR prosecutor should have publicly stated that without Security Council pressure to force Rwandan cooperation, the Tribunal would produce victor's justice.

Even though genocidal crimes are codified into law, much more progress still remains to be made in order to make sure that the law is applied accordingly, to both the government and opposing parties. The pursuit of justice in Rwanda was largely touted as a restorative effort, and this coupled with the large number of cases dealing with the genocide; the Gacaca or traditional communal law courts were employed to deal with a large number of cases that the ICTR nor the national courts could try. However, even the Gacaca system was premised on retribution both in practice and structure (Ibid).

The construct under this system of justice was also rife with victor's justice. Without straining the imagination, it is only logical to assume that progress would be difficult to make and justice attained if those alleged to have committed crimes harbour sentiments of feeling that they are being tried on ethnic lines i.e. that Hutus feel they are being to put on trial by Tutsis (Tiemessen, 2004). To this effect, Carlson (2020) observes that, designed to substitute liberal, rule of law values in place of ethnic, nationalist, authoritarian or murderous rule. In the case of the International Criminal Tribunal for Rwanda, 'reconciliation' was embedded in the UN Resolution setting it up. But Rwandan President Paul Kagame has rejected this model of transitional justice. Instead, a firm and Hutus, the perpetrators of the genocide. This erases many facts, such as moderate Hutu victimisation or Tutsi-organised crimes. Attempts to address facts outside of those officially sanctioned are decisively suppressed by the state. This has included imprisonment and assassination. One of the International Criminal Tribunal for Rwanda's biggest failures was arguably its inability to challenge Kagame's ethnically divisive narrative.

⁴It should not be construed here that the author suggests that Kagame's pursuit of a third term was solely to prevent prosecution of RPF crimes during the genocide in the event that he loses power and a Hutu became president, but that this could be another strong reason for his desire to remain president. A continued stay in power means the RPF have a great amount of control on the justice system as has been evidenced in the trials of genocide in Rwanda.

Though the Gacaca provided better efficiency than the centralized court systems, many are the challenges they faced, such as the inability to provide sufficient protection of witnesses and compensation of victims of false detentions. A particular example is the detention of approximately 120,000 Hutus by the RPF when the genocide came to an end (Clark and Kaufman, 2009). This corroborates the argument for victor's justice. The forbidding of the court, by the Rwandan government, to prosecute RPF soldiers for exacting war crimes on Hutus allowed the Gacaca system to place most Hutus in a position of collective guilt. The erstwhile is confirmed by the revelations of The Human Rights Watch (2014) which asserted that, under the original 2001 Gacaca law, Gacaca courts had jurisdiction over war crimes as well as genocide and crimes against humanity, so they could conceivably have handled cases of RPF crimes from 1994. However, the reference to war crimes was removed from the law in 2004 and the government let it be known publicly and unambiguously that Gacaca would not cover RPF crimes.

In what can be seen as political opportunism, the RPF asides from availing themselves immunity by using their position of power⁵ and control, have been aided by the constricted nature of legal terminology and the subjectivity that legal proceedings in a case like this are characteristic of. A large number of victims of war crimes, crimes against humanity and possible genocide deserving of justice have not been served by the ICTR or local judicial systems. It is demonstrated by the Rwandan case, that international tribunals have limited jurisdiction, and corollary susceptible to contributing to facilitating victors' justice. In order to end the impunity of culprits, the extension of the capacity of transitional justice to cover the needs of victims on either side of the conflict is needed. This requires a multifaceted governance approach that shows a responsibility to give justice to all citizens regardless of their status or precisely to the discussion, ethnic classification; as the Rwandan genocide presents.

International Tribunals and other transitional justice mechanisms must be given sweeping mandates or rather compulsory jurisdiction that would enable them to override the caprice of opportunistic and uncooperative governments. Perhaps in such matters, it is worthy to take a leaf from the European Human Rights System which allows for the European Court of Human Rights to redress unjust rulings in domestic judicial jurisdictions of members of the Council of Europe. Transitional justice

⁵ To exemplify this, consider the statement by Amnesty International which reads: Individuals and organizations inside Rwanda who dare to speak out about human rights violations by government forces are subjected to persistent intimidation, threats of arrests and other forms of harassment, and are publicly branded as genocidaires or defenders of the interahamwe. Members of human rights organizations, journalists and judicial officials have especially been targeted. . . . Those who . . . continue to speak out . . . live in a state of constant fear for their lives. Amnesty International (1996) "Rwanda: Alarming Resurgence of Killings" (London: International Secretariat).

has an undeniably significant role to play in post-conflict reconstruction of states and in underscoring the importance of international justice as a concern for the entire international community. Therefore, jurisprudence dealing with genocide should not cause the re-victimisation of communities through bureaucratic and legal methods that afford individuals culpable of war crimes, crimes against humanity and genocide to go without punishment.

The evidenced victor's justice and impunity of RPF members in the Rwandan genocide does not only highlight the failure of justice in the real sense, but accentuates the worrisome prospect of a reoccurrence due to the one-sided nature of the prosecution of perpetrators of crimes during the genocide, which has become characteristic of the Rwandan post-genocide transitional justice process.

Impunity may create sentiments of invincibility and may even encourage more violence. One-sided punishment and condemnation of one party to a crime and the neglect or even feigned ignorance of the culpability of the other, which is equally culpable of the same or crimes falling within the broader categories of violations, creates a premise for resentment and the possible regeneration of hostilities between the parties to a conflict. Here, it is worth noting that the passing of time since the occurrence of a titanic and egregious event like the Rwandan genocide must not be imagined to be an automatic and assured "healing of wounds."

It is not a far-fetched thought and should not be mistakenly glossed over by the stability and economic development being witnessed in Rwanda. Neither should the erstwhile claims be taken as pessimistic and sceptical of the progress made in post-genocide Rwanda. However, progress, when thought of concomitantly with the contextual underpinnings of the discussion at hand seems to be an obfuscated, and even erroneous proclamation to make, because justice has not been served equitably in the Rwandan case. As Orentlicher (1991:2543) states,

The harmful effects of impunity are compounded when prosecutions are foreclosed by an amnesty law enacted by, or to appease the military or other autonomous sectors. For the essential precondition for the effectiveness of law is that it shall display an independence from gross manipulation and shall seem to be just. It cannot seem to be so without upholding its own criteria of equity.

Further to this, Caplan (2018:184) argues that, for most scholars of the genocide, the major themes of Rwandan history after 1990 have been obvious: the Hutu extremist conspiracy to exterminate all Tutsi; the failure of the so-called international community to intervene to mitigate the calamity; followed at last by the RPF victory and the miraculous transformation of the country into a well-

functioning (if very poor) modern state; the subsequent deplorable African World War in which tiny Rwanda played a prodigious role, the failure of the RPF government to tolerate dissent and to embrace democratic practice. Surely silence among genocide scholars, certainly those who have had anything to say about the orthodox Rwandan narrative of the country's history, is unthinkable. Of course ethically, given what so many of us have largely ignored or at least downplayed until now, silence is intolerable.

The lack of justice in the Rwandan Case vis-à-vis RPF culpability and the refusal to address the allegations of impunity of Tutsis, leaves the RPF susceptible to the fact that their antagonists may exaggerate the nature and scale of their crimes (Zorbas, 2005). The apparent lack of "comprehensive" justice leaves the ICTR open to a damaging legacy of failure. It is discussions such as this one, reiterating the highlighted and incontrovertible argument that justice was partially served in Rwanda, that can overshadow the positive work done by the ICTR. However, if the qualification is to be made that indeed transitional justice is objective and helpful in the process of state reconstruction, it should be highlighted that the ICTR did not address the crimes committed by the RPF during the Rwandan genocide and, this substantiates strongly, the argument made herein, that the Rwandan genocide is an example of victor's justice and not true justice.

The international community has recognised the war crimes in DRC by the RPF and also cited Paul Kagame, but formal punitive action has not been taken (McGreal, 2012). The fact that the prosecutor of the Rwanda Tribunal unlike the Sierra Leone Special Court and Yugoslav tribunal for example, did not indict all those involved from either side of the conflict is blatantly unfortunate. Mr Jallow, the prosecutor in the Rwanda tribunal, who purposely refused to prosecute the RPF, did not bring charges charges of war crimes (Human Rights Watch, 2010).

With a mandate requiring government cooperation and the power to try all cases that qualified, the fact that the ICTR did nothing to prosecute RPF culprits and that Paul Kagame's government refused to cooperate, not only qualifies the argument made in this paper that the genocide provided a political opportunity for the RPF (much like their counterparts in the Hutu regime) to gain power and by that token have since used the political advantage to effect victor's justice, and facilitate their own impunity; but also substantiates that this fact leaves a dent in the legacy of the ICTR and Kagame's leadership—which has blatantly abused the principle of complementarity. Furthermore, it leaves one with the feeling that transitional justice is a highly politicised affair that is subject to the dictates of realpolitik. Chakravarty (2009:4) argues that,

It is through the production of confessions that trials have

generated a tacit contract between citizens and ruling elites in which the former concede to ruling elites the “right to rule” (by refusing to hold it accountable) in return for guarantees against the possibility of indiscriminate punishment. I call this refusal to hold ruling elites accountable a ‘consent-effect’. Instead of a genuinely democratic contract in which government is based on the consent of people who can choose to withdraw that consent or exercise their rights to challenge its actions, the trials in Rwanda have enabled a contractual relationship in which ruling elites may punish citizens and the latter consent to be ruled in order to evade or minimize (the threat of) punishment. This is a tacit and delicate contract but I want to argue... that it is self-sustaining and stable given the wider repressive environment within which the trials take place, the absence of exogenous shocks (for example, international pressure, defeat in war, economic collapse) or the lack of internal shifts in the balance of power at the elite level. The bedrock assumption of the trials policy, ‘genocide ideology’, has been used as a basis for new and repressive legislation. Ruling elites have used the ‘striking power’ of the law to discipline opposition elites, purge them from public life when necessary and stifle dissent in general. In addition, the co-optation of local Hutu into state structures at grassroots level allows RPF elites to depend on a class of local ‘allies’ to politically regulate and stably govern the vast hinterland.

The foregoing magnifies the argument that the RPF, being in a position of power, have instrumentalized the opportunity to manipulate the justice system as a means to maintain control and power over the masses. This simply translates into the reality that the ruling RPF regime has used the genocide ideology and their political power to dictate how justice is dispensed and towards whom. This grip on power and the absence of a concerted international effort to push for true justice in Rwanda by trying everyone culpable of crimes has made the prosecutions of crimes in Rwanda a victor’s justice. The opportunity provided by political power has been used to structure the law in such a fashion that RPF crime perpetrators during the genocide are shielded from punishment and at the same time, the Hutus, who fear the ability of the RPF elites to mete out severe punishment are coerced into accepting the RPF leadership and forfeiting the pursuit of justice for lesser or no punishment. Chakravarty (2015:72) further highlights this by stating that,

It became clear early on that there were no political alternatives to the RPF. It determined how the country would reckon with genocide-while its own crimes against Hutus remained mostly unaddressed. Justice began to seem more and more like the “burden of the vanquished”. For the RPF to comply with demands for a full scrutiny of its crimes would have jeopardized its role as moral custodian by forcing the party to engage as a political, not

inherently moral actor in its dealings with political opponents and civil society agents. Instead, party elites were able to smear political opponents and denounce critics with allegations of complicity in genocide, or for subscribing to an ideology of genocide. They used this moral authority to certify or decertify other political actors. This moral high ground was such a vital resource that a senior member of the party insisted that ‘The RPF has always been a principled, not political, actor’.

Therefore, the case for victor’s justice as a product of the political opportunism of the emergent RPF government is (in)arguably established. It is worth mentioning here that this paper did not necessarily seek to break new ground but emphasize the fact that the continued prosecution of only Hutu perpetrators, as the only culprits in the genocide, even in the face of a large body of indisputable evidence, deals a heavy blow to the evolution of transitional justice mechanisms and also helps to highlight the fact that perpetuating one-sided narratives hampers the said evolution.

This weakens the possible corroboration of post-genocide healing and comprehensive transitional justice. This creates fault lines that are susceptible to “ethnic fallout” in the event of ethnic-based regime change, which is an inevitable reality in Rwanda due to the demographics of ethnic distribution in the country which is overwhelmingly Hutu. The ethnocratic nature of Rwanda attests to this claim.

The erstwhile claim is made in light of the authoritarian nature of the Rwandan political dispensation. An opening of the democratic space in Rwanda characterized by fair electoral competition is heavily likely to produce a Hutu regime which may seek retribution for a skewed transitional justice process in Rwanda, but also due to a revived ethnic animosity driven by feelings of injustice. It is argued here that if justice in post-genocide Rwanda was balanced, true national healing may have occurred and may have greatly reduced the potential for the dichotomous (Hutu vs Tutsi and vice versa) view of the justice process in post-genocide Rwanda. Therefore, continued partial justice in post-genocide Rwanda sets a precedence that is detrimental to overall endeavours to restore human dignity and strengthen International Humanitarian and Criminal Law and the International Human Rights regime especially, as concerns mass violent conflict, and genocide specifically.

This paper therefore, has sought to act as a reminder, in the context of the overall argument posited, that our consideration of the Rwandan genocide as a settled matter, to infer that the transitional justice served there was effective and balanced, is a stark misnomer; and has throughout the subsequent years continued in a one-sided manner that continually serves the political interests of the controlling regime in Rwanda and thereby continues to be a victor’s justice.

In fact, the *jus post bellum* (justice after war) principle

as concerns dealing with war crimes in post-conflict scenarios, argues that, as concerns the aggressor in a war, that is in *jus ad bellum* (the reasons for going to war) terms and principles, war crimes trials are conducted only on the aggressor. However, in *jus in bello* (justice in war) terms or principles, trials must be conducted on both the aggressor and the attacked as parties to the war/violent conflict. Therefore, there is a clear indication here that, all parties to a war must be subject to the dictates of the law of war, and that in the post-conflict scenario as concerns transitional justice, all perpetrators of war crimes and other crimes such as crimes against humanity and genocide in this case, must be tried regardless of which side they fell during war. It therefore, becomes clearer, that the continued trial and persecution of only Hutu suspects/perpetrators in the post-genocide justice in Rwanda, is a perpetuation of Victor's Justice and ethnification of post-conflict justice that sits anathema to the principles that guide warfare, and by implication, a failure of international justice.

CONCLUSION

To conclude, this paper was anchored on the argument that the post-genocide trials in Rwanda reflected a victor's justice that continues to be perpetuated today. The paper which relied heavily on studies and publications by scholars and experts on the Rwandan genocide argues that the continued narrative that portrays the genocide as a Hutu massacre of Tutsis is not only erroneous but is more importantly, instrumentalized by the emergent RPF regime by way of political power to perpetuate a victor's justice, evidencing political opportunism.

A quantitative juxtaposition of the Hutu and RPF crimes arguably reveals that the latter's are dwarfed by the former's. However, this does not provide sufficient grounds to justify the refusal to prosecute the crimes of the RPF. Of course the number of people killed form part of the criteria in qualifying crimes of this nature (genocide, war crimes and crimes against humanity), nevertheless justice should not succumb to or be contingent on the quantitative comparative scales of atrocities committed by parties to the conflict, but should be evidential; and evidence has shown that RPF soldiers conducted systematic and widespread killings of Hutus tantamount to crimes against humanity, war crimes and even possible genocide.

For us to situate the discussion of the Rwandan genocide as reflective of "true" (transitional) justice, each party to the conflict must be made to account for their wrongdoings. Full accountability, that is, prosecutorial procedure being enacted on culpable Hutu and Tutsi perpetrators alike; is what serves true justice and provides the space for veritable peace and reconciliation, and at the same time potentially assuaging sentiments of rancour, and quelling thoughts of retribution which is a

function of cyclical ethnic animosity. This has the potential to hamper true nation building. It should be noted that the continued relentless prosecution of Hutu culprits in the Rwandan genocide by the ICTR is commendable in efforts to restore humanity and make transitional justice credible. However, this success is dealt a heavy blow by the bad and dangerous precedent set by the tribunal for not punishing the crimes of the RPF. The tribunal has specifically punished Hutu perpetrators of genocide, but have in the wider context failed to achieve impartial justice—the true goal of any justice system. It can be argued therefore, that the RPF government demonstrably used the genocide as an opportunity to gain political control, just as their ethnic rivals, the Hutus, employed genocide as the strategic means and attempts to maintain power, and subsequently, has been using this power to thwart true justice by continually citing only Hutu perpetrators for prosecution and also persecuting critics of the incumbent RPF regime who cite them for egregious crimes during the genocide.

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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Review

East is Red (Ink): China aid and debt diplomacy in Sub-Saharan Africa

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Using fixed-effects regression analysis, this article demonstrates that China donates more aid dollars to countries which have higher degrees of ethno political competition. This article advances a theory of foreign aid that links domestic political considerations of recipient countries with the desire of donor nations to leverage foreign aid for political gain. States where ethnic identity functions as a relevant political factor, that is, those states where ethnicity has been utilized by elites to mobilize populations for political purposes will receive more aid than countries where ethnicity is irrelevant in the domestic political calculus.

Key words: Politically relevant ethnic groups, ethnopolitical competition, foreign aid.

INTRODUCTION

This article seeks to answer the question, how does ethnicity and ethno political competition impact the distribution of aid on an international level. This article advances a theory of foreign aid that links domestic political considerations of recipient countries with the desire of donor nations to leverage foreign aid for political gain. States where ethnic identity functions as a relevant political factor, that is those states where ethnicity has been utilized by elites to mobilize populations for political purposes, will receive more aid than countries where ethnicity is irrelevant in the domestic political calculus. This theory is based on two testable assumptions: (1) donor nations seek to maximize the strategic value of the marginal aid dollar donated; and (2) ethnic coalitions in power within recipient country governments seek to leverage aid for political gain.

Macro-level quantitative analysis of aid flows shows that both China and Organization for Economic

Cooperation and Development-Development Assistance Committee (OECD-DAC) member countries donate more aid to ethnically competitive countries where they have the possibility to extract greater concessions.

LITERATURE REVIEW

The “determinants” literature identifies three major factors of aid allocations: (1) donor political interests, (2) donor economic interests (to include natural resource interests and other trade interests), and (3) recipient interests.

Political interests

Traditional donor nations “use aid to reward allies, punish enemies, build coalitions, and influence public opinion in

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recipient countries” (Dreher et al., 2018). Although a “nontraditional” donor (that is, a donor who is not a member of the OECD-DAC) China also utilizes its aid as a foreign policy tool (Fuchs and Rudyak, 2019) (Dreher et al., 2018) China requires recipients of its aid to shift diplomatic recognition from Taiwan to China. Except for aid doled out immediately following natural disasters, countries which recognize Taiwan receive no aid dollars.

Economic interests

A donor’s significant investment interests in an underdeveloped economy incentivize higher aid allocations as a means to ensure that the donor nation’s investments remain profitable.¹ Such investments could take the form of infrastructure investments, like port facilities or resource investments, like mining and refining facilities. Furthermore, if the long-term economic success of a country is predicated upon “expanding world commerce” and gaining access to “an increasing supply of raw materials,” then foreign aid serves as a means to consolidate access to those resources which are strategically important (Black, 1968).

Chinese aid has been characterized as exceptionally pragmatic, motivated by an insatiable need for natural resources to fuel a booming economy (Alden, 2009; Brant, 2013; Muchapondwa et al., 2016). The “Belt and Road Initiative” (BRI) formerly known as the “One Belt, One Road” (OBOR) project, envisions an infrastructure corridor capable of transporting commodities from resource-rich nations in Africa, Asia, and Europe to China. Aid, alongside private investment, serves as a mechanism both to ensure resource access and to construct infrastructure needed for resource development and extraction. Angola, for example, the second-largest oil producer in Africa, has been the recipient of billions of dollars of concessional Chinese loans, and it has been able to secure a sustained line of Chinese credit with guaranteed oil deliveries (Gregoratti and Åberg, 2010). Similar arrangements have been made in the DRC, where Chinese mining corporations have received concessions to access the country’s strategically important cobalt reserves (Jansson, 2009).

Recipient interests

Recipient need is captured by two variables: (1) aid previously allocated by bilateral donors, and (2) recipient wealth per capita (Hoeffler and Outram, 2011). Those nations which receive large amounts of aid from other foreign donors are theoretically less deserving of additional aid, as are those nations which have comparatively high per capita incomes. Recipient merit,

on the other hand, captures those nations which have more democratic regimes and growth-oriented economic policies (Ibid).

“An inefficient, economically closed, mismanaged non-democratic former colony politically friendly to its former colonizer, receives more foreign aid than another country with similar level of poverty, a superior policy stance, but without a past as a colony” (Alesina and Dollar, 2000). The recipient interest model lacks explanatory power to account for aid flows. Although the stated goal of development aid may be to reduce poverty and promote economic growth, the “donor interest” model accounts for a much greater percentage of aid flows than “recipient interest” model.

Ethnicity and politics in Africa

The key assumption underlying the theory of foreign aid advanced in this paper is that ethnicity plays an important role in political processes in sub-Saharan Africa. Ethnicity plays an important role both in the formation of political coalitions and in a country’s long-term economic growth. Political coalitions in sub-Saharan Africa coalesce around ethnic identity because membership in a certain ethnic group limits the size of the coalition to a comparatively small percentage of a country’s population (Fearon, 1999). Since an individual cannot choose their ethnicity, any coalition based around ethnicity will be restrictive, thereby allowing each individual member to reap the maximum benefits from political power (Ibid). Whether because of ease of mobilization or because of a desire to maximize rewards from political power, ethnicity is a highly relevant in post-colonial politics in sub-Saharan Africa.

Contribution to literature

The central question advanced in this article, how does ethnicity impact the distribution of aid on both an international and a sub-national level, and the framework developed to answer it, are original. Previous efforts have investigated how the ethnicity of a leader affects intra-country aid allocations (Dreher et al., 2018). However, as demonstrated above, a leader’s ethnicity and the ethnic coalition in control of government are distinctly different metrics. Furthermore, no study has focused on how this metric could influence aid allocations between countries, and few studies have combined micro and macro-level analyses of Chinese aid in sub-Saharan Africa.

THEORY OF FOREIGN AID

This article argues that donor nations give more to countries where ethnic divisions are politically salient. The study shows that developmental financing is often

¹ Ibid

distributed with the donor's political goals and economic interests in mind. A rational donor nation, therefore, will seek to maximize the amount of political and economic capital it receives from the recipient country per dollar donated. On the recipient side, elites of the leading ethnic coalitions within countries that have highly competitive, ethnically driven political processes will be incentivized to utilize foreign aid rents to cement their ethnic coalition's hold on political power.

Recognizing that developmental financing can be a political boon, these elites will seek to maximize the amount of developmental financing their country receives, while minimizing the political strings attached to the financing. A donor nation, recognizing that an ethnic coalition's desire to utilize developmental financing for political ends could increase its political "return on investment", will be more likely to donate. This return on investment could take the form of favorable mineral concessions, long-term trade deals, and access to strategic infrastructure like ports. This positive feedback loop – where the ethnic coalition in power in a country where ethnicity is politically relevant and a strategically-motivated donor nation both benefit from increasing aid allocations – serves as the theoretical justification behind Hypotheses 1-4, outlined in Table 1.

The practice of conditionality disrupts this feedback loops by de-incentivizing the elites of recipient countries from seeking OECD-DAC aid, especially in the presence of a readily available Chinese aid. Since China does not attach political strings or conditions to its aid, elites within recipient countries will find Chinese aid particularly attractive and seek to maximize it over OECD-DAC sources of aid.

METHODOLOGY

This article uses fixed effects multiple regression analysis to test whether ethnic diversity, as measured using two separate indices, function as a determinant of Chinese and OECD-DAC aid allocations. The first index used for regression modeling is the Ethnolinguistic Fractionalization Index (ELF). The ELF is derived from data compiled by Soviet ethnographers in the 1960s, inputted into a Herfindahl concentration index ('Posner - Measuring Ethnic Fractionalization in Africa.pdf', no date). While the ELF has been widely used in literature examining the impact of ethnic diversity on economic growth, it fails to take into account the relevancy of ethnicity within a given country's political system (Easterly and Levine, 1997) ('Posner - Measuring Ethnic Fractionalization in Africa.pdf', no date). The Politically Relevant Ethnic Group index (PREG index) accounts for inter-group alliances and ethno-political competition ('Posner - Measuring Ethnic Fractionalization in Africa.pdf', no date). It measures the relevancy of ethnicity in a country's political context. Tanzania, for example, contains over 120 distinct ethno-linguistic groups, giving it an ELF of 0.93 (Posner (2004). These ethnic groups, however, have coalesced into several politically relevant coalitions, leaving Tanzania with a PREG index measure of only 0.59. The DRC, on the other hand, has similar levels of ethnic diversity when compared to Tanzania – with an ELF of 0.90- but fewer of these ethnic groups have politically coalesced – leaving it with a PREG of 0.80. Ethnicity, therefore, is more salient

within the DRC's political process than within Tanzania's.

Data on Chinese and OECD-DAC aid dollars donated to African nations come from two datasets; the Chinese dataset is published by the AidData research lab at the College of William and Mary, while the OECD-DAC publishes their own dataset. The AidData dataset was first pared down to only include those countries which are identified as members of the sub-Saharan region, creating a sample of 48 different countries. Burkina Faso, the Gambia, and Swaziland received no Chinese aid allocations during the time period examined, due to their recognition of Taiwanese statehood. These three countries were dropped from the dataset to create a final population size of 45 countries. Projects which AidData does not recommend for were removed, as were so-called "umbrella" projects which contained several sub-projects whose funding was already accounted for elsewhere in the dataset. Projects were then aggregated by the recipient country and the year funding was pledged, providing a total dollar value for fifteen years of aid flows for each country (standardized to 2014 dollars). OECD-DAC official financing data was obtained from the OECD Query Wizard for International Development Statistics (QWIDS) search engine. Data for each recipient country was then aggregated by year. These aid totals were then regressed against two separate indices of ethnic diversity, the ELF and the PREG. In order to create effect sizes based off single-unit increases in the PREG and ELF, the Herfindahl index ranges from 0-1, both indices were multiplied by 100 to create a new index ranging from 0-100.

Variable

Table 2 displays the variables and associated range of values used in the regression, Table 3 provides descriptive statistics for the data used, and Table 4 provides a list of the pairwise correlations between all explanatory and control variables. GDP per capita is controlled for in order to account for the recipient need model of aid allocations (that is, the idea that the most "deserving" nations will be granted the most aid). Trade and trade dependency are controlled for data on trade statistics comes from Global Insight search engine as well because trade and aid have historically been linked in so-called "Aid for Trade" (Aft) deals (Cali and Te Velde, 2011). Examining the amount of oil produced per year controls, at least in part, the "donor interest" model of aid allocations. A donor's resource interests affect aid allocations.

RESULTS AND DISCUSSION

A high density fixed-effects regression model consistent with the estimator used in Correia (2015) was used in order to include year fixed-effects. Table 5 displays the results of the regressions for Chinese aid. Both the PREG and the ELF indices are significant determinants of aid allocations without controls. Upon adding controls, the PREG index remains a significant determinant of China's aid allocations, while the ELF is no longer significant. Several other variables are significant, although their effect sizes are much smaller than that of the PREG. Most surprisingly, however, GDP per capita is not a significant predictor of aid allocations, lending credence to the argument that recipient need is less relevant than China's political interest.

The above regressions were repeated utilizing OECD-DAC aid between 2002 and 2014 (data for 2000

Table 1. Four testable hypotheses.

Hypothesis 1: Chinese aid flows to sub-Saharan Africa between 2000 and 2014 are positively correlated with the political salience* of ethnicity diversity within recipient countries.
Hypothesis 2: OECD-DAC aid flows to sub-Saharan Africa between 2002 and 2014 are positively correlated with the political salience of ethnicity diversity within recipient countries.
Hypothesis 3: Chinese aid flows have a greater correlation with the political salience of ethnic diversity than OECD-DAC aid flows.
Hypothesis 4: Neither Chinese nor OECD-DAC aid flows have any correlation with ethnic diversity.
*Note the distinction between ethnic diversity and the “politically salience” of ethnic diversity. In an ethnically diverse country, there are many different ethnic groups. In a country with a high <i>salience</i> of ethnic diversity, these ethnic groups compete over political resources.

Table 2. Coded list of variables used for stata regression analysis.

Variable code	Description	Measure
PREG100	Explanatory variable measuring the saliency of ethnicity in recipient country political process.	0-100
ELF100	Explanatory variable measuring ethnic diversity in recipient countries.	0-100
usd_defl_2014_mil	Dependent variable measuring the total amount of Chinese aid received by 45 countries .	Millions 2014 US dollars
OECD-defl_2014_mil	Dependent variable measuring the total amount of OECD aid received by 45 countries.	Millions 2014 US dollars
ln_GDP	Control: GDP per capita of recipient countries, normalized using the natural log.	ln(GDP per capita)
trade_china	Control: Combined recipient country imports from China and exports to China.	millions 2014 USD
trade_dependency_china	Control: Total trade with China divided by total trade with the rest of the world.	0-100
trade_OECD	Control: Combined recipient country imports from OECD countries and exports to OECD countries.	2014 US dollars
trade_dependency_OECD	Control: Total trade with OECD divided by total trade the rest of the world.	0-100
oil_production	Control: Total amount of oil per year produced by recipient nations, used to control for donor resource interest.	1000 barrels/day
english_language	Control: Binary indicator variable used to control for potential bias in the AidData TUFF methodology. Indicates whether English is the official language of the recipient country.	0 or 1

and 2001 was not available). Table 6 displays the results of four separate regressions: two regressing OECD-DAC aid allocations on the PREG, and two regressing OECD-DAC aid allocations on the ELF. With and without added controls, both PREG and ELF are significant at the 0.01 level and have large effect sizes in all regression models. Additionally, all controls are significant at the .05 level or lower, although the effect sizes are much smaller than either the ELF or the PREG.

Hypotheses 1 and 2

The results of the regressions support Hypotheses 1 and 2. Both China and OECD-DAC member nations give more foreign aid to sub-Saharan African countries which have higher levels of ethnopolitical competition. In the China case, the PREG is a significant determinant of aid allocations at the 0.05 level, and a one unit increase in the adjusted PREG index correlates with an average

Table 3. Descriptive statistics for datasets.

Predictor variable	(1)	(2)	(3)	(4)	(5)
	N	mean	sd	min	max
Trade China (millions 2014 USD)	660	1,323	4,058	0.0199	37,167
Trade OECD-DAC (millions 2014 USD)	660	5952	16,189	30.26	115,636
Trade dependency China (trade world/trade China)	630	7.57	7.15	0.00826	39.3
Trade dependency OECD (trade world/trade OECD)	600	51.1	29.2	3.02	280.8
Oil production (1000 bbl/d)	663	122.2	414.2	-0.318	2,631
GDP per capita (USD)	648	1,917	3,145	111.4	22,742
PREG	570	45.64	19.58	5	80
ELF	570	64.18	25.09	4	93
English language	675	.45	.49	0	1
	(1)	(2)	(3)	(4)	(5)
Outcome variables	N	mean	sd	min	max
Millions 2014 USD donated by China	675	171.4	445.7	0	3,581
Millions 2014 USD donated by OECD-DAC	576	496.95	777.25	2.86	11,754

Table 4. Pairwise correlation values for all variables.

Variable	-1	-2	-3	-4	-5	-6	-7	-8	-9
(1) PREG	1								
(2) ELF	0.49	1							
(3) Oil production	0.19	0.17	1						
(4) GDP per capita	-0.08	-0.04	0.23	1					
(5) English language	0.36	-0.08	0.07	0.13	1				
(6) Trade OECD-DAC	0.17	0.24	0.6	0.34	0.2	1			
(7) Trade dependency OECD	0.01	0.16	0.14	0.12	-0.22	0.12	1		
(8) Trade dependency China	0.09	0.14	0.21	0.08	-0.27	0.13	-0.04	1	
(9) Trade China	0.18	0.19	0.5	0.3	0.03	0.68	-0.02	0.47	1

increase of 2.7 million dollars in China's aid allocation to a specific country in a given year.

Trade and oil production are significant determinants across all models, although their effect sizes are much smaller than the PREG, for both Chinese and OECD-DAC aid. This provides evidence that resource considerations play an important role in both Chinese and OECD-DAC aid allocations, consistent with Dreher et al. (2018). Curiously, although the coefficient on $\ln(\text{GDP})$ is negative, it is not significant for Chinese aid (p -value of 0.51 for Chinese aid). This lends further weight to the argument that China's strategic interest trumps the donor's need for foreign aid.

Hypothesis 3

The results from the models lead to a rejection of Hypothesis 3. OECD-DAC aid, like Chinese aid, is highly correlated with the PREG index. For every one unit

increase in the PREG index of a recipient country, aggregated OECD aid increases by approximately 9 million dollars per year. Although the OECD-DAC over the observed time period has donated more than double the amount of aid, this coefficient is still more than three times the size of the comparable coefficient for Chinese aid, and it is significant at the .01 level. Part 2 theorized that the OECD-DAC practice of attaching policy conditions to its aid would disrupt the positive feedback loop between donor nations and recipient regimes, de-incentivizing recipient nations from seeking aid from traditional, Western sources, in favor of Chinese aid. Yet instead of being weakened by conditionality, this feedback system appears to have been strengthened. What could be behind this unexpected behavior? This model of aid allocations relies on two important assumptions: (1) recipient nations will seek to maximize the amount of foreign aid received; and (2) donor nations seek to maximize political capital per dollar donated, above all other considerations. Several factors could

Table 5. Chinese aid flows by year regressed on PREG and ELF

Predictor variable	(1)	(2)	(3)	(4)
	Millions USD donated	Millions USD donated	Millions USD donated	Millions USD donated
PREG	4.490*** (1.078)		2.701** (1.167)	
ELF		2.847*** (0.747)		1.274 (0.776)
GDP per capita (ln(USD))			-13.49 (20.86)	-18.84 (16.97)
Trade (millions 2014 USD)			0.0258*** (0.00584)	0.0261*** (0.00557)
Trade dependency (millions 2014 USD)			4.95 (3.566)	7.23** (3.285)
Oil production (1000 bbl/d)			0.138*** (0.0499)	0.147*** (0.0469)
English language			-22.44 (47.55)	36.79 (40.08)
Constant	-2.196 (53.53)	-3.013 (51.48)	75.77 (155.1)	95.17 (134.8)
Observations	495	570	495	557
R-squared	0.117	0.097	0.231	0.226

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1.

Table 6. OECD aid flows per year regressed on PREG and ELF.

Predictor variables	(1)	(2)	(3)	(4)
	Millions USD Donated	Millions USD Donated	Millions USD Donated	Millions USD Donated
PREG	12.25*** (2.026)		10.64*** (2.261)	
ELF		8.710*** (1.402)		7.914*** (1.552)
GDP per capita (ln(USD))			-163.7*** (42.24)	-178.7*** (33.76)
Trade (OECD) (millions 2014 USD)			0.00834** (0.00276)	0.00557* (0.00253)
Trade dependency (OECD)			-5.391*** (1.52)	-4.391*** (1.40)
Oil production (1000 bbl/d)			0.222** (0.105)	0.314*** (0.0974)
English language			-195.8** (90.79)	20.01 (78.03)
Constant	21.48 (100.6)	-30.41 (96.59)	(1,481) (312.3)	1,388*** (259.9)
Observations	429	494	403	457
R-squared	0.106	0.098	0.202	0.214

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1.

drive sub-Saharan African nations away from seeking Chinese developmental aid. Chief among them are donor credibility concerns. The distribution of foreign aid is more than just the transfer of cash, “aid is about bargaining and diplomacy.”² Those nations which are able to deliver on their promises of foreign aid are seen as reliable partners. A look at China’s unfulfilled foreign aid promises in the Philippines show why China could be perceived as a less reliable partner than its Western counterparts.³ Similar foregone pledges by China in sub-Saharan Africa show that China can be an unreliable partner in development (Brautigam, 2013).

Hypothesis 4

This article hypothesizes that both China and OECD-DAC countries would donate more towards countries with high PREG indices, not towards countries with high ELF indices. The ELF is not a significant determinant for Chinese aid, but it is a significant determinant at the .01 level for OECD-DAC aid (although its coefficient is substantially smaller). However, because ethnic diversity serves as a prerequisite for competitive ethnic political processes, the ELF and PREG are highly correlated ($R^2=0.49$). There is a high probability, therefore, that a high-PREG country also has a comparatively high ELF. This provides a rationale for the significance of the ELF in determining OECD-DAC aid and increases the robustness of the comparison between the PREG and ELF for Chinese aid allocations.

The model ignores the preferences of individual donor nations to donate to those recipient countries with which they have preferential relationships (that is, former colonies). These relationships could account for a portion of the unexplained variation in the model and provide a potential rationale for the significance of the ELF among OECD-DAC nations but not China (China was never a colonial power in Africa). France, for example, is well-known for donating heavily to former colonies, “without much regard to other factors, including poverty levels or choice of politico-economic regimes” (Alesina and Dollar, 2000, pp. 34–35) Since the OECD is examined as a monolith, not its individual constituents separately, it is difficult to capture these individual preferences, muddling the results and leading the significance of the ELF for OECD-DAC donations.

Conclusion

This article has empirically shown how the political saliency of ethnicity within a recipient nation can affect foreign aid allocations for both established OECD-DAC donors and China. However what does this mean within

the larger discussion surrounding the effectiveness of foreign aid? China does not donate to the most deserving nations, those nations where the marginal aid dollar would have the greatest potential positive impact, but rather to high PREG countries where it can extract the most political capital. While OECD-DAC nations also donate significantly more to high PREG nations, their aid allocations are more oriented towards low-GDP per capita countries, confirming that OECD-DAC member nations at least consider recipient need as a relevant factor

Furthermore, the river of Chinese aid to Africa does not appear to be slowing down. Data from the Johns Hopkins China-Africa Research Initiative indicates that from 2015-2017, China loaned almost fifty-four billion dollars to sub-Saharan Africa. In the short term, a readily available supply of Chinese loans, alongside African leaders eager to use those loans as a means to political ends, as opposed to economic development, has the possibility to load low-GDP countries with large amounts of debt with little possibility of repayment.

Open markets, access to strategic infrastructure, and voting alignment in international institutions are only a few of many political concessions China can derive from recipients of its aid. Domestic investigative journalism in Kenya uncovered that Kenya’s Mombasa port had been offered up as collateral for loans for the SGR, and the suspicious timing of changes in Kenya’s domestic fish market raises serious concerns that China could leverage its influence on other, more critical sectors (Oruko, 2018). This research carries with it several limitations:

(1) The PREG index is not a time varying index. Although Posner defines the PREG for each decade between 1960 and 2000 to reflect changes in ethnic alliance structure, the PREG does not vary on a year-to-year basis. Ordinarily, this does not pose much of a problem, as ethnic alliances are generally immutable. However the Kenya case proves to be exceptionally difficult because ethnic alliances evolve rapidly, and ethnic groups fade in and out of political relevance.

(2) The regression models fail to consider several relevant variables. They do not use UN votes as a control variable due to time constraints and difficulty consolidating the data into a usable format. Those countries which vote with China a greater percentage of the time in the UN receive more Chinese aid, which could explain part of the variance the model fails to capture.

(3) While the Aid Data dataset is a highly regarded source of information, the results remain limited by the fact that China does not publish information surrounding its foreign aid program. The dataset does not include data from 2016 onward, despite the fact that Chinese loans to Africa have only increased during this time period.⁴ Obtaining project-level data between 2016 and

² “Analysis | There’s Another Big Reason U.S. Foreign Aid Is Important.”

³ “China Hasn’t Delivered on Its \$24 Billion Philippines Promise.”

⁴ “Data.” Chinese Loans to Africa.

2020 would substantially increase the number of observations for the regressions and case study analysis, improving the validity of the results.

This research raises several important questions which could be answered using future research:

(1) To what degree does Chinese aid impact corruption in recipient countries? Do Chinese companies bribe in order to secure favorable contracts?

(2) How does Chinese aid compare to Western aid in terms of its capacity to boost local development? Is it more or less effective?

(3) Does the theoretical framework I have advanced here hold true in other parts of the world? Are similarly ethnically diverse countries in Eastern Europe and South Asia susceptible to the same kind of debt trap diplomacy I have showed exists in sub-Saharan Africa?

CONFLICT OF INTERESTS

The author has not declared any conflict of interests.

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