



West African Studies

Conflict over Resources and Terrorism

TWO FACETS OF INSECURITY



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Edited by Marie Trémolières

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Foreword

by Laurent Bossard

Director

SWAC Secretariat

“What is simple is always false. What is not, is unusable” (Paul Valéry)

During the finalisation of this book, the crisis in Mali entered a new phase: a global war on terrorism. Measuring the consequences of this latest development is impossible at the moment. At the very least, division among communities poses a significant short-term risk. War encourages people to see things in black and white (Manichaeism); an ethnic or social group can be assimilated with the enemy because they are from the same origins.

Within this context, the Sahel and West Africa Club Secretariat proposes a diverse set of contributions to the debate on conflict and instability in West Africa. In my opinion, these contributions have one thing in common: they try to avoid the commonly used simplified explanations often adopted by politicians. As Paul Valéry said, “What is simple is always false”. However, he added, “What is not, is unusable”.

Chapter 1 stresses that no factual evidence exists on the linkage of resource scarcity to violent conflict or that “food insecurity leads to violent conflict”. Similarly, “there is little, if any, evidence that the frequency of conflict is increasing in response to population growth or climate change” (Chapter 2). The study also shows that migration and instability are not associated. Agro-pastoral conflicts are described as “the result of a complex combination of factors in which it is sometimes difficult to identify the most influential factor or trigger” (Chapter 3). This scenario also applies to inter-communal agrarian conflicts or struggles over mineral resources. However, the authors emphasise that conflicts over resources are numerous and endemic and that addressing these must be a priority in the future: “Environmental factors may increase the risk of conflict if they occur in interaction with economic and socio-political mechanisms” (Chapter 1).

In this respect, learning from previous historical events is valuable for politicians. African agrarian societies are deeply embedded in their history. For example, it is fascinating to understand that the 1994 Guinea Fowl war in northern Ghana, which was triggered by a dispute over the price of poultry and resulted in 15 000 deaths, originated from the pre-colonial political system. Some hierarchical practices, such as the domination of one group by another and the levying of taxes and duties, have never been called into question since, neither during the time of the British administration nor of the post-

colonial state (Chapter 2). Underestimating “the role of power, history, and symbolism” is dangerous (Chapter 3).

However, analysing this complexity should not lead to impractical recommendations. Simply policy principles must be extracted from the analysis to guide informed public action. Expensive and corrupt judicial systems, as well as a distant and indifferent state, often help explain violent conflict better than any other parameters (Chapter 2). “If state intervention is quick and unbiased, escalations of violence are quite unlikely regardless of the root causes of the conflicts” (Chapter 1). In its broadest sense, the continued construction of the state, including the decentralisation of cultural diversity, is a priority to prevent conflicts.

Disputes, tensions and sometimes violent clashes between groups with divergent interests are part of rapidly changing societies, such as those of West Africa. Thousands of inter-communal and inter-cultural incidents between pastoralists and farmers are recorded annually in West Africa. Those who govern should strive to prevent, alleviate and pacify these tensions, especially that global terrorism, drug trafficking and crime have made the region fragile.

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Radical Islamists were able to seize on the quadruple opportunities of a weakened state, resurgence of Touareg irredentism, increase in trans-Saharan trafficking and the consequences of the aftermath of the Libyan civil war, to take possession of northern Mali (Chapter 4). Tensions in the country are no longer simmering and there is a great risk that they will escalate into a violent regional conflict at any moment. Since terrorism has many facets, the need to “understand that the threat from radical Islamist groups [...] is different from that of past rebellions” has become imperative (Chapter 5).

The global dimension has clearly changed the situation in the region. The fusion of radical Islamists and criminality, whose latest incarnation is Boko Haram, is eroding stability in the West African region by attacking the weakest factions: those vulnerable societies that have not yet completed their demographic, democratic and economic transitions. Unstable and itinerant, young and prone to extreme social pressures, these communities and the associated poorly managed areas are the perfect breeding grounds for terrorism, which the international community struggles to define in order to challenge effectively (Chapter 6).

Part I

Conflict over resources

Chapter 1.

Environmental and security parameters

Based on a contribution from

Hanne Seter and Ole Magnus Theisen

[page 13](#)

Chapter 2.

Land conflicts

Based on a contribution from

Paul Richards

[page 33](#)

Chapter 3.

Agro-pastoral tensions

Based on a contribution from

Abba Gana Shettima and Usman Alhaji Tar

[page 57](#)

Chapter 1

Environmental and security parameters

Based on a contribution from

Hanne Seter

Ole Magnus Theisen

Abstract

The notion that climate change breeds violence is prevalent. Several schools of thought focus on the relationship among resources, conflict and security. Eco-violence theory argues that resource scarcity is linked to violent conflict. However, many researchers dispute this argument because no consensus exists in terms of factual evidence and quantitative research in this area (for example, between drought and violent conflict). Combined with other parameters, indirect effects may be detectable through intermediate channels, particularly in the case of small-scale violent conflict, such as in the conflicts between farmers and herders in arid and semi-arid areas. This chapter examines if such a relationship exists with the help of relevant case studies.

1.1 Defining environmental security

Security includes all aspects that affect the overall stability of a region and its states. Looking beyond solely violent conflict and state security, “human security”¹ issues’ such as food crises and low-scale localised tensions are included. Using the concept of human security is instructive and constructive because doing so covers a relevant range of potential security implications linked, for example, to climate change in the Sahel. Furthermore, this conceptualisation focuses on the individual and not on the state (King and Murray, 2001).

M. Frederick puts forward two types of links between environment and security: “The first [link] deals with environmental problems as the main insecurity factor. The scenarios are based either on confrontations arising from local or regional ecological conflicts (trans-border pollution, overexploitation of a common resource, etc.) or on a transformation of power relationships within a region – or among several regions – as a result of major environmental disturbances (climatic changes, desertification, ecological accidents and the like). The second [link] deals with environmental problems as an ancillary insecurity factor. In such cases, environmental antagonisms threaten a state’s national security indirectly, by exacerbating pre-existing political, economic, social or military tensions or conflicts or by adding a new dimension to them” (Holst, 1989).

With these two major distinctions established, the following section illustrates what they entail theoretically and practically.

1.2 Parameters used to analyse the link between environmental resources and conflict

Numerous studies were conducted for the past 10 years, but some were particularly prominent because of their effect on public policies and leaders' speeches. In 1994, Robert Kaplan argued that a combination of factors, such as demographic change, urbanisation, environmental degradation and easy access to arms in West Africa, resulted in chronic violence, refugees and state failures. This approach is largely based on the ideas put forward by Homer-Dixon who focused on renewable resources – fresh water, land, forests, etc. (1999): “Environmental scarcity can contribute to civil violence, including insurgencies and ethnic clashes. The incidence of such violence will probably increase as scarcities of cropland, freshwater, and forests worsen in many parts of the developing world. Scarcity's role [...] is often obscure and indirect. It interacts with political, economic, and other generating factors (a circle of violence)”. This theory is often echoed, simplified and sometimes mistakenly reduced to a few arguments. The emphasis put on the latter could overshadow other considerations, such as the role of the combination and complexity of factors in conflict outbreaks as put forward by Homer-Dixon.

A point widely debated in this theory is as follows (Turner, 1999). A decreased vegetation cover or desertification in this perspective is blamed on overgrazing and overutilisation of renewable resources by pastoralists. This view is heavily criticised because of the “exclusion of climate as a possible cause of desertification” (Nicholson *et al.*, 1998). Rainfall rather than “overutilisation” explains resource availability in arid and semi-arid areas in Africa. Because of variations in rainfall, pastoral herds can never reach the theoretical limits which a “carrying capacity” model would imply excessive use.

The notion of the anthropogenic causes of desertification remains to influence eco-scarcity conflict models. Even if scientists have not reached a consensus on climate projections, they at least do agree on projections of high temperature and increased rainfall variability (Buontempo, 2009). The emphasis on the causal factors of climate rather than the local overutilisation of resources has profound implications on security analyses conducted and on the types of policy recommendations and objectives put forward.

Interested in civil armed conflicts, Paul Collier identifies a set of recurring variables in a retrospective study from 1965 to 1999. Among these variables, three are economic in nature: dependence on primary commodity exports, low average income and slow growth. He also argues that civil war combatants, as cited by Kaplan, are primarily

motivated by natural resource predation (war economy). For the most part, these resources are also non-renewable (mines). Therefore, human action in relation to resources is viewed from a perspective different from the view of using resources as a means of livelihood.

Case studies indicate that communal or small-scale violence, in which the state does not actively take part, are the most likely scenarios resulting from scarcity-induced conflicts (Benjaminsen and Ba, 2009; Deligiannis 2012; Witsenburg and Adano, 2009). Therefore, scholars conclude that small-scale violence should be studied rather than full-blown violent conflicts that challenge the theories of eco-violence. Farmer-herder conflicts in the drylands of Africa constitute the archetype of environmental resource-related conflicts. However, if no consensus exists on the linkage between environmental factors and violent conflict, the indirect nature of these two factors is emphasised (Buhaug *et al.*, 2008). Environmental factors may increase the risk of conflict if they occur in interaction with economic and socio-political mechanisms.

Case studies on conflicts between pastoralists and farmers in Mali show that the socio-political marginalisation of pastoralists is the main explanatory variable. The main cause of the Saremala conflict that ended in 1996 was the large-scale conversion of dry-season pastures for pastoralists into rice fields. This process results from a combination of factors including state-led agricultural promotion and the droughts in the 1970s and 1980s (Benjaminsen and Ba, 2009). During the early 1990s when power was dysfunctionally decentralised, farmers encroached on pastoral lands, and this led to escalations of conflict and violence. Ineffective court systems and corruption in the administrative apparatus only served to exacerbate the conflict. Drought played a secondary role to that of political factors.

Studying the same area of Mali (Mopti) for the period 1992-2009, Benjaminsen *et al.* (2012) find little evidence showing a correlation between land conflict and climatic variation. They also conclude that conflicts are predominantly driven by weak state capacity and corruption. Some authors argue that the 1990-1996 Touareg rebellion in Mali was driven by “supply-induced scarcity” (Kahl, 2006). According to Benjaminsen (2008) the main cause of the rebellion was the marginalisation of pastoralists.

Table 1.1 summarises the environmental and other causes identified from the analysed case studies. Environmental variables have weak or no effects in most of the cases. Particularly for localised violent conflicts, existing empirical research does not “identify whether (the triggering factor) [...] is related to environmental changes” (Bernauer *et al.*, 2012). Variables such as discriminatory policies and crop damage are more decisive than other factors.

Table 1.1 > Selection of some violent agro-pastoral conflicts in West Africa

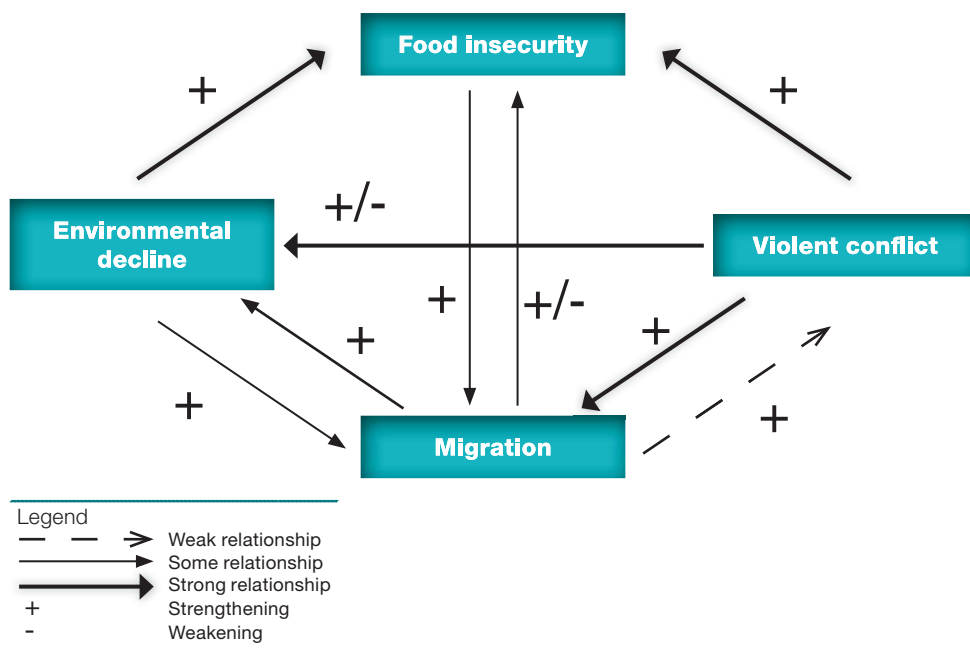
Study	Conflict	Time/location	Methodology	Main causes	Environmental factors
Benjaminsen & Ba (2009)	Herder-farmer, 2†	1996/Saremala, Mopti region, Mali	Qualitative	Discriminating policies of pastoralists; decentralised government; corruption	Minor role of drought: rains have increased after the 1980s slump
Benjaminsen <i>et al.</i> (2012)	Land conflicts in courts	1992-2009/Mopti region, Mali	Quantitative	Downward trend in cases possibly driven by decreasing trust in courts	No correlation between water and land disputes
Benjaminsen <i>et al.</i> (2012)	Herder-farmer, 5†	2001/Karbaye, Mopti region, Mali	Qualitative	Discriminating policies of pastoralists; decentralised government; corruption	No/minor effect of environmental factors: rainfall levels average in 2000 and 2001
Benjaminsen (2008)	Herder-farmer, 309†	1990-94/Touareg, Mali	Qualitative	Marginalisation of pastoralists	Migration of young men
Bassett (1988)	Herder-farmer, several: 80† in spring 1986	Late 1970-86/Katiali, Korhogo region, Côte d'Ivoire	Qualitative and quantitative	State bias in favor of pastoralists; weakened economic and political standing of farmers; uncompensated crop damage; electoral promises of expulsion	Immigration of pastoralists partly driven by drought
Hagberg (2005)	Herder-farmer, 5 to 10†	1986/Sidéradougou district, Burkina Faso	Qualitative	Crop damage; biased local administrators intervening on the side of farmers	None mentioned
Moritz (2006)	Herder-farmer, few/no casualties	1996-99/Far North Province, Cameroon	Qualitative	Authorities deliberately manipulating land tenure	Land relatively abundant; but initial migration due to land pressure
Breusers <i>et al.</i> (1998)	Herder-farmer, no casualties	1994/Central Plateau, Burkina Faso	Qualitative	Social differentiation; crop damage	Discussed, but found largely irrelevant
Parker (1991)	Herder-farmer, 2†	1989/Senegal River	Qualitative	Cultural tensions between Arab/black communities; struggle for resources	Drought

The causes of violent conflict are complex, often structural, such as the marginalisation of certain groups and livelihood changes. However, the relationship may be circular or reversed in which violent conflicts aggravate environmental security.

Reuveny, Michalache-O'Keef and Li (2010) propose several mechanisms to describe the process of degradation: the destruction of forests to prevent the creation of hiding places induced by troop movement, increased pollution as result of fighting and arms production and pressure on resources that are a source of wealth. Reuveny *et al.* (2010) test four dependent variables: CO₂ emissions, NO_x emissions, deforestation and environmental stress. The conflict variable is significant in all models, a result indicating that conflict affects the environment. However, the direction and size of the effects depend on the location of the conflict and the level of development in the belligerent country. The environment is also facing challenges with the massive influx of refugees, a factor that potentially exerts pressure on natural resources in host communities (Martin, 2005).

The complex dynamics involved in climate change and security as well as the nature of their relationships – causal, linked, general, dynamic, etc. – make projections

Figure 1.1 – Possible causal pathways



and scenarios difficult to establish. In addition, the threat to security identified from environmental parameters strongly depends on the characteristics of each country and of other contextual factors. The relationship between these two variables thus creates many potential crisis catalysts as there are different environmental and socio-political settings.

If we accept the hypothesis that environmental variables are not directly linked to conflict, considering the role of the two intermediate variables, food security and migration, may be important. These two variables have been said to be “the most important indirect effects” in the causality chain because they connect environmental factors to violent conflict (Bernauer *et al.*, 2012).²

1.3 Environment, food security and conflict

A country where a large majority of the population is dependent on agricultural production is particularly vulnerable to environmental destruction and therefore to food insecurity as a result of the decline in generated income (Barnett and Adger, 2007). In Sub-Saharan Africa, almost 90% of the total food production comes from rain-fed agriculture (Cooper *et al.*, 2008), which is highly dependent on rainfall variations (UNEP, 2011).

- High temperatures combined with variations in precipitation negatively affect agricultural production, exportation (Jones and Olken, 2010) and annual variations in average yield (Lobell and Field, 2007).
- Droughts negatively affect the economic growth of African countries (Barrios, Bertinelli and Stobl, 2010).

West African livelihoods, as well as the supply and demand of food products, are flexible and have a great capacity for adaptation. Dealing with unpredictable environmental events, such as drought, flooding, desert locusts and economic shocks, is essential (Mortimore and Adams, 1999). No consensus has been achieved on the coping mechanisms of pastoral and farming communities. Some scholars stress the vulnerability of these communities, whereas others stress resilience and local knowledge (Mertz *et al.*, 2009). Flexibility appears to be more important in the driest areas (Adams and Mortimore, 1997).

Even if pastoralists and farmers have different food production systems, they are also interdependent in many ways (Hussein *et al.*, 1999) (see Chapter 3). Pastoralists depend on dry season pasture that farmers’ fields supply after the harvest, as well as on selling milk and meat to farmers. Cleared bush around farms reduces the amount

of tsetse flies and ticks. After the harvest, manure provides fertilisation in soils. Furthermore, farmers entrust herders with some of their cattle on a long-term basis (for several seasons or even years) (Turner, 1999). Tensions are most often resolved by non-violent actions (Turner, 2004). When the state does not have the capacity to enforce power, local institutions are used. “Resource sharing offers asset-poor households opportunities to stabilise and enhance their asset-base in drought years, providing incentives for co-operative rather than conflicting relations with pastoralists” (Bogale and Korf, 2007).

Analysis of the case studies shows no evidence that food insecurity leads to violent conflict. The common outcomes of food insecurity are seasonal rural-urban migration (an adaptation to chronic food insecurity) and forced short-term and short-distance migration during emergencies. Seasonal rural-urban migration can improve food security, whereas forced short-term and short-distance migration could have an opposite effect.

Box

Livelihood strategies

Pastoralists and farmers are considered two distinct groups, although they can increasingly engage in both farming and livestock ownership. They significantly differ in terms of management and resilience (Turner, 2004).

Pastoralists are dependent on their travel to find water and grass. This strategy enables them to “have access to heterogeneous and unpredictable pasture resources, rather than relying on the hypothetical stability or uniformity of those resources” (Thebaud and Batterbury, 2001). During the vegetation period, pastoralists usually do not find pasture near villages because of crops grown nearby. The animals are thus led to seasonal ponds. At the beginning of the dry season, after the harvest is done, pastoralists move their cattle to farm land (Adams and Mortimore, 1997). Most pastoralists spread out risks by including different types of animals in their herd and rely on other food sources other than livestock, such as trading, hunting and gathering. Pastoralists are currently under pressure because states tend to see their livelihood as non-productive and more difficult to control than other livelihoods. Agricultural production is often encouraged

at the expense of pastoralism. However, current research emphasises the flexibility, adaptability and relatively negligible effects of traditional pastoralism on the environment (Pedersen and Benjaminsen, 2008).

With regard to farmers, a farming year is typically divided into three periods: planting, weeding and harvesting. These activities reflect seasonal rainfall patterns (Mortimore and Adams, 1999). These patterns vary in terms of duration and quantity so farmers have to adapt not only within one season but also between seasons. Other coping mechanisms include the introduction of new crops (Adams and Mortimore, 1997). Many farmers have diversified their sources of income through working in local markets, livestock production, crafts and wage labour. This diversification refers to “the allocation of production assets among different income-generating activities, both on-farm and off-farm” (Abdulai and Crole-Rees, 2001). Diversification has increased farmer income³ as well as their purchases of food products on the market (Brown *et al.*, 2009). In relation to the 2008 global food crisis, however, diversification is not yet synonymous with food security (Moseley, 2011). ■■■

This mechanism has been employed by societies in this region for centuries. Migration is the second intermediate variable between environment and conflict. This parameter is linked to both food security and environmental factors.

1.4 Debate on the relationship between migration and climate

Violence in Darfur has been attributed to drought-induced migration. However, these conclusions are nuanced because migration can be categorised into different types. Migration is largely voluntarily and is based on a choice between many alternatives. Forced migration is predominantly local and often leaves the displaced in an even more vulnerable situation than other types of migration (Foresight, 2011).

The most pronounced migration flow in West Africa is that from the Sahel zone to coastal cities. Migration generally has positive effects on the economy of both the sending and receiving areas. It generates remittances to the sending areas and provides labour to the receiving areas. Rural to urban migration aims to diversify income sources. However, van der Geest (2011) notes that during the Sahelian droughts in the 1970s and 1980s, north-south migration in Ghana was reduced, but the scarcity of fertile land in the sending areas played a major role in this migration. Likewise, Findley's (1994) study on the effects of the Sahel droughts in the 1980s in Mali shows that international migration decreased during this period because people could not afford to travel long-distance. However, short-distance migration to food surplus zones was considerably increased. Excluding the period of droughts, Doeveenspeck (2011) finds that in-migration comes from food surplus-generating regions. The uncertainty of land tenure and not land degradation affects rural migration patterns.

Henry *et al.*'s (2004) study of Burkina Faso shows that overall migration rates are not significantly affected neither by the dryness of an area, its rainfall variability, nor the presence of uncleared land; however, the driest areas have seen higher out-migration compared to other rural areas within the country. Henry *et al.* (2003) find that droughts in both the sending and receiving regions increase migration rates, and soil degradation increases emigration rates. Furthermore, they also find that better cotton harvests in the in-migration areas relative to the sending areas also increase migration, and land availability attracts migrants. Barrios *et al.* (2006) indicate that periods of low rainfall have high urbanisation rates. Naude (2010) finds no direct effect of natural disasters on Sub-Saharan emigration. However, he argues that natural disasters may drive civil conflicts, which are strongly related to net-emigration.

Disasters and shocks are much less related to permanent migration than high resource pressure on natural resources and gradual resource degradation. One possible reason

why the effects of natural disasters remain weak is linked to the vulnerability of affected populations, who lack the necessary means for long-distance migration. This comparative approach shows that environmental factors are one of the several aspects of economic motivations that underpin decisions behind migration. The alleged relationship between climate migration and conflict is debated. However, current studies show that the relocation for climatic shocks is temporary and predominantly local or regional.

1.5 Vulnerability to climate hazards and the link between resources and conflict

Depending on their gradual or sudden nature, environmental changes pose variable challenges. Gradual processes such as land degradation and deforestation provide more options for adaptation than floods or droughts. The effects of environmental changes are often assumed to be greatest in regions of the world that are poorest, as in the case of the Sahel droughts in the 1970s and 1980s (Batterbury and Warren, 2001).

The notion of vulnerability is interesting here because it includes measurable variables to which people or countries can respond. It is defined as “the characteristics of a person or group and their situation that influence their capacity to anticipate, cope with, resist and recover from the impact of a natural hazard” (Wisner *et al.*, 2004). Vulnerability involves a time dimension: before, during and after the disaster. Consequently, the capability of society to foresee and prevent the effects of disasters as well as to reconstruct livelihoods is an integral part of vulnerability. The Intergovernmental Panel on Climate Change (IPCC) stated that “Africa is one of the most vulnerable continents to climate change and climate variability, a situation aggravated by the interaction of ‘multiple stresses’, occurring at various levels, and low adaptive capacity” (Boko *et al.*, 2007).

The region spans from the very arid north to the humid south. In many respects, it is perhaps very similar to countries in the Horn of Africa, but it is less integrated in the global food market. Therefore, the region is potentially food insecure both because of local environmental constraints and fluctuations in global food prices.

Societies facing dramatic changes in quality of life as a consequence of changes in the physical environment normally have several coping strategies from which they can choose (adaptation may take place at both individual and international levels).⁴ Another coping strategy occurs when certain groups within a society increase their share of the diminishing natural resources (Buhaug *et al.*, 2008).

Table 1.2 > Studies on migration and environmental factors in West Africa

Study	Phenomenon	Period	Methodology	Findings
Doevenspeck (2011)	Internal rural migration	Benin, from late 1990s onwards	Survey, descriptive statistics*	Insecure land tenure very important, land degradation less so
Van der Geest (2011)	North-south migration	Ghana, 2000 (cross-sectional) and 1960-2000	Survey, comparison of districts over time, and cross-sectional*	Less migration during the Sahelian droughts (1970s-80s). Higher emigration rates from less well-endowed districts to more well-endowed
Findley (1994)	Internal and international migration	Senegal River Valley, Mali 1982 compared with 1983-85	Survey, descriptive statistics*	Drought decreases long-distance migration; increased circular short-distance migration
Henry <i>et al.</i> (2003)	Migration from rural areas to rural, urban and international destinations	Burkina Faso, 1985	Census data, province level	Drought increases emigration, land availability increases immigration
Henry <i>et al.</i> (2004)	Migration from rural areas to rural, urban, and international destinations	Burkina Faso, migration from rural areas 1970-98	Survey data	Drier regions — more emigration; drought increases rural-rural migration, reduces rural-urban and rural-international
Pedersen (1995)	Outmigration	Gourma, Tombouctou region, Mali, 1976-87	Census data, descriptive statistics*	Drought leading to a substantial emigration of men
Barrios <i>et al.</i> , (2006)	Urban to total pop. as a proxy for internal migration	Sub-Saharan Africa vs. other LDCs 1960-90	National level data, time series	Rainfall deficit increase urbanisation in SSA, but not in other LDCs
Naude (2010)	Net migration per 1 000 inhabitants	Sub-Saharan Africa 1960-2005	Regression; national level data	No effect of disasters, less irrigated land, waters stress; population densities increases migration (less robust)

*Study has no control variables.

Furthermore, people living in exposed areas may migrate to attractive locations. Although migration in itself is a non-violent response, it has been argued as a cause of violent clashes when migrants enter the territory of others who are also suffering from environmental destruction (Reuveny, 2007). Generally, however, vulnerable societies have thus far responded peacefully rather than violently to environmental changes.

Both seasonal and long-term migrations respond to environmental and food insecurity, but these individual responses may not be enough (Devereux and Edwards, 2004). Nevertheless, scholars stress local-level adaptation. The relationship between ecosystems and economic and social policies in the region is a very complex matter, and the Sahelian people should deal with these challenges. This requirement does not mean that investment and management of the problem at the international level should not play a role in the overall problem-solving process. However, the strategies adopted must be ensured to work in order to strengthen the adaptability of the local population.

The causal chain that links environmental factors to violent conflict passes through the social consequences of environmental change, such as livelihoods. Climate modelling involves a high level of uncertainty, but the IPCC states that long-term climate change will lead to “changes in precipitation amounts” (IPCC, 2007).

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Our analysis of the case studies on herder-farmer conflicts demonstrates that if state intervention is quick and unbiased, escalations of violence are quite unlikely regardless of the root causes of the conflicts. National authorities should therefore seek to strengthen and work according to existing local mechanisms of conflict resolution. Similarly, states are also responsible for the overall security of their citizens. An improved early warning system of crop failure is one way of preventing famine. Another important element is to ensure that the population can afford to buy food when local production is low. In the long-term, increasing the competitiveness of agricultural and pastoral households through improved credit and storage systems as well as better access to outlets should reduce long-term vulnerability and increase food security. ■■■

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Notes

1. Human security is an emerging paradigm in understanding global vulnerabilities. The traditional notion of national security is challenged by arguing that the proper referent for security should be the individual rather than the state. Human security includes aspects such as economic security, political security, food security, environmental security and health security.
2. Other indirect variables have also been proposed, such as population pressure, bad neighbours, social inequalities and bad governance (Buhaug *et al.*, 2008).
3. Poor households are an exception because they have few opportunities to diversify their income as a result of lack of capital (Abdulai and CroleRees, 2001).
4. Adaptation here refers to "adjustment in natural or human systems in response to actual or expected climatic stimuli or their effects, which moderates harm or exploits beneficial opportunities" (Boko *et al.*, 2007).

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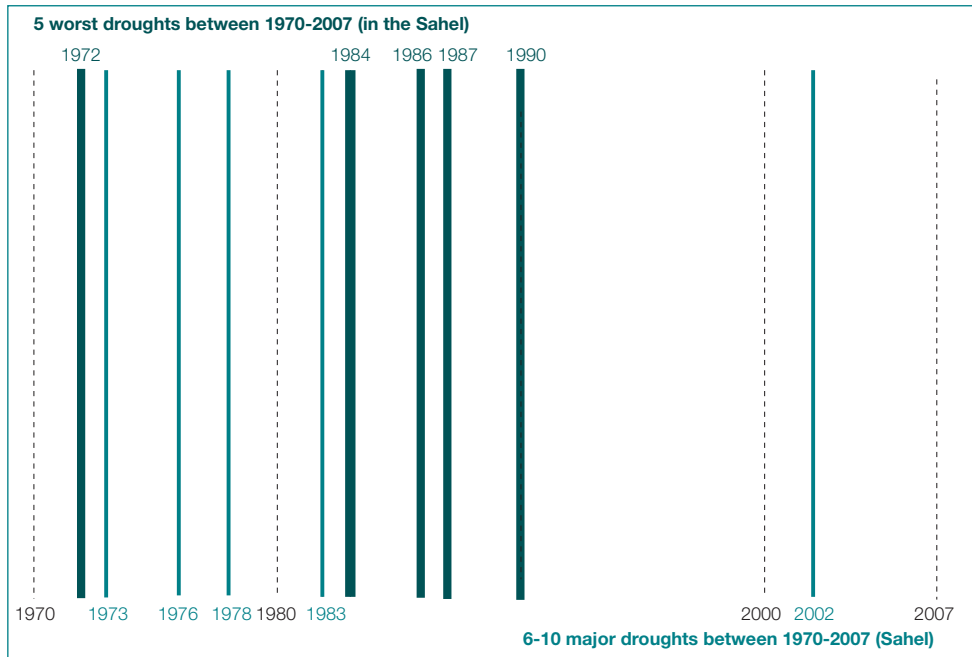
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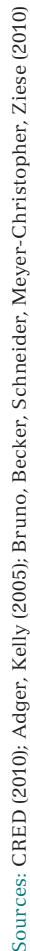
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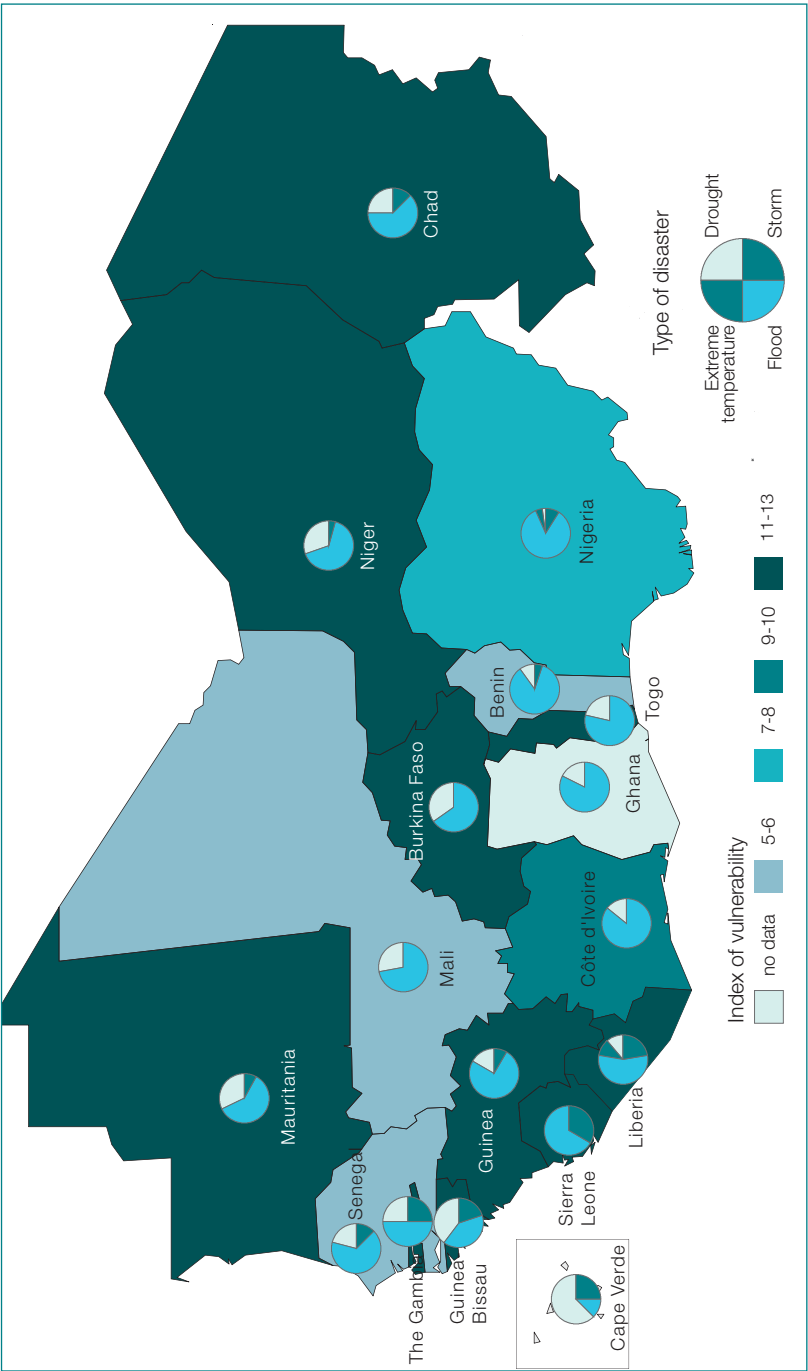
Figure 1.2 – Droughts timeline



Source: Sahel and West Africa Club Secretariat (SWAC)/OECD (2010)



Map 1.2 – Disasters and vulnerability



Source: CRED (2010); Adger, Kelly (2005); Bruno et al. (2010)

Chapter 2

Land conflicts

Based on a contribution from
Paul Richards

Abstract

The definition adopted for land conflicts includes territorial conflicts and conflicts over the use of mineral and forest resources. Three types of violent land conflicts are identified and analysed for West Africa: agro-pastoral conflicts, inter-communal agrarian struggles, and forest frontier conflicts. Policy and judicial administration weaknesses appear to be the main risk factors. Climate change does not appear to be a possible driver of conflict, and in West Africa few violent conflicts are linked to expropriation and enclosure. However, current large-scale land acquisition without supervision is a pressing challenge for countries and regional organisations.

2.1 Definitions

Land is defined to include agrarian and primary livelihood resources. The term may cover a range of fixed factors of production, such as a mine site or a farm. Land is not valuable in itself but only when it enters into social relations of production or reproduction (e.g. when land sustains a group or cultivation products have a market demand). Access to and possession of land requires legitimacy – political as well as economic. Land is more than property. It can also enter into self-identity (as in the phrase “what land¹ are you from?”) and therefore can be regarded as an element in culture.

Conflict is human disagreement or contestation. Disagreement is a normal and inevitable aspect of social existence. Violent conflict is an extreme form involving the use of force and inflicting damage or death. It is a threat to wider security due to its tendency to intensify and become self-sustaining. The term “land conflict” is thus taken to refer to all aspects of human contestation over landed resources, including the sub-group “violent land conflict”.

Three types of land conflict in West Africa lead to violence and insecurity: agro-pastoral conflicts (clash of livelihood systems), [see Chapter 3]; agrarian conflicts (struggle for land ownership or control of the labour necessary to work the land); forest frontier conflicts (struggle over forest resources – hunting, logging, and mining).

Not included in this list is the “Malthusian war” – the notion that human conflict is driven by excess of population (Homer-Dixon, 1999). The lack of empirical data to support this thesis is pointed out on a number of occasions (Peluso and Watts, 2001; Richards, 1996a, 2005a). The region has low historical population density

and war was a common occurrence in pre-colonial times. Some West African areas are now densely populated but are not more prone to violent conflict than less populated regions. Population concentration is sometimes a product of violent struggle, but more rarely its cause.

2.2 History

Violent land conflicts identified and analysed here are deeply embedded in West African history. Archaeological perspectives suggest that the agrarian occupation began in what is now the Sahara, based on early domestication of cattle, sheep and goats combined with cultivation of millet and sorghum. Aridification drove agro-pastoral groups further south into the West African savanna, where they mingled with groups spreading across the wetter savannas and forest margins. Some of these groups appear to have experimented with cultivation of crops such as yam and cowpea, especially on the forest margin. Retreat of the forest southwards, as the climate became drier, may have stimulated the development of a range of southern crop planting, including African rice. Great hunters were the chiefs of these forest margins and savanna cultivators. Further north, the cultivators were ruled by chiefs who had important livestock. The conditions were already conducive for triggering violent conflicts.

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Conflicts between agro-pastoralists are the most common [see Chapter 3].² Farming in the West African savanna is based on alternation of rainy and dry seasons. Farmers cultivate rain-fed uplands during the rainy season and their plantations in the river valleys during the dry season. Herders move their herds north and south, balancing the need for pasture in the dry season and the need to avoid tsetse flies during the rainy season. Herders dominated the settled cultivators for a long time; the latter became the herder's slaves. Herder military hegemony intensified through the spread of horsemanship and cavalry warfare techniques throughout the Sahelian zone.

Further south, farmers remained free from cavalry-mounted overlords, especially in districts closest to the forest where horses could not penetrate and hunter-warlords protected their subjects through a mix of ambush tactics and sorcery. In a zone of convergence crossing through West Africa (sometimes termed the "Middle Belt"), the arrangements between herders and farmers are as common as conquest and enslavement. Local associations developed to ensure a form of mediation – for example, when cattle are being driven southwards, it coincides with when farmers' crops were ripening.³

Agrarian conflicts trace their origins to the history of slavery and slave raiding, in particular within the "Middle Belt". Some emancipated themselves from agrarian slavery through rebellion. Recent oppositions are still rooted in pre-colonial history:

as shown in the struggle of the Konkomba people of northern Ghana in the 1980s and 1990s from the overlordship of Dagomba and Nanumba chiefs. They fought to be recognised as land owners and to appoint their own paramount chief (Oelbaum, 2010).

Forest frontier conflicts have occurred in least settled parts of the West African coastal forest belt (the Upper Guinean forest block stretching from Sierra Leone to Ghana). Historically, these great forests now mainly located in and around Liberia, attracted merchant adventurers from all over West Africa. Some arrived as elephant hunters seeking ivory, especially after the opening of the Atlantic market by the Portuguese

Box

The Guinea Fowl war

In pre-colonial times, five kingdoms cut through the northern region of Ghana. Four – including Dagomba and Nanumba – are of Mossi descent. The Mossi aristocracy was originally a “nomad” group from the desert’s edge. They imposed themselves as rulers of the isolated peasant groups of the Volta basin thanks to their knowledge of cavalry warfare. The Dagomba kingdom had not yet fully conquered the Konkomba – a peasant group occupying the flood plain of the Oti river – when it came under the overlordship of the Ashanti state. Required to pay tribute to the Ashanti in the form of slaves, the Dagomba raided the margins of its territories for captives, the vast majority of whom were Konkomba farmers.⁴

Although the Konkomba claim to be indigenous, the British colonial government confirmed the right of Dagomba rulers to control the territory. Although no longer subject to slave raiding under the *Pax Britannica*, the Konkomba paid tribute to their Dagomba rulers. Tait (1996) comments that: “unable to fight against the organised army of Dagomba, [they] had the capacity to take their revenge on nearby Dagomba communities”. Trouble was prevented only by geographical separation. Development of new farming areas in the late 20th century closed this physical gap, reviving old hostilities.⁵

The Konkomba mobilised in the 1970s around the Konkomba Youth Association (KOYA). This association protested against “archaic” institutions. It began to demand that a Konkomba chief be chosen directly.⁶

This demand was rejected by the Dagomba chiefs, as well as the claims to administrative and fiscal independence under the constitution of Ghana in the 1980s (Oelbaum, 2010). To avoid slave raiding in the 19th century, the Konkomba had indeed ceded territory to the Dagomba.

This KOYA request was rejected by the constitutional authorities but activists were encouraged by the rhetoric of the Rawlings’ regime in favour of the general principle of local self-determination. Weapons were stockpiled by both parties, and after various smaller incidents (including a violent eruption in 1981), more sustained fighting broke out in 1994. The trigger was a marketplace dispute over the price of the guinea fowl, which led to a killing and a cycle of revenge attacks. The Dagomba threatened to block market access to the Konkomba on the basis that they had no customary right to market their own produce without paying substantial dues to their overlords. Over 400 villages were burnt and 15 000 people are thought to have died before the Ghanaian military restored order.

The root cause of the violent outbreak is because, following the liberalisation of the economy in the 1980s, the Konkomba became prosperous agricultural entrepreneurs, renowned for their production in white yam. Konkomba entrepreneurs built their own supply chain ignoring the Dagomba and Nanumba who previously controlled the commercialisation of agricultural production. ■■■

from the 15th century. Others traded kola nuts from the forest margins to the desert edge. Later arrivals extracted wild rubber. These merchants attached themselves to indigenous groups who mastered the dangers of the forest. The incomers are socially integrated through marriage and have membership in forest secret power associations, such as Poro (d'Azevedo, 1965; Murphy and Bledsoe, 1987). Some, thanks to their ability and wealth, became chiefs in their adoptive communities. But increasingly (from the 19th century onwards) these adventurers achieved their ends by warfare, relying on the Atlantic slave trade. Violent struggle for forest resources underwent a strong revival at the end of the 20th century, with Liberia at its epicentre. Today, the most sought after resources are timber, diamonds and alluvial gold. Although recent conflicts are relabelled “new war” or “greed versus grievance”, some events such as the confiscation of land for ivory and gold remains entrenched (Richards, 1996a).

2.3 Recurrent overlapping causes

The causes involve multiple parameters and often overlap. They vary depending on the three types of land conflict identified.

■ Agro-pastoral conflicts⁷

Conflict is endemic in the agro-pastoral system. Several constraints are involved, including the presence of tsetse flies, limiting the possibility of sedentary livestock breeding. Trypanotolerant cattle breeds are less productive than the Zebu cattle. Alternatives (in the absence of expensive modern veterinary care) remain long distance travels and a strategy balancing between pasture availability and disease risks.

A symbiosis exists between cattle herding and crop farming, cattle providing manure for cultivation. But the cattle arrive in the crop farming areas from wet season grazing areas in the early dry season as crops are ripening. Here lies the main flash point between agro-pastoral communities. One study shows that crop damage affects nearly all households in most seasons and losses can be up to one fifth of the total crop value (Bassett, 1988). The problem occurs across the agro-pastoral zone in West Africa but triggers vary.

In northern Côte d'Ivoire, large numbers of Fula pastoralists lead their herds southwards during the mid-1970s Sahelian drought. They were encouraged to stay by the government of President Houphouët-Boigny in order to boost meat supply to substitute imports (Bassett, 1988). The welcoming of herders by the local Senufo peasant farmers is mitigated partly because of crop damage. Other parameters also came into play. Pastoralists are particularly criticised for overriding the decisions of

local chiefs and elders who, historically, decide on the installation and use of land. Finally, no compensation covers crop damage. Senufo peasants, supported by some politicians, resorted to violence to drive out the “foreign” Fula.

Similar institutional problems involving local government and the state are behind a number of incidents of violence triggered initially by damage to crops in the far north of Cameroon (Mayo-Kobo) and in north-western grass fields.⁸ These communities were conquered by the Fula during the jihad of Usman dan Fodio (began in 1804). Today, land allocation lay in the hands of Fula rulers descended from these original conquerors. The Cameroonian state did not take a firm position vis-à-vis the authority of local rulers on land issues. Moreover, the arbitration system was expensive and unpredictable due to corruption. The Mayo Kobo conflict (1996-1999), led to loss of life, when both farmers and herders migrated into a disputed area and appealed to different authorities to obtain a ruling. The requests were sent to the state and not to traditional rulers, whose hegemony was developed with the 19th century conquest. The state, perhaps due to its remoteness, hesitated to leave it up to local representatives to decide. This perhaps intentional indecisiveness was also a key parameter in the agrarian conflict of the Guinea Fowl war in Ghana.

The Niger River Inland Delta in Mali is an area where pastoralists and farmers have historically integrated under Fula theocratic rule. The relationship is once again based on mutual benefit. Crop damages are resolved by negotiation or lawsuit. Both parties share the same religion, but this does not prevent violent conflicts from erupting. One study used court records to conclude that outbreaks show no particular trend (Benjaminsen *et al.*, 2012). There is little, if any, evidence that the frequency of conflict is increasing in response to population growth or climate change.

Secular change within agro-pastoralism is also a causal parameter. Many herders and farmers have both crops and cattle (Crane, 2010). The (richer) peasants frequently hire Fula workmen to do the herding. Due to their very low pay, the work is at times not well done such as the management of wandering livestock (Turner, 2004). Without compensation, tensions that are created are the result of a confrontation of classes rather than ethnicities.

Crop damage in an agro-pastoral zone that stretches across the breadth of West Africa, from Mauritania to Cameroon, is a frequent and recurrent trigger of local tension but whether it leads to a breakdown in security depends on a combination of national and local political factors, and local socio-economic and ecological factors. These include the degree of vigilance of the central or local governments, the existence of ethnic feelings, the functionality of local dispute resolution, and transition within the agro-pastoral

systems (Hagberg, 2005). Climatic variability (a long-term characteristic of Sahelian regions) may play a role, but it remains minor.

■ Inter-communal agrarian conflict

Despite the abolition of slavery c. 1900, its social markers sometimes persist in this type of conflict. The more isolated villages are often former slave settlements. “Traditional” local governance still perpetuates, in some cases, legal instruments, modes of chiefly authority, and forms of taxation originally designed to regulate former slave communities.⁹

Liberia and Sierra Leone have seen a delayed emancipation process (1930 and 1928). Evidence shows that a certain number of participants in the civil wars in the two countries were vulnerable to the social barriers of slavery (Richards, 2005b; Mokuwa *et al.*, 2011). There is also one specific case in which the Sierra Leone rebels seem to have encouraged the local legacy of marronage. The border region, occupied by the Vai people, witnessed the Zawo revolt, which was a long-lasting slave insurrection in the 1830s (Jones, 1983). Defending their freedom for much of the 19th century, the Zawo rebels maintained a dense network of cross-border family connections (Holsoe, 1967). Some of these relationships were reactivated when political feuding in the Pujehun District in Sierra Leone during the 1980s (the Ndogboyosoi war) caused a number of dissidents to flee to Liberia and seek refuge with family members in Grand Cape Mount County. Some of the dissidents later returned to Sierra Leone as members of the Revolutionary United Front (RUF) rebel group. In the 2000s, it is possible that the Sierra Leone rebels sought to use an inheritance of maroon consciousness prevalent on both sides of the border (Richards, 1996a).

An uprising in Mauritania in the 1980s equally claimed to defend the rights of a Black population against Moorish former slave owners.¹⁰

During the Guinea Fowl war (cited above), the Konkomba wanted to be recognised by the Ghanaian state as communal owners of their own land and labour. The conflict continues in part because the issue remains remote from the most pressing concerns of the government but primarily because administrative provisions, presented in the colonial administrative system, remain in effect under the modern constitution.¹¹

■ Forest frontier conflicts

The causes related to the outbreak of forest frontier conflicts are addressed for example by the Upper Guinea forest and its transformation. The forest frontier is now mainly confined to Liberia and a few areas of western Côte d’Ivoire, south-eastern Guinea and eastern Sierra Leone. Trade networks range from the forest edge into the far interior.

Initially, these were organised around the supply of kola nuts of the savanna interior and by the ivory market on the coast (Lovejoy, 1977; Richards, 1996a). More recently, merchants have invested in alluvial mining for diamonds and gold in the forest.

There is evidence of early settlement in parts of the forest (Richards, 1996b). These early arrivals may have relocated from the north of the forest to areas closer to the coast. Their traditions are adjusted in order to manage incoming new merchants without relinquishing control of the land (D'Azevedo, 1962). After the pre-colonial period, Mende warriors limited the power of the Gola chiefs over the area which includes the western forests of Liberia. The arrival and gradual expansion of the Liberian state halted any further encroachment, up until the rebellion of Charles Ghankey Taylor (Holsoe, 1967).

Charles Taylor's National Patriotic Front of Liberia (NPFL) recruited heavily in the north-east of the country and Gio hunters from the Nimba County, who were among its troops, played an important role.¹² They helped establish the NPFL in the western forests (in Gbarpolu, Lofa and Grand Cape Mount Counties). War drove out the local Gola population and the Manding trading/mining diaspora from Guinea and Mali. New exploiters of diamond and gold mines contributed to the rebellion of the RUF in Sierra Leone.¹³ But the Manding merchant diaspora – historically present in the region – mobilised its own counter-force and pushed back Taylor's fighters, forcing him to organise elections in 1997.¹⁴ Later, another "Manding" counter-force (LURD) reinforced by elements of the hunter militia mobilised in Sierra Leone to fight the RUF pushed from the Gola forest towards Tubmanburg and Monrovia. President Taylor's grip on power had loosened. An interim government took power in August 2003.

Today, mining camps are scattered across the Gola forest. Their populations are once again dominated by the Manding population coming from Lofa County (Liberia), Guinea and Mali. Merchants from other parts of West Africa are also scattered in the forest. Some Gio hunters still remain. The government of Monrovia has little or no effective presence in the forest or on its margins. The camps are in effect self-governing. One large gold mining camp – Camp Alpha – has its own chief. The Gola chiefs have found it hard to reassert authority over their former forest domain¹⁵.

There were political forces other than diamonds and gold that drove the wars in Liberia and Sierra Leone, even if their role was crucial in financing the two rebellions (Richards, forthcoming). The forest domain remains in the hands of a regional mercantile diaspora with a population made up of former combatants as a labour force. The pre-war landlord-foreign system is weaker than in the past. Poor forest

governance and the presence of mineral resources played a role in the outbreak of the war. Many of these factors and their complex interactions persist and undermine regional security.

2.4 Factors specific to West Africa

In relation to agro-pastoral and agrarian conflicts, West Africa is distinct compared to other regions in the world. This differentiation arises from the long-term history of agrarian change in the region. Agriculture was developed to complement both to desert edge herding (and cavalry warfare) and forest edge hunting (and warlordism). There is no historically influential “feudal” agrarian class whose wealth and power is based on food crop agriculture and land improvement (unlike China, India or medieval Europe). The food producing peasantries were disproportionately raided. This particular characteristic is still noticeable in the way inter-communal violent conflicts are waged. “Hunter” warlords remain present in the civil wars around the Upper Guinea forest, and groups that were previously raided and enslaved continue to hit back at their former attackers (as in northern Ghana).

Eurasian peasants, descended from feudal classes tied to the land, defined their identities in terms of ownership of a specific land over which they had toiled. The feudal system was then passed on to Spanish and Portuguese settlers. This fuelled demands for “land reform” in the transfer of ownership rights to politically-aware peasant classes from an estate-owning landlord class. This played little or no part in West African agrarian struggles.

In West Africa, when struggle turns violent, the rejection is more against processes of labour control (“customary” legal practices and restraints shaped by former slave mode of production that have been perpetuated as part of colonial and post-colonial administrative practice) rather than against the confiscation of land.

Like agro-pastoral conflicts, agrarian struggle in West Africa has a region-specific character reflecting a distinctive historical legacy. As the Konkomba case makes clear, land claimed by dissidents, may express community identity.

In the case of forest frontier conflicts, there is similarity with other African regions and regions beyond the continent because extractive capitalism (“primitive accumulation”) is an important shaping element. Frontier insurgent groups (Khmer Rouge in Cambodia, the FARC in Columbia or Mai Mai groups in the Democratic Republic of Congo) share features with rebel movements in the West African forest

zone. The common factor is the extraction of high-value resources such as diamonds in remote forests, or the development of cocaine trafficking. The funds are used to support dissident campaigns.

Given the difficulty of external mining interests, operating in such conditions, it is sometimes more attractive to offer financial support to militia groups and to buy the products directly from them. For this reason, the International Criminal Court (ICC) announced that it would prosecute the heads of international companies working in co-operation with rebel groups. So far no such prosecutions have been made.

However, there exist region-specific characteristics. The Gola forest – often involved in rebellions in Liberia and Sierra Leone – produces more gold than diamonds, oft-cited as a major factor of conflict. The diamond trade is international while the gold trade is regional. West African individuals of all classes aspire to own gold for ornament or as proof of wealth. Thus, the power of ancient Mali was based on its centrality to gold supply in the medieval world. Malian traders and networks still dominate the trade in West Africa, including in conflict zones, such as the Gola forest. An equivalent to the Kimberley Process – the scheme set-up by representatives of the international diamond trade to track and stem the flow of “blood diamonds” – would be very difficult to achieve for gold.

2.5 Dimensions of land conflicts

The three types of conflict identified can manifest themselves in various ways. Violence associated with agro-pastoralism tends to be localised, closely connected to specific sites of grievance. Aggrieved peasants might ambush a herder refusing to pay a fine for crop damage, perhaps even mounting an attack at the site where the damage had been caused. The possibilities of escalating a conflict exist if other parameters make the situation more complex. Risks associated with agro-pastoralism are particularly concentrated in (and to a large extent limited to) the drier parts of the savanna zone. It has been widely assumed that increased rainfall uncertainty in this region will exacerbate this cause of conflict, but hard evidence is in short supply (Benjaminsen *et al.*, 2012; Crane, 2010; Hussein *et al.*, 1999; Turner, 2004). Agro-pastoral conflicts are omnipresent across West Africa but there is a low probability that they will spread.¹⁶

Agrarian conflicts are less omnipresent but have a greater potential to escalate into incidents that are serious and longer lasting, or that may even degenerate into war. Risks associated with agrarian conflicts are located in the wetter savannas, as historically it

is a Middle Belt region where farmers had little power until the end of the 19th century.¹⁷ Historical animosities may resurface in localised and short-duration (but recurrent) conflicts, of which the Guinea Fowl war is emblematic. The reaction of states involved in the conflict differs and can encourage or discourage the trigger and diffusion.

In Burkina Faso, the Moose elite seem to have developed a protective role towards crop-producing peasants. The pre-colonial state's capacity for cavalry warfare served to protect local populations from more avaricious slave-raiding neighbours. Pro-peasant commitment on the part of the state animates contemporary agrarian development policy. State officials are vigilant in regard to the need to resolve local agrarian tensions before these get out of hand (Hagberg, 2005). The governments of Côte d'Ivoire and Ghana have been dominated by southern elites and the aspirations of Middle Belt peasants have often been misunderstood or ignored. This fact is clearly reflected in the handling of the cattle damage issue in Côte d'Ivoire and the trouble presaging the Guinea Fowl war in Ghana (Bassett, 1998; Oelbaum, 2010).

Nigeria is a particular case. Here the Middle Belt – a major recruiting ground for the army – has long been the political lynch pin of struggles to ward off secessionist threats to the Federation from both north and south. But old animosities between stateless groups and pre-colonial mercantile (slave-raiding) states appear to have taken on a new lease of life in the form of religious conflict. The issues are not only agrarian but also linked to religious agendas (Christian groups and Muslim activists). The risk of this type of conflict becoming intertwined with the global battle of religious fundamentalisms seems all too clear. The key issue to be addressed seems to be economic inequality and especially relatively highly educated but chronically unemployed young population. The circumstances of West African agrarian conflicts tend to be regionally particularistic and wider spread may be limited.

The strongest potential for the spread of violence is undoubtedly forest frontier conflicts because of the scale of resources exploited and the amount of material/arms that can be acquired. More importantly, these conflicts are politically sensitive involving national and international interests.¹⁸ The role of Colonel Gaddafi was manifest during the conflicts of Liberia and Sierra Leone. He is suspected of acquiring diamonds as a currency to fund international terrorism. This also brought about British involvement in the conflict, possibly linked to plans to limit the Libyan leader's influence.¹⁹

The difficulties²⁰ worsened since the forest is not just a frontier settlement but it is also a border area for disputed national ownership. For example, in the case of the Gola forest, the Taylor movement revived an old Liberian territorial claim to parts of southern and eastern Sierra Leone suppressed by the British power in the 1870s.

Mineral resource wealth in forests constitutes for all parties a political *causus bellae* as well as a means of replenishing the rebel war chest. In a region with negligent air control, mining and security companies have been able to resupply by aircraft either faction as soon as the war required more equipment. Some helicopter landing sites can be found in the depths of the forest itself, with weapons airlifted in and diamonds and gold easily taken out.

Forest frontier conflicts are classified as the highest level of global security risks. West African mineral resources became a subject of considerable interest to international investors. These conflicts have also attracted the attention of international criminal networks. Arms trafficking to and through these forest enclaves was a feature of the recent wave of wars in the Upper Guinea forest belt. The lack of state authority, especially in uninhabited border areas, attracts traffickers of all kinds, in particular drug traffickers that undermines regional stability.

2.6 Regional and local mechanisms of regulation

■ Land reform

In stands to reason that land conflicts should be addressed by land reform. Most West African countries have attempted to reform in the past 30 years and with rather variable results. The focus has been on land titling, and this raises logistical constraints due to the lack of adequate cadastral surveys. The challenges are much greater, however. The most widely accepted theory of land reform in Africa has been the “evolutionary model” (Platteau, 1996; Alden-Wily, 2007). This model argues that local land tenure rules and institutions are sufficiently flexible to adapt to changing economic conditions, up to the point where stakeholders are administratively involved in consolidating further developments. Platteau (1996) argues that the model is not adaptable, as it is based on the assumption of rational behaviour. Land is an expression of social identity and a way to earn an income. His reasoning adheres to Mary Douglas’ dictum (based on the ideas of Durkheim and Mauss) that the classification of land reflects the classification of people (Douglas, 1986; Durkheim and Mauss, 1963). Thus, land tenure law integrates how people are organised socially and the cultural beliefs that motivate their interactions. Platteau (1996) believes that efforts to codify these aspects of “living law” may cause disorder in current African conditions. It is a future challenge that African societies and their policies should focus on effective land tenure reform, as well as constitutional reforms of laws derived from the old colonial system.²¹

■ Peacekeeping

Agro-pastoral violence is localised and small in scale. Peacekeeping missions are not a suitable tool to address this recurrent and widespread form of insecurity in West Africa. National defence forces played an important role in restoring order after the Guinea Fowl war (agrarian conflict) and would perhaps have been even more effective if deployed earlier (Oelbaum, 2010). United Nations peacekeeping missions helped resolve forest frontier conflicts in Liberia and Sierra Leone. UNAMSIL (United Nations Mission in Sierra Leone) or UNMIL (United Nations Mission in Liberia) forces have both paid attention to forest areas. The Pakistan Battalion in Sierra Leone made regular helicopter sorties to the Gola forest edge (from Daru) and established a liaison with forest edge communities. In Liberia, the UNMIL has continuously strived to control armed ex-combatant groups in border forests.²² This situation shows how fragile the monitoring and demobilisation tools actually are.

■ Sanctions

The international community attempted from 1999 onwards to trace and cut off the flow of diamonds linked to the forest frontier conflict in Sierra Leone. The diamond industry established the Kimberley Process to request certificates for the origins of diamonds in international trade. A different approach is needed for gold, which has a potential to fuel future conflicts of the Sierra Leone and Liberian type. The approach must analyse the internal supply chains linking forest miners with merchants and purchasers of gold in the West African region in order to understand the long-established inter-regional networks. ECOWAS could undertake such a mission.

■ Transitional justice

The instruments implemented are the Truth and Reconciliation processes and War Crimes tribunals. These are relevant to forest frontier conflicts. The Sierra Leonean processes have had mixed results. The TRC (Truth and Reconciliation Commission) produced a vast amount of valuable testimony but was powerless to confront witnesses. The Special Court for Sierra Leone was extremely expensive. It lost some of its *raison d'être* in the eyes of the population when four major figures accused died before their arrest or during trial proceedings. The guilty verdict pronounced against Charles Taylor, the first elected head of state to have been sentenced for war crimes, may have an inhibiting effect on the spread of forest frontier conflict. Small-scale banditry may now be favoured rather than outright war. More relevant to the control of land conflict security risks will be to clarify national land law and individual rights in cases where significant ambiguities exist. Second, investments are needed to promote faster and less corrupt processes of local justice. Informal processes of dispute resolution may

give good results. Careful scrutiny of local custom and eliminating discriminatory practices (especially when they persist in constitutional documents) also seems to be an important step.

■ **Better monitoring**

A number of the violent conflicts described above got out of hand because of poor monitoring by appropriate security agencies. In the 1980s and 1990s national security agencies in a number of West African countries lacked basic tools such as radio or telephone connections and maps and satellite imagery for sensitive areas. Remoteness and access is always an issue for land conflicts, and especially forest frontier conflicts. Improvements at a technical level – including deployment of geographical positioning devices and the use of purpose-built geographical information systems – allows for much closer remote monitoring of potential areas at risk. National security systems are more adapted to urban security issues (especially in capitals) than to rural security breakdowns. The problem here is less the availability of accurate maps and GIS than the manner in which the security situation is represented. It is thus crucial to identify which data sets to monitor. For example, researchers have shown how to identify signs of unrest from linking, for example, climatic data and court records of cattle damage (Benjaminsen *et al.*, 2012). Police and other security agencies must be trained to assess data of this sort and draw valid conclusions to ensure timely and appropriate interventions.

■ **Administrative competence and vigilance**

A number of West African land conflicts of the agro-pastoral and agrarian type turn violent due to the delayed or ambiguous reaction of local or national authorities.²³ Reform of the local government, especially the administration of local justice, and awareness-raising policies seem to be crucial. Resort to violence is the result of lack of trust in these local procedures. Community capacity building in terms of informal dispute resolution should be explored. An inter-governmental peer review may be useful in identifying and disseminating best practice models given the different levels of vigilance shown by the states concerned (Hagberg, 2005).

■ **Creating jobs**

The wars in Sierra Leone and Liberia have ended not through political negotiations but by offering training and employment to young fighters. In general, creating jobs and facilitating migration appear to be priorities.

2.7 Challenges

The term “agro-pastoralism” implies a combination of settled agricultural activity and mobile pastoralism, and is distinct from “mixed” farming of crops and livestock in a fixed location. Mobility remains crucial to West African stock rearing, as explained above, because of rainfall seasonality and disease. “Modern” methods of stock rearing have been tried in the region but require heavy investment in pasture management and disease control. Improvements in production have been proven to be difficult when faced with individual arbitration. These conflicts inherent in West African agro-pastoral systems reflect the need for high-level animal mobility and the development of agriculture. While groups of peasant-slave backgrounds have gained in social status, aristocratic herding groups have tended to experience status decline. Opinions vary on the meaning of this status change and whether it makes agro-pastoral conflicts easier or harder to resolve. Where conflicts turn violent, the lack of legal clarity on the land rights of different groups, government inertia or weakness, and corruption are often more to blame than local differences in wealth or status. States and regional organisations must take responsibility with regard to the marginalisation of certain populations and the profit that mafia organisations could make (e.g. northern Mali).

Animal mobility remains a requirement to cope with disease and rainfall variation, and this seems unlikely to diminish in times of climate tensions. Farmers and herders have complementary interests. Rising prices for animal products and the decline of soil fertility seem likely to strengthen their mutual interests, so the incentives for dispute avoidance and conflict resolution will rise. But West African governments have shown little interest or lack of skills in resolving agro-pastoral conflicts and in supporting these changes in society.

Will land conflicts in West Africa be different in the future? One major new factor is the increase of large-scale land investments. Huge new plantations are appearing in West Africa, particularly in the wetter zones. Two countries most affected by forest frontier conflicts – Sierra Leone and Liberia – are now at the frontier of a new agro-industrial revolution. Local reactions are mixed, and trouble may be brewing.²⁴

One tangible result of agro-industrial development in Liberia is a vast new oil palm plantation located halfway between Monrovia and the Sierra Leone border. This plantation will create many jobs and, in that sense, is highly welcome. But if vast amounts of land are no longer available for local use and this process is not properly controlled and regulated by the states, new troubles may arise.

Finding an integrated solution to land security issues that combines factors of forest frontier conflicts with land ownership issues, while promoting investment and development in the region, is also among the future challenges. ■■■

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Notes

1. The term “land” here reflects countries.
2. Their presentation in this chapter compares the other two types of conflict and explores the nature of violent conflicts.
3. Herders are from the Fula (also FulBe, Fulani, Peul) language-speaking group. Fulfulde is an Atlantic language originating in Upper West Africa. Fula herders have spread eastwards as far as northern Cameroon over several centuries. They were early converts to Islam and have been instrumental in the spread of the religion in the region. The literature on agro-pastoral conflicts and accommodation is extensive. Most representative publications include Bassett (1988), Thebaud and Batterbury (2001), Turner (2004), Moritz (2006) and Crane (2010). A paper by Hussein *et al.* (1999) reviews the widely held belief that conflicts between pastoralists and farmers have increased in recent times driven by climatic instability. Thebaud and Batterbury (2001) state that Dafinger and Pelican (2006) usefully compare herder-farmer conflicts across two West African regions.
4. Tait (1961) is brief about the obligations of Dagomba overlordship: “Dagomba ‘rule’ was limited to sporadic raids to obtain the slaves needed for the annual tribute to Ashanti”.
5. Oelbaum (2010) gives detailed evidence on the agrarian developments (especially expansion of yam farming aimed at urban markets) that brought the Konkomba and Nanumba (especially) into close proximity (and competition) in the years immediately prior to the Guinea Fowl war.
6. The functioning of traditional marriage institutions among the Konkomba is explained in detail by Tait (1961).
7. This type of conflict is also dealt with in another chapter. As a category of land conflict, coming back to some of the causes allows for a comparative exercise with agrarian and forest frontier conflicts.
8. For an account of one of the most significant of these agro-pastoral conflicts in the north of Cameroon (the Mayo Kobo “war” (1996-99), see Moritz (2006). For agro-pastoral conflicts in the “grassfield” of the north-west, see Dafinger and Pelican (2006).
9. For one such instance, see Mokuwa *et al.* (2011).
10. The “Manifesto of the Oppressed Negro-Mauritanian” (Platteau, 1996). See also Turner (2004).
11. The problem is not necessarily resolved by current governance reforms. Peters (2004) refers to the combination of democratic reform and traditional law in Africa as sometimes resulting in what she terms “decentralised despotism”.
12. Field interviews, Kungbor, Gola Forest, Liberia, April 2012.
13. The exact relationship between Charles Taylor and the Sierra Leonean rebels has long been a matter for controversy. The judgement of the Special Court for Sierra Leone against Taylor delivered on 28 April 2012 offers an authoritative summary of this relationship. Taylor was an ally and advisor to the RUF but not its organiser or commander.

14. This force was known as ULIMO-K (United Liberian Movement for democracy). ULIMO had two "wings". "K" stood for (Alhaji) Kroma, the leader of the Mandingo wing.
15. Field work, various locations in the Gola forest, April 2012.
16. Perhaps an exception is when local farming groups lack centralised leadership. In these circumstances the dynamics of clanship may lead to rapid escalation. The Konkomba, for instance, were "instantly loyal to a fellow clansman, instantly aggressive to an outsider" (Tait, 1961).
17. For an informative account of warfare on the 19th century margins of the Sokoto caliphate (northern Nigeria), see Smalldone (1977).
18. In the case of the forest wars in Liberia and Sierra Leone much of the international intrigue came from Col. Gaddafi (Richards 1996, and forthcoming).
19. Both the involvement of Gaddafi and the British are traced in Richards (forthcoming).
20. Currently, the image of the Liberian Gola forest greatly influences the imagination of at least two of the political parties contesting the forthcoming presidential election in Sierra Leone. The president's party is rumoured to be recruiting Liberians to pose as "refugees" and "return home" to pack the vote. The main opposition party is rumoured to be organising Mende-speaking forest edge Gola and Vai villagers to cross the border and pose as Sierra Leonean "Mende" voters for the same purpose. The perpetrators of these rumours are secure because they know that few Sierra Leoneans know about social conditions in remote forest edge communities on the Liberian side of the border.
21. This broader sense of land reform, which is defined as a task that requires a commitment not to the property or market but to social justice is very well explained in Peters (2004).
22. For example, a recent outbreak of serious violence most likely perpetrated by un-demobilised ex-combatant groups in the Grebo/Tai forest reserves on the Liberia/Côte d'Ivoire border (June 2012). The UNMIL Grand Cape Mount County map for 1:150 000 shows 40 helicopter landing sites but only two for about 100 000 ha. of the Gola forest found in this county (Kavilahun and Soso Camp).
23. Thebaud and Batterbury (2001) refer to the "inconsistent role of the state in assisting or constraining pastoral livelihoods".
24. See for example Alden-Wily (2007): "sentiments in study communities [in Liberia] suggest that the [government] habit of leasing community property to companies is decreasingly tolerated".

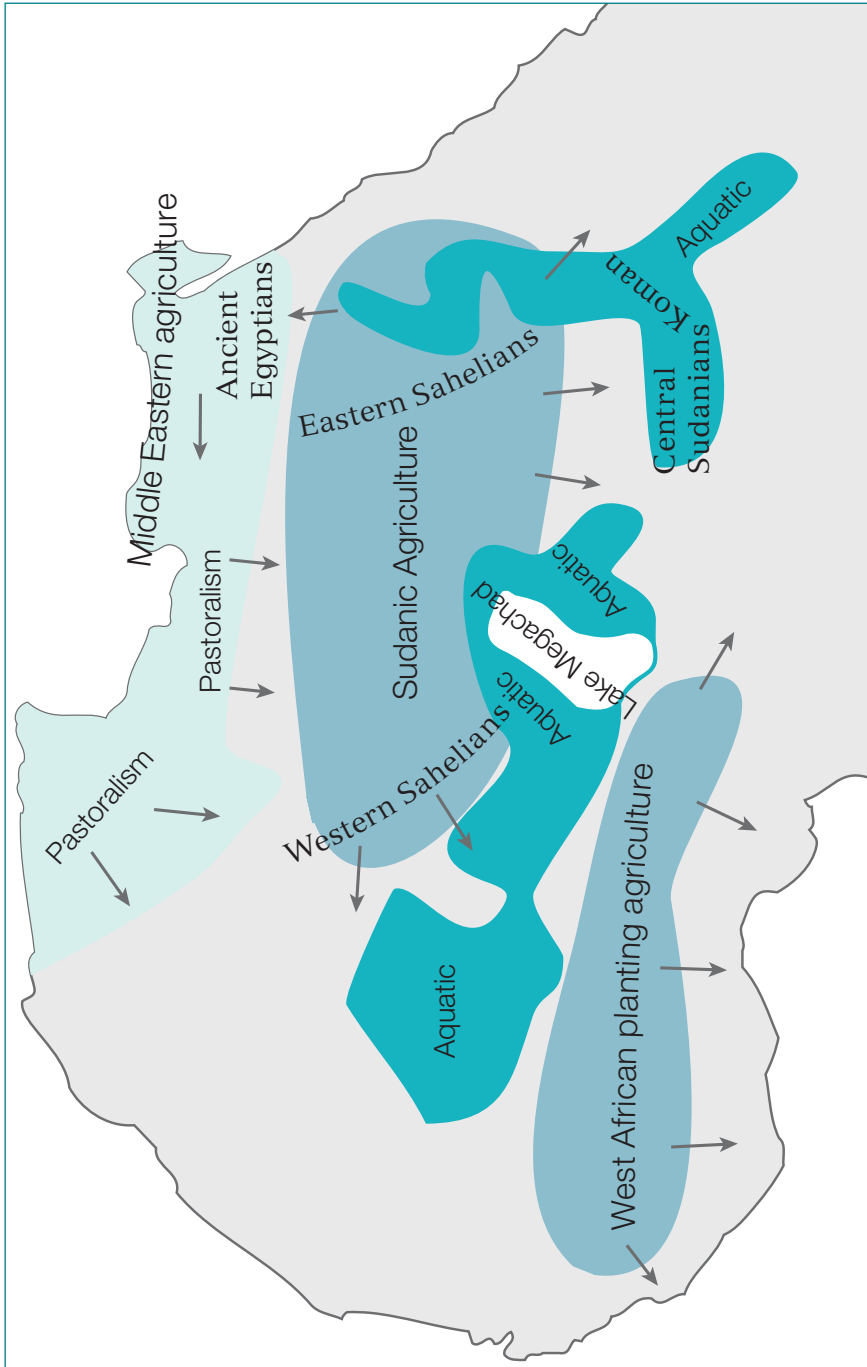
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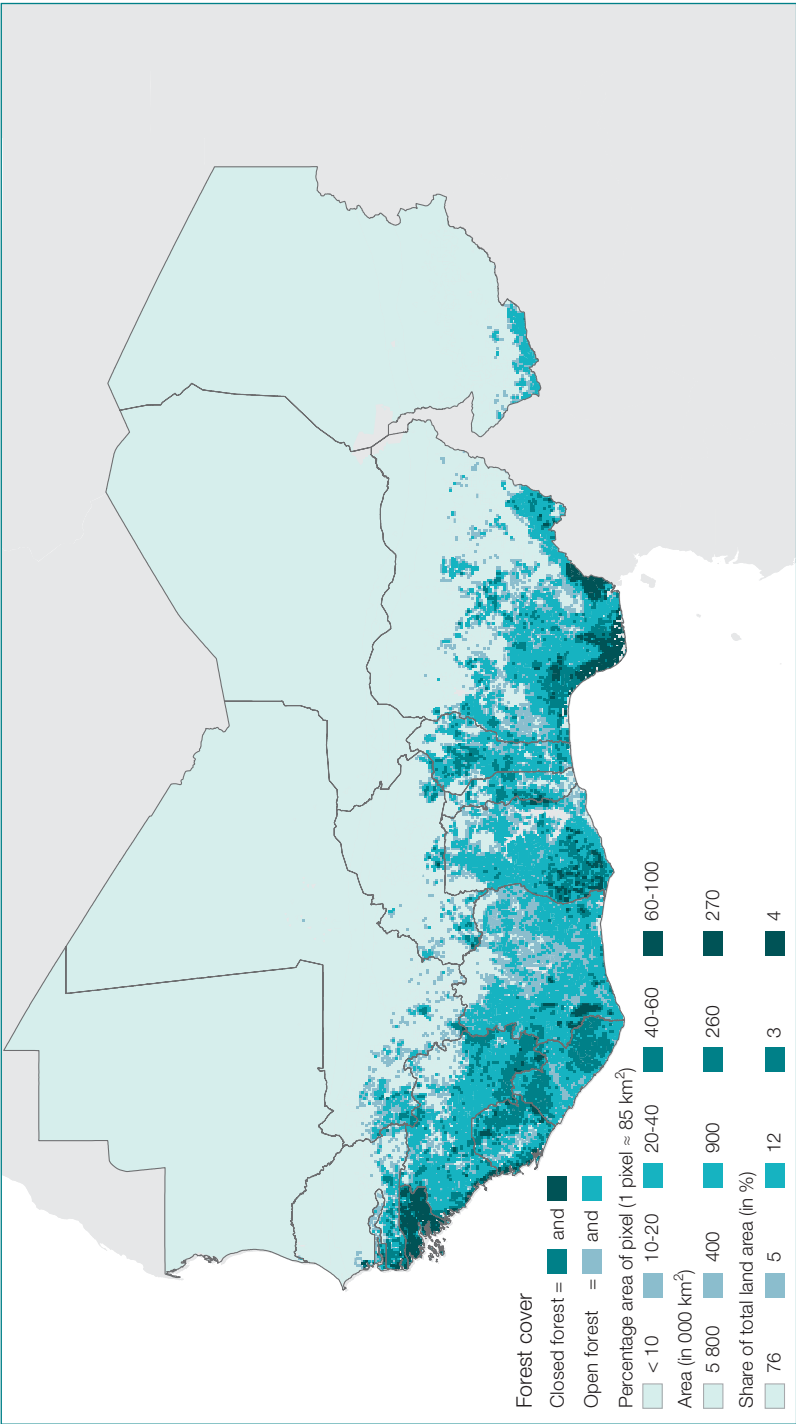
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Country	Strongly agree	Agree	Disagree	Strongly disagree
USA	15%	35%	25%	25%
Canada	20%	40%	20%	15%
UK	10%	45%	25%	20%
Germany	15%	40%	25%	20%
France	10%	45%	25%	20%
Italy	15%	35%	25%	25%
Spain	10%	40%	25%	25%
Japan	15%	35%	25%	25%
South Korea	10%	40%	25%	25%
Australia	15%	35%	25%	25%

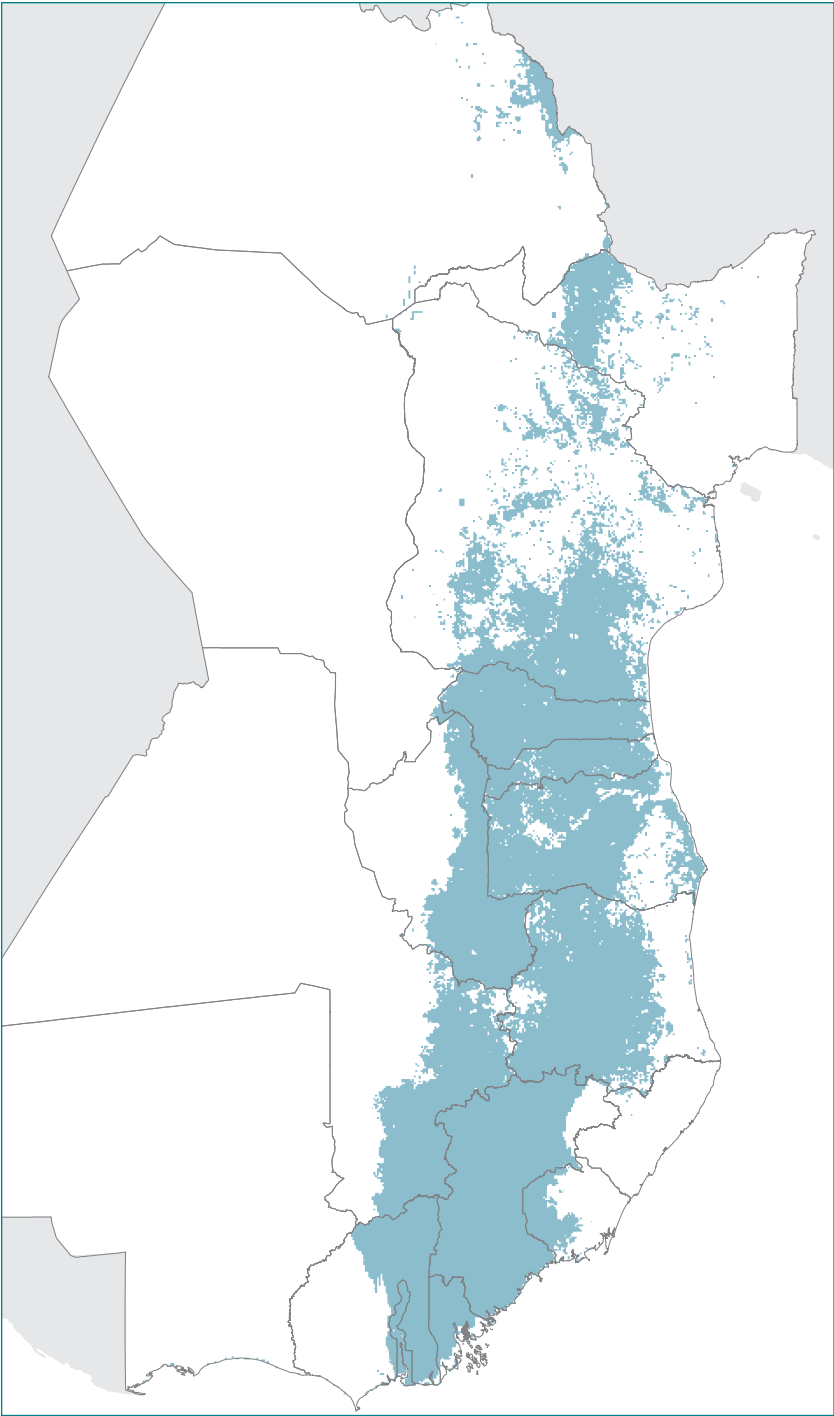


Source: Ehret 2002

Map 2.2 – Forest cover in 2000

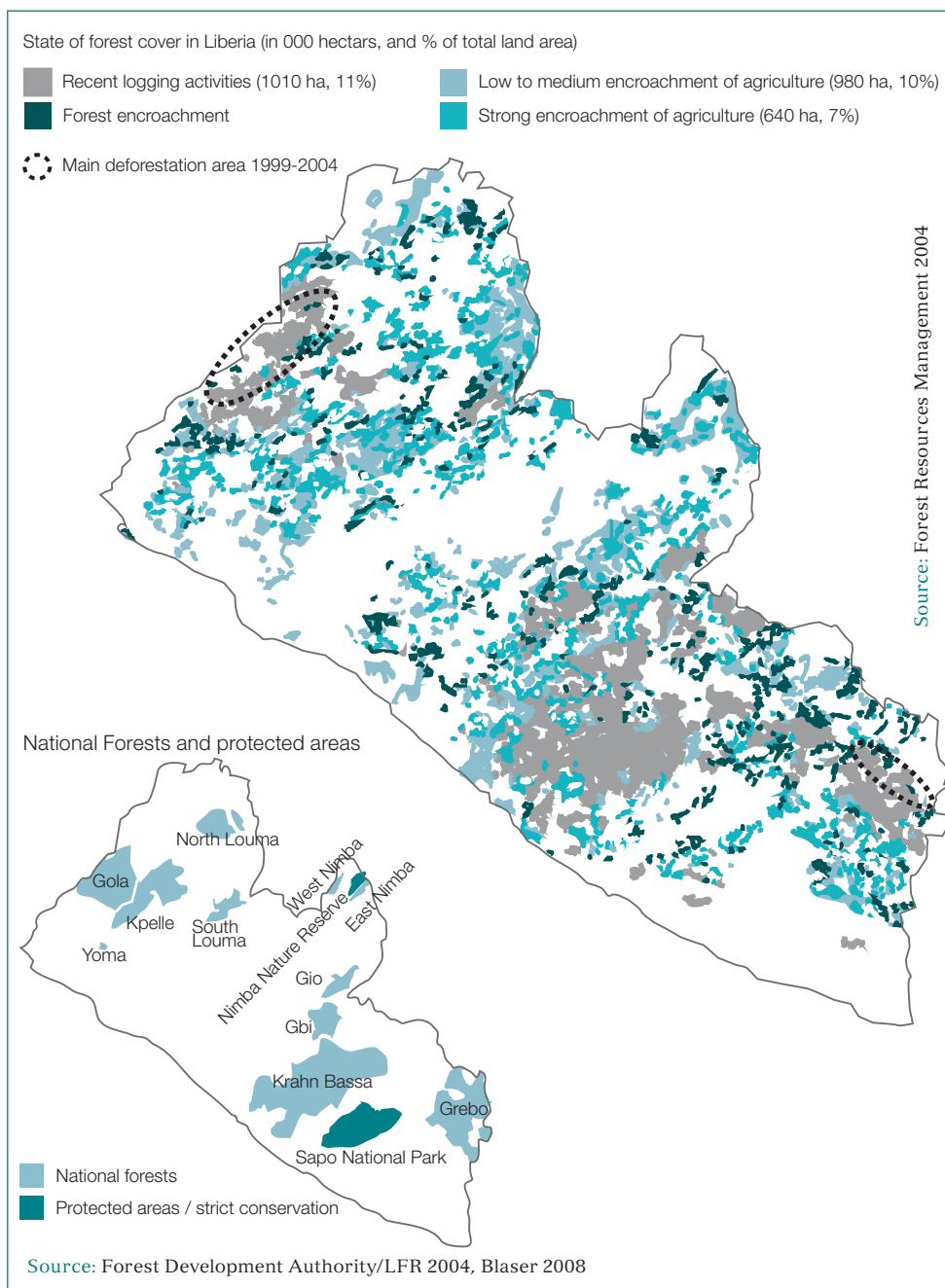


Map 2.3 – Glossina (tsetse) – Distribution of Morsitans group species

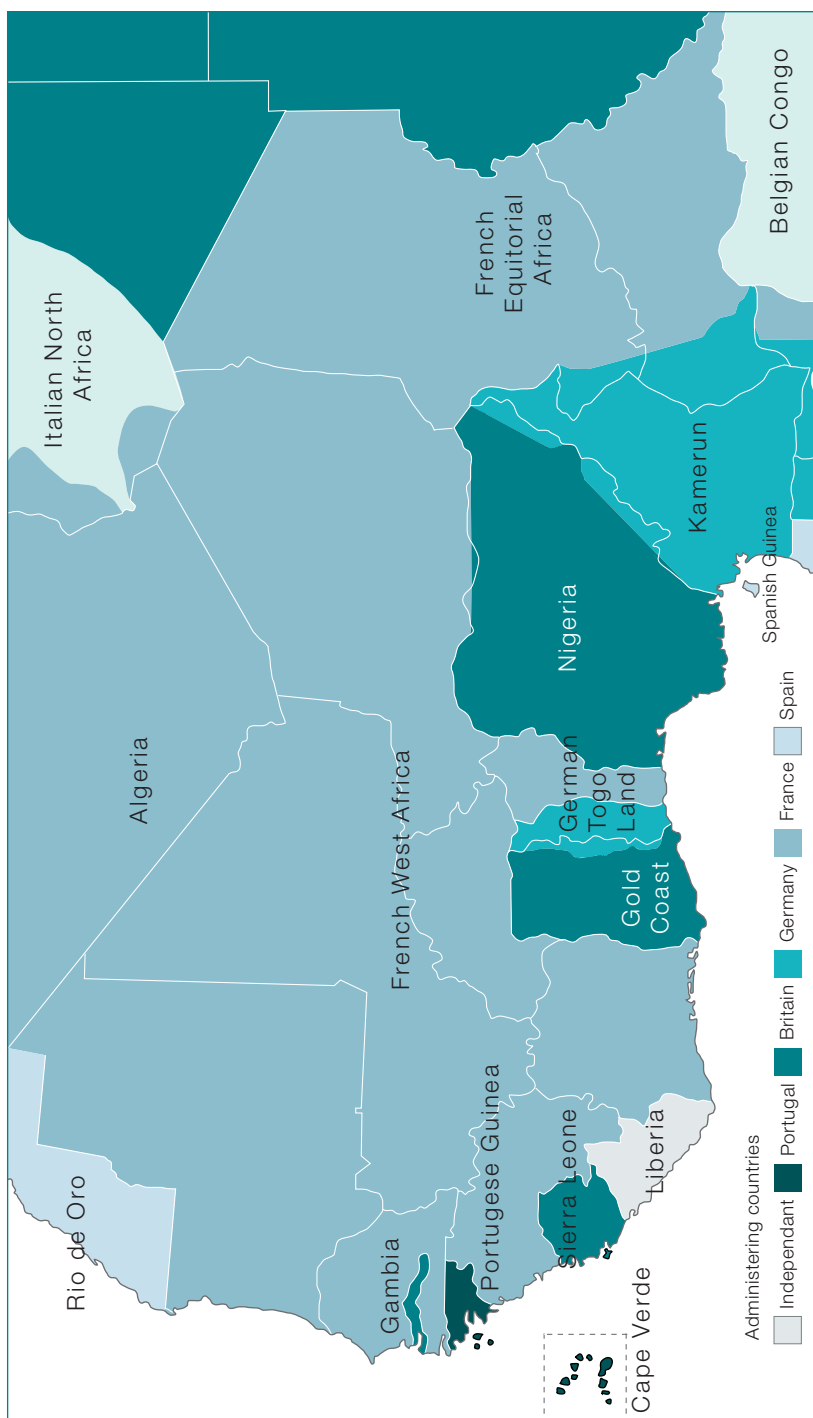


Source: FAO 2006

Map 2.4 – Forest frontiers Liberia



Map 2.5 — Administrative boundaries 1900–1914



Source: The National Archives, UK

Chapter 3

Agro-pastoral tensions

Based on a contribution from

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Abstract

West Africa is a “zone of instability” in particular because of long-running tension between sedentary farmers and nomadic communities. These two groups have for a long time co-existed in a complementary way, sharing the same ecological niche and common pool resources. This relationship is now weakened by competition and conflict. This is a result of several factors, which include changing demographic, social, political, and environmental conditions. The tension threatens peace and regional security. The formal mechanisms of conflict resolution have thus far not succeeded. A number of factors (the proliferation of small arms and light weapons, poor regulatory mechanism for arms and ammunitions, upward trends in population density) will continue to heighten agro-pastoral tensions and other forms of conflict in the region and beyond.

3.1 Definitions

Tension between farmers and pastoralists constitutes a major source of insecurity amongst West African countries. The nomadic and the semi-nomadic pastoralists move within and across countries principally in search of pasture and water for their herds. Contact and clashes with settled sedentary farmers have existed for centuries.

Lewis Coser’s definition of conflict is particularly relevant in describing this type of tension. It is “a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflict groups are not only to gain the desired values, but also to neutralise, injure, or eliminate rivals” (1956). Hussein (1998) and Hussein *et al.* (1999) point out however that the concept “conflict” is an umbrella term which covers several types of interactions and scales: arguments, disputes, evictions, raiding of livestock, theft, killings, large-scale violence, etc. In order to clarify this uncertainty, the authors distinguish between three stages: conflict of interest, competition and violent conflict.

Conflict of interest is defined as the relationship between people sharing the same social and geographical spaces on a permanent or temporal basis and depend on the same resources, such as land and water, while having divergent objectives and interests. This type of conflict occurs within and between groups.

Once there is a conflict of interest, a stage is set for competition that may lead to violent conflict. Toulmin’s study (1983a) distinguishes between three resource users in semi-arid Africa who are engaged in a competitive demand for the resources: sedentary cultivators, pastoralists and new livestock owners. Violent conflict in this context is

Box

Theoretical trends

One of the more widely cited theories is that of Hardin (Hardin, 1968). It is also a controversial theory with regard to the range-land tenure and resource conflict approach. This approach developed in the 1960s, claimed that traditional common land tenure systems encouraged the degradation of natural resources. Hardin argued that overstocking was inevitable as herders owned livestock on an individual basis and competed for grazing resources that were unregulated common property.

The *environmental scarcity theory* (Homer-Dixon, 1991, 1994; Gizewski, 1997) presents conflict as an inevitable outcome of competition over scarce resources but necessary to achieve to secure livelihoods. Homer-Dixon (1994) argues that environmental change, population growth and unequal social distribution are the three main causes of scarcity (which leads to violent conflict).

The *greed versus grievance* debate articulated in the works of Collier (2000) questions the role of scarcity (or grievance in this case) in conflict causation. The influence related to proxies for *greed* (economies based on primary commodities) is greater than proxies for *grievance* (inequality, lack of political rights, etc.).

In this view, the drivers of conflict are thus the potential economic benefits derived out of war. Keen (1998) speaks of economic subversion being the main cause of violent conflict whose intensity increases with the dependence on "natural resources".

Baechler (1999) does not establish a direct causal link between scarcity and violent conflict. "Only in exceptional cases or at some turning points in history the competing interests dominated the common interests to the degree that the combination of factors intentionally led to violent struggles over access to resources".

"Scarcity has always been an elementary and ever present condition of existence throughout human

history" (Baechler, 1999). Episodes of harvest failure and shortages brought about by warfare and social and environmental dislocations characterised all historical epochs (Hillyard, 1999). Tensions over scarce environmental goods are hence not at all a new phenomenon; they form an intrinsic part of dialectical interactions between human beings and nature.

Lottimore underlines that by restricting the mobility of a group that was historically mobile, the policies and changing lifestyles have rendered nomadic pastoralists more vulnerable to the vagaries of social and natural scarcities (1940; 1966). How and when does the breakdown of different regulatory mechanisms and scarcity (natural or otherwise socially and politically manufactured) lead to conflict between resource users?

Most of the traditional common tenure regimes permit joint management of land and therefore limit the ability of any one group or individual to control access. In this way, "scarcity and its resulting hardship" become not the burden of any group or individual but "a shared phenomenon" (Hildyard, 1999).

The central point of the argument here is that where abundance is distributed with some level of equity, scarcity too will be spread out to some degree. The deletion of common property regimes through a combined process of appropriation of land, the transformation of cultures into a commodity for grazing, and the lack of legal framework weakens this balance. This chapter thus argues that pastoralists are pushed into the fringes of society not as a result of "scarcity" of land and pasture or "over population" but through a sustained process of agricultural colonisation, political marginalisation and social exclusion (theoretical perspective of the political economy of scarcity). ■■■

defined as any form of violence between farmers and pastoralists which implicates the control of a group over the other. There is no automatic cause-effect relationship between the three categories; the likelihood is increased with scarcity of resources and the asymmetrical effects of this scarcity (for example, between farmers and pastoralists).

3.2 History

Farmer-pastoral tension has deep-rooted ancestry. “The conflict between the nomad and the settled farmer goes back to the earliest written records and is mythically symbolised in many cultures” (Blench, 2003). In 1953, Spate mentioned three recurrent themes characterised by a geographical dimension: conflict between townsmen versus farmers, sea power versus land power and peasant farmers versus nomadic pastoralists.

In 19th century southern United States, Owsley (1945) has documented how pastoralists were gradually pushed out from the best pasturelands by “agricultural settlers – who cleared and fenced the land and brought along their own smaller herds”. “This old phenomenon dates back to ancient times, where an agricultural economy has driven the livestock grazer into the deserts and the mountains, except in those states where the herdsmen control the government”. The nomadic Huns and Mongols invaded weak agricultural states and imposed their economic system. Also, in mountainous countries like Greece and much of the Balkans, livestock grazing assumed more importance than agriculture and was thus able to displace the farmer from agricultural lands.

In the Sahel and also in other regions, ecological changes influence population movements, creating the conditions for economic exchange, political contest and social interaction. Smith (1992) shows, for instance, that in South Africa it was the Iron Age agriculturalists that modified the landscape by introducing superior technology. Once they have done that by removing the woody vegetation, a greater pastoral environment opened up. “Thus the pastoralists may have pressured farmers not only for the product of their (farmers) fields but also for the fields themselves”. The southward movement of both sedentary cultivators and nomadic pastoralists is also explained by the increasing aridity of the western Sahel, beginning in the early 17th century (Webb, 1995).

Farming peoples in the northern savanna, who had been practicing rain fed agriculture, either choose to move into more humid lands or to transform their styles of life. A similar crisis confronted the herding peoples of the desert frontier who were forced to choose between moving south as the desert edge pasturelands for Sahelian cattle withered, or practicing camel herding, which is more suited to the arid environment than cattle.

Nowadays, livestock is the primary means of livelihood for over 12 million people in West Africa. Over 70 million habitants also depend on livestock and livestock-related enterprises for their livelihood (Nura, 1996). The sector is dominated by traditional systems of production, processing and marketing and the nomadic and semi-nomadic pastoralists hold a large proportion of cattle, camel, sheep and goats. The pastoralists operate within an expansive geography, oscillating between their major base in the semi-arid north during the rainy season and the wetter south during the dry season.

3.3 Causes of agro-pastoral tensions¹

Several hypotheses have been advanced.

- The decline of arable land and pastures. Pastoralists are thus compelled to move across regional boundaries and graze their animals on farmlands.
- Farmers and pastoralists live in the same ecological niche and share common pool resources. Pastoralists are dependent on food staples produced by farmers, much as farmers also often need the protein and dairy products produced by the pastoralists. A circular relationship exists: according to Monod (1975), “no nomad can exist for long without contact with sedentary people”. Thus, the Touareg nomads of the Sahara maintain regular contact with oasis dwellers. This was already the case in relation to the Mesopotamian nomads of the Third Millennium BC, who maintained reciprocal relations with sedentary communities, exchanging cattle and wool for grain and other commodities (Edzard, 1981).

The growing pressure on natural resources caused by human population increase, the growth in the population of herds and the extension of cultivated areas are regularly put forward to explain the preponderance of conflict between farmers and pastoralists in West Africa (Breusers *et al.*, 1998). However, recent work by Milligan and Binns (2007) in northern Nigeria questioned these conclusions. These authors argue that other elements should not be ignored, in particular, “the role of power, history, and symbolism in the dynamics of rural society or even the degree of heterogeneity and disequilibria in the natural environment”.

Agro-pastoral conflicts that remain localised or spread in a more violent dimension is the result of a complex combination of factors in which it is sometimes difficult to identify the most influential factor or trigger. More specifically, these factors are the following:

■ Environmental factors

Between the early 1970s and mid-1990s, the Sahel has known major climatic variations. An indicator was the decline in rainfall by an average of more than 20% (Brooks, 2006). This resulted in drought and famine.

According to Scoones (1995), farmer-herder conflict is likely to be more acute in the semi-arid zone (500-750 mm average rainfall per year). This zone falls between the arid lands where only livestock based production systems are possible and the more humid zones that can support crop production systems. The region lies between the Sahara and the Sudanian zone that encompasses most parts of West Africa. This zone favours contact between farmers and herders as it is favourable for both finding new pastures and expanding crop cultivation (Hussein, 1998). One important environmental characteristic which affects the livelihood strategies of both crop and livestock farmers is the low level and unreliability of rainfall. As Brown and Crawford (2008) rightly observed, "Climate change is not new to Africa. West Africa in general and the Sahelian region in particular are characterised by some of the most variable climates on the planet". Nyong (2005) thus defines:

- Regular seasonal pattern of the monsoonal systems that bring rain with a wet season spread over 2-5 months. Spatial and temporal distribution of rainfall over the wet season is irregular and highly unpredictable: coefficient of variations of 20-30% or more.
- Considerable rainfall variability on both inter-annual and decadal timescales throughout the twentieth century while palaeo-environmental and historical data also indicates significant rainfall variability on centennial and millennial scales.
- The short wet season results in the area supporting lower biomass content compared to arid lands with comparable total annual rainfall.
- The intensity and multi-year persistence of drought conditions. Mean rainfall, for example, decreased by 25-40% between 1931-60 and 1968-97 and since 1970 nearly every year has been anomalously dry.

Climate variability in the region has increased with a period of unusual high rainfall from the 1930s to the 1950s followed by an extended cycle of drought for the next three decades (Brown and Crawford, 2008). The 1968-74 Sahelian drought and famine decimated human and livestock populations provoking a mass migration of human and livestock population across the region. From that period onwards, human and livestock

population movements became altered with serious consequences on resource use, competition and conflict.

According to Moorehead (1989), conflict between farmers and pastoralists in Mali's Niger River Delta started to occur when the delta became drier and local farmers begun cultivating deeper parts of the delta, including stock routes leading to the flood plains. Consequently, pastoralists resorted to crop-damaging measures that initiated a conflict. According to Breusers *et al.* (1998), the droughts of the 1970s and 1980s not only led to an increase in competition over natural resources between farmers and pastoralists due to what they called "a saturation of space", but it also resulted in a breakdown of the balance between the two groups. The two production systems have converged with farmers engaging in cattle breeding and pastoralists in agriculture, thereby leading to the reduction of both ecological and economic complementarities between the two groups.

Yet, while it is recognised that the environment and its associated factors – environmental degradation, resource scarcity and climate change – may often play an important role in the causation and continuation of conflict, they are rarely the only or even the most important factor (Frerks, 2007). Conflict is often caused by a multiplicity of factors acting together. This challenges simple (neo-) Malthusian approaches that place emphasis on mono-causal or reductionist environmentalist explanations in which scarcity leads directly to conflict. Thus, it is imperative to consider other factors in the explanation of resource use conflict between farmers and pastoralists (Frerks, 2007).

■ Social and political factors

"Ecological borders are, in most cases, also ethnic and cultural borders [...]. (They can become) lines of demarcation, where people meet to co-operate or to fight" (Suliman, 1997). Since crop cultivation and pastoralism as two distinct production systems are associated with specific cultural groups, it is difficult in determining whether such conflicts are indeed "farmer-pastoralist" conflicts. These nuances explain why some of such conflicts are easily resolved while others escalate into more complex and wider conflicts with intensity bordering on a war.

"Property and access rights are embedded in a myriad of social and political relations. In this complex, issues of identification and ethnic and religious identities need to be included, as they are not only vehicles for the mobilisation of people in case of violent conflict, but also are constitutive for the determination of membership of groups that are excluded from access to resources" (Frerks, 2007).

Based on their status in the local and broader political economy of a nation or region, specific groups of people, such as, the pastoralists in most West African states in the contemporary period may be denied access to resources or can be increasingly marginalised.

■ Structural factors

The rising level of competition between farmers and herders also arises from agricultural encroachment on pastoral lands and a sense of political powerlessness of herders (Toulmin, 1983a). In northern Cameroon, herders feel threatened by agricultural colonisation. Herders question the neutrality of the state during crises with farmers (Marty, 1992).

In northern Nigeria, some pastoralists of the Hadejia-Nguru wetlands denounce the rules governing the trespass of animals and the modalities for dispute resolution. “The *Alkalis* or judges will always say it’s the cattle that move to meet the farm; it’s not the farm that move to meet the cattle” (Rowley and Winter, 1998). Some speak of colonial and post-colonial state’s “farmer-bias” in development policy. Traoré argued that it may also make sense to think of “straying fields” into grazing lands to describe a situation in which the agriculturalists are causing the conflicts and not the herders (1996).

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Furthermore, many states do not know how to deal with transient populations such as nomadic pastoralists and their concerns. A number of biases may also persist. In effect, while resource scarcity has always been part and parcel of the dry land ecologies

Box

The Lake Chad basin

Lake Chad is a major wetland in the semi-arid Sahel corridor. 11 million people directly depend on the Lake and its hinterland for survival (FAO, 2004); as well as other farmers, pastoralists, fishermen, hunters, traders who live in the four countries that directly share the Lake: Cameroon, Chad, Niger and Nigeria. Lake Chad has decreased by about 90% since the 1960s, from 23 000 km² to 1 350 km² by 2001 (Giwa Report, 2004). The aquatic vegetation along shores of the Lake totally disappeared by 1973 causing serious ecological and social consequences (Lemoalle, 2004). It has favoured intense competition between the various resource-users, in particular, between farmers and pastoralists.

In addition to the recession of the Lake, human and livestock populations are increasing while pasture

resources are declining. A study by Sid Ahmed (1996), using historical data (1960 to 1996) collected from 36 dry land countries, used AGROSTAT estimates to compare the trends in livestock and human populations with the changes in permanent pastures. Area-wise, the permanent pasture remained unchanged over three decades whereas the human population increased 2.6 times more. Livestock numbers increased from 400 million heads in 1961 to 600 million heads in 1995. Furthermore, grazing resources, including pasture and water, are found in different places at diverse periods of the year, hence this explains the need for mobility among pastoralists for opportunistic resource use creating competition and conflict. ■■■

within which pastoralists operate, pastoralists have adapted through mobility and complex access rules negotiated with farming communities. The contemporary difficulties experienced by pastoralists in accessing resources, and hence the conflict with farmers, could be explained more by politics and the complexity of parameters involved rather than only by ecology.

With the exception of a few countries such as Chad, Mauritania, Mongolia and Somalia, pastoralists are typically minorities within national populations (Nori, Switzer and Crawford, 2005). In addition, political borders are thus often drawn through traditional territories of pastoralists. They are therefore prone to remoteness from the centre of the state/nation.

Furthermore, from a land rights perspective, it is easier for farmers to claim ownership and access it. Pastoralists do not own the land they use and settle on (Dafinger and Pelican, 2002). Thus, within the context of the contemporary political economy and land use pressures:

Pastoralists in West Africa dry lands have little legally recognised tenure security over their traditional grazing lands. In many countries, pastoralism is not legally recognised as a productive use of the land (*mise en valeur*) and as a consequence, pastoral lands have been subject to expropriation by the state and marginalised in favour of agricultural use (Leonard and Longbottom, 2000).

In the past, when the balance of power between pastoralists and farmers was in favour of pastoralists in some West African states, pastoralists had a secured access to land and its associated resources. Under the Fulani social, political and religious organisation known as the *Dina* in Mali, all the pre-existing forms of social and political organisation were made subordinate to pastoral priorities (Diallo and Maiga, 1998). This system was in operation during the theocratic rule of Sekou Amadou (1818-62). In particular, the *Dina* developed a land tenure arrangement which divided the delta as a whole into agro-pastoral territories known as *leydi* and the grazing lands of the *leydi* were divided among the important Fulani chiefs. However, with the colonial conquest in 1894, the demise of Fulani political dominance and hence the collapse of the *Dina* system, the balance of power gradually shifted. The French colonial government passed a law in which those who used the land for agriculture were deemed by the administration to have stronger rights of land use and appropriation. The prevailing organisation has changed. While the *Dina* was an all-inclusive system which considered the interests of crop farmers, pastoralists and fisheries, the following system is alleged to have created

a conflict between pastoral interests (based on the *leydi*) and the agricultural village system (based on farm plots).

Illustrating the situation of pastoralists in the region of Sokoto (Nigeria), Awogbade (1983) recounts that before the period of the Caliphate, the nomadic Fulani had to negotiate for permission to graze in the areas they moved into. “In return for grazing rights and the promises of protection from the local people, the ‘rulers’ demanded for tributes and courtesy calls to be paid annually as acknowledgement of their rights to the land”. This situation changed with the formation of the Caliphate:

They gained rights to grazing grounds, recognition of travel corridors for livestock, and more clearly defined rules governing grazing facilities. Their new rulers wished to ensure their continued support. Equality with other Fulani and the replacement of the Hausa leaders by the settled Fulani made life more tolerable [...] in terms of the use and access to grazing resources, a factor which improved relations between the Fulani and the indigenous communities. These changes also introduced some pastoralists to a settled way of life and to positions of power (Awogbade, 1983).

In the case of Nigeria, land use conflict between arable farming and pastoralism is basically a recurrent one “arising from differences in the perception of land resources, the institutional tools for utilising the land resource base, and the very process of land utilisation between the two systems of production” (Baba, 1986).

■ Demographic factors and land pressure

If the census figure is projected back to the pre-colonial period, the human population for the whole of Nigeria may have been as low as 10 million in the late 19th century. If this is compared with the present population of some 140 million (National Population and Housing Census, 2006), the land area under cultivation in the earlier period would have been less extensive and pastoralists and cultivators could have existed without much friction (Blench, 2005).

A study of North Borgou in northern Benin showed how conflict developed between farmers and pastoralists as a result of changing demographic and environmental conditions (De Hann, 1998). The area is a meeting point between peasant farmers and pastoralists. It was originally inhabited by three major groups namely the *Bariba* and the *Boko* (who had developed farming) and the *Dendi* (who combined farming with fishing). The Fulani pastoralists migrated to the area more than a century ago. Thus they had to ask the already settled farmers for permission to use the land.

A pattern of symbiotic relationship had developed between the farmers and the pastoralists “including the bartering of goods, services, as well as ways of sharing space, which ensured the best living conditions in the fairly capricious, sub-humid and semi-arid climate”. Some proposed reasons for the development of agro-pastoral tensions include the expansion of agricultural cultivation into grazing areas, the damage to crops by herds as well as “weakened passages to grazing areas and watering points”. The passages to the Niger River in the dry season pass through irrigated market gardening and cultivation on the banks of the river. Local authorities intervene when a valuable crop like cotton is damaged. Occasionally, violence and even deaths occur (De Haan, 1998).

Pastoralists in West Africa have traditionally depended upon the availability of crop residues especially for dry season grazing. Farmers benefited in return by having dung deposited on their fields (Thomas and Barton, 1995; Shettima, 2009). Such reciprocal arrangements are breaking down as human and livestock populations increase and cultivators diversify into animal production. Thus, pastoralists’ access to crop fodder is becoming increasingly commercialised. The shift from exchange based relations to the marketisation and commodification of environmental resources and crop residues has intensified the pressure making it more desirable thus increasing the potential for opposition and conflict between the two groups. The gradual and sudden changes in livelihood systems can combine with economic, social, religious and political variables, creating tensions, especially if these changes are not accompanied by policies.

While these factors taken individually or collectively are all important explanatory variables in understanding agro-pastoral tensions in West Africa, some have argued that a particular type of conflict linked to poverty, environment or ethnicity is fundamentally flawed (Ohlsson, 2003). There is the need to incorporate the several factors including environment, poverty, ethnicity, etc. into a common framework by concentrating on the importance of livelihoods: “Poverty may be a near-endemic condition in certain societies. Loss of livelihoods, however, marks a rapid transition from a previously stable condition of relative welfare into a condition of poverty or destitution [...] such losses of livelihoods are often caused or exacerbated by environmental degradation” (Ohlsson, 2003).

3.4 Manifestations and scales of insecurity

There are multiple consequences of agro-pastoral tensions. They impact on food security in structurally vulnerable areas as illustrated through the example of the fadama communities of Nigeria’s northern state of Borno. Farmers and pastoralists asserted that tensions have occasionally intensified with serious repercussions for agricultural

productivity. The fadama farmers are also affected by the frustration forced to abandon cultivating some particular crops. Also, in the Bama Local Government Area of the state, the farmers no longer cultivate tomatoes which used to be planted with onions. In the Monguno Local Government Area, the diversity of crops they can cultivate have been limited (Audu *et al.*, 2007).

There are links between localised tensions between agro-pastoralists for the use of resources and more serious crises, for example, that between the Touaregs and the states of Mali or Niger, as well as the recent war in Chad. A reciprocal diffusion may exist between these levels due to the extraterritoriality of nomadic routes. In the Chad basin, events across the border directly influence the lives and livelihood of pastoralists (Moritz, 2005). Some indeed argue that the Chad basin is the locus of several partially overlapping ecological, cultural, economic and political zones. These zones can also be crisscrossed by criminal transnational networks (Roitman, 2004). A good example of such a transnational network is the transit of cattle through the ancient routes from Sudan through Chad and Cameroon to Nigerian livestock markets.

This complex regional ecology is correlated with the issue of environmental conflicts: the 1983 war between Nigeria and Chad that was started by a conflict between fishermen. In the Diffa Department (Niger), at the borders of Lake Chad and close to Nigeria, Cameroon and Chad, conflicts between *Tubu*, Arab and Fulani herders over wells articulated as well as the civil wars in Chad (Thebaud and Batterbury, 2001). In 2002, some 20 000 Fulani cattle herders fled Nigeria and sought refugee in Cameroon to escape clashes with farming communities on the Mambila plateau in Taraba state (IRIN News, 15 April 2005). Similarly, in the Senegal valley, conflicts over natural resources between herders, farmers and fishermen articulated with other types of tension escalating into border conflict between Senegal and Mauritania in 1989 (Schmitz, 1999).

In some East African countries (Ethiopia, Sudan and Somalia) “pastoral related-violence influenced by outside factors has fuelled larger complex political emergencies resulting in famine and mass displacement of civilian populations” (Hendrickson, 1997). The conflict in the Darfur region of Sudan is a case in point. The relations between the African and Arab inhabitants of Darfur have been tense for a long time. Darfur was the centre of the slave trade in Sudan, with slaves sent across the Arab world. In more recent times, much of the conflict has been rooted in competing means of livelihood. The African populations are sedentary

farmers, while the Arab communities are nomadic herdsmen. Since the drought of the 1980s, the nomadic tribes from the more arid northern part of Darfur have been pushing further south into the semi-arid and humid mountain areas of Fur territory and staying much longer than they previously did. They found themselves in direct confrontation with the sedentary farmers “whose crops may be trampled on and consumed by herds of camels or cattle. Some of the African communities resorted to self-defense groups in the 1990s to protect their crops, homes and families from incursions by the Arab camel or horse-mounted raiders, many of whom have also been armed” (*Human Rights Watch*, 5 May 2004).

Farmer-pastoralist conflict poses a security risk to the region. The tension is seen by authorities as less disconcerting when compared to more violent conflicts such as civil wars, insurgencies and religious and fundamentalist struggles. One of the reasons is that agro-pastoral conflicts are seasonal, less political and located in remote or rural areas such as dry lands, wetlands, and mountainous regions. Furthermore, they do not generate population displacement or mass destruction of public infrastructure in the manner of civil wars and insurgencies.

There is however growing concern among scholars and policy makers that these relatively smaller, low-level conflicts between farmers and pastoralists, which may be regarded as “localised green-wars”, will increasingly articulate with other conflicts of interests and lead to intra and inter-state wars (Bennet, 1991; Kaplan, 1994). Implications for food security, regional peace, security, co-operation and development could therefore be very serious.

3.5 Resolution mechanisms

There are a number of mechanisms for resolving farmer-pastoralist tensions and associated insecurity. Here are some examples (Nyong, 2005):

Table 3.1 > Agencies for agro-pastoral conflict resolution

Institution	Type of institution	Defining characteristics
Social institutions	• Family, kinship and clan • Age-grade and ethnic • Land tenure associations	• Network of relationships • Emphasise collective decision-making • Communal ownership of land

Institution	Type of institution	Defining characteristics
Economic institutions	• <i>Fadama</i> associations • Miyetti-Allah cattle rearers • Various craft organisations • Indigenous co-operative societies	• Technologies for primary resource utilisation • Experiences • Assist in times of crises • Rooted in local culture and social values • Uphold holistic view of nature
Judicial institutions	• Native court system at family to chiefdom levels • Village by-laws	• Settle internal disputes and litigations • Jurisprudence and wisdom of elders
Political institutions	• Chieftaincy system from family to chiefdom levels	• Custodian of lands • Transactive decision making • Hierarchical levels of authority
Religious institutions	• Ancestral worship	• Basis of morality • Code of conduct

Source: Nyong (2005)

If formal institutions have legal clout, they remain unfortunately powerless. Military and security forces are accused of applying disproportionate measures of “peace enforcement” and “law enforcement” rather than “reconciliation”. A number of official interventions are vitiated by bureaucratic bottlenecks and denial of justice, extortion and corruption.

Among the mechanisms associated with international and regional inter-governmental agencies, the West African regional mechanism for conflict resolution under the auspices of ECOWAS as well as the AU Peace and Security Council stand out. But so far, these regional institutions have been deployed in addressing civil wars, military coups and terrorism. Agro-pastoral tensions are rarely on the agenda.

Civil society and non-governmental organisations particularly farmers’ unions, trade associations, religious institutions, and local development associations regularly take part in resolving tensions. Farmers and pastoralists are united by different associations in which they have differentiated and conflicting interests. Therefore, more “neutral” agencies with broader membership and moral authority for conflict resolution (such as religious councils or mediators) seem to play a more productive role.

A final source of conflict resolution is communal intervention. It involves traditional rulers, tribes, clans, lords, elders, etc., particularly in the case of conflicts involving

direct confrontations and loss of lives and property. Some success has been recorded in reconciliations involving the services of community elders and heads of farmers/herdsmen groups who engage in direct negotiations. In addition, joint committees of farmers and pastoralists have been formed to enforce mutually agreed terms and conditions.

3.6 Challenges

There are many challenges that countries and the region face with regard to agro-pastoralist tensions. Among them are (the chronology does not reflect their importance):

- Changing population dynamics. West Africa is the most populous region on the African continent, with Nigeria alone constituting 17% of Africa's total population. The trend shows that the population density of the region is on the increase. This trend will exert more pressure on scarce resources and the capacity of the region to manage food security even if its cultivation responds and adapts rather well. The movement of people is a strategy for regulation and adaptation, and should be supported.
- Inefficiency and corruption some of which certain administrative and traditional authorities are accused. Moritz's (2002) study in Cameroon on the conflict between migrant *Tupuri* farmers and nomadic Fulani pastoralists' speaks of "the politics of permanent conflict", in which the authorities participate in the creation, the arbitration, and the perpetuation of conflicts over land.
- Proliferation of small arms and poor regulatory mechanism across the region. Light arms such as the AK47 circulate easily. A number of factors contribute to this fact: poor licensing regimes, lack of enforcement, arms smuggling, the Libyan crisis, and lapses in military ammunition depots. Small arms have not only fueled farmer-pastoralist tensions in West Africa but have created and exacerbated a raft of conflicts in the region. For example, the Touareg nomadic warriors who recently returned from Libya after the collapse of the Gaddafi regime have contributed to an insurgency movement in Mali, posing a threat to the stability of the entire region. The risk of destabilisation is found with the development of the Islamist movement in Nigeria (*Boko Haram*) which may have connections to Al-Qaeda cells in Mauritania and Algeria.
- Risks of contagion between different forms of conflict. Localised agro-pastoral conflicts may flirt with the divisions of political, ethnic and religious affiliations that may then be expanded.

- Porosity of political boundaries. West Africa is a free trade area where the movement of goods and people is not restricted. While being a positive argument for regional construction, this also implies the difficulties in controlling trafficking and presenting a likelihood of spillover of security challenges within the region. ■■

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Note

1. This section is based on the analysis of previous work (Shettima and Tar, 2008).

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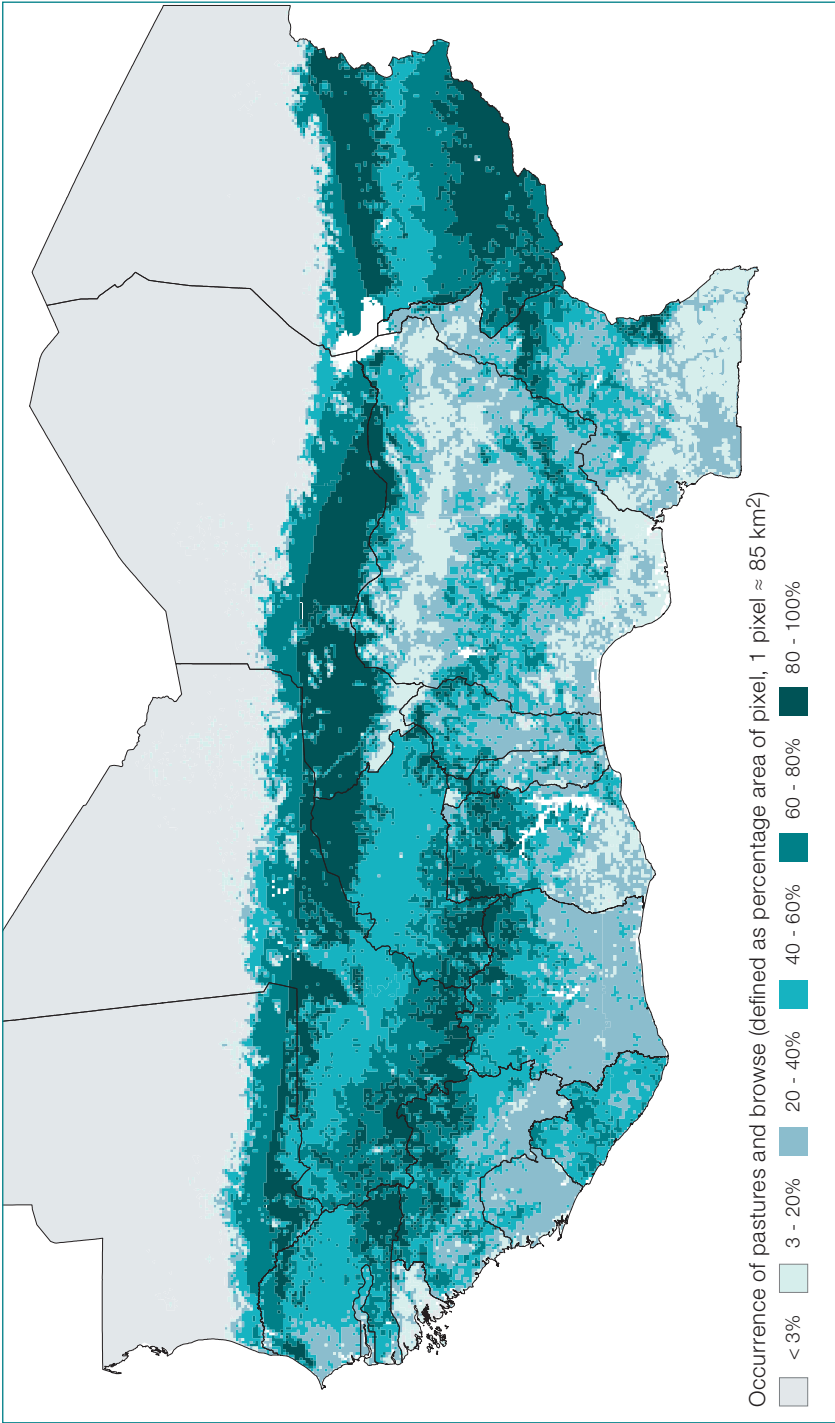
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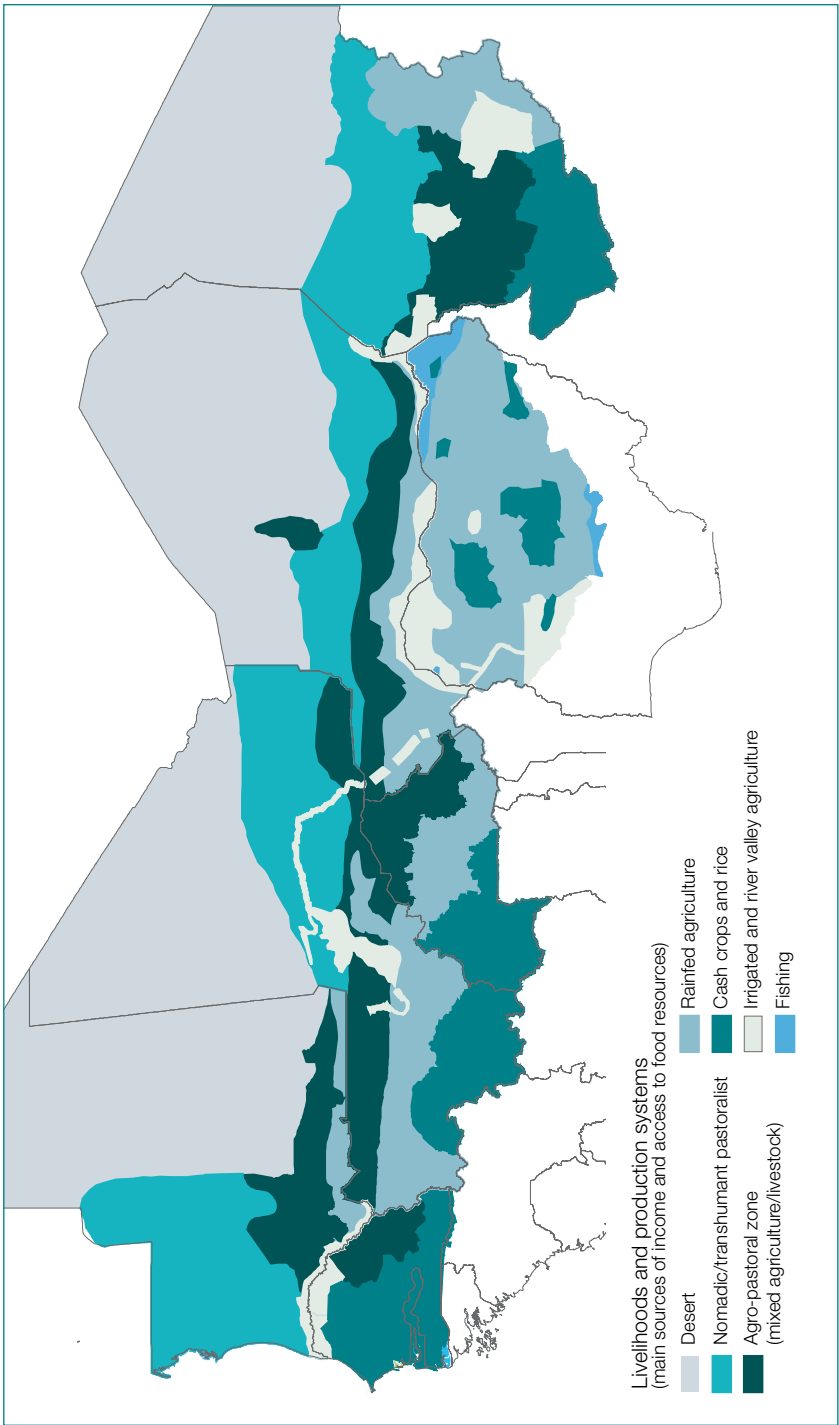
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Map 3.1 — Occurrence of pasture and browse



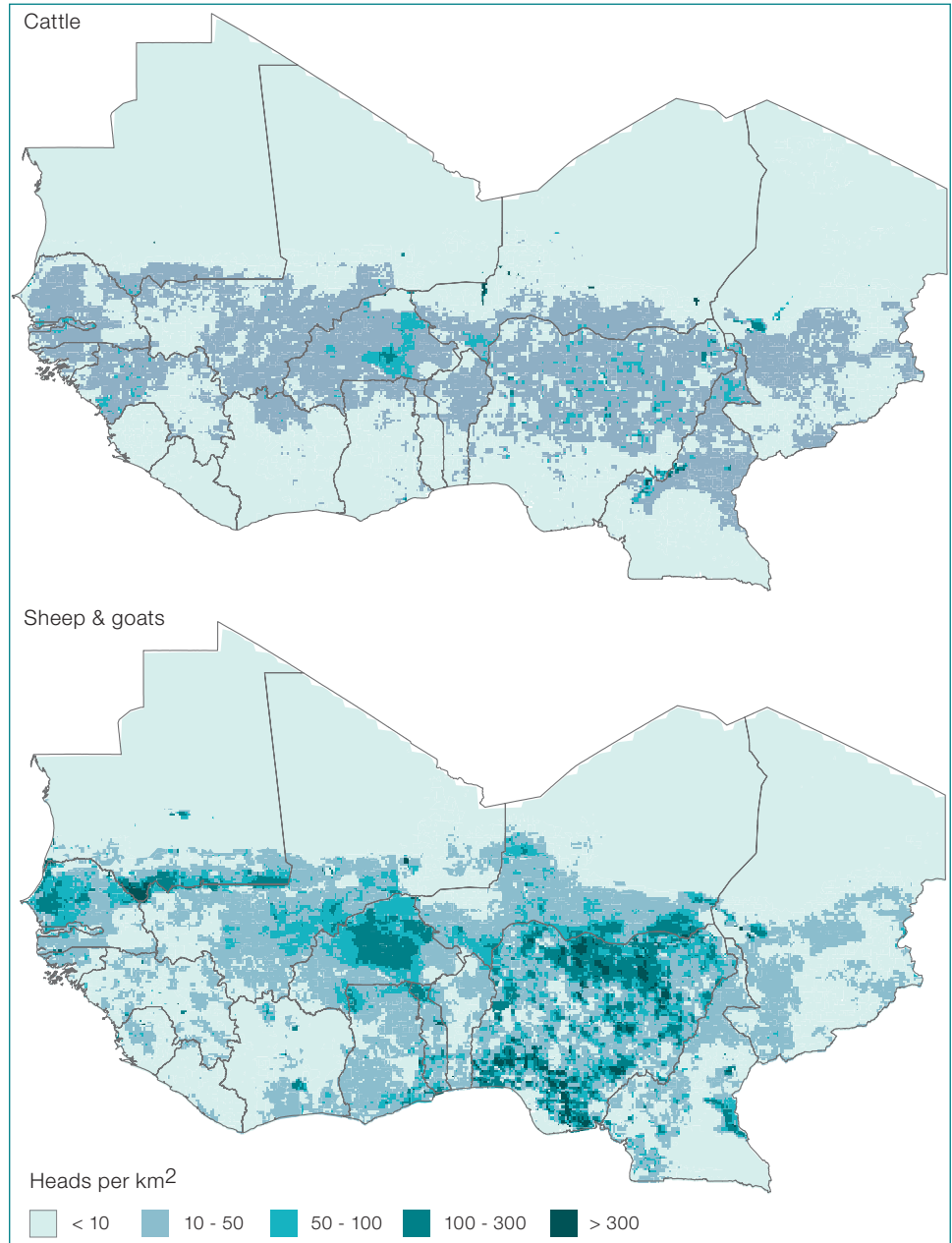
Source: FAO 2006

Map 3.2 – Livelihoods and production systems



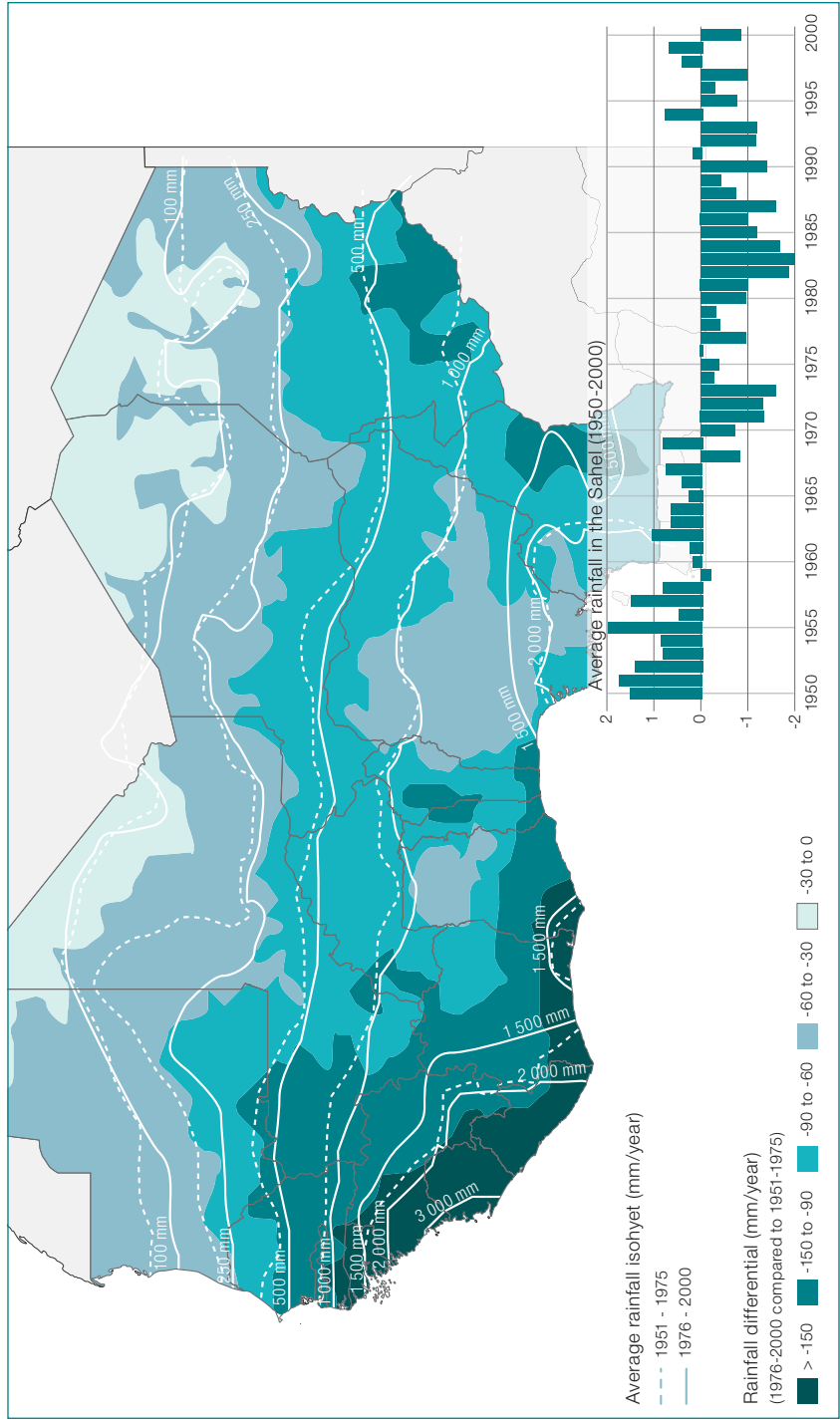
Source: SWAC/OECD 2011

Map 3.3 – Livestock density



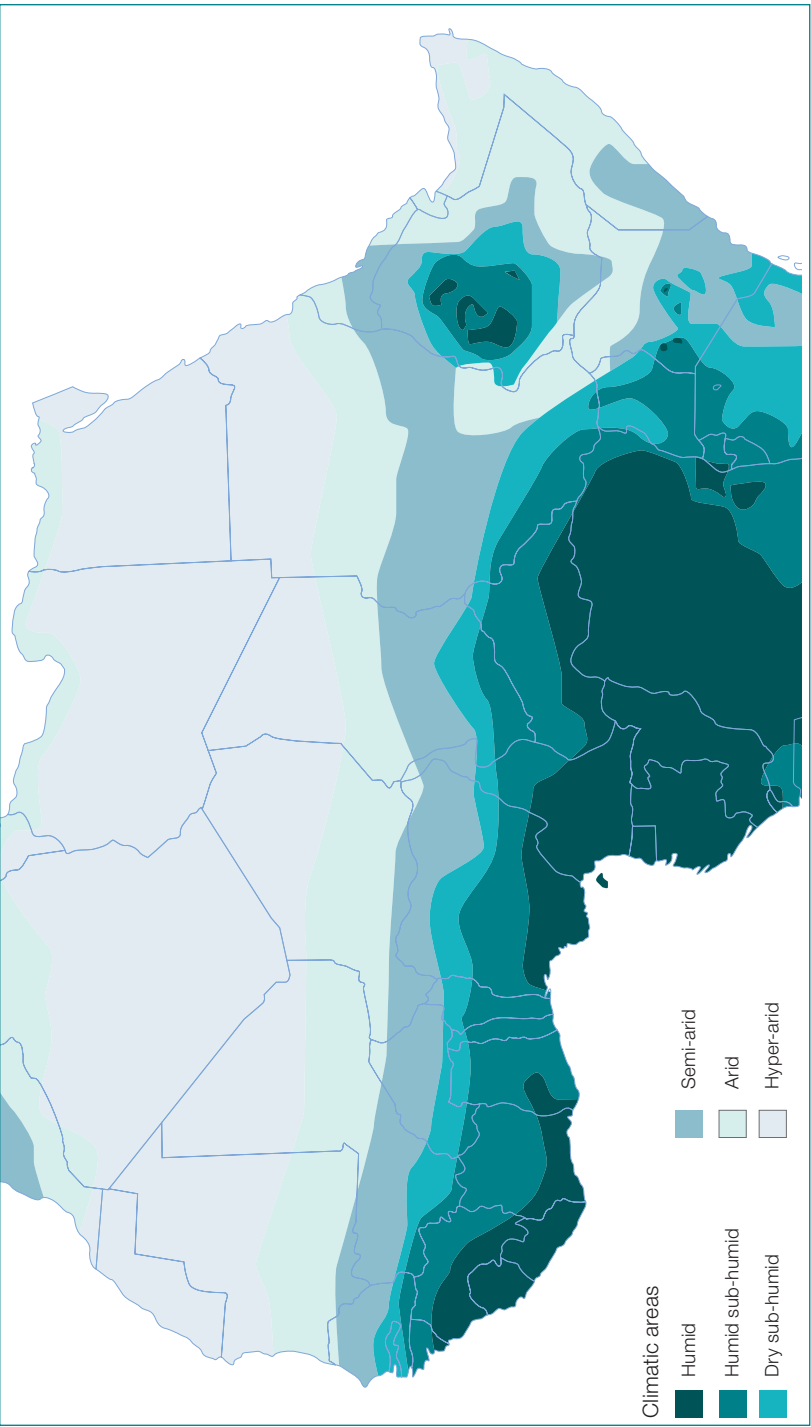
Source: FAO 2006

Map 3.4— Rainfall variation 1951/75 – 1976/00



Source: Global International Waters Assessment 2004; SDRN/FAO; SWAC/OECD 2007

Map 3.5 – Climatic areas



Source: SWAC/OECD 2009



Source: UNEP, GRID Arendal 2012

Part II

Terrorism

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Chapter 5.

Boko Haram:

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Chapter 6.

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Chapter 4

Analysis of the crisis in northern Mali

Kayla Branson
Henry Wilkinson

Abstract

As the international community debates military intervention into northern Mali, the need to understand the causes of the crisis and the groups that have perpetuated it have never been more urgent. This chapter¹ provides a diagnosis of the crisis in northern Mali and discusses the policy challenges and risks the international community faces in reaching a resolution. It argues that Bamako's loss of control over the north is due to longstanding socioeconomic grievances among the Touareg, compounded by complex new threats and developments. The exploitation of the Touareg rebellion by radical Islamist terrorist groups presents a unique and complex challenge not only to Mali but also to the wider region. As military intervention looms, so too does the prospect of protracted conflict that will very likely affect the entire region. Planning will need to look beyond short-term responses to the crisis: sustainable security will depend upon sustainable development.

4.1 Challenges

The crisis in northern Mali is the outcome of long-term factors converging with recent developments in regional terrorist activity and the knock-on effects of the Libyan civil war in 2011: Long-standing socio-economic grievances, Touareg desire for autonomy from Bamako, and the outflow of weapons and fighters from Libya culminated in the revolt in the north in January 2012, and the current security crisis there.

This situation distinguishes itself from the three previous Touareg revolts due to the presence of internationally networked Islamist terrorist groups – Ansar Dine, Al-Qaeda in the Islamic Maghreb (AQIM), and the Movement for Oneness and Jihad in West Africa (*Mouvement pour l'unicité et le Jihad en Afrique de l'Ouest* – MUJAO). In June, these factions displaced the Touareg rebel force, the National Movement for the Liberation of Azawad (MNLA), and seized control of the northern region, including cities and airports. The wider security consequences of this transnational Islamist dimension make it a novel and highly complex problem for Mali and the wider region. In previous Touareg revolts, the Malian government placated the rebels – at least temporarily – through reintegration, disarmament and promises for development. Resolution options are currently more difficult. The government of Bamako can offer few incentives to foreign terrorist groups that lack any legitimate claim to the Malian state, and whose goals run counter to the latter's secular character. The presence of these groups is the result of force and exploitation of a weak state, rather than any genuine appeal. The Islamists' inability to address the social, political and economic needs of the Touareg population provides the state with some leeway to counter the extremist narrative.

Military intervention appears likely to be the main response to the crisis in northern Mali. New factors are at play that few regional governments have had to contend with, not least the presence of wealthy and armed internationally networked terrorist organisations. The response these groups will have to military intervention will be shaped by their imported and shared experience of insurgencies learned in other theatres of jihad – Afghanistan, Algeria, Iraq, Somalia, Syria and Yemen.

A drawn out Islamist insurgency in Mali would have serious implications for regional stability and security – and by extension development. As a probable scenario, it will require more than military force to restore stability. A joint response by all the states in the region, not least Algeria and Libya, will be necessary to cut the lifelines of weapons, men and money, as well as support for nearby states most at risk of conflict overspill, particularly Niger. Moreover, Bamako will require support from the Touareg population to fight against the Islamist presence. This signifies that the government of Mali, the Economic Community of West African States (ECOWAS) and the international community should engage in dialogue to address the grievances that caused the Touareg revolt. Sustainable security in this context requires sustainable development for the northern Malian population.

4.2 Situation

Radical Islamist factions including Ansar Dine and MUJAO presently control the north – including strategic towns of Kidal, Gao and Timbuktu, having ousted the more secular Touareg MNLA in June. The Islamists have destroyed ancient tombs in Timbuktu and have implemented Sharia law in the territories they control. MUJAO is reportedly an offshoot of AQIM, which has its core leadership in northern Algeria.

On 30 June, the international media reported MUJAO had defeated the MNLA in Gao, forcing it from its last stronghold in the region. Local militias, such as Gando Iso (Sons of the Land), whose predecessor dates back to the rebellion of the 1990s, are ill equipped to defend against the new, heavily armed Islamist groups (Rabasa, 2011).

There is evidence² that AQIM, MUJAO and Ansar Dine have been co-ordinating their control. All three are similar in nature, and enforce a strict interpretation of Islamic law against the local populations. At this stage, the co-operation between the Islamist factions appears to be an alliance of convenience based on mutual benefit rather than a genuinely unified front, so it is unclear how they might respond to external military pressures, although it seems that they have the capabilities to mount a serious challenge to any opposing force.

There are reports that senior commanders of AQIM's southern Sahara factions have been operating in northern Mali throughout the rebellion. However, it is unclear to what extent AQIM, which until 2007 mostly focussed its operations in Algeria exercises control over territory. Its presence is immensely significant, not least because it brings with it an international ideology and operational character. It also has access to considerable financial and material resources, meaning that it could effectively underwrite the defence of the Islamist enclave.

Humanitarian conditions in the north worsen. Hundreds of thousands of Malians have been displaced and in the absence of public services, there are food shortages and outbreaks of diseases. There are frequent reports of human rights abuses by Islamist extremists. In May 2012, a researcher for Amnesty International said “after two decades of relative stability and peace, Mali is now facing its worst crisis since independence in 1960”.

Recognising that it is unable to take control of the situation on its own, on 5 September the interim Malian government officially requested military assistance from ECOWAS. On 21 September, the United Nations declared to the press their “readiness to consider a feasible and actionable proposal from ECOWAS addressing such a request from the interim Malian government”.

4.3 Causes of the crisis: Historical roots and structural risks

The causes of the Touareg rebellion, which paved the way for the Islamist takeover and major changes in the regional security situation, result from a combination of longstanding grievances with near-term factors, including the Libyan civil war.

The northern regions of Gao, Kidal and Timbuktu have long suffered economic underdevelopment and neglect from the central government, despite the recent programmes that were undertaken. For decades, the Touareg and Arab populations that populate the north have alleged that they were being marginalised by Bamako in favour of the Mandingo majority south. There have been three Touareg rebellions over the past fifty years in the north, each challenging the legitimacy of the Malian state.

Social, political and economic grievances aside, structural risks do exist. Most specifically, poor governance combined with a longstanding “security vacuum” in the region created the right conditions for the fourth rebellion. These were central to the emergence of the new Islamist terrorist threat.

An increase in arms smuggling in the region in recent years has enabled groups such as the MNLA, AQIM and Ansar Dine to build up sufficient military capabilities to challenge the Malian army. This results from the failures of government disarmament and reintegration programmes, endemic corruption, and the diversion of stocks from state arsenals due to theft by soldiers, or diversion after state collapse, wars and coups across Africa.

One expert has highlighted how the trends in weapons proliferation in Africa are evolving. Whereas the West African wars of the 1990s saw major weapons shipments from former-Soviet stocks to non-state groups and states in control of natural resources, arms trafficking now is far lower level and smaller scale, and therefore far harder to track. The routes of arms trafficking in Africa are unclear, but what does seem clear is that the Sahel is a major transit. Wolfram Lacher of Carnegie Endowment argues that since the 2000s, the Malian army and civil officials in the north were often complicit in smuggling, which coincides with the period in which the GSPC (*Groupe Salafiste pour la Prédication et le Combat* – latterly AQIM) became more active in the region.

Two phases illustrate the combination of triggering causes and the escalation of the conflict.

■ Near-term triggering causes of the 2012 rebellion

The return of the Touareg fighters from Libya in the months before Gaddafi's death in October 2011 was the tipping point that turned Touareg grievances into open rebellion in Mali. During the Libyan civil war, more than 200 000 West African nationals fled the country. By December 2011, 11 230 migrants had returned to Mali from Libya, including Touareg mercenaries who would spearhead the revolt (IOM, 2010). For example, senior rebel commander of the MNLA, Mohammed Ag Najm, served as an officer in Gaddafi's army (MNLA, January 2012).

The instability in Libya also led to looting of unsecured arsenals and the mass outflow along Saharan trafficking routes of light and heavy weaponry, into neighbouring countries including northern Mali. Because of this, the "MNLA has access to thousands of arms, including anti-tank and anti-aircraft weapons" (Aning, 2012). This flow of arms and the return of mercenaries from Libya provided the resources necessary for the launch of the rebellion.

The warning signs were evident. In November 2010, Touareg leaders formed the National Movement of Azawad (MNA) and demanded the government end socio-economic

marginalisation in the northern region. In October 2011, the MNA merged with another rebel group, the National Alliance of Touareg in Mali (ATNM) to form the MNLA. The MNLA then stated that its goal was to “free the people of Azawad from the illegal occupation of Azawadian territory by Mali” (MNLA, October 2011).

On 17 January 2012, the MNLA, along the lines of the rebellions of the 1990s and 2000s, attacked Ménaka. Following a series of military defeats of the Malian army in the north, on 22 March, a group of soldiers launched a coup in Bamako, purportedly in frustration with the government’s poor handling of the insurgency. On 6 April, after taking over Gao, Kidal, and Timbuktu, the MNLA officially declared independence for the state of Azawad, to the condemnation of the international community.

■ Radical Islamists seize the opportunity

When the Touareg rebellion began early 2012, parallel developments had been occurring.

Radical Islamic factions such as AQIM developed in Mali’s border areas, as well as their operations in the Sahara and Sahel region since 2007. By 2012 AQIM and other radical Islamist groups were well poised to seize upon the Touareg revolt, exploit the deteriorating security situation and consolidate control over the north.

Although fighting alongside the MNLA, the Islamists – most prolifically Ansar Dine and MUJAO – turned against their former allies after the MNLA refused to impose Sharia law. With AQIM’s assistance, they expelled the secular MNLA. The role of Al-Qaeda in this development appears to have been central. For example, an MNLA member³ stated that the AQIM emir, Mokhtar Belmokhtar, organised the attack on Gao on 27 June and that his men had “fought alongside the MUJAO”.

The southern Saharan factions of AQIM, and its predecessor the GSPC have been active in the Sahel countries since the early 2000s, carrying out terrorist and criminal operations including kidnapping and smuggling of contraband (Wilkinson, 2012). It is unclear why AQIM changed its strategy and expanded its focus from fighting the Algerian state, mostly in the northern Kabylie region, to operations in the Sahel. Key factors appear to be weak state control, its access to trans-Saharan and Sahelian trafficking networks, and its ability to raise funds through criminal enterprise and kidnapping, thus giving AQIM the freedom to operate in the Sahara and the Sahel.

Since the 1990s, AQIM, its forerunners and some Touaregs have run smuggling networks, sometimes jointly, in northern Mali (Timbuktu). The emir of the southwestern faction of AQIM, Belmokhtar, has conducted smuggling operations for years, primarily

through Mali, Mauritania and Niger, using his connections with Touareg clans in the region (Wilkinson, 2012). Since 2007, AQIM had staged kidnapping for ransom operations across the area including Algeria, Tunisia, Mauritania, Niger and Mali. This strategy gave it the financial wherewithal to develop its capabilities that would ultimately enable it to seize territory.

On 2 October 2012, the US Undersecretary for Terrorism and Finance Intelligence, said AQIM has earned approximately USD 120 million from kidnap for ransom operations over the past decade. In July, the head of AFRICOM, General Carter Ham described AQIM as “Al Qaeda’s best funded, wealthiest affiliate”.

This wealth coupled with the influx of Libyan arms means that AQIM and its affiliates were able to force out the MNLA and change the dynamics of the crisis in northern Mali. It gives these groups a significant weight to face any military force attempting to reassert state control in the area.

It is more difficult to determine how robust the Islamist alliance is and how sufficiently close these different factions – AQIM, MUJAO and Ansar Dine – are to weather external pressure. The leader of Ansar Dine, Iyad Ag Ghali, is a former Touareg rebel from the 1990s revolt, who founded the group after the MNLA rejected his bid for leadership. Previously, Ag Ghali had been involved in negotiations with the Malian government after the two prior rebellions. It was on this occasion that he was criticised by many dissatisfied Touareg rebels, for having made, in their estimation, too many concessions to the regime.

Ag Ghali now appears to have swung to the Islamist extreme, forging close links to AQIM. On 27 June, MUJAO seized control of Gao from the MNLA, although AQIM emir Belmokhtar reportedly organised the attack. In May, AQIM issued a communiqué praising the “victories and conquests of our mujahidin brothers in the Ansar Dine movement” in Kidal and Timbuktu. It stated that Ansar Dine would be entrusted with implementing Islamic law in northern Mali, while AQIM remained focussed on global jihad. This suggests some level of co-ordination between the Touareg-led Islamist group and the terrorist organisation.

Ansar Dine has since managed to consolidate control over territories formerly held by MNLA, in co-ordination with the West African offshoot of AQIM, MUJAO. The relationship between Ansar Dine, AQIM and MUJAO may prove central to understanding how the crisis might develop. MUJAO is a transnational terrorist group, which suggests it poses a security threat not only to Mali and Algeria but also likely to neighbouring West African countries. So far, MUJAO has targeted Western and

Algerian interests in the wider region. But in January 2012, on a video that the group gave to AFP it stated its intention to impose Islamic law across West Africa, indicating the security threat to countries that neighbour Mali.

AQIM and Ansar Dine have similar concerns. Both have regularly issued communiqués and declarations warning foreign powers against intervention in northern Mali, in particular the United States and France. While neither country has stated it intends to intervene directly, France has promised logistical support for ECOWAS. Ansar Dine also specifies that it would attack the interests of any country involved in military intervention, particularly the ECOWAS states.

4.4 Policy challenges

Unlike previous revolts in which the government temporarily placated Touareg grievances with promises of greater development and autonomy, the Malian regime's response in this case has to be different. The fourth Touareg revolt is, in many respects, an "indictment" of decades of government neglect of the region. The vacuum of state control has provided the opportunity for foreign terrorist organisations to exploit the rebellion and import radical Islamism to the region.

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The Malian government faces several challenges to restoring state control in the north, including the problem of alliances between the various local and international factions.

In previous revolts, the Malian government could offer political concessions to the Touareg rebels, if only temporary ones, to reach a resolution with the separatists. As they are foreign terrorist groups, AQIM and MUJAO have no "legitimate" claims in Mali and Bamako has refused to negotiate with them. Government negotiations with the ostensibly native Ansar Dine also appear unlikely to reach a resolution, since the group demands an Islamic state, something the government has rejected.

As a result, military intervention appears to be more likely the scenario, but this too comes with security risks, including the threat of terrorist attacks against western and regional interests. Even if Malian military force and foreign backers are able to dislodge the Islamists from strategic towns, there is a serious risk that this will simply scatter them across a very wide area with negligible state control. This would pave the way for a sustained insurgency.

AQIM and its affiliated groups have accrued considerable financial and military resources. The group's apparent co-ordination with other radical Islamist groups may

also include resource sharing, which would further exacerbate the military imbalance to the Malian army and ECOWAS. Both AQIM and MUJAO have demonstrated the use of tactics seen in Iraq and other theatres of jihad, such as suicide attacks and roadside bombings.

The Malian army is ill equipped to combat this threat alone, due to a lack of resources, indiscipline, internal divisions and the weak control of its borders to prevent groups from resupplying and regrouping in neighbouring countries.

Beyond the military options, it appears essential that the government in Bamako, though it no longer controls the north, address the grievances of the MNLA in order to tackle the crisis. In late September, a senior MNLA official, Ibrahim Ag Mohamed Asseleh, threatened that the organisation would join the “Islamist terrorist groups” in the north if Mali intervened militarily before reaching a settlement with the group. Winning over the support of the Touareg will be a key factor in the fight against the Islamists from the north; in particular because of clear signs of rejection of the Islamist occupation among locals (protests in Gao and the re-emergence of local militias like Gando Iso). To have any serious prospect of winning over the local population and restoring long-term stability, the government should find a lasting solution to the political, economic and social grievances to prevent resurgent Touareg unrest. In this respect, sustainable security and development will need to be mutually reinforcing in improving local governance; the weakness of which gave rise to the emergence of the current crisis and terrorist threat in the region. ■■■

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Notes

1. This chapter was completed on 3 January 2013.
2. Based on official communiqués from AQIM and group statements in the international press.
3. Quoted by RFI.

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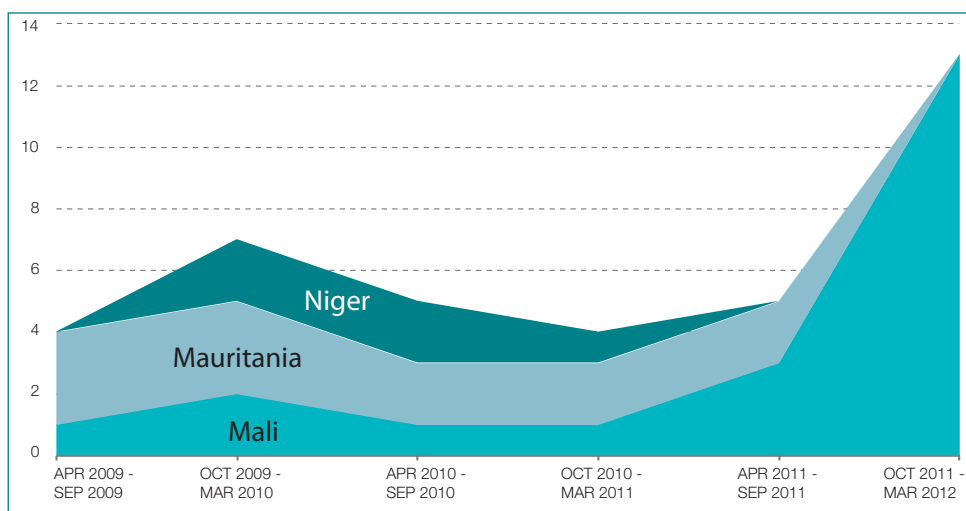
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Boko Haram and AQIM operating ranges

Terrorism Tracker Database, Available at: www.terrorismtracker.com

**Figure 4.1 – Terrorist attacks in the Sahel region per six months
April 2009–March 2012**



Source: Risk Advisory Group plc.

Chapter 5

Boko Haram: A new threat in West Africa

Robert Crowley
Henry Wilkinson

Abstract

This chapter¹ discusses the political, economic and religious factors that gave rise to Boko Haram, the most active terrorist group in Nigeria. It argues that Boko Haram's tactics may be evolving from a locally focused insurgency to transnational terrorist activities, and that the movement poses a growing threat to neighbouring countries, particularly Mali and Niger. The Nigerian government's failure to address socio-economic marginalisation, combined with heavy-handed counter-terrorism measures has hindered efforts to end the Islamist-led insurgency in the north. Nigeria's experience and Boko Haram's dramatic escalation of violence, provides lessons for other countries about the need to understand and tackle this new and evolving threat.

Boko Haram embodies a growing regional security challenge that requires a co-ordinated regional response, including joint security initiatives and shared commitment to development and governance in vulnerable areas.

5.1 Origins and development

Boko Haram is the most active terrorist group in Nigeria. The jihadist organisation threatens not only the stability of Africa's largest oil producer, but also the political, economic and security interests in Africa (Pham, 2012). Recent events seem to indicate that the group is expanding its activities into Niger, and may be active in Cameroon and Mali.

Poor social and economic conditions in the north, weak state control and heavy handed security measures have enabled Boko Haram to flourish, recruit and built its support base.

But an additional factor behind its rise has been its increasing interconnectedness to foreign terrorist organisations like Al-Qaeda in the Islamic Maghreb (AQIM). The rise of Boko Haram illustrates how local radical Islamist groups, once internationally networked, can rapidly transform into a major threat in regions where governance is weak.

These dynamics demand to be analysed if West African nations are to counter this new threat to regional security, stability and development. Afghanistan, Somalia, Yemen and most recently Mali, illustrates how radical Islamist organisations combine terrorism with social justice narratives to challenge and erode the authority of the state.

Boko Haram originated as an Islamist sect founded in 2002 by a self-professed scholar, Mohammed Yusuf, in Maiduguri, Borno state. The group calls itself Jama'atu Ahlus-Sunnah Lidda'Awati Wal Jihad, which roughly translates as "People Committed

to the Prophet's Teachings for Propagation and Jihad". In the local Hausa dialect, Boko Haram means "Western education is prohibited". The group opposes western culture and modern science (Boyle, 2009).

Boko Haram has stated that its aim is to establish an Islamic caliphate in northern Nigeria, the first step towards the establishment of an Islamic state. Boko Haram opposes the Sharia law that has been in force in twelve of Nigeria's states since 1999, and considers Muslims who practice the prevailing interpretation of Islam to be heretics. According to a US Homeland Security Committee (2011) report, "the group was not founded as a violent insurgency bent on overthrowing the Nigerian government" but as a "religious study group". A series of attacks against security outposts in the north-east are conducted between 2004 and 2008. It escalated its attacks after security forces killed its leader and hundreds of members during a raid targeting its headquarters in Maiduguri in July 2009. Nigerian officials believed the death of Yusuf and his top leadership would mark the end of the movement. This is not the case, and Yusuf's deputy leader, Abubakar Shekau, recruited new militants and rearmed.

Since September 2010, Boko Haram has conducted over 300 attacks, and with increasing levels of sophistication and audacity, across northern and central Nigeria, making it one of the most prolific terrorist groups on the international scene. Its operations have extended to Abuja, with an attack on the United Nations building in August 2011 that killed 23 people and injured 120 others.

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5.2 Causes and drivers of the insurgency

Boko Haram's message has resonated with a small number of Muslims in northern Nigeria. A mixture of social, economic and historical factors preceded its emergence (those often cited include socio-economic grievances, such as income inequality, and political marginalisation). Others believe corruption, inadequate public services, a mistrust of the security forces, and a sense of alienation from the central government contributed to an environment conducive to terrorist radicalisation and recruitment.

Although there is not enough evidence to say there is a direct correlation between the economic disequilibrium in Nigeria and the rise of Boko Haram, there appears to be a causal link between the two.

There is little hard evidence that Boko Haram – like other Islamist militant groups – pay its members a wage. But some Nigerians interviewed said the group pays fighters

around NGN 40 000, nearly double the average monthly salary. If true, financial rather than ideological motivations may further explain the group's attractiveness to impoverished individuals in the country's Muslim heartland. A lack of economic prosperity and development seems to have contributed to Nigeria's national security issues.

The lack of state control and the development of cross-border arms, drugs and contraband trafficking are other causal parameters, although not much is known about the role these may have played. Nigeria is a major transshipment point for narcotics but the group's involvement in the drugs trade remains poorly documented. Despite this, analysts such as Abderrahmane (2012), claimed that Boko Haram, like AQIM, Ansar Dine

Box

Boko Haram as an organisation

As the 2011 US Homeland Security Committee report contests, "a consistent lack of reliable reporting on Boko Haram has contributed to the difficulty evaluating its size, makeup, and goals". The majority of analysts believe the scale and geographical spread of the group's attacks since its re-emergence "indicates it must have several thousand hard-core members and sympathisers" (Cook, 2012).

There are also conflicting reports as to the structure and makeup. Ploch (2011), from the Congressional Research Service, contests that Boko Haram "cells appear to operate largely autonomously under state or regional-level leadership". While both Pham (2012) and Campbell (2011) believe that the organisation is composed of a number of different actors: Islamist militants, opportunistic criminals and thugs linked to certain northern political elites.

Boko Haram is, however, perceived as a highly diffuse organisation that has little, if any, central operational leadership. This view appears to be supported by the US State Department, which added three Boko Haram leaders to its list of designated terrorists in June 2012.

This network structure seems to be consistent with other jihadist terrorist networks that align more around the religious ideal and traditional sworn allegiances than hierarchical command structures. AQIM and the Al-Qaeda in Iraq, as two contemporary examples, also embody this phenomenon, where local emirs seem to operate autonomously in cells around common goals, which have made it difficult and complex for the authorities to counter them.

As a network, Boko Haram has also become increasingly internationalised in the past two years. The majority of recruits are Nigerian, but the authorities have arrested a number of Chadian, Nigerien, and Malian members in Nigeria since 2011. A series of arrests in Cameroon and Niger in 2012 further suggests the group is using neighbouring states to source weapons, recruit new members and interact with other terrorist groups. Although there is little evidence that the group has the intent to expand its military operations to other countries in the near-term, its ability to recruit members from a variety of nationalities suggests its ideology is finding resonance elsewhere in the region. ■■■

and the Movement for Oneness and Jihad and West Africa (*Mouvement pour l'unicité et le Jihad en Afrique de l'Ouest* – MUJAO), finances its activities through trafficking illicit goods and drugs. In August 2012, the US Assistant Secretary of State for African Affairs highlights, however, that he was “not aware of any major link or connectivity between drug trafficking and the financing of Boko Haram”. The group’s main source of incomes seems to be derived from donations and criminal acts in particular bank robbery – in December 2011, Nigeria’s central bank said the organisation robbed at least 30 banks over the course of the year.

Boko Haram’s growth as a threat does seem to be tied to wider regional instability and trafficking. In particular, the proliferation of small and light weapons from Libya following the collapse of the Gaddafi regime. In July 2012, Nigeria’s government confirmed that Boko Haram had obtained looted weaponry from Libya, but did not say whether other terrorist groups in Mali, which are known to have acquired large amounts of these weapons, helped source the weapons for the group. In April 2010, AQIM’s leader offered to arm Boko Haram to increase Al-Qaeda’s “strategic depth” in sub-Saharan Africa. The links between Boko Haram and other terrorist groups in the region and their role in its emergence and activities are analysed below.

Aside from political and economic conditions, certain religious frustrations also appear to underlie the group’s rise. Cook (2011) states that the failure to enforce a Sharia penal code probably played a role in Boko Haram’s development. While Pham (2012), believes previous Islamic movements like the Maitatsine uprising in northern Nigeria from 1980-1985, which similarly sought to “purify” Islam, may have increased the receptiveness of Boko Haram’s message.

Some go even further and suggest that Boko Haram’s emergence is an indication that the Sufi strand of Islam, which is widely practiced across West Africa and the Sahel region, is losing its appeal and no longer viewed capable of curing Nigeria’s social, economic and political inequalities (Thomson, 2011). But if local Sufi Brotherhoods are failing to prevent the spread of radical Salafi ideas in northern Nigeria, its neighbours may be wise to implement measures that boost dialogue with Sufi Brotherhoods in their own countries and discuss with them the imperative of countering the exogenous Salafist narrative.

A number of analysts, including Forest (2011), Rabasa (2009) and Rosenau (2005), contest that local Sufi ideas have played an important role in preventing extreme interpretations of Islam finding resonance in African countries in recent years. Without this bulwark,

radical and militant versions of Islam are more likely to take root in Sub-Saharan Africa. The expansion of Salafi jihadism in West Africa and its impact on local communities and the challenge it poses to Sufi ways of life became most recently evident in June, when Islamist militants seized control of northern Mali, destroyed a number of Sufi shrines and implemented their strict interpretation of Sharia law across the region.

5.3 Regional and international challenges

■ Understanding the threat

Since the violence in 2010, the sophistication, tempo and geographical reach of operations have increased. Though Boko Haram has mounted a series of attacks outside northern Nigeria since December 2010, around 85% of these have occurred in the northern states of Yobe, Kano, Bauchi, Kaduna, Gombe and Borno.²

The group first displayed enhanced operational capabilities and intent to mount actions that directly challenged the authority of the state on 7 September 2010, when gunmen overpowered guards at Bauchi central prison and released 173 Boko Haram members awaiting trial. The raid displayed Boko Haram's ability to attack well-guarded targets and source powerful weapons. It remains unclear how many of the 750 inmates released later joined the organisation.

In the five weeks that followed, Boko Haram carried out more attacks on police officers, religious leaders and local officials in and around Maiduguri than in its eight-year history – in spite of the heavy security presence in the city. The majority of attacks saw two-man teams of motorcycle-gunmen assassinate pre-selected targets. By mid-November, Boko Haram began to use crude improvised explosive devices and Molotov cocktails in its attacks, and on Christmas Eve, targeted Christians in a multiple bomb attack in the central Nigerian city of Jos. The attack – which killed 38 people and sparked a week of sectarian violence – marked the group's first attack outside the country's predominately Muslim north. A spate of attacks on churches and Christians continued throughout 2011 and 2012.

These clashes could seriously affect the unity and stability of Nigeria. Several southern militias including the Joint Revolutionary Council, Oodua People's Congress and the Niger Delta People's Volunteer Force have threatened to confront Boko Haram in 2012 if the killing of Christians continued, but none had followed through on these threats.

Boko Haram mounted a suicide attack at the national police headquarters' compound in Abuja (16 June 2011) which is a sign of its growing capability and reach. The bombing

came less than 24 hours after Nigeria's police inspector general declared the group's days as "numbered". Boko Haram warned that its fighters had recently received "real training on warfare from our brethren", by the Somali Islamist group Al-Shabaab. Nigeria's domestic intelligence agency has since confirmed that the leader of the Abuja police attack had recently just returned from Somalia.

■ Implications and links to foreign terrorist networks

Analysing the influence of transnational terrorist organisations and their links to the group seems to be central in understanding its escalating and spreading violence, growth and future path. In July 2010, Boko Haram declared its allegiance to Al-Qaeda and the Taliban, which marks a critical turning point.

Converging information suggests that Boko Haram has deepened its links with Al-Shabaab and AQIM, which operates across the Sahel and has bases in Mali. One of the earliest signs of such a relationship came in October 2010, when Boko Haram used AQIM's media division to release an Eid message that praised Al-Qaeda's affiliates in Somalia, Iraq, Pakistan and Yemen, and rejected the legitimacy of the Nigerian government. Although there is little hard evidence that Boko Haram has converged organisationally with any other groups, reports suggest Al-Shabaab and AQIM have helped train the organisation and AQIM has helped finance it.

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This linkage has contributed to Boko Haram's transformation, from a closed sect to a major terrorist threat. The group's most-high profile attack to date occurred on 26 August 2011, when a suicide bomber rammed a vehicle laden with explosives through the gates of the United Nations headquarters in Abuja. This was its first major attack on a high-profile international target. The timing of the UN attack and manner in which it was claimed suggests Boko Haram has evolved from a local issue group, to one whose tactics, rhetoric and ambitions had become more in line with Al-Qaeda and the wider jihadist movement.

Six months after the bombing, the group reportedly threatened to mount suicide attacks against US interests in the country, if the US assisted the Nigerian government with counter-insurgency measures, and has made repeated threats against international media organisations.

The reason for the absence of further such attacks by Boko Haram on international targets outside the north since August 2011 is unclear. One possible explanation may be that its strategic priorities have reverted to the local struggle, or that the attacks served some purpose for the group, such as increasing support outside Nigeria. Boko Haram has increasingly conflated both local and global grievances in its communiqués,

which is a common trait of jihadist groups evolving from locally-focused insurgencies to organisations with wider ambitions. The adoption of Al-Qaeda rhetoric and more professional media productions make nascent jihadist groups more attractive to the wider jihadist community, and can help raise both the profile and fundraising abilities of the group.

Another possibly more important consideration is that the Abuja attacks signalled that Boko Haram had converged operationally with AQIM, which similarly conducted a suicide attack against a UN office in Algiers in 2007 shortly after it declared its own allegiance to Al-Qaeda. Indeed, there are some indications that AQIM, which has accrued considerable wealth from kidnapping – may direct Boko Haram to mount attacks in exchange for money – effectively outsourcing to the group. In May 2012, Nigeria's *Premium Times*, citing an intelligence report, reported that an Algerian terrorist group (implied to be AQIM) had recently given Boko Haram a financial donation of GBP 160 000. The Nigerian government has also linked Boko Haram to the kidnap of two European engineers and their murder nine months later in March 2012.

Boko Haram's increasing interconnectivity with outside terrorist groups is a destabilising portent for regional security. The 2011 US Homeland Security Committee report underlined its concern about the "significant shift in Boko Haram's targets, tactics, and geographic reach". More recently, the head of US military's Africa Command warned in June 2012 that AQIM, Al-Shabaab, and Boko Haram were increasingly trying to coordinate and synchronise their operations, although there is little evidence proving this.

■ Impact on regional stability

Boko Haram poses a real and serious challenge to security, stability and development in Nigeria, and for Nigeria's neighbours. The temporary closure of Nigeria's borders with Cameroon and Niger in 2012 – following suspected Boko Haram activity in border towns – had a negative effect on these economies.

The Islamist insurgency in Nigeria has displaced hundreds of thousands of people and had a significant effect on the North's already stagnant economy. Measures brought in to contain the violence, such as roadblocks and curfews, have further damaged northern local economies. Escalating violence has discouraged private sector investment and hindered humanitarian operations. In 2012, some Western governments barred their delegations from travelling due to the deteriorating security environments.

It is crucial to understand that the threat from radical Islamist groups like Boko Haram and AQIM is different from that of past rebellions and hence requires specific

interpretation and approaches. It also means recognising that the risks are not just local issues but also transnational ones.

At a domestic level, federal states must accord a new urgency to development and improved governance in order to fight against radical Islamist groups rooted in their countries.

At a regional level, policy responses will require a paradigm shift in how countries work together to understand the threat and respond to it. Transnational risks are inherently complex and require regional co-operation, trusting relationships of interest, and shared investment to manage, in particular security and development issues. At a minimum, joint border security initiatives will help stem the proliferation of weapons and reduce the ease with which terrorists can move across the region. Some initiatives already exist, as well as Joint Committees on Security. Improving intelligence gathering, analysis, expertise and information sharing will also be critical, as will learning from the experiences of other countries, like Algeria, in informing responses. As Boko Haram transitions from a localised insurgency to a wider regional threat, only intelligence sharing and co-operation among nations where it operates will help prevent its advance.

The Nigerian experience shows that heavy-handed security responses are often counter-productive. Countering Boko Haram, and groups like it, requires a measured response that separates the extremists from the communities they seek to dominate. Local communities and stakeholders must be part of the process to genuinely undermine extremist discourse. In this respect, development that furthers long-term political, social and economic inclusion may go some way in restoring trust with vulnerable communities, and serve as a powerful “antidote” to the new threats the region now faces. ■■■

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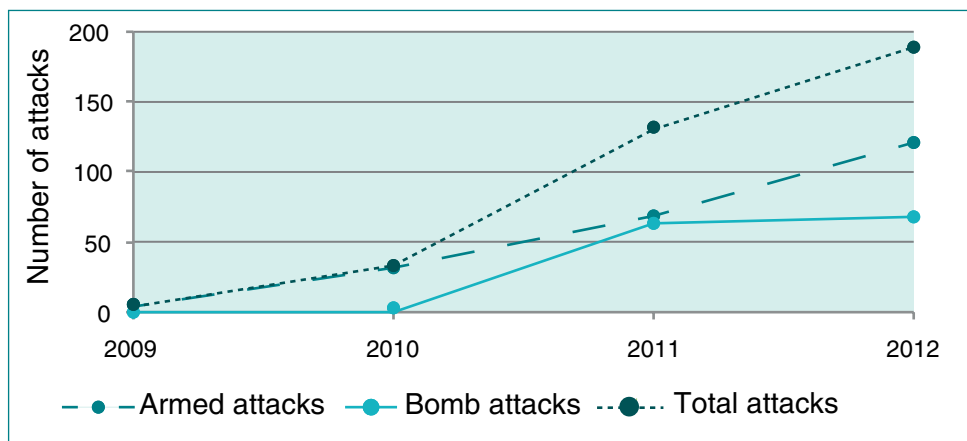
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During 2010, only 6% of Boko Haram's attacks used improvised explosives, while in 2011 at least 48% of all incidents were carried out with bombs.

Figure 5.1 — Boko Haram attacks since 2009



Source: Risk Advisory Group plc.

Notes

1. This chapter was completed on 3 January 2013.
2. According to data from The Risk Advisory Group Terrorism Tracker database, which logs every attack recorded in open sources.

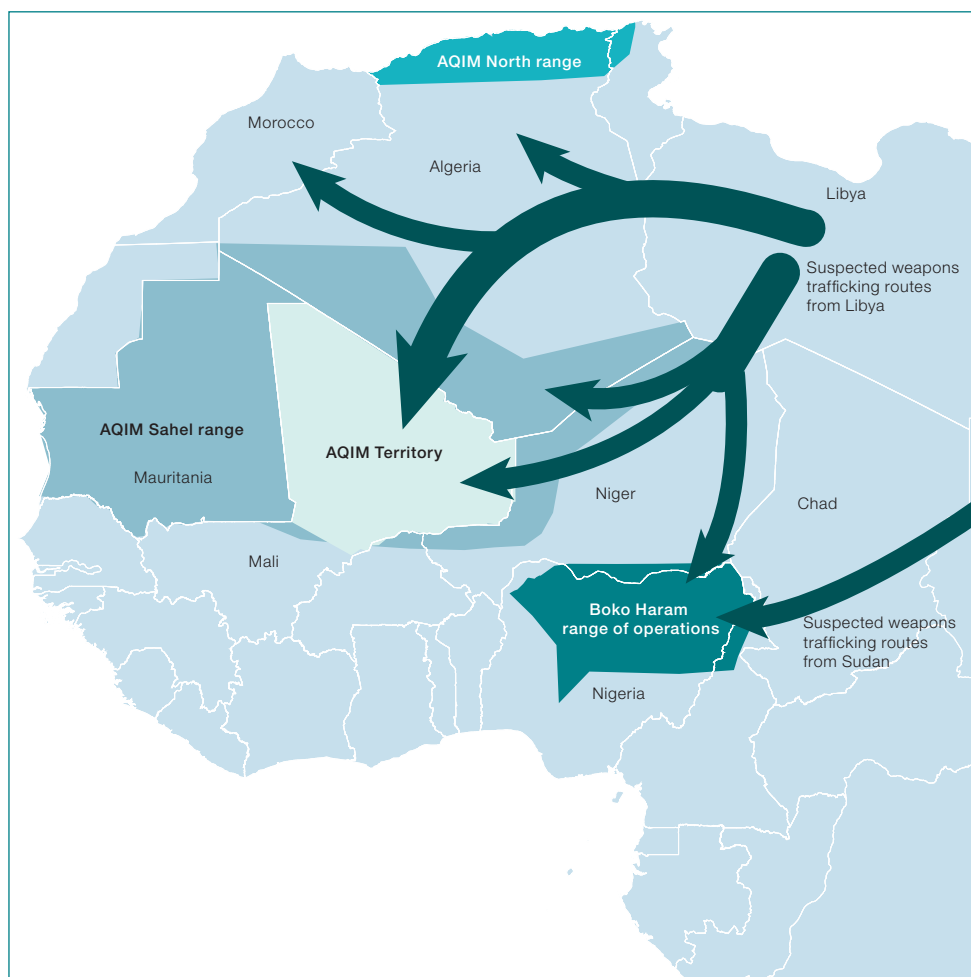
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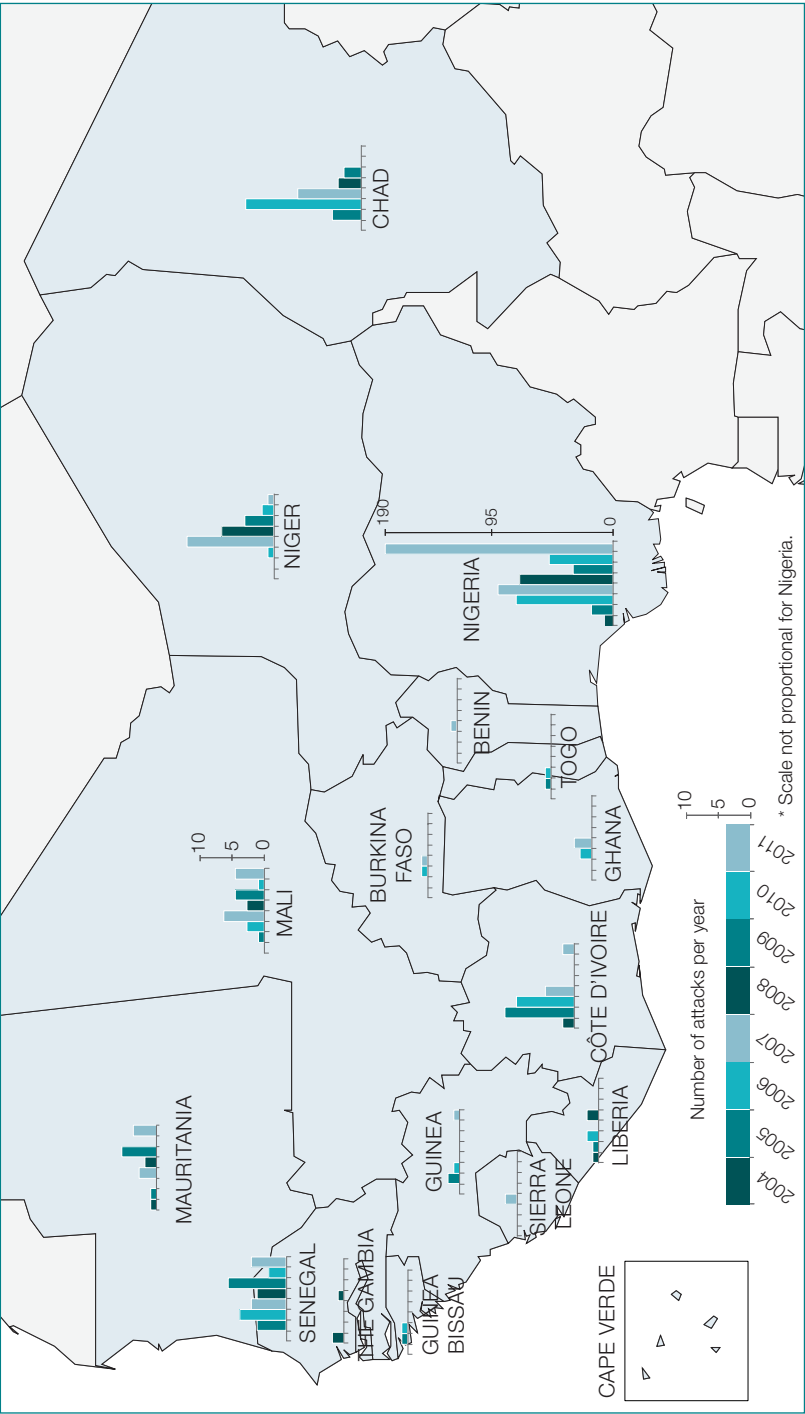
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Map 5.1 – Range of Boko Haram and AQIM operations



Source: Risk Advisory Group plc.

Map 5.2 – Terrorist attacks in the Sahel and West Africa (2004–2011)



Source: Worldwide Incident Tracking System (National Counterterrorism Center)

Chapter 6

Applying anti-terrorism mechanisms

Based on a contribution from

Nadia Hamel

Matthieu Aldjima Namountougou

Abstract

The majority of international and regional organisations recognise numerous anti-terrorism conventions and initiatives. However, serious challenges remain with respect to the application and enforcement of national legislation and the co-ordination of states.

Terrorism is a contentious concept in international law, making it difficult to create the consensus required to implement effective measures at the international level.

Notwithstanding this lack of consensus, the severe problems terrorism causes for West Africa in terms of security, and hence development, demand an effective response that encompasses prevention and punishment. These considerations imply the passing of appropriate anti-terrorism legislation, insofar as it is the law that provides the overall framework for the fight against terrorism.

6.1 International mechanisms of regulation¹

Terrorism is not a new phenomenon: It has been on the international agenda since the early 1930s, when the League of Nations introduced a draft convention for its prevention and punishment. The first attempt to define acts of terrorism dates back to the Geneva Conventions Act of 1937. Since the early 1960s, the United Nations has had universal jurisdiction over the offences and crimes that fall within the purview of terrorism.

There are now fourteen international treaties and four amendments, as well as several regional treaties, a number of which pertain to West Africa. These mechanisms attempt to codify terrorist offences and provide adapted legal tools to prosecute crimes against civil aviation, shipping and continental platforms, and persons, involving the use, possession or threatened use of bombs or nuclear materials. Furthermore, these laws criminalise the financing of terrorism (O'Donnell, 2006). Although terrorism is not a new threat in West Africa, the development of an effective response has become a priority.

The first major international treaty was the Convention on Offences and Certain Other Acts Committed on Board Aircraft, enacted in Tokyo on 14 September 1963 (O'Donnell, 2006). The most recent addition is the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation, adopted on 10 September 2010 in Beijing by the International Civil Aviation Organization (ICAO) (United Nations, 2006b). The United Nations Global Counter-Terrorism Strategy was adopted on 8 September 2006, and marked the first time “that all member states have agreed to a common strategic approach to fight terrorism, not only sending a clear message that terrorism is unacceptable in all its forms and manifestation but also resolving to take practical steps individually and collectively to prevent and combat it” (United Nations, 2006a).

Mauritania is the only country in West Africa to have ratified thirteen of the fourteen international treaties against terrorism. Seven states (Burkina Faso, Cape Verde, Ghana, Guinea, Mali, Senegal and Togo) have ratified twelve, six states (Benin, Côte d'Ivoire, Liberia, Niger, Nigeria and Sierra Leone) have ratified between six and twelve, and three states (Chad, The Gambia and Guinea-Bissau) have ratified less than six. None of West Africa's seventeen states have ratified "or acceded to all universal instruments against terrorism" (United Nations Office on Drugs and Crime, 2008).

Moreover, the West African Economic and Monetary Union (UEMOA) adopted regulations on the freezing of funds linked to terrorist activities, regulations on payment systems and directives against money laundering (19 September 2002).

The Economic Community of West African States (ECOWAS) has adopted several instruments, including the Convention on Mutual Assistance in Criminal Matters (29 July 1992); the Extradition Convention (6 August 1994); the Moratorium on the Illicit Trafficking of Arms and Light Weapons (31 October 1998) and the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security (10 December 1999). In addition, ECOWAS established the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA)² (12 November 1999) – which is tasked with co-ordinating actions against money laundering and assisting governments to enact legislation accordingly – and the Conflict Prevention Framework (16 January 2008). In support of ECOWAS's plan for fighting illicit drug trafficking and organised crime, UNODC (United Nations Office on Drugs and Crime), UNOWA (United Nations Office for West Africa), DPKO (Department of Peacekeeping Operations) and INTERPOL launched the West African Coast Initiative (WACI) (8 July 2009).³

Furthermore, the African Union (AU) adopted the Convention on the Prevention and Combating of Terrorism in Algiers (14 July 1999) and launched the African Centre for the Study and Research on Terrorism (ACSRT) in accordance with the provisions of the action plan (Algiers, 2002) (United Nations Office on Drugs and Crime, 2008).

UNDOC is working with ECOWAS to create an information sharing network that will focus on the fostering of co-operation in cases of terrorism and other forms of organised crime (United Nations Office on Drugs and Crime, 2010). The major security threats to West Africa that have been recently identified are: 1) transnational organised crime and trafficking, 2) terrorism, 3) challenges to democratic governance and 4) piracy (United Nations, 2011).

International treaties have proved an inadequate means of combating terrorism, in part because of weak co-operation between states with very different legal regimes

and ideological frameworks (Batsanov, 2006). There are, of course, advantages in adopting treaties on terrorism. Such treaties can clearly define jurisdiction over specific crimes, establish extradition protocols and processes, and develop international norms that can be incorporated into local and state specific legislative responses to terrorism. However, states “have predicated their jurisdiction to prosecute and punish criminal offenders on one or more of the following principles: territoriality, nationality, protection/security, and universality” (Galicki, 2005). Consequently, the conventions on terrorism have failed to garner the universal support required for their transcription into national legislation (Centre for Biomedical Ethics and Law, 2008).

The member states of ECOWAS have apparently been slow to implement the United Nations Security Council Resolution 1373 on the financing of terrorism. Adopted after the terrorist attacks of 11 September 2001, member states are obligated to “deny safe haven to those who finance, plan, support, or commit terrorist acts and to ensure that terrorist acts are established as serious criminal offences in domestic laws and regulations” (Olajide, 2011). Nigeria has proven recalcitrant to most of the evaluation indicators.

Capacity issues, the inadequacy of local laws and competing priorities have all played a constitutive role in the aforementioned slowness and weaknesses. There are enormous variances with respect to the rate of ratification (Ford, 2011). States in the region primarily privilege bilateral co-operation. Furthermore, some West African states have legal systems derived from English common law, whereas others are based on the Napoleonic Code. The growth of terrorism in Mali and Nigeria could foster the co-existence and co-ordination of these systems within ECOWAS.

6.2 Critical analysis of anti-terrorism laws⁴

■ Context and definition

Three essential criteria must be met for an anti-terrorism law to be effective. It should:

- contain an appropriate or effective definition of terrorism;
- make terrorism a criminal offence and provide for exceptional rules of procedure;
- show sufficient concern for human rights; in other words, fundamental freedoms must not be sacrificed in the fight against terrorism.

Terrorism remains an unsettled and debated concept in international law, even though consensus on the subject is necessary for anti-terrorism measures to be effective at the

international level (Bianchi, 2006). States and the United Nations Security Council alike face a dual challenge on the issue of human rights (Klein, 2006):

- on the one hand, the measures taken seek to give individuals greater protection against the terrorist threat, which may appear to strengthen human rights in a manner consistent with states' obligations in the matter;⁵
- on the other hand, some of the introduced measures carry the risk of infringing the very human rights they set out to protect (including the right of appeal).

The situation of West African states with regard to terrorism remains alarming: Not only is the current terrorist threat real and a source of major concern, but also “terrorism seems to benefit in Africa from highly propitious conditions for growth” (Esposti, 2004; Obi, 2010). The continuing expansion of terrorism suggests that the current resources and methods used to counter it are ineffective in various respects (Davis, 2010). Under these circumstances, even though terrorism remains relatively ill-defined in both international and domestic law, the severe difficulties it causes in terms of security, and hence development, for West Africa should be a sufficient incentive to effectively organise its prevention and punishment (Marchadier, 2008). Such considerations also mean that the issues have to be addressed from a legal standpoint, insofar as it is the law that sets the overall framework for the fight against terrorism.⁶

■ Are anti-terrorism laws effective?

Although terrorism is not a new phenomenon, there is no single definition in either international or domestic law. This is due to various difficulties, although, however great they may be, they do not seem to rule out the idea of formulating such a definition.

General considerations

The law, whether international or domestic, is an instrument states use to meet the challenges of governance. West African states, as members of the international community, should therefore have laws sufficiently suited to their context to enable them to effectively fight terrorism. What is the actual situation? Do their laws, generally speaking, measure up to the terrorist threat?

For those familiar with the law, the question of the quality of legislation is a recurring issue. “Requirements as to the actual content of the notion of quality are more controversial and seem contingent” (Fatin-Rouge Stéfani, 2010). Nevertheless, alongside the formal aspect, when assessing the quality of legislation, the focus nowadays tends to be on whether laws are effective in meeting a given demand. In other words, a law is considered effective if it enables the relevant authorities to properly

perform their functions. It must not stifle the political authority, which undeniably needs a suitable framework when implementing essential measures, while at the same time allowing the justice system, where relevant, to step in to sanction reprehensible acts or failures to act in accordance with the law.

The lack of a single definition of terrorism

Initially, in view of the number of definitions – over a hundred –, terrorism might be assumed to be an established, well-known and extensively defined legal concept (Sur, 2008). However, this is not the case. The profusion of definitions at the international level is more a reflection of states' difficulties in agreeing on just one. One might suppose the situation would be different in national law, given that each state is free to adopt its own definition of terrorism. Once again though, the scale of the difficulties experienced by states individually in adopting a single definition of terrorism is striking. In most cases, the definition amounts to a list of acts that grows longer with each successive manifestation of terrorist violence and the corresponding need to counter them. The concept of terrorism appears to be refractory to any particular single definition.

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The problem of defining terrorism is reflected in its criminalisation. “Criminalisation means defining a crime within the broad sense of a criminal offence. [...] Giving a name to a situation or a form of conduct that may not have had one hitherto” (Delmas-Marty, 1992). Unable to effectively criminalise terrorism under a single definition, many states have extended the criminal treatment of terrorism to the entire *iter criminis*, which calls into question the traditional distinction between preparatory acts that are not punishable, the beginnings of perpetration, which are punishable on the grounds of attempt and actual perpetration of the offence (Alix, 2010).

The reasons why there is no single definition

Etymology sheds little light on the confusion surrounding the concept of terrorism. Although the semantic root of the word refers to the idea of terror, it also refers to a style of government and a means of resistance to the authority in place (Bernard, 2010). This initial explanation is of limited interest because it is mainly of a historical nature. According to their circumstances, or for other reasons, states can perceive the terrorist threat differently. Consequently, they encounter political or ideological obstacles that prevent them from agreeing on a definition of terrorism. The first reason is partly independent of terrorism and specific to international law. Other technical reasons can be added, which are linked to the nature of the terrorist phenomenon itself.

These reasons relate firstly to the difficulty of identifying the means of terrorism. One of the characteristics of terrorism is its diversity. This is evident from its manifestations and its underlying ideology, along with its choice of victims and methods (Alix, 2010). This diversity

ought not, in principle, be a particular obstacle to a uniform definition since, by nature, a “definition aims [...] to identify the essential characteristics [...] of a multitude of objective situations in order to bring them together within an encompassing notion that tends towards abstraction” (Duez, 2002). However, coming to terms with the essential nature or identifying what specifically characterises terrorism has proven a major challenge.

From a material standpoint, terrorism is a form of violence. However, it does not seem reasonable to consider violence as a specific characteristic of terrorism, insofar as not all violence is of a terrorist nature (Alix, 2010). It was thought that terrorist violence could be isolated by qualifying it as political. However, that approach also fails to identify what specifically characterises terrorism, since other forms of violence, such as guerrilla warfare, may also in a very exact sense be labelled “political violence” (Alix, 2010). In their search for what specifically characterises terrorism, some analysts have pointed to the symbolic nature of the victims and to terror used as a means to an end. However, these elements do not specifically characterise terrorism either, since they also apply to other forms of violence.

The reasons relate secondly to the difficulty of identifying the purposes of terrorism. Although it is generally accepted that terrorist acts have a political motive, that alone seems insufficient to qualify the purposes of terrorism, which tend also to be psychological (Alix, 2010).

In short, it is very difficult to define terrorism because “[terrorism] can change its methods of action very quickly, and it could be unnecessary in choosing an abstract definition that will be of little use faced with practical acts that will prove difficult to incorporate into it” (Sur, 2008). Does that mean that states should renounce any attempt to define terrorism? Defining terrorism is not only a theoretical exercise; a definition is certainly necessary (Sorel, 2002). Using the concept of terrorism without a definition leaves the rule of law in the realm of incantation (Martin, 2006). The dilemma can therefore be summarised as whether to define terrorism, or to simply not use the word at all. It is stating the obvious to point out that judges most certainly need a definition of terrorism to apply the rule of law. Thus, we shall attempt here to outline a working definition.

■ A working definition of terrorism

In view of the ambiguous nature of terrorism – in terms of its manifestations, its methods and its purposes – and the need to find responses that measure up to the scale of the terrorist challenge, would it not be possible to envisage a more appropriate definition; one that allows for optimum repression without hampering the action of the political authority? Recent doctrine answers in the affirmative. In order to do so, it suggests making a distinction, within the broad category of “terrorism” (construed

as a form of collective criminal behaviour), between “terrorist action” and “support for terrorism”.

Terrorist action

Terrorist action should be divided into two classes of offence: “ordinary” or “extraordinary”. However, as far as this study is concerned, the question of how to choose an appropriate means for determining the boundary between the two must remain open for now. It will not be discussed here.

Ordinary terrorist action

Listing definitions does not seem helpful. It may be appropriate, before opting for a particular definition, to point out that doctrine, like states, does not agree on a single definition of terrorism either (Bernard, 2010). Greatly contrasting opinions have been expressed on the subject. However, the following proposition seems to merit support:

“A terrorist action is the perpetration of any act of serious violence such as to cause death, bodily harm or deprivation of liberty, where it is committed in the context of a terrorist organisation.

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A terrorist organisation is a structured organisation comprising more than two persons established for a period of time whose purpose is to perpetrate or commit, by means of a number of material acts, seriously violent offences that endanger other people in order to serve an ideological cause.

An offence is committed in the context of a terrorist organisation where it is linked to that organisation by an established connection or, failing that, by the perpetrator’s membership of that organisation.

An offence is connected to the terrorist organisation where a close connecting factor exists between the two activities, revealed by factual evidence” (Alix, 2010).

What emerges from this definition is that three elements materially constitute ordinary terrorist action: a seriously violent act, committed in a collective context, which is intended to serve an ideological cause.

Although the definition does not explicitly say so, another characteristic of terrorism is its triangular nature: the victims of terrorist violence are not the target. In an ordinary crime, the criminal’s victim is also his target. In a bank robbery, for example, the robber holds up the teller who is also his target. With terrorist violence, the victim is not the target. In contrast, when terrorists attacked the World Trade

Center, their target was not the people who happened to be there on that particular day – the terrorists had no personal grudge against them – but rather the United States government (Bernard, 2010).

In terms of intention, the collective nature of the offence implies dual intent: the knowledge and intention of individual action, plus knowledge of the context and the intention to perform the action within that context (Alix, 2010). Determining the penalty for a terrorist action or terrorist crime is of course a matter for each state, even if international criminal law rules out the death penalty.

Extraordinary terrorist action

While all terrorist acts include a potential for terror, there are acts in which this potential assumes an extraordinary dimension. For example, the explosion of a car bomb with no damage to persons or property, although a terrorist act, is it not in the same league as what occurred in New York on 11 September 2001? The term “hyperterrorism” has been applied to the latter case in order to emphasise the exceptional nature of such terrorist acts. Their extremity raises the question of the relevance of specific treatment. As understood by contemporary international criminal law (including case law), “a terrorist action is liable to take the form of murder, serious bodily harm or inhumane acts committed in the context of an attack or – most often – systematically and indiscriminately against a civilian population” (Alix, 2010). If that is the case, should not extreme terrorist acts be treated as crimes against humanity?⁷ As we shall see, we can answer this question in a balanced way.

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Treating extreme terrorist violence as a symbolic crime against humanity reflects a difference in kind and intensity from ordinary terrorist violence. In addition, it would mean that such crimes are punishable by the International Criminal Court (ICC), even though it has no formal jurisdiction over terrorist acts. It also stigmatises more keenly the criminal nature of extraordinary terrorist acts (Martin, 2006). However, it is not certain that such a qualification is necessary. Indeed, this proposal is open to strong criticism from a law enforcement point of view, since in most countries a crime against humanity, unlike a terrorist action, does not at present trigger specific rules of procedure (Alix, 2010). But special proceedings seem to be important for the punishment of terrorist acts; they offer courts the most appropriate means, particularly during the investigation phase, and where co-operation is concerned. In the absence of special proceedings, criminal courts could find themselves deprived of the necessary means to punish terrorism if extreme terrorist acts were treated as crimes against humanity. Such a situation would clearly be open to criticism: The 9/11 attacks revealed the need for appropriate means of repression.

In normative terms, here is the following proposition:

“Terrorist action, where it is committed in the context of a general or systematic attack directed against a civilian population and takes the form of an act referred to in Article [...], constitutes a crime against humanity”.

The punishment of terrorism should not be limited to those who directly perpetrate the acts; in the interest of prevention, all who support them, to a differing extent and in various areas, should also be punished.

Support for terrorism

For a long time, international law adopted a measured stance towards the fight against support for terrorism. Since 11 September 2001, however, the movement towards repression has gathered pace (Alix, 2010). The punishment of support for terrorism, especially financial support, is all the more urgent, insofar as “there is a presupposition that, without sufficient resources, a terrorist movement loses much of its capacity to wreak harm” (Amicelle, 2008).

The punishment of support for an ordinary terrorist action should not necessarily follow the same procedure as the punishment of support for an extraordinary terrorist action.

Support for an ordinary terrorist action

Support for an actual or perpetrated terrorist action should be distinguished from support for a potential or embryonic terrorist action. The need to protect criminal law from excesses in the fight against terrorism requires such a distinction.

- *Support for a perpetrated terrorist action*

Traditionally, as emphasised by doctrine, punishment of support for a criminal activity is ancillary to punishment of the activity itself, and is based on complicity (Alix, 2010). This classic method for punishing support is unsuitable for terrorism because it is designed as a response to individual criminality. To be effective, the fight against terrorism must extend beyond this inherent limitation.

Support refers not only to all preparatory acts, but also to all underlying acts, irrespective of their immediate purpose. Support may be logistical, financial, human or even moral or psychological. It follows that where a terrorist action has been perpetrated or attempted, criminal liability is incurred, not only by the perpetrators, but also by their accomplices to which the action is directly attributable on the grounds merely of their membership of that organisation.

In normative terms, the model for punishment of support for perpetrated or attempted terrorist actions includes the following proposition:

“The fact, manifested and revealed by a set of concordant evidence, of being a member of a terrorist organisation and of knowingly and freely joining it, constitutes membership of a terrorist organisation” (Alix, 2010).

Setting the penalty is a matter for each state, even though self-evidently it should be proportionate to the support provided by the accused. Given that a terrorist action is involved, the rules on special proceedings apply.

While the effectiveness of the fight against terrorism requires punishment of support for a perpetrated or attempted terrorist action, prevention of the crime implies repression that is more extensive. Support detached from any actual perpetration of terrorist acts should also be punished.

- Support for embryonic terrorist action

Contrary to the preceding forms of support, in this case proceedings are initiated against the members of a terrorist organisation based on intelligence and through criminal action to prevent terrorism, notwithstanding any punishable terrorist action. Punishable forms of behaviour are therefore hypothetically acts of participation in the terrorist organisation. They are punishable because of the danger they represent. Although this type of punishment potentially extends to all members of the terrorist organisation, in practice inactive members will be excluded (i.e., those who belong to the organisation but who do not participate in it and, even more so, those who merely have a connection with the organisation or its members) (Alix, 2010).

In terms of a normative proposition, the following proposition could be appropriate:

“Notwithstanding any punishable terrorist action,

1. the fact of directing or organising a terrorist organisation within the meaning of Article [...] for ideological purposes is punishable by [...] years' imprisonment;
2. the fact of participating in a terrorist organisation with the meaning of Article [...] , defined as the fact of knowingly and freely taking part, by a material and manifest act, in the activity of the terrorist organisation, is punishable by [...] years' imprisonment.

The penalty is increased to [...] years' imprisonment where participation in the terrorist organisation takes the form of a criminal offence punishable by [...] years' imprisonment or a lesser penalty.

The penalty is increased to [...] years' imprisonment where participation in the terrorist organisation takes the form of a criminal offence punishable by [...] years' extended imprisonment” (Alix, 2010).

Support for an extraordinary terrorist action

Following the views of a significant number of doctrines, the idea of treating extraordinary terrorist acts as crimes against humanity is being discussed. If that qualification were chosen in the future, the general rules relating to support for crimes against humanity would logically apply to the punishment of support for extreme terrorist acts (Alix, 2010).

In light of these considerations, the anti-terrorism laws of West African countries are examined and presented in an annex. ■■■

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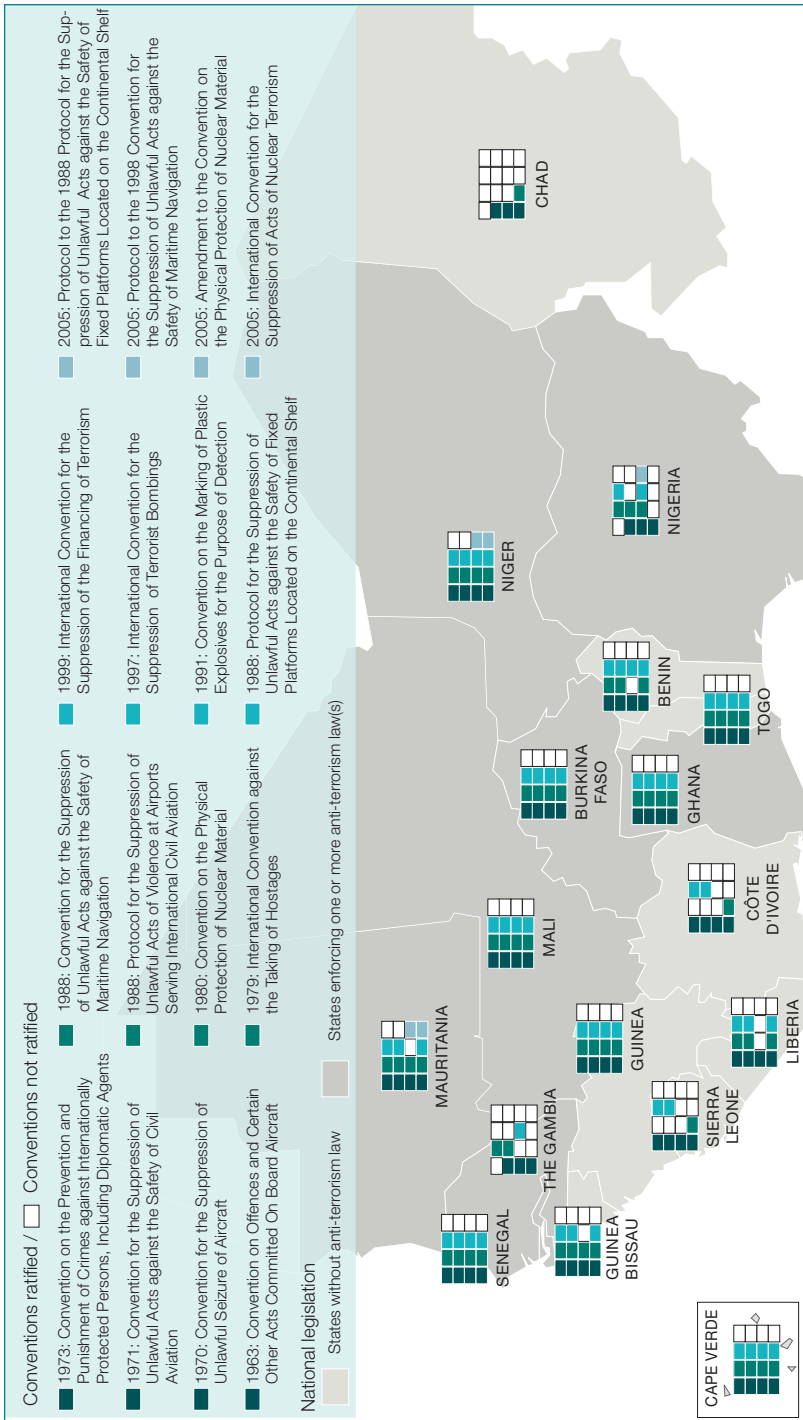
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Notes

1. Based on a contribution from Nadia Hamel.
2. Member of the Financial Action Task Force (FATF), hosted at the OECD.
3. More information available at: <http://unowa.unmissions.org/Default.aspx?tabid=841>
4. Based on a contribution from Matthieu Aldjima Namountougou.
5. States are required to take reasonable steps to protect persons under their jurisdiction (De Schutter, 2002).
6. This study only considers the legal issues, rather than the issue of the political management of the fight against terror by West African countries.
7. Doctrine seems to admit that the 9/11 attacks constitute crimes against humanity. See Jean-Christophe Martin, *Les règles internationales [...]*, op. cit., p. 259.

Map 6.1 – Ratifications and national legislation on terrorism in West Africa



Source: Sahel and West Africa Club Secretariat (SWAC/OECD), 2011.

ANNEX 6.A1

by Matthieu Aldjima Namountougou

Anti-terrorism laws in West African states¹

West African states can be divided into two categories: those that have enacted more or less effective anti-terrorism laws and those yet to adopt such measures. However, this distinction does not mean that the justice systems of the latter group are entirely without legal norms for countering terrorism. On the contrary, their laws tend to include scattered provisions for combating terrorism.² But they do not have counter-terrorism legislation *per se*. In the absence of a coherent, universal and specific legal framework, it is only reasonable to conclude that the situation in these countries is not, or is no longer, capable of combating or preventing terrorism. There is, therefore, an urgent need for the states in question to think seriously about enacting appropriate anti-terrorism laws.³

Against this background, the focus will primarily be the states where anti-terrorism laws are in force. This study will consider both sides of any reasonable fight against terrorism, namely, the punitive (A) and the preventive (B) aspects.⁴ It should be noted, however, that punitive measures could also serve in a preventive capacity. This is particularly the case with regard to combating support for terrorism.

Punitive aspect of the laws

Before reviewing the anti-terrorism laws, it should be stressed that combating terrorism is essentially a matter for the jurisdiction of the national courts in each country. There is no formal universal legal regime for counter-terrorism, although there have been proposals to establish a special court for combating terrorist acts (Creegan, 2010). West African states have not deemed it appropriate to entrust such a responsibility to their own shared jurisdiction in the form of the ECOWAS Community Court of Justice, which acts as an international court. Indeed, the Court's Statute grants it no jurisdiction with regard to terrorism.⁵ Nor is the issue addressed in its Supplementary Protocol.⁶ Nevertheless, terrorism is referred elsewhere in the basic texts of the ECOWAS Court, which stipulates that, "Member States undertake to reinforce structures to prevent and combat terrorism within their respective territories."⁷

The issues outlined above appear to suggest that for an anti-terrorism law to be considered as a serious and effective piece of legislation, it must bring together three key features. First, it must include an appropriate definition of terrorism. Second, it must make terrorism a criminal offence and provide a derogating control order regime. And lastly, it must be sufficiently respectful of human rights. In other words, fundamental freedoms must not be sacrificed in the name of combating terrorism.

Burkina Faso

■ Weaknesses

Defining terrorism

Burkina Faso has opted for an objective technique that defines terrorism by analysing or describing different types of terrorist acts.⁸ In other words, its law sets out a specific list of acts that are considered

terrorist crimes. But as legal experts have repeatedly demonstrated, this approach to defining terrorism is highly questionable. The main drawback of objective or analytical definitions is that they can never be exhaustive. Indeed, terrorism cannot be adequately circumscribed by a list of acts, no matter how long. As common as it may be, the technique of objective definition can only provide a partial view of terrorism that does not stand up to scrutiny because the methods and manifestations of terrorism are constantly evolving.

How can it be seriously claimed then that it is possible to define and list all types of terrorist acts? In light of the above remarks, the Burkinabe Act cannot be considered an effective law in terms of the provision of a clear definition of terrorism. To be effective, an anti-terrorism law must combine objective and subjective definitions based on current knowledge. Only this combination can encompass all terrorist acts.

In addition to this general deficiency, it should be noted that there is no definition supporting terrorism.

Lastly, the Burkinabe Act makes no distinction between ordinary and extraordinary terrorist acts. This is unsatisfactory because extraordinary terrorist acts may constitute crimes against humanity.

Criminalisation and procedure

Because making terrorism a criminal offence logically depends on the definition that has been adopted, it naturally follows that the latter will leave loopholes in the criminalisation process. Articles 14 and 15 of Burkina Faso's Anti-terrorism Act provide for the punishment of acts of sponsoring, that is, offering support for terrorism. However, given that there is no satisfactory definition of supporting terrorism, the criminalisation provided for in both articles is also unsatisfactory. Only the (knowing) supply of weapons, recruitment and maintenance or training of a person with a view to committing terrorist acts are considered criminal offences. These are just several examples of supporting terrorism. Should we conclude then that other forms of support for terrorism are not outlawed in Burkina Faso? The answer, quite clearly, is "no".

Burkina Faso's Anti-terrorism Act makes no provisions for a special procedure. Yet the effective fight against terrorism requires the implementation of a derogating control order regime. Once again, legal experts are forced to concede the inadequacy of the law in question.

Respecting human rights

The Burkinabe Act on the suppression of terrorism does not address the issue of human rights, which creates latitude for different interpretations. In any case, it is regrettable that there is no explicit affirmation of the need to respect human rights in the fight against terrorism.

■ Positive aspects

The Act provides the courts in Burkina Faso with relatively wide jurisdiction.

Mauritania

■ Weaknesses

Defining terrorism

Mauritania is one of the countries that has opted for the objective or descriptive technique of defining terrorism. Nevertheless, even though the list of terrorist acts enumerated in its law is extensive, such an approach is inherently limited, as argued above.

Criminalisation

Generally, the shortcomings of the Mauritanian Act in terms of criminalisation are the same as those for the law in Burkina Faso, except that the lists of acts supporting terrorism in the respective laws are different. Naturally, the penalties provided for differ in both laws.

■ Positive aspects

Existence of a special procedure

Unlike the situation in Burkina Faso, where the law says nothing about procedure, anti-terrorism law in Mauritania provides a derogating control order regime.⁹ In other words, it provides for procedures, particularly with regard to enquiry and investigation, which can only be applied, where there is compelling evidence, to individuals suspected of having committed terrorist acts.

Respecting human rights

It must be emphasised that Mauritanian law addresses human rights from two angles. First, it explicitly states, “no provision of the present law shall be interpreted as being intended to reduce or restrict the fundamental rights and freedoms provided for by the constitution [...]”.¹⁰ There is no doubt that this provision leaves room for improvement. Rather than simply referring to the human rights provided for in the constitution, it would surely have been more appropriate to address human rights in general, that is, as they are enshrined in international and Mauritanian law. Nevertheless, the formal statement that the fight against terrorism must not reduce or restrict human rights is a commendable achievement.

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Second, Mauritanian law takes account of human rights by making a criminal offence of any possible abuses committed by the police or judicial authorities in the implementation of the special procedure. This is particularly appropriate because it sends a clear warning to the authorities charged with prosecuting terrorism that human rights violations are forbidden.

Other positive aspects

First, the law provides a relatively wide jurisdiction for the Mauritanian courts. Second, it establishes counter-terrorism hubs inside the Mauritanian legal system.¹¹ Third, it stipulates that there are no statutory limitations with regard to the prosecution of terrorist offences.¹² Fourth, it sets up a compensation fund for the victims of terrorism.¹³ Finally, Mauritania's anti-terrorism law formally punish terrorist acts by legal entities.¹⁴

Niger

■ Weaknesses

Unlike its West African counterparts, Niger breaks no new ground in terms of defining terrorism. The criticisms levelled above with regard to the definition and criminalisation of terrorism also apply to Niger. In the domain of human rights, Niger's law only formally guarantees the prohibition of discrimination. Although significant, this measure does not appear to be satisfactory.

■ Positive aspects

Although not as comprehensive as the regime introduced by the Mauritanian Act of 2010, Niger's anti-terrorism legislation does provide for special procedure measures.¹⁵ As part of its adherence to United Nations Security Council Resolution 1373 (2001), Niger has established a government committee to monitor counter-terrorism measures.¹⁶

Senegal

■ Weaknesses

Senegal is no exception to the aforementioned trend regarding a definition of terrorism. For the most part, Act No. 2007–01 of 17 February 2007 relating to terrorist acts, resembles the anti-terrorism laws in the other countries in the region. In this respect, there is wide scope for criticism.¹⁷

■ Positive aspects

Senegalese laws provide a derogating control order regime. They have also established a anti-terrorism hub at the Dakar regional court.¹⁸

Mali

■ Weaknesses

Act No. 08–025 of 23 July 2008 on the suppression of terrorism in Mali does not differ significantly from the anti-terrorism laws of other West African states.¹⁹

■ Positive aspects

Like Mauritania, Mali stipulates that statutory limitations shall not apply to terrorist crimes. Similarly, there are provisions for a derogating control order regime. As in other countries, Mali has removed terrorist crimes from the scope of political offences to facilitate their prosecution and, where necessary, to extradite the perpetrators.²⁰

Gambia

■ Weaknesses

There are no noteworthy discrepancies between Gambia's Anti-Terrorism Act of 2002 (as amended by the Anti-Terrorism Act, 2008) and the anti-terrorism laws of other West African states.²¹

■ Positive aspects

Gambia provides a derogating control order regime.²²

Nigeria

■ Weaknesses

Given its pivotal position in West Africa, Nigeria might reasonably be expected to have adopted a ground-breaking approach towards combating terrorism. Disappointingly, it has done nothing of the sort. Its anti-terrorism legislation is essentially the same as that of other states in the region, notably with regard to the definition and criminalisation of terrorism. Consequently, its law is open to criticism from a number of angles.²³

■ Positive aspects

Like many other countries in the region, Nigeria also provides a derogating control order regime.²⁴

Ghana

■ Weaknesses

The Ghanaian Act defines terrorism in two ways. First, it defines it with reference to the treaties to which the country is bound. Indeed, according to the provisions of Section 2 (1), "A terrorist act is an act or threat

of action in or outside the Republic which constitutes an offence within the scope of an international anti-terrorism convention to which the Republic is a party.” Second, the analytical technique has also been used to define terrorism.²⁵ Despite references to treaty law in the definition of terrorism, the criticisms levelled against the laws described above are undoubtedly also applicable to Ghana.

■ Positive aspects

Terrorism enquiries and investigations are conducted under a derogating control order regime.

Preventive aspect of the laws

As has been stressed above, the fight against terrorism includes a preventive element. However, an appropriate preventive legal framework is not solely limited to assumptions about the punishment of terrorist acts. Alongside the purely criminal dimension, the prevention of terrorism is a multi-faceted task involving economic, sociological, cultural, political, geographical and educational issues (Bangura, 2010). Each of these preventive measures falls into two categories, depending on whether they concern individual states, or based on international co-operation requires a joint action (Martin, 2000).

However, with the exception of the combating of the financing of terrorism – for which there are welcome provisions in most of the anti-terrorism laws of West African states – prevention plays a minor role. Therefore, we might reasonably ask if it would not be in the best interests of the states in question to adopt a more appropriate preventive framework, either collectively through the auspices of an international organisation, or individually through national legislation. The latter legal framework is essential if they are serious about effectively combating terrorism. We should not lose sight of the fact that regional solutions are sometimes easier to adopt and more effective than universal measures because of the difficulty of getting states to assent to a common system of values; as is clear in attempts by member states of the United Nations to adopt a universal convention on terrorism. Legal commentary has even characterised the handling of terrorism at the UN level as an “exercise in wilful ambiguity” (Sorel, 1999).

Proposals

The overall emerging picture should come as no surprise given that the countries concerned have drawn on the same laws and guidelines, or relied on similar advice to draft their anti-terrorism laws. From this angle, the question that immediately springs to mind is whether the international norms that bind the West African states can remedy the deficiencies of their respective national laws.²⁶ This question calls for a guarded response. Indeed, because of the many contradictions that beset the international community, the treaties themselves reveal several inadequacies that the countries’ national laws should correct. Ultimately, therefore, there may still be shortcomings.

Any discussion of such a topical, serious, controversial and emotionally charged issue must be measured and approached with prudence. As has been noted, “when faced with irreconcilable objectives, pragmatism versus dogmatism, protecting public order over protecting freedoms, a nuanced response is, if not the only possible answer, at least the only one that is not totally illusory” (Alix, 2010). It should therefore come as no surprise that this study does not recommend radical changes. The purpose of the discussion is not to revolutionise the normative framework of the states concerned, but rather to illustrate the limitations and deficiencies of their laws, in the hope that appropriate reforms will be implemented.

This assessment has shown that the fight against terrorism is the responsibility of all states in the world.

Faced with the many challenges of development (food security, political stability and a conducive environment for development), West African states have no option but to effectively combat terrorism, all the more so since it is linked – often very closely – with other criminal activities such as money laundering, organised crime and various forms of trafficking. As these illegal activities feed off one another, we should not lose sight of the need to address and combat them through a universal approach. Consequently, we offer the following recommendations:

Defining terrorism

To better combat terrorism, an appropriate definition is indispensable. However, terrorism is a multi-faceted criminal phenomenon characterised by extremely elusiveness. There is still a striking degree of uncertainty regarding the concept of terrorism. Consequently, West African states should not restrict themselves to compiling a list of acts, no matter how long, of what they consider an exhaustive definition of terrorist acts. While this objective technique of defining terrorism is relevant, it must nevertheless be complemented by a more subjective or inclusive approach. Indeed, based on current knowledge, this combination of objective and subjective definitions is essential. We must remain mindful of the fact that terrorism can only be defined within the boundaries of known or conceivable acts.

The objective technique of defining terrorism is the most widely used, at least among national legal systems. The subjective technique of defining terrorism can be criticised because it gives judges and other authorities' great powers of discretion in the application of the law, which may lead to incorrect interpretations (Martin, 2000). But we should not generalise or adopt a solution simply because another could be used inappropriately. Besides, all national legal systems forbid abuse of rights.

The effective suppression of terrorist acts seems to involve making a distinction between ordinary and extraordinary terrorist actions in order to prescribe more appropriate penalties to extraordinary terrorist offences (i.e., those applied to crimes against humanity). However, classifying extreme terrorist acts on a par with crimes against humanity can only be envisaged in conjunction with a derogating control order regime.

Defining support for terrorism

Support for terrorism cannot be adequately enumerated by a list, no matter how long, because the methods used by terrorists are constantly evolving. Again, this is why the subjective definition is needed alongside the objective definition of support for terrorism.

Criminalisation

Once terrorist actions and the support for terrorism have been adequately defined, their criminalisation becomes a relatively simple task of referral to the definitional provisions.

Procedure

The indiscriminate nature and the real threat terrorism poses to the security of people and property necessitate the provision of special procedural means to law enforcement agencies, and, therefore, the introduction of a derogating control order regime. In countries where this is lacking, legislation should be amended.

Respecting human rights

In light of criticism of the excesses of the fight against terrorism, it is only natural for this study to question whether the anti-terrorism laws of West African states afford adequate protection to human rights (Couzigou, 2008). It would indeed be difficult to deny that there are possible conflicts between human rights and the fight against terrorism. Nevertheless, the illusion of a risk-free society should not become the order of the day. While it is necessary, legitimate and urgent, the fight against terrorism in all its forms must be conducted within a democratic framework, under the rule of law. In other words, it must respect the human rights that the law is designed to protect. As human beings, terrorists are “entitled to the protection of the rules of criminal law and human rights, even if they have committed abominable acts” (Tavenier, 2004)

As is more or less provided for by the Mauritanian Act, counter-terrorism laws should not only formally guarantee the observance of human rights, but also criminalise any violations committed by law enforcement authorities in the application of a derogating control order regime. In other words, the executive and judicial agencies must respect human rights when exercising their jurisdiction and authority.

Compensation for victims

History teaches us, unfortunately, that despite the scale and effectiveness of the preventive measures put in place, terrorist acts remain a credible possibility. For this reason, as provided for by the Mauritanian Act, a fund should be established to compensate the victims of terrorism. This needs to be an appropriately financed entity, rather than on a theoretical basis.

No statute of limitations on terrorist crime

Although it may appear harsh, there should be no statute of limitations for terrorist crimes. This will send a clear signal to terrorists that the ends do not justify the means, and that they will be prosecuted and punished in accordance with the law, regardless of when they commit an offence.

Counter-terrorism hub

The establishment of counter-terrorism hubs should be encouraged because they enable the countries in question to deploy judges and other authorities with sufficient training and experience in the field of counter-terrorism.

International conventions

International and national rules on terrorism often complement one another. West African states now need to ratify all counter-terrorism treaties.

Monitoring mechanism

As provided for in Niger’s laws, establishing a body to monitor the implementation of counter-terrorism measures can be a useful initiative. More generally, as set forth in the ECOWAS Protocols,²⁷ each state should establish a national agency for the prevention and combating of terrorism.

Prevention

As a matter of principle, prevention is better than cure. However, the foregoing analysis confirms that the laws in question are not distinctive by virtue of any preventive capacity. Therefore, their preventive provisions require reinforcement. To this end, despite the detailed requirements for prevention set forth in the Organisation of African Unity (now the African Union) Convention on the Prevention and Combating of Terrorism, West African states should nevertheless adopt a comprehensive convention on the prevention of terrorism (Martin, 2010).

Intergovernmental co-operation

Globalisation is making states increasingly interdependent in a number of respects. To be effective, the fight against terrorism requires a reasonable degree of co-ordination in the efforts of all stakeholders (i.e., states and other players). Industrialised nations should enhance and tailor their technical and operational co-operation to suit the needs of African countries. Some forms of co-operation are inappropriate in this context because they entail substantial costs and do not necessarily bring any noticeable benefits. Closer international co-operation to combat terrorism would be relatively inexpensive but highly effective (Leclercq, 2010).

Notes Annex 6.A1

1. Analysis dated from November 2011.
2. Various articles in the criminal code; other provisions, often a law or an order concerning financial crime, general criminal offences or terrorist crime; other provisions with regard to armaments.
3. These states are Benin, Cape Verde, Côte d'Ivoire, Guinea, Guinea-Bissau, Liberia, Sierra Leone and Togo.
4. Although not formally a Member of ECOWAS, Mauritania is considered a West African state for the purposes of this study.
5. See Article 9 of Protocol A/P.1/7/91, of 6 July 1991 on the ECOWAS Community Court of Justice.
6. See Article 3 of Protocol A/SP.1/01/05, of 19 January 2005.
7. See Article 24 of Protocol A/SP.1/12/01, of 21 December 2001.
8. Article 2 of Act No. 060–2009/ AN of 17 December 2009 on the suppression of terrorist acts in Burkina Faso.
9. See Articles 20 *et seq.* of Act No. 2010–035 of 21 July 2010.
10. Article 46 of Act No. 2010–035 of 21 July 2010.
11. See Articles 20 *et seq.* of Act No. 2010–035 of 21 July 2010.
12. Article 35.
13. Article 12.
14. Article 13.
15. See Articles 399.23 to 399.26 of Law No. 2008–18 of 23 June 2008.
16. See Order No. 06/ MAE/C/IA of 24 October 2006 establishing the Counter-Terrorism Committee.
17. For more details, see the commentary on the counter-terrorism laws of Burkina Faso and Mauritania.
18. See Articles 677–28 *et seq.* of Act No. 2007–04 of 2007.
19. For more details, see the commentary on the counter-terrorism laws of Burkina Faso and Mauritania.

20. See Article 9-12 of Act No. 08-025 of 23 July 2008.
21. See Sections 2 and 3 regarding the definition of the criminalisation of terrorism.
22. Anti-Terrorism Act, 2002 (as amended by the Anti-Terrorism Act, 2008), Sections 56 *et seq.*
23. For more details, see the commentary on the counter-terrorism laws of Burkina Faso and Mauritania.
24. See Sections 1 *et seq.* of Nigeria's counter-terrorism legislation (A Bill for an Act to Provide for Measures to Combat Terrorism and Related Matters, 2009).
25. Section 2 (2).
26. On the status of treaties binding the concerned States, see Jolyon Ford, "African counter-terrorism legal frameworks a decade after 2001", pp. 107-111(www.issafrica.org/uploads/Mon0177.pdf).
27. See Article 24 of Supplementary Protocol A/SP1/12/01 on democracy and good governance, in addition to the protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, 21 December 2001.

ANNEX 6.A2

Legislation sources

The following states listed below have adopted national counter-terrorism legislation in order to put it in line with the aforementioned international instruments:

- Source : www.unodc.org/tldb/laws_legislative_database.html

Benin

- Décret n° 2008-248 du 07 mai 2008 portant nomination des membres de la Cellule Nationale du Traitement des Informations Financières (CENTIF)
www.unodc.org/tldb/pdf/CENTIF%20Benin%20Decret%20du%2007%20mai%2020080001.pdf
- Décret n° 2006-752 du 31 décembre 2006 portant création, attributions, organisation et fonctionnement de la Cellule Nationale de Traitement des Informations Financières (CENTIF)
www.unodc.org/tldb/pdf/CENTIF%20BeninDecret%20du%2031-12-060001.pdf
- Loi n° 2006-14 du 31 octobre 2006 portant lute contre le blanchiment des capitaux
[www.unodc.org/tldb/pdf/Loi%20no.%202006-14%20du%2031%20octobre%202006-Blanchiment%20des%20capitaux%20\(texte%20integral\).pdf](http://www.unodc.org/tldb/pdf/Loi%20no.%202006-14%20du%2031%20octobre%202006-Blanchiment%20des%20capitaux%20(texte%20integral).pdf)
- Constitution, Titre IX, Art 146. - Si la Cour Constitutionnelle saisie par le Président de la République ou par le Président de l'Assemblée Nationale a déclaré qu'un engagement international comporte une clause contraire à la Constitution, l'autorisation de le ratifier ne peut intervenir qu'après la révision de la Constitution.
- Art 147. - Les traités ou accords régulièrement ratifiés ont, dès leur publication, une autorité supérieure à celle des lois, sous réserve pour chaque accord ou traité, de son application par l'autre partie.
www.unodc.org/tldb/pdf/Benin_const_1990_fr.pdf

Burkina Faso

- Loi n° 060-2009 / an du 17 décembre 2009 relative à la répression d'actes de terrorisme au Burkina Faso
www.unodc.org/tldb/pdf/Burkina-Faso/Loi_Repression_dActes_Terrorisme2009.pdf
- Loi n° 061-2009 / an du 17 décembre 2009 relative à la lutte contre le financement du terrorisme
www.unodc.org/tldb/pdf/Burkina-Faso/Loi_contre_financement_terrorisme2009.pdf
- Constitution, Art 151. - Les traités et accords régulièrement ratifiés ou approuvés ont, dès leur publication, une autorité supérieure à celle des lois, sous réserve, pour chaque accord ou traité, de son application par l'autre partie.
www.unodc.org/tldb/showDocument.do?documentUid=2400&country=BKF&language=FRE

Cape Verde

- Penal Code, Art. 315 (Terrorist organisations) (2003)
www.unodc.org/tldb/showDocument.do?documentUid=7409&country=CVI

- Penal Code, Art. 316 (Co-operation with terrorist organisations) (2003)
www.unodc.org/tldb/showDocument.do?documentUid=7405&country=CVI
- Code of Criminal Procedure, Art. 234, 255 (2003)
www.unodc.org/tldb/showDocument.do?documentUid=7412&country=CVI
- Law No.17/VI/2002, 16 December 2002
www.unodc.org/tldb/showDocument.do?documentUid=7413&country=CVI
- The Constitution of the Republic of Cape Verde (1992)
- Article 11 (Reception of treaties and agreements in the domestic legal order)
- Article 12 (Participation in and the termination of the binding effect of international treaties and agreement)
- Article 13 (Executive Agreements)
www.unodc.org/tldb/showDocument.do?documentUid=8993&country=CVI

Chad

- Constitution, Titre 13, De la coopération, des traités et accords internationaux (1996)
www.unodc.org/tldb/showDocument.do?documentUid=1207&country=CHD&language=FRE
- No other national law specifically related to terrorism, browse all documents available on UNODC:
www.unodc.org/tldb/browse_country.html?country=CHD

Côte d'Ivoire

- Loi n° 2005-554 du 2 décembre 2005 relative à la lutte contre le blanchiment des capitaux
www.unodc.org/tldb/showDocument.do?documentUid=10416&country=IVC&language=FRE
- No other national law specifically related to terrorism, browse all documents available on UNODC:
www.unodc.org/tldb/browse_country.html?country=IVC

The Gambia

- Money Laundering Act, 2003
www.unodc.org/tldb/pdf/Gambia_Money_Laundering_Act_2003.pdf
- Anti-terrorism Act, 2002 (as amended by the Anti-Terrorism Amendment Act, 2008)
www.unodc.org/tldb/showDocument.do?documentUid=2488&country=GAM

Ghana

- Anti-Money Laundering Act, 2008
www.unodc.org/tldb/showDocument.do?documentUid=10971&country=GHA
- Anti-Money Laundering Bill, 2007
www.unodc.org/tldb/showDocument.do?documentUid=8995&country=GHA
- Anti-Terrorism Bill, 2005
www.unodc.org/tldb/showDocument.do?documentUid=6494&country=GHA

Guinea

- Code Pénal, Arts. 505-509, Des actes de terrorisme (date ?)
www.unodc.org/tldb/showDocument.do?documentUid=1666&country=GUI&language=FRE

Guinea-Bissau

- Code Pénal. Art. 203, 1993
www.unodc.org/tldb/showDocument.do?documentUid=1672&country=GBS&language=FRE

- No other national law related specifically to terrorism, browse all documents available on UNODC:
www.unodc.org/tldb/browse_country.html?country=GBS

Liberia

- Penal Law Amendment, Chapters 14 & 15 (Offences of Terrorism) (2008)
www.unodc.org/tldb/pdf/Liberia/LIR_Crim_Law_Amend_2008.pdf
www.unodc.org/tldb/showDocument.do?documentUid=7970&node=docs&cmd=add&country=LIR
- Prevention of Money Laundering Law (2002)
www.unodc.org/tldb/pdf/Liberia_Prevention_of_Money_Laundering_Law.pdf

Mali

- Loi n° 08-025 du 23 juillet 2008 portant répression du terrorisme au Mali
www.unodc.org/tldb/pdf/Loi%2008-025%20du%2023%20juillet%202008%20contre%20le%20terrorisme0001.pdf
- Constitution, Arts. 114-116, Incorporation des normes internationales dans le droit interne (1992)
www.unodc.org/tldb/showDocument.do?documentUid=1282&country=MLI&language=FRE

Mauritania

- Loi n° 2010-035 du 21 juillet 2010 abrogeant et remplaçant la loi n° 2005-047 du 26 juillet 2005 relative à la lutte contre le terrorisme
www.unodc.org/tldb/pdf/Mauritania/Mauritanie_-_21072010Nouvelle_loi_contre_le_terrorisme.pdf
- Loi n° 2005-048 relative à la lutte contre le blanchiment de l'argent et le financement du terrorisme
www.unodc.org/tldb/showDocument.do?documentUid=3020&country=MAU&language=FRE

Niger

- Code pénal du Niger (2003/2008), Titre VI., Du terrorisme et du financement du terrorisme
www.unodc.org/tldb/showDocument.do?documentUid=9010&country=NER&language=FRE
- Arrêté No. 06/MAE/C/IA du 24 octobre 2006 portant création du comité contre le terrorisme
www.unodc.org/tldb/pdf/Niger_arrete_creationcomiteterrorisme.pdf

Nigeria

- Terrorism (Prevention) Act (2011)
www.unodc.org/tldb/pdf/Nigeria/NIR_Terror_Prevent_2011.pdf
- Money Laundering (Prohibition) Act (2011)
www.unodc.org/tldb/pdf/Nigeria/NIR_Money_Laundering_Act_2011.pdf
- A Bill for an Act to Provide Measures to Combat Terrorism and for other Related Matters (2011)
www.unodc.org/tldb/pdf/Nigeria/Bill_for_an_Act_to_Provide_For_Measures_To_Combat_Terrorism_And_For_Other_Related_Matters_2010.pdf
- Money Laundering (Prohibition) Act (2004)
www.unodc.org/tldb/pdf/Nigeria_AML_Act04.pdf
- Economic and Financial Crimes Commission (Establishment) Act, Part IV: Offences, Art. 14: Offences Relating to Terrorism (2002)
www.unodc.org/tldb/showDocument.do?documentUid=2394&node=docs&cmd=add&country=NIR

Senegal

- Loi n° 2007-01 modifiant le Code pénal (Des actes de terrorisme, Art. 279-1 à 279-5)
www.unodc.org/tldb/showDocument.do?documentUid=7522&country=SEN&language=FRE
- Loi n° 2007-04 modifiant le Code de procédure pénale et relative à la lutte contre les actes de terrorisme
www.unodc.org/tldb/showDocument.do?documentUid=7530&country=SEN&language=FRE
- Loi uniforme relative à la lutte contre le blanchiment de capitaux n°2004-09 du 6 février 2004
www.unodc.org/tldb/showDocument.do?documentUid=7826&country=SEN&language=FRE

Sierra Leone

- The Anti-Money Laundering Act (2005)
www.unodc.org/tldb/pdf/Sierra_Leone/SIL_AML_2005.pdf
- No other national law specifically related to terrorism, browse all documents available on UNODC:
www.unodc.org/tldb/browse_country.html?country=IVC

Togo

- Constitution, Titre XI, Art.137-140, Des traités et accords internationaux
www.unodc.org/tldb/showDocument.do?documentUid=1871&country=TOG&language=FRE
- No other national law specifically related to terrorism, browse all documents available on UNODC:
www.unodc.org/tldb/browse_country.html?country=IVC

UEMOA

- Ordonnance n° 2009-367 du 12 novembre 2009 relative a la lutte contre le financement du terrorisme dans les états membres de l'Union Monétaire Ouest Africaine (UEMOA) (2009)
www.unodc.org/tldb/showDocument.do?documentUid=10417&country=IVC&language=FRE

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