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Deciphering the Role of Contradictory Cartography in the Malawi-Tanzania Border Dispute

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Abstract

Cartography played a crucial role during the partitioning of Africa. Territorial boundaries were marked on maps by the colonial powers. However, in some cases, maps were not precise regarding the sites they referred to. Some colonial powers changed original maps by shifting their territorial limits, thus staking a claim to other powers' territories. In areas where territorial questions from maps had not been sufficiently addressed during the colonial period, the distorted maps became a primary source of border disputes in the post-colonial period. The paper is built on the premise that the cartographic foundation of the Malawi-Tanzania border is knotty. Consequently, Malawi and Tanzania inherited contradictory cartography, each state selecting maps that suits her interests to defend her sovereign limits. Indeed, this has stoked the dispute that has dawdled for decades since independence.

Keywords: Cartography, Maps, Border dispute, Lake Nyasa, British Mandate.

Introduction

Evidently, during the partition of Africa, treaties often defined the boundaries between neighbouring colonial territories. Such treaties were translated into maps to physically represent the boundaries on the ground. In territorial boundary negotiations, from the 1890s onwards through the dusk of colonialism, the International Boundary Commission was established and charged with marking boundaries between neighbouring states on the ground

and maps. The records of the boundaries were preserved in the archives of the colonial powers for future reference and as evidence of territorial boundaries should territorial claims be made.¹ Thus, the colonisation of Africa was accomplished through cartography as a vehicle through which colonial possessions were ascertained and justified. Therefore, there is a nexus between cartography and colonisation:

Maps served as both instruments and representations of expanding European influence into Africa during the nineteenth century. They contributed to empire-building by promoting, assisting, and legitimating the projection of European power. Through the use of cartographical elements such as color, cartouches, vignettes, boundary lines and blank spaces, mapmakers participated in the conquest and colonization of Africa (Basset, 1994:316).

Maps extended European hegemony into African territories and were a part of the documentary evidence used by some European powers to stake a claim to protectorates (Basset, 1994:316-317). That way, maps furthered imperialism and colonial empire-building. In this regard, Maddox (1998:437) argues that the expression of the power of colonisation came on maps drawn by the agents of European states. Such maps resulted in the creation of international frontiers and the transformation of the relationship between communities and their environments (Maddox, 1998:436-438). A major significance of the maps in the era of colonial imperialism was the emergence and spread of the idea of a territorial space (Pesek, 2007:235). This idea led to the mapping of colonial rule on the ground; a boundary marked the presence of a colonial ruler in a territorial state. Hence, the modern territorial state encompassed such concepts as space and configuration of social, economic and political relations as a product of European history (Pesek, 2007:235).

Although mapping in Africa was one of the acts of colonial conquest, one central irony associated with some colonial mapping was the disparity between the definition of boundaries during the continent's division by the diplomats in Europe and the translation of these territorial boundaries onto maps. This disparity has caused border disputes (Seligman, 1995:173).

1 British National Archives, London, *Overseas Records Information No. 37*, <http://www.nationalarchives.gov.uk> >Records >In-depth research guides >International boundaries. Accessed on 8 December 2012.

The observation above indicates that maps have been a primary tool for claims over borders to be made by neighbouring states. For instance, in 1894, Germany and Britain quarrelled over the location of the 20 meridians of the Rietfontein border between German South-West Africa and British Bechuanaland. In this dispute, Germany used maps compiled in 1892 by the geographer Richard Kiepert. Germany's maps included in the German protectorate a tract of land that allegedly belonged to the Bechuanaland colony. On the contrary, the 1891 maps drawn by the Surveyor-General of British Bechuanaland, Mr Moorrees, showed that Rietfontein was within British territory.

Similarly, France and Britain were in a dispute over the Nova Scotia or Acadia border in North Eastern North America in 1750. The Utrecht treaty shows that an area called Port Royal (Annapolis) belonged to the English. However, the maps showed that an area in Nova Scotia/Acadia was within the port. On the one hand, the French felt that Acadia was not an entire peninsula and extended neither to Isthmus nor the mainland coast. Yet, the French thought the boundary did not run north to the River St. Lawrence. On the other hand, the English expected to possess an area they thought was Nova Scotia, which they defined as both the peninsula and the mainland north of the River St. Lawrence. In laying claim to this territory, the English cited four French maps that supported their claim on Greater Acadia, and the French cited three English maps to support their claim on Lesser Acadia. In both cases, the maps showed contradictory information varying in scale, size, and purpose. Thus, neither side could draw meaningful conclusions based on the maps they relied on (Pedley, 1998:96-98).

In Latin America, Guatemalan maps invariably show that Belize is part of Guatemala, and a 250-page atlas produced in Guatemala in 1929 contradicts the maps produced by the Honduran government, which show the boundary between the two countries. Likewise, the map used on Ecuadorean postage stamps in 1930 includes a territory that is controlled by Peru at present. Based on these inconsistencies, I argue that including an area to which two or more countries lay claim on the maps of a particular country can cause and complicate border disputes because each side would claim that the boundary has been manipulated.

In writing this paper, I drew maps and records from diverse sources. Maps from the Departments of Survey, Land and Mapping (Ministry of Land and

Human Settlement Development) in Dar es Salaam, the British National Archives in London, the East Africana Section of the University of Dar es Salaam Library, the University of Dar es Salaam Cartographic Unit, maps appended to colonial reports, and military documents were gathered, studied and interpreted. The maps consulted came from periods as far back as the time of explorations and missionary activities, the establishment of the German colonial border, and the period of British rule to the post-independence period.

Partition of the Lake Nyasa Region and the Beginnings of the Cartographic Anomaly

The partition of German East Africa (Tanganyika and later Tanzania) and British Nyasaland (Malawi) on the Lake Nyasa area was reached through an agreement in Article I of 1 July 1890 and confirmed on 23 February 1901. The agreement indicates that the frontier between the two colonies was situated on the shore of the lake on the German East Africa side (Mihanjo, 1999: 81-110; Zotto, 2007:86-87). Article 1 of this treaty reads:

To the north by a line which follows the course of the River Rovuma from its mouth up to the confluence of the River M'sinje, and thence westerly along the parallel of latitude of the confluence of these rivers to the shore of Lake Nyassa. To the west by a line which, starting from the above-mentioned frontier on Lake Nyassa, follows the eastern shore of the lake southwards as far as the parallel of latitude 13° 30' south (Ian, 1979:1119).

Concerning the treaty cited above, specific points are essential to be made for clarity. First, this treaty served as an establishment of the boundary separating the British and German sovereigns. Second, the treaty was not abrogated throughout the British-German existence as adjoining colonial states. Third, neither the German nor British colonial states existed within their respective sovereign limits. There is evidence that German authorities extended their jurisdiction to the waters of Lake Nyasa and established lepers' camps on the islands in the lake.

Similarly, there is no evidence indicating that the British Nyasaland state extended its jurisdiction beyond the middle of the lake. Fourth, the treaty was incomplete to establish its legal status as an international boundary for two counts. One, it did not exhaust other provisions, especially Article IV, which required the two powers to undertake adjustment of the boundary relative

to local requirements. Two, the boundary was not demarcated, and given the shifts of the lake due to the rise of water level, it is hard, if ever, to establish the precision of the boundary on the ground.² Unfortunately, matters pertaining to the ambiguity of this boundary were not settled following WWI and its impact on the renunciation of German territories. The point I want to emphasise here is that this boundary establishment is a subject of cartographic inaptness (Zotto, 2020:1-43).

With regard to the boundary in question, the course of the cartographic boundary was traced in accordance with a map of the Nyasa-Tanganyika plateau drawn for the British government in 1889. The map resulted from the Nyasa-Tanganyika expedition by a British Consul, H. H. Johnston, from 1889-1890. No German map prepared by German agents shows the Lake Nyasa region. Notwithstanding this, the 1889 map was used during the ground survey and the shifting of the boundary from Nyasa (at the River Songwe) to Lake Tanganyika, which came to conclude the Anglo-German Agreement in 1901.³ One enclosure annexed to the expedition document is worth examining. It contained a sketch map of British Central Africa, which showed that the limits of the districts would be secured by the then-existing treaties and those in process.⁴ In relation to this annexure, a few observations can be made. First, because the journey was still in progress, I may say that the map was not conclusive in providing a comprehensive geography of the area. Second, most of the traversed areas were those between Nyasa (at the River Songwe) and Lake Tanganyika. This indicates that the areas that later became part of the definition of the Anglo-German boundary were not adequately traversed. Third, most of the stories in the text and descriptions on the map were about Mozambique and Nyasaland. I may say that the interest in such areas resulted from the fact that these areas were plagued by the slave trade and foreign 'tribal' attacks, which the expeditors wanted to be abolished by the mother country. In sum, this exhibits scanty knowledge of the expeditors

2 See the original copy of the Anglo-German Agreement in British National Archives, London, Anglo-German Agreement (Helgoland-Sansibar-Vertrag), No. 1, 1 July 1890.

3 British National Archives, London, *Ordinance Survey*, Southampton, UK. Map. No. 28. This map was annexed to Agreement between Great Britain and German, 23 February 1901; British National Archives, London, Map of the Nyasa-Tanganyika Plateau 1889, Intelligence Division, War Office, 1890, Acc. No. FO925/558.

4 British National Archives, London, Report by Mr. H. H. Johnston, Her Majesty's Consul for the Portuguese Possessions on the East Coast of Africa on the Nyasa-Tanganyika Expedition: 1889-1890, Acc. No.FO881/5966.

and, later, the diplomats concerned with settling the Anglo-German treaty. Subsequently, a map accompanied Captain Close's report, concluding the Anglo-German Agreement in 1901, describing only the surveyed and demarcated areas between Nyasa (at the River Songwe) and Lake Tanganyika. The Anglo-German boundary in the Lake Nyasa region was not shown on the map.⁵

As intimated earlier, the maps did not match the provisions of the treaties. Yet, in other respects, they did not detail the geographic realities on the ground well. Indeed, as imperial powers negotiated the partition of the continent, certain maps did not capture the factual descriptions of the partitioned geographical space. It appears that some of the maps compiled during the exploration of the continent were not altered during the period of establishing colonial rule to reflect the realities of the established inter-territorial units. This was influenced by the belief that geographical knowledge of the African landscape was more important than the actual physical presence of the colonising powers (Donaldson, 2011:473).

Stone (1988:59) argues that the maps continued to be published during the colonial period. He cites maps published by Edward Stanford between 1895 and 1906 and which showed the territory published by Edward Stanford between 1895 and 1906 and which showed the territory administered by British South Africa. He argues that, although such maps were compiled with the assistance of a company that governed Northern and Southern Rhodesia, they were primarily used to carry out commercial activities such as farming and ranching. When a map used to establish a boundary does not show anything such as topography, human settlements and the length of a lake, it raises questions about the precision of the boundary.

I further describe some maps to establish how they contradicted each other. For instance, the map of the Neu Langenburg District was edited by the German Colonial Office in 1904. It places the boundary in question on the German East African side. A map drawn in 1905 and appended to an official military report describing the topography of the Lake Nyasa area and German East Africa did not indicate whether the boundary was on the German East

5 See British National Archives, London, Nyasa-Tanganyika Boundary, Map No. 4, Intelligence Division, War Office, July 1899, Acc. No. FO925/322.

African side or the Nyasaland side.⁶ In the same report, a description of the frontier indicated that the lake was shared by the two territories. An undated map produced by the British Ordnance Survey describing the Neu Langenburg District shows the same. Yet a map produced by the British War Office in 1918 shows that the inter-territorial boundaries between German East Africa and Nyasaland were on the shores of the lake in each territory.⁷

Maps produced by Deutsche Kolonialgesellschaft and German Kolonialant in 1905 and 1918 bear the median boundary, which implies that Germany had sovereignty over half of the lake. An examination of the maps produced between 1890 when the treaty was signed, and 1918, when Germany renounced its sovereignty, suggests that Germany possessed half of the lake. A later anomaly is represented in an observation by the British colonial office, which was contained in the War Office General Staff Geographical Section, Lake Nyasa Map No. G8432.N9G67 of 1918. The War Office claims that the internal boundaries were not accurately known except in Nyasaland and neighbouring Rhodesia. Again, German East Africa Map No. 7 of 1913 does not indicate any boundary between German East Africa and Nyasaland.⁸

This map is similar to East Africa Map No. 130 of 1917. It shows certain mission stations but not boundaries.⁹ However, Map of East Africa No. 148 shows a median boundary.¹⁰ This means that the boundary under investigation was variably represented on maps. This reveals that the work of determining the boundary on the Lake Nyasa area by Germany and Britain was inaccurate. The consequence of this was the compilation of maps that did not elaborately correspond with the realities on the ground. Michael Pesek gives similar examples of the boundaries of modern-day Rwanda. He writes:

A striking example is the debate about the borders between the Belgian, British, and German colonies of what is today Rwanda. When the negotiations started in the early 1890s, only one European, the Austrian explorer Oskar Baumann, had ever visited the region and then only for a few weeks. Some years before, Henry Morton

6 British National Archives, London, *General Staff, War Office, Military Report on German East Africa, 1905*, Acc. No. S. 1331.

7 British Ordnance Survey, German East Africa. Map No. G8430, 3 (00). G67 (n.d.).

8 British National Archives, London, German East Africa Map, No. 7, Colonial Office Library, 1913, Acc. No. CO1047/103.

9 British National Archives, London, East Africa Map, No. 130, Colonial Office Library, 1917, Acc. No. CO1047/132.

10 British National Archives, London, East Africa Map, No. 148 (n.d.), Acc. No. CO1047/172.

Stanley had passed through. His African guides and some locals had reported the existence of the Ruwenzori Mountains to him. What exactly these were (whether it was a mountain, a crest, a region, or a kingdom) became a matter of some diplomatic hustle, because it was here that the parties agreed to draw the borders between the colonies. The presence of the colonial powers in this region was equally vague. It was years before the German expeditions reached the Western borders of their colony (Pesek, 2007:246).

From the above excerpt, it is clear that the German Territory of East Africa was not exhaustively surveyed during both the exploration period and the colonial rule. I submit that the Germans' knowledge at the time of the diplomatic division of the Lake Nyasa region was minimal. Indeed, dependence on British maps suggests that the German diplomats were not aware of the geography of the area, apart from the area shown on the inconclusive map that was at the table during the partition. This view is shared by McEwen (1971:179), who argues that there was, at the time, imperfect geographical knowledge of the area in question by the European powers. He further contends that to most people in Europe, the exact location of the Lake Nyasa region remained a mystery for many years. It is, therefore, clear that the maps produced from imperfect knowledge of the area did not represent the actual realities on the ground.

The British Mandate and the Game of Cartography: Boundary Shifts and Concoction of Evidence

After the First World War, Germany lost its East African colonies, and Tanganyika (later Tanzania) became a mandated territory under the League of Nations in 1922. Following the Peace Covenant, the former German East Africa colony was divided into Rwanda, Burundi and Tanganyika. In this division, Belgian troops occupied Rwanda, Burundi, Biharamulo and the north-eastern shore of Lake Tanganyika. Also, in this division, the Portuguese occupied a tiny enclave, which came to be known as the Kionga Triangle, located south of the Ruvuma estuary. The remaining part of German East Africa was occupied by Britain (Iliffe, 1979:246-247). Certain adjustments were made to the territorial divisions between the areas taken up by the British and Belgians. The two countries resolved that Belgium should retain Rwanda and Burundi but abandon Lake Tanganyika's eastern shore and Lake Victoria's western shore.

Also, Kigoma and Biharamulo, under temporary Belgian occupation, were handed over to the British government on 22 March 1921.¹¹ Consequently, the British mandatory status was confirmed on 20 July 1922 (Taylor, 1963:25). This meant that while the Government of Great Britain was responsible for its administration, the reports were submitted to the League of Nations.¹² From this time, Great Britain ruled Tanganyika and Nyasaland under different statuses.

In September 1922, the work of (re)establishing boundaries began in Tanganyika. It started with the determination of the Kagera frontier separating the Belgian territory from the British territory. In the process, the Anglo-Belgian Royal Boundary Commission was established and was tasked with setting the Tanganyika and Ruanda-Urundi boundaries.¹³ At this point, the British mandatory power submitted a proposal to the Belgian government containing proposed modifications to the frontier. The proposal was intended for discussion in the second session of the Permanent Mandates Commission scheduled for 5 September 1922. The commission presented the proposal to the Council of the League of Nations. The commission's proposal contained an agreement to modify the Kagera frontier by adopting a mid-stream boundary. The council accepted the proposal. Consequently, the middle of the River Kagera was accepted as the boundary between the two territories. This boundary modification consensus became known as the 'Milner-Orts' Agreement.¹⁴

Following the modification noted above, the reports submitted to the Permanent Mandates Commission of the League of Nations effected the statement on the shift of the boundary in Lake Nyasa, stating it as the median boundary (a boundary running in the middle of Lake Nyasa). Similarly, between 1923 and 1938, Tanganyika's annual reports invariably described Tanganyika's boundaries, noting, for instance, that the boundary line "continues along the centre line of Lake Nyasa to a point due west of the Rovuma River whence

11 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*, Acc. No. AB 30.

12 Tanzania National Archives, Dar es Salaam, *Handbook of Tanganyika, Chapter 4: History, British Rule, 1919-54*.

13 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*, *op. cit.*

14 Frankreich, *La Question Anglo-Belge: Dans L'East-Africain Allemand*, 15 May 1919.

the boundary runs east and joins the Rovuma River, whose course it follows to the sea."¹⁵

During the British period in Tanganyika, there were also shifts in boundary location on maps. Most of Nyasaland's reports prior to 1929 did not show any map, and if some maps were published, they did not show that the lake served as the boundary between Tanganyika and Nyasaland. This idea is supported by Ian (1979), who indicated that the 1928 colonial reports for Nyasaland contained a map that did not show that the lake was the boundary between the two territories. He also indicated that from this time, succeeding annual reports of Nyasaland suggested that the boundary between Nyasaland and Tanganyika ran through the middle of Lake Nyasa. Similarly, Nyasaland sources released between 1932 and 1933, for instance, contained maps that showed that the district boundaries of Northern Nyasaland and Southern Tanganyika ran through the middle of the lake.¹⁶ However, some maps did not show the boundary. A physiographical map of the Tanganyika Territory published in 1932 is a case in point.¹⁷ This map was revised in 1936 and did not show the boundary in question.¹⁸ Consequently, the Permanent Mandates Commission of the League of Nations accepted both the map and the report, which showed this new boundary.¹⁹

Until 1938, the map and the subsequent annual reports submitted to and accepted by the League of Nations indicated that the boundary between Tanganyika and Nyasaland ran through the middle of Lake Nyasa. The point was clear during that period, the official position of the British government was that the boundary between Tanganyika and Nyasaland ran through the middle of Lake Nyasa. Indeed, two explanation bears in mind as to why the British did the way they did. First, the British imperial power felt it possessed Nyasaland and Tanganyika at equal footing, thus disregarding that she had only a stewardship role in Tanganyika. Second, Great Britain had vested economic interests in Tanganyika. Settlers had established plantations, mining sectors

15 Tanzania National Archives, Dar es Salaam, *Draft of the Annual Report, Tanganyika Territory 1923*.

16 Laws of Nyasaland, 1933, Vo. II, pp. 1042-1043.

17 British National Archives, London, Physiographical Map of Tanganyika Territory, Geological Survey, 1932, Acc. No. CO1047/169.

18 British National Archives, London, Tanganyika Territory Map, Survey Division, Department of Lands and Mines, Tanganyika, Acc. No.1049/169.

19 Land Survey and Mines Department, Tanganyika Territory, Map No. T. T. 21. 24.

and commercial centres in the colony and called for the British government to protect such interests.

In extreme cases, they even appealed to their government to annex Tanganyika if the terms of the mandate dictated their interests. So, in the minds of the British officials and those of their settlers, Tanganyika was treated as part of the British imperial territorial space, and the question of sovereign limits with Nyasaland had no administrative and international inconveniences for the period serving her assumption of mandate power up to the period close to WWII.

After WWII, there was a shift in the delineation of the boundary on the maps of both Nyasaland and Tanganyika from the middle of the lake to the eastern shore of the lake in Tanganyika territory. For instance, the annual reports of the Tanganyika Territory submitted to the United Nations Organisation (UNO) General Assembly and Trusteeship Council in 1946 through 1961 contained maps indicating the eastern shore boundary. Similarly, a handbook of Nyasaland, which appeared in 1946, showed the eastern shore boundary. The boundary was not shown on the map contained in the 1946 and 1947 Nyasaland annual reports.

However, its 1948 annual report shows the eastern shore boundary, which continued up to independence. However, it is interesting to note that some maps were not dated but indicated the eastern shore boundary. East Africa Map No. 112 is a case in point.²⁰ Evidently, this shift of boundary was intentional and planned because, after WWII, Tanganyika acquired a trusteeship status under UNO, which called for immediate independence and Great Britain was at the exit door. In this development, Great Britain sought to occupy the entire lake, taking advantage of the treaty I showed earlier, however faulty it was.

In a nutshell, a list of maps compiled by Ian (1979:963-964) indicates anomalies pertaining to the boundary between Malawi and Tanzania. However, close to the 1940s, the boundary between Tanganyika and Nyasaland was 'shifted' to the eastern shore. Tanganyika Territory reports substantiate this fact. For instance, one report of this territory in 1951 reads that "none of the waters of Lake Nyasa is contained within the Territory's boundaries, as the

20 British National Archives, London, German East Africa Map, No. 112, Dar es Salaam, The Africans and Colonial Press Agency, (n.d.), Acc. No. CO1047/136.

inter-territorial boundary follows the lake shore".²¹ From these developments, it is crystal clear that Britain made certain modifications to the boundaries between Tanganyika Territory and certain neighbouring territories. Such modifications can be viewed as securing administrative convenience between the adjoining territories she administered. However, the Lake Nyasa median boundary seems to have been 'recognised' by the League of Nations. The League did not contest the annual reports, which, among other things, described the boundary in the middle of Lake Nyasa.

From afore discussion, I am convinced to make these points. First, at the beginning of the mandates, the colonial authorities in Tanganyika and Nyasaland were not certain about their shared boundaries. This idea is shared by Ian (1979), who argues that at the start of the administration, which replaced German authority, Britain believed that German East Africa had such a boundary at the inception of the League of Nations (959). At this time, Nyasaland was also uncertain about her boundary with Tanganyika. However, it can be argued that since Britain administered both territories, territorial space was not a matter of significance in the post-war period, which required consolidation of the colonies instead of engaging in domestic inter-territorial quarrels. The second point is that the maps drawn during the partition of the region were used during the formalisation of colonial rule by District administrators to map territorial boundaries. As a result, no significant efforts were made to correct the errors contained in earlier maps. The literature indicates that making maps more precise and adding knowledge about populations to them were part of the first duties of the colonial administrators (Pesek, 2007:235).

Indeed, after the formal proclamation of colonial rule, the use of maps to establish administration on the ground reflected the needs of the developing administrative systems. For instance, the District Officer stationed in Balovale District in Northern Rhodesia had a map that was used to show the location of the local populace. Such administrative maps were not as precise as those of the travellers (Stone, 1988:59). This reveals that the shift from exploration maps to colonial maps during the formal colonial period did very little to correct the territorial errors because the latter was primarily used to create a colonial space and define colonial subjects. As such, the international space

21 Tanzania National Archives, Dar es Salaam, *Report on Tanganyika under UK Trusteeship for the Year 1951*, Colonial Office, Her Majesty's Stationary, London.

beyond the domestic territorial limits was not of great importance to the colonial administrators.

In the Lake Nyasa region, the superficial travellers' maps used during the partition of the continent were not changed, and the colonial administrators used them to establish administrations on the ground. The third point is that, in some circumstances, British officials felt that it was a waste of money to demarcate the boundaries of the adjacent territories Britain administered. This was realised after demarcating the Tanganyika-Kenya boundary.²²

In the 1950s, Nyasaland and Tanganyika were at loggerheads with each other over inconsistencies relating to the boundary. One piece of evidence shows the boundary runs through the middle of the lake and the other indicates that the boundary is on the lake's eastern shore. Yet, in other instances, there is evidence to the effect that the authorities concerned did not clearly understand where the boundary is. There is also a situation where the boundary is shown on neither side of the lake (Mayall, 1973:620).

A mixed-game cartographic Evidence in the Making of the Contemporary Border Dispute between Malawi and Tanzania

In Africa, colonial cartographic anomalies were inherited by the post-colonial states. For instance, since 1996, Djibouti and Eritrea have been involved in a border dispute over the Sultanate of Raheita. The dispute arose immediately after Eritrea became independent. While the Sultanate is now part of Djibouti, Eritrea has been claiming that a part of the Sultanate belongs to her, basing her claim on certain Italian colonial maps (Kornprobst, 2002:380).

Malawi and Tanzania represent a typical case of inconsistent maps. While we know that the Anglo-German treaty describes the eastern shore boundary, the contents of the treaty were not reflected on the maps. Consequently, in later colonial and post-colonial times, each country, chiefly based on scanty and varying cartographic evidence, laid claim to Lake Nyasa. Whereas Tanzania claims that her boundary with Malawi is in the middle of Lake Nyasa, the latter maintains that her boundary with the former lies on the shore of Lake Nyasa in Tanzania. Such claims have dawdled for decades since the attainment of

22 Tanzania National Archives, Dar es Salaam, *Secretariat: Demarcation of International Boundary*, Acc. No. AB 1188.

independence of Tanganyika (modern-day Tanzania) in 1961 and Nyasaland (modern-day Malawi) in 1964. Indeed, the dispute has not obtained a legally and politically binding solution. This dispute is dynamic. Zotto (2013) accentuated this dynamism at length. Between the 1960s and 1970s, the dispute was active, chiefly constructed on political differences embedded in foreign policy between the two countries.

Tanzania led the frontline states to fight White regimes in southern Africa, including apartheid, Malawi had diplomatic relations with the same regimes, especially South Africa. This tendency angered South Africa and her allies, who sided with Malawi in advancing border claims, and both countries wanted to control the border because it was perceived as an infiltration route. However, the dispute was dormant from the 1970s through 2010, in that both countries did not publicly open claims. The demise of colonialism, the establishment of SADCC/SADC, and the quest for each country to reposition itself in the new post-colonial context entailed, each needing cooperation instead of conflict. However, the dispute resurfaced in 2011 following Malawi's move to award an exploration license to one UK Surestream Petroleum company to explore oil and gas in the lake, which Tanzania objected to. At this time, the dispute shifted from political to economically motivated. From 2011, the two countries engaged in bilateral negotiations, which yielded no results.

Consequently, they opted to seek mediation through a Forum of Democratically elected heads of state and government under SADC and the chairmanship of Joachim Chisano, the former President of Mozambique. Initially, mediation was active, but has now become dormant, paralleling the dormancy of the dispute itself. Zotto (2019) discussed the various interventions to tackle border disputes on the continent. Most of the disputes have not been permanently resolved, and some referred their disputes to the International Court of Justice (ICJ), such as between Nigeria and Cameroon over the Bakassi Peninsular and the recently (2022) arbitrated maritime dispute between Kenya and Somalia.

The cartographic uncertainties have played a significant role in the border disputes both during and after the colonial period. Between the 1960s and 1970s, when the relations between Tanzania and Malawi strained, Tanzania accused Malawi of what Wafula Okumu calls "cartographic aggression" because Malawi had claimed that the entire lake belonged to her (Okumu, 2010:293). This cartographic aggression has been at the centre of international

media when the dispute arises, in which certain media show the border is in the middle of the lake, others in the shore, in Tanzania, yet others indicate no boundary. This state of affairs exacerbates the dispute and strains interstate relations. Some of the previous studies have downplayed the use of maps by some states to make border claims. Critics of colonial maps, especially those who use maps as evidence in the case of the Malawi-Tanzania border conflict, have argued that:

Whilst Tanzania may rely on various post 1890 maps indicating a median line boundary, it's unlikely to demonstrate the requisite intent for the maps to constitute a valid demarcation. The documents accompanying the maps are inadequately descriptive of the boundary or the colonial powers' intent. Critically, there is a distinct lack of any explanatory text addressing a boundary change. The absence of explicit intent to change the boundary makes it particularly difficult for Tanzania to substantiate a claim of historical consolidation of title. Maps cannot of themselves constitute a territorial title with intrinsic legal force. The mere existence of a map, without explanatory text, is therefore not, in and of itself constitutive of legal title. While certain maps adopted a centre line-boundary during the early colonial period, by 1962 immediately prior to Tanzanian independence [sic], British colonial authorities had reverted to the boundary along the shoreline (Mahoney, *et al.*, n. d:10-13).

The above excerpt helps us legally interpret the boundary, although it contains some ambiguities. I agree that some documents did not clearly describe the boundary shown on the maps. Yet, some maps were only appended to documents without being described, and others did not match the descriptions in the documents. However, an examination of many of the maps I consulted reveals that there are maps that match the texts. What is important to note is that such maps and texts tended to shift at different times while delineating the Malawi-Tanzania boundary in the Lake Nyasa area. This, in turn, causes obscurities, which form the basis of the border dispute between Malawi and Tanzania. It is in this regard John W. Donaldson argues that a lack of geographic clarity in their definition undermines the legal validity of that title (Donaldson, 2011:5). Nation-states have always selected maps that favour their territorial claims and ignore those that do not do so. Thus, Malawi and Tanzania have used maps that correspond to their border claims. This is so because when maps, private or public, are used to make important claims, they can make officials pay attention to the claims (Seligmann, 1995:182).

The relationship between the alterations of maps or their absurdity and borders was manifested in the late colonial and post-colonial periods. For instance, between 1958 and 1959, the Tanganyika and Nyasaland governments used maps to make certain claims regarding the border in the Lake Nyasa area. The Attorney-General of Tanganyika cited three maps to argue that half of the lake belonged to Nyasaland. The maps cited included the map of the New Langenburg District of 1904, which showed that the boundary between German East Africa and Nyasaland ran through the middle of the lake.²³ An examination of these maps, therefore, permits one to argue that the boundary in the Lake Nyasa area was, and still is, unsettled. Similarly, various maps show different 'boundaries'. In 1959, Mr Mwakangale, a member of the Tanganyika Legislative Council, while debating a motion on the boundary between Tanganyika and Nyasaland, said that he had maps drawn by the Survey Department which showed different 'boundaries'.²⁴ Given the inconsistencies, the boundary alignment was problematic and could not be well understood. A similar argument was made in 1960 by Mr Ulaya, another member of the Tanganyika Legislative Council. While moving a motion on the Tanganyika boundary of the Lake Nyasa area, he argued:

After all, if you go to the history of the area itself the people who were there before the arrival of the Germans say that boundaries from the olden days were there from the Rovuma on the side of the Portuguese and went right to Tukuyu and then at the middle. You come to the earliest explorers of the area who were the people who drew maps of the area and you find one of them, Dr. Bernhardt who went around that area in 1896. His maps were showing right up to 1950- the time when I definitely saw maps-that the line was dividing the lake through the middle. Recently- it was last year when I came to realize that the waters had changed. Now here I have got to stop and expect rightful elucidations from the Minister for Lands and Surveys as to why and when did the changed maps become effected.²⁵

However, it is interesting to note that while the shifts observed on the maps were said to have contradicted the alignment of the Lake Nyasa boundary, the Minister for Lands, Surveys and Water maintained that the boundary in

23 British National Archives, London, *The Boundaries of Tanganyika in the Northern Part of Lake Nyasa*. See specifically Opinion on the Tanganyika/Nyasaland Border on Lake Nyasa by Ag. Legal Draftsman, 29 June 1959.

24 Tanganyika Legislative Council, *Official Report of Debates*, 26 May 1959- 16/6/1959.

25 Tanganyika Legislative Council, *Official Report of Debates*, 12 October 1960.

the Lake Nyasa area had been demarcated in accordance with the 1890 Anglo-German Treaty. The Minister apologised for the publication of erroneous maps. He said:

There has been an impression that a natural boundary on all inland waters, be they rivers or lakes is taken to be a median line, and there was therefore a mistake in the past when some maps were printed. We have now taken the opportunity to correct that mistake and new maps which are now being produced describe the boundary as following the eastern shores of Lake Nyasa. It is the boundary which we have now to observe as it is the subject of an international agreement.²⁶

The Minister's response is questionable because his apology for the 'mistakes of the past' relating to the publication of maps showing a median boundary may only be accurate in determining the legal position of the border dispute in the Lake Nyasa area. However, if political and cartographic factors are considered, one notes that the defence is illogical and specious. During nearly four decades of British administration in Tanganyika, the same Ministry was in charge of publishing maps and correcting errors on maps. As we saw earlier while discussing certain maps in the British-mandated territory of Tanganyika, maps did not just show the median boundary.

Each epoch suggests a unique interest of the British government that had to be pursued. The early decades were dedicated to the occupation of the territory, thus delineating the median boundary. The interwar period was characterised by great anxiety over the possibility of losing the territory, hence, the delineation of the eastern shore boundary, and sometimes a vague boundary. The late 1950s and early 1960s were the periods of what we can call the British exit from Tanganyika. As such, the so-called correction of errors was imperative. Indeed, the errors and later 'correction' of the errors caused the border dispute between Malawi and Tanzania since each country used maps to justify her possession of the contested territorial space.

Throughout the post-colonial period, starting with the open dispute period between the 1960s and 1970s, the dormant dispute phase from the 1970s to 2010 and the resurgence phase of active dispute in 2011-2012, each nation-state appealed to cartographic evidence to advance their territorial claims.

26 Tanganyika Legislative Council, *Official Report of Debates*, 12 October 1960. See specifically the response of the Minister for Lands, Survey and Water on the motion, Tanganyika Boundary of Lake Nyasa.

In the latest active dispute of 2011/2, while in border dispute negotiations in Mzuzu, Malawi and Dar es Salaam, Tanzania produced maps of the new districts, including the newly established Nyasa district and two regions. In this new map, Tanzania consistently indicated a boundary in the middle of Lake Nyasa. This did not amuse the Malawian government to the extent that she pulled out from diplomatic talks. Call it a miscalculated timing, however, the Tanzanian official position on this issue was contrary to Malawi's standpoint. In this regard, the former held that she pursued her domestic plans of establishing new regions, such as Katavi and Njombe and new districts, such as Nyasa. Thus, nothing was altered in this plan since Tanzania has never changed the boundary with Malawi from the middle of the lake.

Tanzania regarded her action as domestic administrative convenience, instead of a global agenda that could ignite shockwaves within Malawi. The then Tanzania's Minister for Foreign Affairs and International Cooperation, Mr Bernard Kamilius Membe, shared a similar view. He argued that Tanzania made alterations to its maps almost four times. At all times, the maps show a median boundary. The recent map was drawn to reflect new regions and districts and not to correct international boundaries. This action of issuing new geographical and administrative maps by the Tanzanian government while diplomatic talks were in progress was interpreted by the Malawian government as an act that created 'discomfort'. Consequently, Malawi developed a suspicion that Tanzania had no 'good will' on negotiation, and the former distanced itself in its letter, lodging a diplomatic protest.²⁷

Based on the above explanations, I concur with Wafula Okumu's view that border disputes in Eastern Africa are caused, among other things, by the lack of clearly defined and marked boundaries. I expressly agree with him concerning his argument that the Tanzania-Malawi border dispute highlights one of the most blatant colonial boundary-making errors (Okumu, 2010:279-293). To sum up this discussion, it is evident that changes in what A. B. Murphy calls "propaganda cartography" (Murphy, 1990:332-338) has had an impact on border claims that each state is conservative and based on the principle of selectivity, each state excludes the maps of the counterpart in the construction of border narrative.

27 The East African, "Lake Nyasa/Malawi Dispute: Malawi Protests to Tanzania over its New Map", 6-12 October 2012.

Conclusion

From the afore discussion, indeed, modern-day Africa is still haunted by the legacy of colonial imperialism, and most of the states navigate within the same rigid colonial imperatives. African states inherited most of the superficial delineations to form modern state jurisdictions. Yet, there is little success attained to undo what the colonialists had wrongfully done in Africa throughout the colonial period. In an attempt to (re)construct the space of cartography in border disputes, I did a visual analysis of the maps, that is, a direct visual study of maps of the spatial arrangements, relationships and changes in the phenomenon. In the maps, there are changes in the demarcation of the border over time. Furthermore, some of the border demarcation 'patterns' did not match the descriptions in the documents that referred to them. Specifically, the maps carried the following information: the absence of a boundary on either side of the lake, a median boundary, a boundary on the Tanzanian side of the lake, and the lack of dates and publishers in the maps, to mention just a few.

These were common inconsistencies throughout the exploration and colonial periods. The frequent shifting of the boundary stoked the fires for the post-colonial conflicts over the boundary. Indeed, maps are not only objects but also social spaces, which legitimise the existence of a territorial state somewhere. From maps, we know how states use rhetoric and symbolism to make their territorial claims. However, maps have revealed bias and prejudice in that each colonial or post-colonial state used maps in its interest, sometimes without regard for relevant documents. This is coupled with sweeping international cartographic propaganda whenever this dispute arises, in that the global media and modern electronic sources select certain maps that favour specific sides.

Similarly, there has been a tendency of the two disputing states to come up with a map or a bunch of maps that support the delineation of its boundary. One major crux in this state of affairs is that no state takes into recourse the processes through which this border has evolved, nor have they considered the cartographic dynamics and the forces behind all those odds.

In drawing a conclusion, I argue that reliance on cartography in the manner each state does only serves the political and international functions of such states to protect and defend their sovereign spaces, which in this case are contradictory. It is high time that any intervention effort in this dispute

must consider how this boundary was founded, the dynamics of the states concerned, and the post-colonial demands of cooperation in the context of modern contiguous states. Thus, for any meaningful negotiation or mediation, the two states should agree on deconstructing the hazy cartography and craft a new one based on their agreements that suit the equitable utilisation of transboundary resources and mutual co-existence.

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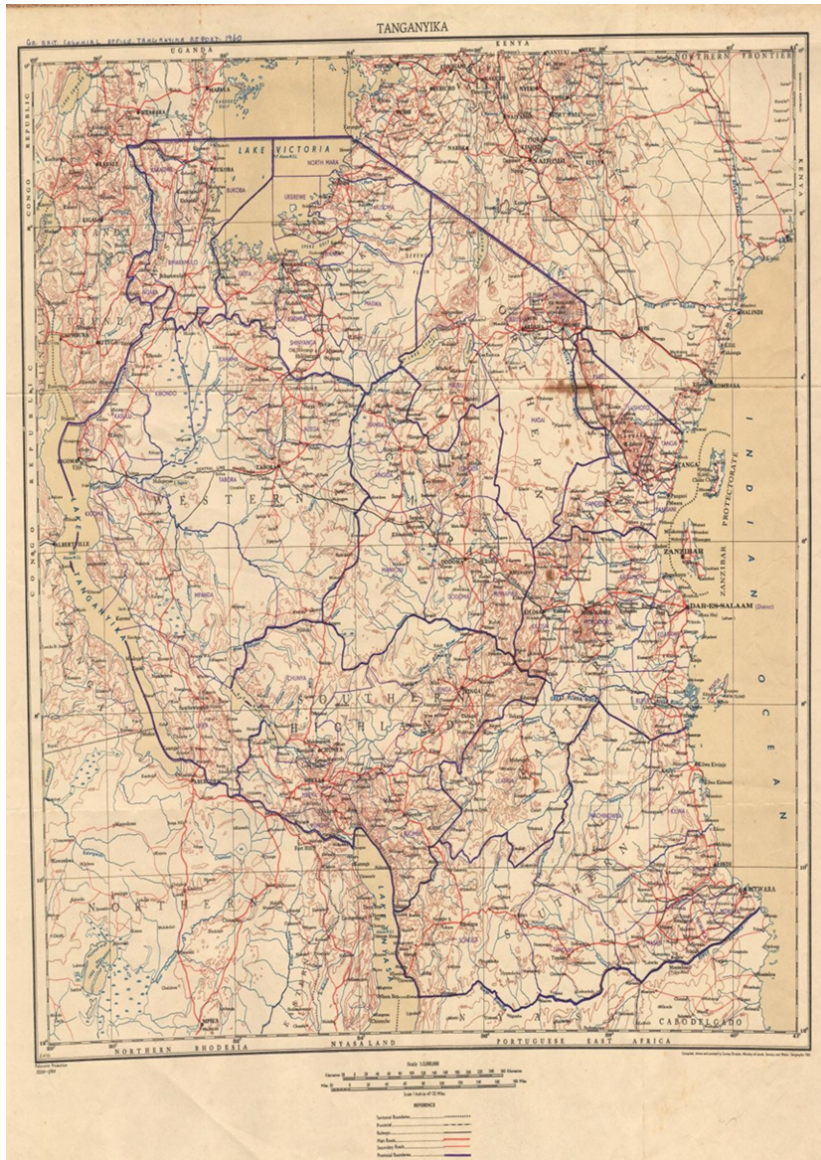
Appendices: Maps Illustrating Shifts in Malawi-Tanzania Border Delineation



Tanganyika Territory in 1923. Source: Tanzania National Archives, Acc. No. AB 30.



Tanganyika in 1950. Source: University of Dar es Salaam, East Africana Collection.



Tanganyika in 1961. Source: University of Dar es Salaam, East Africana Collection

'Emerging forms of spatialised and socialised authority' among 'tenure-insecure peri-urbanites' in African peri-urban spaces

A review study

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Abstract

This paper explores the '*emerging forms of spatialised and socialised authority*' adopted by *tenure-insecure peri-urbanites* to secure coveted land in African peri-urban spaces. The paper demonstrates that *tenure-insecure peri-urbanites* are increasingly utilising various formal and informal institutions – '*emerging forms of spatialised and socialised authority*', in the form of state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, and religion and the occult to access and secure land in African peri-urban spaces. The review demonstrates how land remains of economic, social and emotional importance among *tenure-insecure peri-urbanites*. It further indicates that *tenure-insecure peri-urbanites* are not passive but '*nimble-footed and responsive*', as they find ways to secure land by drawing on various normative orders like the courts and sometimes through evasion, patronage, performance and other means of conviviality. The paper also highlights the complex power dynamics characterising peri-urban areas and underscores the need for a nuanced understanding of the multiple actors involved in land governance. The paper recommends the need for effective and inclusive mechanisms of access and security over land to balance the interests of diverse actors and promote the rights of *tenure-insecure peri-urbanites* in peri-urban spaces. Overall, the paper helps to broaden the scope of actors that need to be engaged in the planning and governance of peri-urban spaces in the age of complex peri-urbanisation processes.

Keywords: land, urban poor, migrants, peri-urban, tenure insecurity, emerging forms of authority, Africa

Introduction

There is growing academic and policy interest in understanding peri-urban land dynamics in Africa, as land increasingly becomes a highly sought-after resource in this highly contested space. In its most expansive terms, land comprises the surface of the earth, materials beneath, air above and all things fixed to the soil (Dale & McLaughlin, 1999). Land, therefore, includes houses, other buildings and additional developments to the land, both in urban and rural areas. While technically precise, these definitions do not explain why land is a highly socio-economic and political resource, particularly in Africa. In Africa, the land is laden with multiple connotations and carries great social and symbolic values and meanings as a place and territory within which people live and interact. In legal and economic contexts, land is often treated as a form of property, with owners having certain rights and responsibilities over the land they possess. The concept of land also has cultural and symbolic meanings, representing a connection to one's heritage or identity.

Berry (2008: 27) defines land in institutional and physical terms as property. She views land as an economic resource that can be valued as a means of production, a territory, and a governed space that gives those in control an advantage to control others. Tacoli (1999) also views land as a critical concept in peri-urban debates where multiple land use and land users are apparent. In the peri-urban, land is a crucial resource for human habitation, agriculture, mining, construction, and many other activities. Anseeuw and Alden (2010) also show that the socio-economic meanings of land are constructed differently at different levels of the individual, household, community and nation. Similarly, the categories of land-users who compete over land, especially in the peri-urban, vary from the state, local authorities, traditional leaders, private investors, land barons, and the ordinary, often poor urbanites, including migrants.

A significant dimension of peri-urban land dynamics that has caught much of the attention of African scholars is access and security over land by the urban poor, including migrants.¹ Scholars have drawn attention to the use

1 Migrants are people on the move, eventually settling temporarily or permanently in another place from their natal places.

of informal land transactions, including purchase and rentals, inheritance, fictive kinship, and land seizures, as strategies used by *tenure-insecure peri-urbanites*² and migrants to access land (Bhanye & Dzingirai, 2020a; Hungwe, 2014). The reason why migrants and other *tenure-insecure peri-urbanites* turn to these informal ways of accessing land is that they are often the least powerful compared to other actors regarding matters of land. In part, and especially for foreign migrants, this can be explained by their foreign ancestry and unresolved citizenship status (Bhanye & Dzingirai 2020b).

Thus, regardless of having accessed land, migrants and other poor urbanites often remain tenure-insecure. Their land ownership remains volatile and threatened by competing actors, including the indigenes, private developers, traditional authorities, state institutions and local authorities. Contemporary African observers have also perceived bureaucratic, commercial and highly political processes increasingly concentrating land into fewer hands of people – rich, elite, powerful and politically connected (Boone, 2014; Peters, 2004). Peri-urban spaces are also confronted with both urban and rural laws and institutions, breeding a situation of legal pluralism that threatens land that is in the hands of migrants (Tacoli, 2002). In Southern Africa, studies also show that *tenure-insecure peri-urbanites* are often vulnerable to evictions and displacements as peri-urbanisation continues and development pressures increase (Chirisa, 2014; Chagutah, 2013; Hungwe, 2014). They also lack legal recourse to protect their land and property rights (Bhanye & Dzingirai, 2020b).

Thus, it is essential to inquire about what *tenure-insecure peri-urbanites*, including migrants, do to protect the land they acquire in African peri-urban spaces. This, however, does not mean supporting and legitimising illegal land seizures, squatting³ or space occupation by migrants on public land or government reserves. Again, the legality of squatting varies widely depending on the country and region. In some places, squatting may be considered a criminal offence; in others, it may be tolerated (see adverse possession/prescription)⁴ or even protected under certain circumstances. Thus, the

2 Tenure-insecure peri-urbanites refers to people who live in peri-urban areas, which are regions on the outskirts of urban areas that are experiencing rapid urbanization and urban sprawl, and who lack secure land tenure. In many peri-urban areas, there is often a lack of formal land titling, zoning, and regulation, leading to informal settlements and insecure land tenure.

3 Squatting generally refers to the act of occupying a property (such as a building or piece of land) without the permission of the owner or lawful occupier.

4 Adverse possession or prescription is a legal concept that allows a person who is not the legal owner of a piece of land to claim ownership of it after using it for a certain period of time. In

legality or illegality of squatting remains highly debatable and is not the focus of this study.

This article is concerned with understanding the *emerging forms of spatialised and socialised authority* that *tenure-insecure peri-urbanites* resort to in securing land in the contested African peri-urban spaces. While these institutions, including state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, and religion and the occult, have been around for decades, in this paper, they are referred to as ‘*emerging*’ because their prominence in land matters in peri-urban spaces is recent. The paper explores how these ‘*new forms of authority*’ are being constructed and contested, the factors driving their emergence, and the challenges they pose for promoting inclusive and participatory land governance in African peri-urban spaces. The paper highlights the need for more research and policy attention to these *emerging forms of authority* and their implications for the future of African peri-urbanisation.

Conceptualising the peri-urban, land governance and ‘emerging forms of spatialised and socialised authority’

The term “peri-urban” refers to the areas between urban and rural areas or the transition zone between urban and rural areas (Mortoja, Yigitcanlar & Mayere, 2020). These areas are characterised by rapid urbanisation and expansion of cities, and they are often located on the outskirts of cities and towns (Matamanda, Mafuku & Bhanye, 2022). Peri-urban areas typically mix urban and rural land uses and are characterised by a complex social, economic, and environmental landscape. They often lack basic infrastructure and services such as piped water, sanitation, and waste management and are home to a diverse range of populations, including urban migrants, rural-urban migrants, and low-income groups (Bhanye, 2022; Bhanye, Dzingirai & Chirisa, 2021; Matamanda, 2022). As peri-urban areas continue to grow and develop, they face various challenges related to land use, resource management, and governance (Hungwe, 2014; Woltjer, 2014). These challenges include land use and ownership conflicts, inadequate infrastructure and services, and environmental degradation, among others. Understanding the dynamics of peri-urban areas is crucial for developing effective policies and strategies

other words, it refers to the acquisition of land by someone who is not the owner, through their open and continuous possession of the land for a specified period of time.

to address these challenges and promote sustainable development in these regions.

Governance in the context of land in the peri-urban refers to the processes and mechanisms through which land is managed, regulated, and controlled (German et al., 2018). It encompasses the legal, institutional, and social frameworks influencing land use and ownership and the relationships between different actors and stakeholders involved in land governance (Silva-Castaneda, 2016). Effective land governance in the peri-urban is critical for ensuring equitable access to land and resources. It consists in ensuring that land is used to support the needs and aspirations of all stakeholders, including *tenure-insecure peri-urbanites*, migrants, and other low-income groups. Thus, land governance in the peri-urban often involves a range of actors, including formal state institutions, traditional leaders, civil society organisations, and private sector entities (Bhanye & Dzingirai, 2020b; Hugwe, 2014).

Effective governance requires coordination and collaboration among these actors and establishing clear rules and procedures for land use and ownership, especially for the urban poor. The term “urban poor” refers to individuals and households living in urban areas with low-income levels, assets, and access to essential services and amenities. In the context of this study, the urban poor and *tenure-insecure peri-urbanites* will be used interchangeably, referring to people who face significant challenges related to land tenure, land use, and access to basic services.

Many poor urban residents in peri-urban areas live in informal settlements⁵ or slums located on land often owned by the state or private entities (Bhanye, 2022; Matamanda, 2022). As a result, these residents often lack secure tenure rights and may be at risk of eviction or displacement (Bhanye & Dzingira, 2020b). Effective land governance in the peri-urban must consider the needs and perspectives of *tenure-insecure peri-urbanites* and address the challenges they face in accessing secure tenure rights and essential services. However, this has not always happened in favour of Africa’s poorest in urban areas, regardless of the visibly increased demand for land by this now majority urban population. Consequently, the increased demand for land has given rise

5 An informal settlement, also known as a slum or shantytown, is a residential area where people live in unplanned and often overcrowded conditions without legal ownership of the land and with limited or no access to basic services such as clean water, sanitation, and electricity. These settlements typically arise in urban or peri-urban areas as a result of rapid urbanization, migration, and poverty.

to multiple forms of authority and power, now shaping land allocation and governance in African peri-urban spaces. '*Emerging forms of spatialised and socialised authority*' in the context of African peri-urban spaces refer to the diverse actors and institutions shaping land governance and decision-making processes. A study by Bhanye and Dzingirai (2020b) on security over land by Malawian migrants in peri-urban Zimbabwe conceptualised these institutions as '*structures and networks*' of securing land. These *emerging forms of authority* include state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, religion, and the occult.

In many cases, formal state institutions may have limited capacity or face challenges in enforcing land regulations in African peri-urban spaces. As a result, informal power structures such as traditional leaders, cooperatives, and lobbying groups may play a more significant role in shaping land governance practices. Religion and the occult (see Bhanye, 2023) may also shape perceptions and practices around land ownership and use, particularly in contexts where traditional belief systems and cultural practices continue to influence social norms and behaviour. Overall, these *emerging forms of spatialised and socialised authority* reflect the complex and dynamic nature of land governance in African peri-urban spaces and highlight the importance of considering the diversity of actors and institutions involved in shaping land management and decision-making processes. Thus, this paper explores the *emerging forms of spatialised and socialised authority* in African peri-urban spaces, with a focus on the roles of state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, and religion and the occult in land matters for the urban poor. By examining the dynamics of these various actors, this paper seeks to contribute to the broader understanding of the complex power structures that shape land governance in African peri-urban areas. Figure 1 is a conceptual framework showing the dynamics among the peri-urban, land governance, *tenure-insecure peri-urbanites*, and '*emerging forms of spatialised and socialised authority*' in the peri-urban.

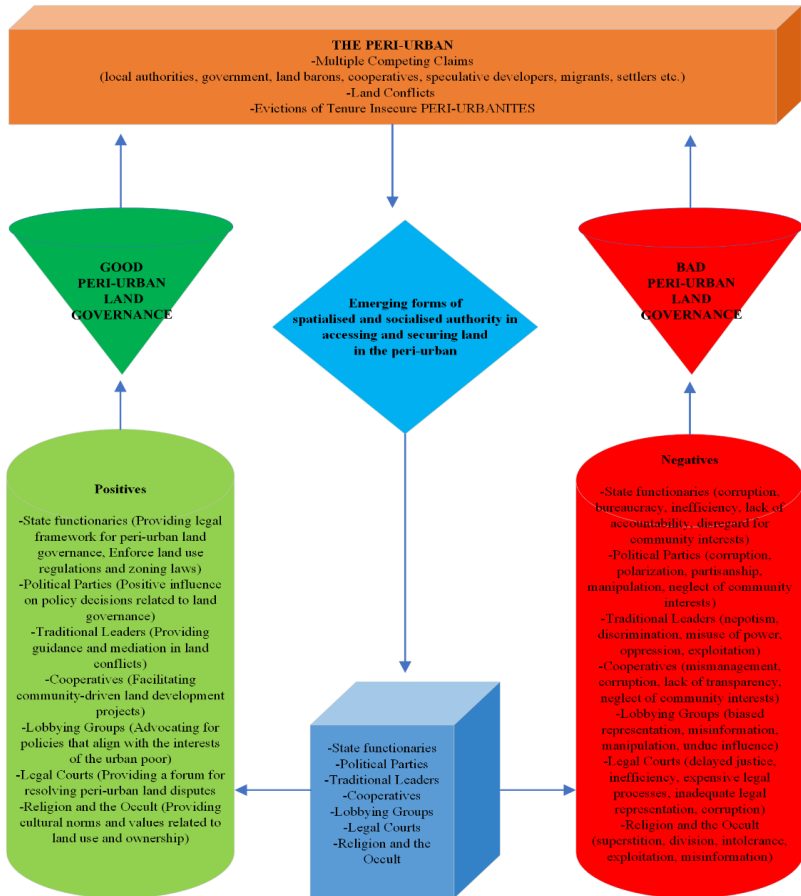


Figure 1: Conceptual framework of the peri-urban, land governance and 'emerging forms of spatialised and socialised authority' in the peri-urban. Source: Author

Review Approach

This article is based on a review of literature on the *emerging forms of spatialised and socialised authority* in African peri-urban spaces. The review includes academic journal papers, policy documents, blogs, newspaper articles, and other relevant sources. The literature search was conducted using

a combination of keywords such as “formal and informal land institutions,” “the urban poor and land access,” “migrants and security over land,” “peri-urban,” “African peri-urban,” “land access,” among other search words on academic databases such as JSTOR, Google, Google Scholar, Web of Science and Scopus. The literature was initially screened based on the relevance of the study. Full-text articles were reviewed to assess their suitability for inclusion in the analysis. Inclusion criteria included articles that discussed the emergence of new forms of authority in African peri-urban spaces, focusing on the spatial and social dimensions of authority and their implications for governance in peri-urban spaces. The selected articles were subjected to thematic analysis to identify common themes and patterns in literature. The themes that emerged from the analysis were used to develop the framework for the paper. Finally, the findings from the literature review were integrated and synthesised to provide a comprehensive overview of the different forms of *emerging spatialised and socialised authority* in African peri-urban spaces.

‘Emerging forms of spatialised and socialised authority’ in African peri-urban spaces

The review demonstrates plural ‘*emerging forms of spatialised and socialised authority*’ that *tenure-insecure peri-urbanites* and migrants adopt in accessing and securing land in African peri-urban spaces. These are state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, religion, and the occult (Figure 2).



Figure 2. *'Emerging forms of spatialised and socialised authority'* in African peri-urban spaces. Source: Author

State functionaries

Some scholars show that poor urbanites, especially migrants, can use state functionaries to protect the land they occupy in contested peri-urban spaces (Chirisa, Bandaiko & Mutsindikwa, 2015; Muchadenyika, 2015a). A state functionary can be defined as a person acting in an official capacity for a government. Examples of state functionaries include parliamentarians, bureaucrats, government and local authority officials and urban elites who claim the power to reverse the politics on the ground and facilitate security over land. In Southern Africa, cases where landless poor urbanites secured land through influential individuals and state institutions are abundant. In Zimbabwe, for example, landless migrants rode on the state and its local protégés (War Veterans, technical bureaucrats and ruling party authorities) to have complete security over accessed peri-urban land during the Fast Track Land Reform Programme⁶ (Matondi, 2012). These extra-territorial and extra-

6 The Fast Track Land Reform Program was a controversial land reform policy implemented in Zimbabwe in the early 2000s. The program was launched in 2000 by the government of President Robert Mugabe with the goal of redistributing land from white farmers, who owned the majority of the fertile land in the country, to black farmers. However, the program was

legal structures override government institutions and government personnel in their work (Matondi, 2012: 98).

In other instances, land seekers use state agents like the Ministry of Lands and Land Commissions in securing land that they could lose to other competing parties. Such scenarios and deals often involve bribes, kickbacks, and political patronage (Chiweshe, 2020). In other instances, land seekers may use local authority officials to enable protection over illegally allocated land. Evidence from municipalities like Chitungwiza and Harare in Zimbabwe shows that local authority staff, including councillors, town planners and town clerks, are generally corrupt and use their power in underhand land allocation deals (Matamanda, 2021). However, these functionaries are often ineffective in the end, as they eventually get nabbed for corruption, also exposing their beneficiaries (Chiweshe, 2017).

Studies also show that land seekers can benefit from land parcelled through land barons owned by political party bigwigs and government bureaucrats (Chikova, 2020; Chirisa et al., 2015). Land barons identify idle public land, often owned by local authorities or the government, converting the land into informal urban settlements, dividing the land and selling the stands (Chikova, 2020). Required services, such as roads, sewers, water pipes and electricity, are rare, and the proper town planning processes are ignored. Zhakata (2020) shows that land barons are behind African countries' chaotic urban housing and land allocations over the past decade. In Zimbabwe, there has been, for example, the rampant building of houses illegally on land designated for other uses like schools and state land without authorisation (Murwira, 2015). People in known areas, such as Harare South, North and East, were illegally allocated residential stands on state land by land barons apron tied to influential parliamentarians (Chirisa, Gaza & Bandauro, 2014; Chirisa et al., 2015). However, this cartel of land grabbers gets away with this for a long time as they are claimed to have immense influence and power, making them virtually untouchable.

While some land barons survive the law through ruling party alignments, others are not so lucky, resulting in them being targets of investigations for corruption cases and, in the process, resulting in their victim land seekers losing the allocated land (Mushanawani, 2019). A land audit by the government of

criticized by the international community for its lack of transparency, disregard for property rights, and its impact on the agricultural sector.

Zimbabwe looking into various land uses countrywide revealed that land barons and politically connected people have illegally sold \$3 billion worth of urban state land since 2005 (Mushanawani, 2019). Several land seekers who bought stands from land barons were cheated, finding later that their land/stands were not in sync with local authority planning standards since they had no roads, sewer or water. Some of the stands are on servitudes, wetlands, sites earmarked for clinics, schools and recreation or other places where housing is not allowed.

State functionaries, including land barons, parliamentarians, bureaucrats, government and local authority officials and urban elites, often hold significant power over land use and allocation and can assist *tenure-insecure peri-urbanites* in holding onto land. They are frequently involved in the decision-making process for land issues, and their decisions can significantly impact the urban poor. However, in most cases, security over land is not perpetual owing to the corruption, underhand dealing and illegality behind the transactions in the first place.

Overall, there are both challenges and opportunities for promoting inclusive and participatory governance in African peri-urban spaces in the context of the emergence of state functionaries as new forms of authority. These include the need for more research and policy attention to the role of state functionaries in shaping the political and social landscape of African peri-urban spaces, the importance of engaging with poor urban land seekers to understand their needs and challenges, and the potential for harnessing the potential of state functionaries to promote inclusive and participatory governance. Some tenure-insecure peri-urbanites can sometimes use ruling political parties to secure land, as discussed in the following subsection.

Political party allegiance

Political party allegiance can also play a crucial role in land matters. Political parties play a significant role in shaping the political and social landscape of African peri-urban spaces. They are often seen as representatives of particular social groups or interests and wield influence over local communities. For example, some studies have shown how political parties use their power to mobilise voters, shape public opinion, and influence policy decisions, leading to unequal distribution of resources and services (Bhanye & Dzingirai, 2020b; Chirisa 2014; Daimon, 2015).

There is also strong evidence of the construction and contestation of authority by political parties in African peri-urban spaces because of factors like the historical legacy of colonialism, the ongoing process of democratisation, and the complex interactions between state and non-state actors. For example, studies highlight how the legacy of colonialism has contributed to the fragmentation of political parties along ethnic or regional lines, leading to divisive politics and exclusionary governance (Chirisa, 2014; Muchadenyika, 2015b; Hungwe, 2014). In many African countries, political parties control the government, and their members often hold key positions in the decision-making process for land issues. This can result in the politicisation of land allocation and lead to favouritism towards party members and their supporters.

Akaateba (2019), Chirisa (2014) and Scoones (2015) have all highlighted how, in Africa, the landless have become established on lands through the use of political patronage. In Zimbabwe, for example, several cases highlight the strong hand of ZANU-PF⁷ as a source of security over land by migrants. Chirisa (2014) observed how some migrants in Epworth have a grip on their land through a ZANU-PF ticket. Migrants use this avenue because ZANU-PF has also used urban land over the years as a tool for winning elections. A study by Dube and Makaye (2013) also states that in the 2013 Harmonised elections, gerrymandering was seen in Harare South constituency with components of Harare urban and peri-urban areas ZANU-PF party loyalists were given land to settle on. ZANU-PF virtually created an urban seat by creating new unregularised suburbs where people did not have legal ownership of the land (Chiweshe, 2020). Land seekers' continued occupation of this land is thus based on political patronage; come election time, those settled there repay through voting for the ruling party (Chiweshe, 2020).

Marongwe (2009) also noted that migrants in Epworth derive the tenure security of their allocated residential stands from ZANU-PF, the ruling party that gave them land in the first place. In the same area of Epworth, Msindo,

7 Zimbabwe African National Union – Patriotic Front (ZANU–PF) is the ruling political party in Zimbabwe that has been in power since the country gained independence from Britain in 1980. The party has maintained its grip on power through a combination of electoral victories and sometimes violent suppression of opposition. The party's popular policies include land redistribution, indigenization of the economy, and a strong emphasis on national sovereignty. In recent years, ZANU PF faced criticism for human rights abuses, corruption, and economic mismanagement, which have led to widespread poverty and unemployment in the country.

Gutsa & Choguya (2013) noted that some migrants were taking advantage of the Local Board and would come to settle with the claim that they had the backing of ZANU-PF and politicians. Msindo et al. (2013) observed that during election times, some politicians give people land to settle without liaising with the council. Thus, local authority powers are often undermined because of fear of being at loggerheads with politicians (Msindo et al., 2013).

In the future, local authorities and powerful politicians should try to have a shared understanding of the challenges facing peri-urban areas, including conflicting land use demands, insecure land tenure, and inadequate infrastructure. This shared understanding can be developed through collaborative discussions and workshops that bring together different perspectives and expertise. Further, clear policies and regulations guiding land use in peri-urban areas can help prevent conflicts and ensure land is used sustainably and equitably. Local authorities and politicians can work together to establish these policies and regulations and ensure they are enforced.

So clearly, access to land has become part of distributive politics and clientelism in the housing of urban low-income groups (Chirisa et al., 2015). Boone (2013) also documented land use as 'bait' in exchange for election votes. According to Muchadenyika (2015a), ZANU-PF used peri-urban farms to bolster its waning support in the urban constituencies. Through ZANU-PF-aligned cooperatives and land barons, the party became a major player in deciding who had access to land for housing (Muchadenyika, 2015a). In some cases, land seekers fulfil their promise of votes to the parliamentarians, but there is always the chance that they might fail to fulfil the initially promised votes (Chirisa et al., 2015; Muchadenyika, 2015a). On the other hand, the poor land seekers' quest for land tenure security is also not always guaranteed by associating with the ruling party. There are instances when the safety of the poor residents became subject to precarity because the tenure guaranteed to them had vanished in thin air. Thus, alignment with political parties in peri-urban spaces has not always secured land for *tenure-insecure peri-urbanites*.

Dynamics of aligning with the ruling political party to secure land in peri-urban spaces are also evident among foreign migrants. A study by Daimon (2015) in Zimbabwe, for example, revealed that to benefit from the land for farming and settlement in the peri-urban, many Malawian migrants perfected the art of 'shifting political identities' by conveniently associating with ZANU-PF through the acquisition of its party cards. In his study on the

Malawian Diaspora in Zimbabwe, Daimon (2015) quoted a migrant who stated that; '*many of us alien farm-workers sought allegiance to ZANU (PF) during the invasions and political elections, buying its cards to survive the violence and threats of deportation*' (Daimon, 2015: 214).

Rutherford (2008) also noted that former farm-workers of international descent in Zimbabwe who sought after the land as an alternative form of dependence through cultural politics of recognition often tied to demonstrating support for the ruling political party. In cases where non-indigenous Zimbabweans benefited due to shifting their allegiance to ZANU (PF), they were often given pieces of land at the peripheries of the farms where their fields acted as buffers against wild animals like baboons and feral pigs (Daimon, 2015: 211).

It is crucial to make a clear distinction between foreign migrants and local migrants in this paper as these groups of people certainly do not enjoy equal access and security over land in African urban and peri-urban spaces. Studies show that legal requirements of land ownership for foreign migrants and local migrants in peri-urban areas may vary depending on the specific laws and regulations of the country in question, but in general, foreign migrants may face additional legal barriers to land ownership compared to local migrants (Bhanye & Dzingirai, 2020b; Daimon, 2015). In some countries, foreign migrants may be subject to restrictions on land ownership or may be required to obtain special permits or approvals to own land. This may be due to national security, economic competition, or cultural preservation concerns.

Local migrants, on the other hand, may have greater access to land ownership rights and be able to purchase or lease land more efficiently. In addition, foreign migrants may face discrimination or bias from local authorities or communities, making it more difficult to acquire land. Local migrants, on the other hand, may have established relationships with local officials and may be more familiar with the legal system and cultural norms. In Zimbabwe, while legal frameworks like the Land Acquisition Act allow foreign migrants to own land, with some restrictions or conditions, land ownership has not been easy for migrants as the issue of land ownership in Zimbabwe is controversial and politically charged, as mirrored by the radical land reform policies.

Practices of political parties in African peri-urban spaces have significant implications for governance, citizenship, and democracy. On the one hand, political parties can act as agents of change, promoting inclusive and

participatory governance and advancing the interests of marginalised groups. On the other hand, they can undermine democratic institutions, erode the rule of law, and exacerbate social inequalities, mainly when they use their power to exclude or discriminate against certain groups. Thus, there is a need for more research and policy attention to the role of political parties in shaping the political and social landscape of African peri-urban spaces, the importance of engaging with communities to understand their needs and challenges, and the potential for harnessing the potential of political parties to promote inclusive and participatory governance. While, as discussed, alignment with the ruling party can play a significant role in securing land for poor migrants, this channel has not always been successful. In other instances, land seekers turn to traditional authorities to secure land, as presented in the following subsection.

Traditional leaders

Departing from the literature that highlights the instrumental role of modern political leadership or political functionaries in facilitating land security among migrants and other poor urbanites, other scholars show the instrumental role of traditional leaders in the establishment of land seekers in peri-urban spaces (Cheater, 1984; Kurebwa, 2018; Hungwe, 2014; Owusu, 2008). Mohammed-Katerere (2004) defines traditional leaders as the leadership structures (chiefs, headmen, village heads) within the community that are by custom ascribed or appointed (traditional forms) and provide the necessary leadership that ensures that the norms, practices, vision and values of the community are respected.

In most African countries, land administration in customary peri-urban areas is vested in the community, with traditional leaders acting as custodians and individuals enjoying use rights (Chigwata, 2016; Kurebwa, 2018; Owusu, 2008). Thus, traditional leaders are increasingly active in peri-urban land politics (Bennett, Ainslie & Davis, 2013; Hungwe, 2014; Chimhowu & Woodhouse, 2006). Gough & Yankson (2000) show that traditional leaders use their authority to allocate land to indigenous groups and leasehold interests to strangers. In Asokore Mampong, Ghana, Akrofi & Whittal (2011) reveal the temptations of corruption and abuse of power by traditional leadership who are seized with handling land allocations to newcomers. Kasanga and Kotey (2001) also documented land deals made by chiefs and other customary

leaders, sometimes at the expense of the community, in the Ashanti peri-urban region of Ghana. In the peri-urban villages of Blantyre in Malawi, Jimu (2012) shows how migrants got land and protection from village headmen who benefitted from them materially by receiving gifts.

In Zimbabwe, traditional leaders also play important developmental, administrative and political roles in rural and peri-urban areas, despite modern state structures sometimes limiting their roles (Matondi, 2010). They regulate rural and peri-urban life, control access to land, and settle various disputes (Kurebwa, 2018). For decades, land seekers in Zimbabwe have been turning to the institution of traditional leadership to secure land. Some scholars highlight that land seekers, especially migrants, secured land through chiefs and headmen to whom they gave gifts, usually alcoholic, as material tokens to guarantee the allocation of usufructuary rights (Hungwe, 2014). Berry (1992) and Bourdillon (1976) documented that in the colonial period in Zimbabwe, some migrants worked on tribal plots in exchange for permission to settle on arable spaces. Cousins (1993: 18) revealed that outsiders could also gain security over land by petitioning the allocating authority and pleading need. This may be accompanied by the payment of a “gift”, a practice that has existed for decades and still survives in some areas today. In peri-urban Domboshava in Zimbabwe, for example, payment of gifts by migrants to traditional leaders and other community elders is critical in the generation of land rights (Hungwe, 2014: 153).

From the above discussion, traditional leaders, such as headmen and chiefs, can allocate land and facilitate security over the land to strangers/migrants under communal tenure. However, in these settings, migrants are believed to owe their hosts a debt of gratitude for being allowed to settle on the host’s ancestral territory (Whitehouse, 2012: 209). Migrants must express that gratitude in part by paying various tributes and in detail by respecting the terms of what Whitehouse called the “stranger’s code”: to keep in their host’s good graces, strangers must abstain from ostentatious displays of wealth and surrender certain privileges they might enjoy at home (2012: 209). Above all, they must avoid the political domain. It is not seen as fitting, writes Geschiere (2009: 64), “for a guest to go into politics and dominate his ‘landlord’ in the latter’s own house” (in Whitehouse, 2012: 209).

However, the co-existence of various competing claims and legal pluralism in peri-urban spaces has weakened traditional leadership as an

effective source of land among migrants (Bennett, Ainslie & Davis, 2013; Hungwe, 2014). Indeed, there are instances where migrants have lost land allocated by traditional leaders to compulsory acquisitions by local authorities (Hungwe, 2014). Hence, some migrants have been turning to other structures for securing land. The following section presents literature on state idioms or cooperatives as another *emerging form of spatialised and socialised authority* securing land among migrants and the urban poor.

State idioms - Cooperatives

Cooperatives are also emerging as a potential solution to land issues for *tenure-insecure peri-urbanites* in African peri-urban spaces. *Tenure-insecure peri-urbanites* can gain more power over their land use and allocation by pooling their resources and purchasing land collectively. Thus, in other instances, *tenure-insecure peri-urbanites* can use state idioms of development like cooperatives to secure their rights over land (Chirisa et al., 2014; 2015). The International Labour Organization (2004) defined a cooperative as an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through a jointly and democratically controlled enterprise.

Cooperatives were introduced during the Cold War with support from socialist countries. However, by the 1990s, cooperatives had declined and seemed to be relics of prior statist policies after the collapse of communism. Cooperatives bounced back during the global economic reforms from the mid-1990s to the present due to the liberalisation of the economies (Wanyama, Develtere & Pollet, 2009). This saw the introduction of the Economic Structural Adjustment Programme (ESAP)⁸. During that time, cooperatives became free

8 Zimbabwe's Economic Structural Adjustment Programme (ESAP) was a set of economic policies implemented in the 1990s with the aim of stabilizing the country's economy, which had been struggling with high inflation, a large budget deficit, and a declining GDP growth rate. The program was implemented with the assistance of the International Monetary Fund (IMF) and the World Bank, and included a range of policy reforms, including the liberalization of the economy, deregulation of markets, privatization of state-owned enterprises, reduction of government expenditure, and the removal of subsidies on basic goods and services. While ESAP led to some positive outcomes, such as a reduction in inflation and an increase in foreign investment; it also had negative effects on the economy and the population including increase in prices and reduced access to healthcare, education, and other public services, job losses and rise in inequality.

from the state, enjoying autonomy and operating like business ventures responding to market demands (Wanyama et al., 2009). By the 2000s, local cooperative organisations re-emerged as instrumental ways for land seekers, particularly in the peri-urban areas, to secure land (Chirisa et al., 2014).

Landless members pool their resources to acquire land collectively and attempt to avert the common peri-urban frustrations of evictions (Marongwe, Mutoko & Chatiza, 2011). Literature also shows that land seekers can shield themselves with cooperatives when threatened with evictions. In one case of Chesa Rainharm farm in Zimbabwe, threatened migrants successfully aligned themselves with the politically connected Mbuya Nehanda Housing Cooperative. Scholars like Chirisa et al. (2014; 2015) highlighted that for them to be more effective, cooperatives usually align themselves with the ruling party (ZANU-PF), which gives them legitimacy to claim land and carry out development. Zhangazha (2015) noted some cooperatives aligned with the ruling party, like *Bhora Muggedhi*, *Graceland* and *Nehanda* Housing Cooperative.⁹

While cooperatives try to play a role in facilitating security over land among the urban poor, studies show their ineffectiveness through corruption and duping land seekers of their hard-earned cash (Chirisa et al., 2014; 2015). For example, a study by Machakaire (2015) found that land seekers in Budiriro suffered a total prejudice of \$ 134,000 in subscriptions to a bogus land cooperative that distributed illegal land to them. In another case, in a land audit carried out in Chitungwiza in 2014, it was established that some cooperatives allocated stands on spaces that were reserved for non-residential use, such as clinics, churches, schools, cemeteries, recreational activities and roads, while others were created under high voltage electricity pylons in contravention of the Regional Town and Country Planning Act. It emerged that cooperatives had looted and illegally sold 23 074 stands that did not belong to them, pocketing more than 20 million (The Herald, December 2013). Zhangazha (2015) also indicated that even when cooperatives ensured security over land for the poor, most of the migrants who are members of politically aligned cooperatives usually face eviction threats later, especially after the elections are done.

9 The names given to the Cooperatives are meant to praise the ruling party -ZANU PF. *Bhora Muggedhi* (implying voting for the ruling party), *Grace land* (praising the then wife of the former President Robert Mugabe- Grace), and *Nehanda* Housing Cooperative (named after the great Zimbabwean spirit medium - Nehanda).

In short, cooperatives are increasingly emerging as a valuable form of *spatialised and socialised authority* in African peri-urban spaces concerning land matters. They provide a platform for collective action, enabling members to access land and secure land rights. Cooperatives also serve as intermediaries between *tenure-insecure peri-urbanites* and external factors like government agencies, local authorities, the courts, and private property investors. However, cooperatives also face a range of challenges in African peri-urban spaces. These include issues around governance, management, and participation, as well as concerns around land conflicts, exclusionary practices, and unequal distribution of benefits. Cooperatives also face challenges in accessing credit and technical assistance, limiting their ability to achieve their goals and objectives.

Further, while cooperatives play an active role in land allocation among poor land seekers, they can also be entangled in corrupt and illegal deals that often strip beneficiaries of their security over land. Some *tenure-insecure peri-urbanites* turn to lobby groups to secure their rights over land. This aspect is discussed in the section that follows.

Lobbying groups

Departing from the above review on cooperatives as sources of security over land for *tenure-insecure peri-urbanites*, scholars like Biti (2009) make a point that because of the vicious responses to ‘illegality and informality’, threatened poor urbanites can organise themselves to look for outsider lobbying groups who can represent them when faced with eviction threats by powerful actors including the state and its local authorities. Lobbying groups, such as non-governmental organisations (NGOs), can play a crucial role in advocating for the rights of tenure-insecure peri-urbanites in land matters. They can provide legal assistance, mobilise communities, and pressure decision-makers to make more equitable decisions. Lobbying, one of the oldest professions, has always been part of the political and legislative system (Zorack, 1990). Lobbying is “the deliberate attempt to influence political decisions through various forms of advocacy directed at policymakers on behalf of another person, organisation, or group” (Arroyo et al., 2002:82). Lobbying, as an accepted and legal process, allows the voice of citizen groups, associations, labour unions, corporations and others to be heard in the political arena (Berg, 2009).

In countries like South Africa, shack dwellers organise themselves in groups, such as *Abahlali baseMjondolo* and *Western Cape Anti-Eviction Campaign*, to protect their established spaces in the city and its peripheries (Losier, 2010). *Abahlali baseMjondolo*, a Zulu name translating to “the people of the shacks”, is a shack dwellers’ movement in South Africa that campaigns both against evictions and for public housing (Figlan, 2018). *Abahlali baseMjondolo* has held demonstrations, created dual power institutions, engaged in direct action, such as land occupations, self-organised water and electricity connections and used the courts tactically (Figlan, 2018; Laframboise, 2019; LibCom, 2019). Another lobbying group, the *Western Cape Anti-Eviction Campaign* is a non-racial popular movement of poor and oppressed communities in Cape Town, South Africa (Oldfield & Stokke, 2006). It was formed in November 2000 to fight evictions, water cut-offs and poor health services. Its mandate extended to free electricity, securing decent housing, and opposing police brutality (Tolsi, 2010).

In Zimbabwe, lobbying organisations like the Zimbabwe Homeless People’s Federation (ZHPF)¹⁰ and its partner Dialogue on Shelter¹¹ have played a key role in creating new solutions to secure land tenure for people experiencing poverty in the face of continued eviction threats (Biti, 2009). The alliance of Dialogue on Shelter and the Zimbabwe Homeless People’s Federation, a partnership between an autonomous network of community organisations (the federation) and an NGO, combine their relative comparative advantages as strengths for negotiation and articulating issues of urban poverty and landlessness (Biti, 2009). Working in alliance with the NGO Dialogue on Shelter, the federation quickly grew into a national network. As of 2007, it was in 27 local authority areas, bringing together more than 45,000 households, with 22,000 saving collectively to address their common development needs. Over the same period, despite the very adverse economic environment, these communities saved more than US\$ 185,000, secured land for 8,500 settler

10 The Zimbabwe Homeless People’s Federation (ZHPF) is a social movement of homeless people in Zimbabwe. It was established in 1998 and is part of the Shack/Slum Dwellers International network. ZHPF’s primary objective is to organize and empower homeless people to take control of their lives and secure their right to adequate housing. It works towards achieving this objective by facilitating the formation of savings groups, promoting access to land and housing, advocating for policy and legislative reform, and strengthening the voice of homeless people in decision-making processes.

11 Dialogue on Shelter Zimbabwe (DOS Zimbabwe) is a non-profit organization working towards the improvement of housing and shelter conditions in Zimbabwe.

families, built 1,100 houses, installed piped water and sewerage on 1,200 plots, and raised US\$ 1,275,000 in equity through an urban poor fund. In another case, Nyangani (2018) documented a situation of 1000 illegal migrants in Mutare's Devonshire suburb who sought the help of a lobbying organisation to secure their land. The High Court had given the migrants until December 31, 2017, to vacate the land. Through their lobby group, The Zimbabwe Homeless People's Federation Association, the families remained defiant, and they continued erecting up makeshift structures in the Devonshire suburb while lobbying the council to regularise their stay (Nyangani, 2018).

Thus, there are cases where land seekers employ lobbying groups to safeguard their control of land; in some instances, winning, while in other cases, does not yield positive results. As an illustration, Biti (2009) highlighted that for more than four years, the Harare Federation tried unsuccessfully to negotiate for land with the municipality. The land was only allocated to the Harare chapter of the Zimbabwe Homeless People's Federation on World Habitat Day in 2002 after years of lobbying (Biti, 2009). Why lobbying sometimes fails is often because this structure is the target of state attacks. In Zimbabwe specifically, lobbying groups have been fingered for being agents of imperialism and working in cahoots with foreign regimes to destabilise the ruling government (Muchadenyika & Williams, 2017).

Indeed, scholars show that lobbying can sometimes be spoken of with contempt when the implication is that people with inordinate socioeconomic power are corrupting the law to serve their interests (Dür & De Bièvre, 2007; Khatib, 2015). Other critiques of lobbying point to competition among interest groups and the potential for conflicts of interest, often leading to agenda misdirection at the expense of intended beneficiaries (Khatib, 2015). Mixed results from the use of cooperatives and lobbying groups suggest that there are still other options that poor peri-urban land seekers turn to in securing land. This becomes a point of departure to move on to the next category of scholars who have observed other *emerging forms of spatialised and socialised authority* in African peri-urban spaces, like litigation, as discussed in the following sub-section.

Litigation or courts

The increase in various forms of land conflicts in peri-urban spaces prompts the urgent need for a legal framework for resolution. Legal courts emerged as

one of the forms of *spatialised and socialised authority* in peri-urban spaces, in dealing with matters of land, in particular, resolving disputes between *tenure-insecure peri-urbanites* and other actors such as landowners, government, and developers. The courts also provide a mechanism for enforcing land rights and preventing land grabbing. However, one of the challenges faced by the courts in peri-urban areas is the lack of legal literacy among the urban poor, which often leads to a lack of understanding of their legal rights and limited access to legal services. This, in turn, limits their ability to engage with the courts and seek redress for land-related disputes.

Additionally, the formal court system may be slow and expensive, making it inaccessible to many urban poor residents. Alternative dispute resolution mechanisms, such as customary and traditional authorities, have complemented the formal court system in peri-urban areas. However, these mechanisms often lack the legal framework and safeguards to ensure fairness and protection of the urban poor's rights.

Scholars like Tibaijuka (2005) indicate that migrants and poor urbanites whose land tenure is threatened can seek formal litigation/ for justice in the formal courts. By definition, litigation is the proceedings initiated between two opposing parties to enforce or defend a legal right. Litigation is typically settled by agreement between the parties but may also be heard and decided by a jury or judge. In seeking justice through the courts, migrants usually seek help from lawyers. Various scholars have observed cases of migrants using litigation to protect their land tenure. In Plastic View, South Africa, the City of Tshwane Metropolitan Municipality has been trying for years to forcibly evict the residents of the settlement, who are dominantly irregular migrants. Allegations are consistently raised by representatives of the affluent property owners surrounding Plastic View, such as Meadow Glen, Meadow Ridge, Moreleta Park, Mooikloof, and Woodhill suburbs. It was argued that the location of the settlement in the vicinity of their properties severely negates the aesthetic and economic value of such properties (Nyamwanza & Dzingirai, 2020).

In March 2006, the local authority (with the assistance of immigration control officials and South African Police Services) tried to relocate the residents of Plastic View forcibly. Structures were razed down, and property and livelihoods were lost (Nyambanza & Dzingirai, 2019). However, a court interdict saved the day for the stranded residents when Tshwane Municipality

was ordered to restore the destroyed structures (See Tswelopele Non-Profit Organization vs City of Tshwane Metropolitan Municipality 2007 6 SA 511 [CSA]). The court judgment also instructed the local authority to manage the expansion of the settlement by setting up a perimeter fence around the new settlement site (Nyamwanza & Dzingirai, 2019). It also directed that security personnel be posted at the gates and give passes to residents and visitors. Furthermore, the local authority was mandated to regularly inspect and promptly mend the perimeter fence whenever breaches were discovered (See Meadow Glen Home Owners Association vs. City of Tshwane Metropolitan Municipality 767/2013).

In Zimbabwe, Human Rights Watch (2005) observed that poor urbanites and migrants threatened with eviction from their land during Operation Murambatsvina¹² approached human rights lawyers to represent them in the courts. Human rights lawyers use different clauses stipulated by various acts to seek justice for threatened migrants. During Operation Murambatsvina, the local human rights lawyers noted that evictions were not carried out following procedures in Zimbabwe's national laws, including section 32 of the Regional Town and Country Planning Act (Human Rights Watch, 2005). The Act stipulates under section 32 that an enforcement order for evictions shall not be operative until the period prescribed expires, giving occupants one month to vacate the premises. It also specifies that an appeal against the order automatically suspends it.

Another law, the Urban Council Act, requires twenty-eight days' notice; during that time, those issued an eviction order can appeal to the courts. Under this Act, no action can be taken until the court issues its determination. Lawyers working for the organisation Zimbabwe Lawyers for Human Rights sought several court injunctions against the evictions but reported that the High Court unduly prolonged the disposal of urgent challenges to the evictions. In another case in Budiriro residential area in Harare, *tenure-insecure*

12 Operation Murambatsvina, also known as '*Operation Restore Order*' or '*Clear the Filthy*', was a controversial government-led operation carried out in Zimbabwe in 2005. The operation involved the forced eviction and demolition of informal settlements, markets, and other structures deemed illegal or unsanitary, resulting in the displacement of an estimated 700,000 people and the destruction of their homes and livelihoods. The operation was widely criticized by the international community for its violation of human rights and humanitarian principles. The United Nations described it as a "disastrous venture" that caused "unnecessary suffering and deprivation." The operation remains a controversial chapter in Zimbabwe's history and serves as a stark reminder of the importance of respecting human rights and the rule of law.

peri-urbanites approached the Zimbabwe Lawyers for Human Rights (ZLGHR) to assist them with court actions after several families were left homeless by the demolition of their structures spearheaded by the City of Harare with the tacit approval of the Local Government Minister. The poor urbanites sought a court order to stop the demolitions that infringed on their human rights as citizens and compensation for the destroyed property (Chidza, 2005).

In another case, a High Court order barred the police and the city council from removing people from Porta Farm, located on the outskirts of Harare. It also barred authorities from assaulting the migrants or destroying their property. However, the police and local city council authorities in Harare ignored the court orders and the 10,000 inhabitants of Porta Farm were eventually evicted, and their houses demolished (Human Rights Watch, 2005). Over the years, several other migrants have lost their court cases on land, resulting in evictions. In Cyrene Farm, Matabeleland South, at the Anglican Church-owned farm, over 500 illegal migrants were served with a 2003 High Court order directing them to vacate the property within seven days (Nkala, 2020).

Regardless of the efforts by threatened *tenure-insecure peri-urbanites* to turn to the courts to secure land, evidence shows that courts have remained inefficient in representing the poor over land matters (Tibaijuka, 2005; Vambe, 2008). Evidence shows that states have packed the judiciary with justices that uphold state positions to deny the poor people land. In Zimbabwe, this was most evident during the infamous “Operation Murambatsvina” (*Clear the Filth*), where the state destroyed tens of thousands of properties around the country, resulting in the mass evictions of urban dwellers from housing structures.

The United Nations noted that nearly 6 percent of the total population – about 700,000 people- were forcibly evicted and made homeless (Human Rights Watch, 2005). This was disguisedly done through an enforcement order under the Regional Town and Country Planning Act that directed the demolition of houses built without a council permit; houses constructed as part of housing cooperatives, sometimes on farms appropriated by the government; houses constructed as part of informal settlements like Hatcliffe Extension and Porta Farm in Harare; and in some instances, even legal houses and buildings where the owners had valid leases and planning permission (Tibaijuka, 2005). The fundamental factors behind demolitions were related

to electoral politics in Zimbabwe and the desire by ZANU-PF to disenfranchise urban voters, as many scholars have observed (Mbiba, 2019; Muchadenyika, 2015b; Muchadenyika & Williams, 2017).

Operation Murambatsvina made poor urbanites lose faith in the ability of the judicial process to offer them protection or other satisfactory remedies. Some judges were unwilling to deal firmly and decisively with those who violated the law, especially officials who showed disregard for legal administrative procedures during the evictions. Thus, Operation Murambatsvina violated the rights of the urban poor in Zimbabwe in several ways. Firstly, it resulted in the forced eviction of hundreds of thousands of people from their homes and businesses without due process or compensation. Many of these individuals were left homeless without access to basic services such as water and sanitation. Secondly, the operation disproportionately targeted the urban poor, who were more likely to live in informal settlements and operate small businesses in marketplaces (Tibaijuka, 2005; Vambe, 2008). The operation devastated the livelihoods of these individuals, who lost their homes, possessions, and sources of income. Thirdly, the process was carried out without regard for the rights of those affected. Human rights organisations documented violence, intimidation, and harassment by state security forces during the operation. Many individuals were arbitrarily detained, beaten, or subjected to other forms of mistreatment.

From the discussion, even when there are attempts by poor land seekers to use the law and courts, these have not always been successful in securing their land tenure. Thus, the independence of institutions of governance, like legal courts, is essential for ensuring that the rights of all individuals, including the urban poor, are protected and upheld. Without independence, these institutions can be susceptible to corruption and bias, which can lead to violating people's rights and perpetuating inequality and injustice. Independent courts also ensure that land disputes are resolved fairly and impartially. However, it is a reality that in several African countries, some courts may be run by corrupt judges who favour partisan interests. As such, governments need to strengthen and protect the independence of these institutions. This can be done by ensuring judges are appointed based on merit and qualifications rather than political connections or affiliations. It is also vital to provide adequate funding and resources to courts for effective performance. Furthermore, measures should be taken to hold corrupt judges accountable for their actions, including investigation and prosecution where

necessary. This will help to deter corruption and ensure that the courts remain independent and impartial.

Therefore, legal courts emerge as another essential form of *spatialised and socialised authority* in African peri-urban spaces, particularly in land matters. While alternative dispute resolution mechanisms have been used to complement the formal court system, they often lack the legal framework and safeguards to protect the rights of the urban poor. Cooperatives offer a potential alternative to the formal court system, providing legal support and dispute resolution mechanisms. However, the success of cooperatives is dependent on various factors and requires a supportive legal and policy framework. Policymakers should prioritise legal literacy and access to legal services for the urban poor while supporting community-based organisations such as cooperatives to resolve land-related disputes in peri-urban areas. The independence of institutions of governance, like legal courts, is crucial for protecting the rights of the urban poor and ensuring that issues related to land and housing are resolved fairly and impartially. While there may be corruption and bias, it is essential to strengthen and protect the independence of these institutions through measures such as appointments based on merit, adequate funding, and accountability for corrupt behaviour.

Religion and the Occult

In African peri-urban spaces, land disputes often involve complex dynamics of power and authority, which may be influenced by religious beliefs and practices (Bhanye, 2023). Religion and the occult have emerged as forms of *spatialised and socialised authority*, which play a role in resolving land disputes and promoting access to land for the urban poor (Bhanye & Dzingirai, 2020b). Religion and the occult play a significant role in African societies, influencing social norms, cultural practices, and beliefs about land ownership and use. In many African societies, land is seen as a sacred resource, and its ownership and use are governed by religious and cultural norms (Mabvurira, 2016). Religious leaders, such as priests, imams, and traditional healers, are recognised as legitimate authorities in matters related to land, and their decisions may be considered binding by community members.

In some cases, religious and occult practices have been instrumental in resolving land disputes in peri-urban areas. For example, in Nigeria, traditional healers resolve land ownership and use disputes using divination and other

spiritual practices to determine the rightful owner of contested land (Genyi, 2017). Similarly, in Ghana, Muslim leaders mediate disputes between farmers and herders over access to grazing land, using their influence and legitimacy to negotiate solutions acceptable to all parties (Bukari, Sow & Scheffran, 2018). A study by Bhanye (2023) among Malawian migrants in peri-urban Zimbabwe revealed that migrants turn to the enchanting, dramatic, yet dreadful Nyau cult¹³ to access and reinforce land ownership. Because it is feared and respected by adherents because of its association with deathly symbols, the Nyau cult can yield and secure land for those who seek it in its name (Bhanye & Dzingirai, 2020b; Bhanye, 2023). Other migrants secure land against expropriation from fellow migrants through the eccentric means of witchcraft (Bhanye, 2023).

However, the role of religion and the occult in peri-urban areas is not without controversy. Some have criticised these practices for their potential to reinforce patriarchal power structures, perpetuate inequality, and undermine the rule of law (Familusi, 2012; Kelkar & Nathan, 2020). Additionally, tensions between religious and secular authorities may complicate efforts to resolve land disputes and promote equitable access to land for the urban poor. Policymakers and communities must be aware of the potential for religious and occult practices to reinforce patriarchal power structures and perpetuate inequality in land matters. Efforts should be made to promote transparency, accountability, and the participation of women and marginalised groups in decision-making processes involving religious and traditional authorities. Additionally, religious and occult practices should be integrated into the legal framework, where possible, to ensure they are consistent with the rule of law and human rights standards.

13 The Malawian Nyau cult is a traditional religious group that is found in Malawi and some parts of Zambia and Mozambique. The cult is believed to have originated from the secret societies of the Chewa people, which were formed to protect their communities from external threats such as slave raids. The Nyau cult is known for its elaborate masquerades and dances, which are performed during traditional ceremonies and rituals. The Nyau cult is also known for its use of masks, which are often made from wood, animal hides, and other materials. The masks are believed to have spiritual powers that enable the wearer to communicate with the spirits of the ancestors.

Conclusion and recommendations

In conclusion, this paper explored the '*emerging forms of spatialised and socialised authority*' in African peri-urban spaces, focusing on access and security over land by *tenure-insecure peri-urbanites*. The study reveals that state functionaries, political party allegiance, traditional leaders, cooperatives, lobbying groups, legal courts, religion, and the occult all play important roles in shaping land governance in the peri-urban. State functionaries, including parliamentarians, bureaucrats, government and local authority officials, and urban elites, play a central role in developing and implementing land tenure and allocation policies. However, their actions can be influenced by political considerations and personal interests, which can result in the exclusion of the urban poor from access to land. Political parties also significantly affect land governance in African peri-urban spaces. They often use land allocation as a tool for patronage and clientelism, resulting in the exclusion of the urban poor from access to land. Traditional leaders are also influential actors in land governance in African peri-urban spaces, with the power to allocate land and mediate land disputes. However, their actions can also perpetuate land injustices, particularly against the urban poor, for example, when they are complicit in selling communal land to private developers, resulting in the displacement of the urban poor. Cooperatives are also increasingly seen as a means to promote community participation in land governance and allocation. However, their effectiveness depends on the level of accountability and transparency in their operations, as some studies show how they can be used as vehicles for elite capture and exclusion. Lobbying groups also play a critical role in advocating for the rights of *tenure-insecure peri-urbanites* and promoting participatory governance in land allocation. However, their effectiveness depends on their capacity to engage with decision-making processes and hold other actors accountable. Legal courts provide a means for resolving land disputes and upholding the rule of law; however, they can be constrained by corruption, inadequate resources, and cultural biases. Bizarrely, religion and the occult are also emerging as important institutions in land governance in African peri-urban spaces through their beliefs, mediation and sometimes invoking deathly practices against the threatening others.

The article demonstrates how land remains economically, socially and emotionally important among poor urbanites and migrants. Secondly, the study demonstrates that the drivers of *emerging forms of authority* in African

peri-urban spaces are multifaceted, ranging from demographic changes, economic transformation, and political contestation to new technologies and media. These drivers create new opportunities for exercising power and authority and pose significant challenges to inclusive and participatory governance. Thirdly, the implications of *emerging forms of authority* for governance, citizenship, and democracy are positive and negative. On the one hand, some of these *forms of authority* provide alternative pathways for peri-urban development and self-governance. On the other hand, they are also undermining democratic institutions, eroding the rule of law, and exacerbating social inequalities. The study also demonstrates that poor African urbanites and migrants are not passive but '*nimble-footed and responsive*', as they find ways to secure land by drawing on various normative orders like the courts and sometimes through evasion, patronage performance and other means of conviviality. The review helped broaden the scope of actors that need to be engaged in the planning and governance of peri-urban spaces in Africa's era of complex peri-urbanisation processes.

It argues for more interdisciplinary research and policy attention to these *emerging forms of authority* and their implications for the future of African urbanisation. By recognising the complex and dynamic nature of authority in peri-urban spaces, it may be possible to identify new pathways for promoting inclusive and participatory governance and harnessing the potential of these *emerging forms of authority* for the benefit of all citizens. While formal state institutions are important, informal power structures and alternative forms of authority also shape how land is governed and used. As such, efforts to improve land governance must consider the diversity of actors and institutions involved in shaping land management and decision-making processes. These players include political patrons or state functionaries, traditional leaders, cooperatives or state idioms, the courts, the occult and, most importantly, the urban poor, including migrants.

Based on the findings of this paper, the following recommendations are proposed to promote inclusive and participatory governance in African peri-urban spaces:

1. *Foster multi-disciplinary research and policy approaches:* Given the complex and diverse nature of *emerging forms of authority* in African peri-urban spaces, it is essential to adopt a multi-disciplinary approach that draws on insights from geography, political science, sociology, anthropology, and

other fields. Such an approach can help to understand better the drivers, dynamics, and implications of *emerging forms of authority* and inform more effective policy responses.

2. *Engage with communities to promote bottom-up governance:* Governments and local authorities should engage with communities to understand their needs, aspirations, and challenges. This can be done through working with community-based organisations, traditional leaders, and other local actors to foster bottom-up governance and decision-making.
3. *Support capacity-building for local governance:* Governments and local authorities should support capacity-building for local governance. This can be achieved by training local officials, supporting the development of participatory planning processes, and providing resources and technical assistance to support local initiatives.
4. *Strengthen democratic institutions and the rule of law:* To mitigate the negative implications of *emerging forms of authority* in African peri-urban spaces, it is essential to strengthen democratic institutions and the rule of law. This can involve promoting transparency, accountability, and responsiveness in government, supporting independent media and civil society, and ensuring the protection of human rights.
5. *Promote sustainable and equitable urban development:* To address the challenges of *emerging forms of authority in African peri-urban spaces*, promoting sustainable and equitable urban development is essential. This can involve supporting inclusive and participatory planning processes, investing in basic services and infrastructure, and promoting economic development that benefits all citizens.

These recommendations highlight the need for a comprehensive and integrated approach to promoting inclusive and participatory governance in African peri-urban spaces. Adopting such an approach makes it possible to harness the potential of *emerging forms of authority* for the benefit of all citizens and promote sustainable and equitable urban development (SDG 11).¹⁴

14 Sustainable Development Goal (SDG) 11 focus on Sustainable Cities and Communities. This goal aims to make cities and human settlements inclusive, safe, resilient, and sustainable. This requires engaging with communities to understand their needs and concerns, and developing policies that address these issues. SDG 11 also require collaboration between government, civil society, and the private sector to create inclusive, safe, resilient, and sustainable cities.

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Climate Change and Transatlantic Slavery

Uncomfortable parallels, uncertain futures

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Abstract

The article examines the causes and effects of climate change and juxtaposes these with the transatlantic slave trade to glean what lessons, if any, can be learnt. It further explores any systemic linkages between transatlantic slavery and climate change, and proffers sustainable recommendations for mitigating the current dilemmas associated with slavery and climate change. To this end, this study finds that the effects of transatlantic slavery and climate change reveal multi-generational impacts related to a lack of representation, the disproportionate distribution of benefits and costs, cultural losses, and a lack of frameworks to facilitate compensation to those adversely affected. The article concludes by underscoring useful measures that can be adopted to combat the proliferation of similar problems in the future.

Keywords: Climate change, Transatlantic slavery, slave trade, Africa, and Caribbean

Introduction

Research and literature on the potential and real links between modern slavery and climate change is a subject of vibrant academic debate (Bales and Sovacool 2021; Brickell et al. 2018; Brown et al. 2021; Decker Sparks et al. 2021; Jackson and Sparks 2020). The reason for interest in the nexus between modern slavery and climate change is well illustrated by Bales & Sovacool (2021, 1), who maintain that, “if modern slaves were a country, they would be the third largest emitter of carbon dioxide in the world, after China and the United States.” More reflective literature on the linkages between the historic

transatlantic slave trade and anthropogenic climate change is more scarce (Davidson 2008; Nuttall 2010). Yet, historians estimate that around 9.4 million enslaved people were forcibly exported from Africa to the Americas prior to 1866 (Curtin 1972; Eltis 2001; Rawley and Behrendt 2005). This is greater than the total population of the English-speaking members of the Caribbean Community (CARICOM¹) and more than 25% of the population of Ghana. The sheer scale of the forcible movement of persons from the Western coast of Africa has profoundly impacted society. Moreover, as this paper will show, the economic and industrial environment facilitated by the transatlantic slave trade created the conditions for the proliferation of greenhouse gas emissions, notably when the trade was halted, and abolition declared.

This work will be reflective and geared toward learning as much as possible from a past global phenomenon (trans-Atlantic chattel slavery) to inform a current and future challenge in the form of global anthropogenic climate change. The overarching purpose of this work is, on the one hand, to interrogate the underlying principles and enabling environment that facilitated the initial growth and later dismantling of the transatlantic slave trade and to assess if any similarities exist between these factors and those that support worsening anthropogenic climate change. The paper will also review systemic causes and consequences that are shared by transatlantic slavery and climate change to make recommendations to mitigate current and future dilemmas associated with slavery and climate change.

Defining Transatlantic slave trade and climate change

In the context of this study, the term transatlantic slave trade refers to the non-voluntary relocation of persons primarily from West Africa to the Americas. As articulated by Rawley (2005, 2), the slave trade became “part of the European Commercial Revolution. It owed its modern form to the growth of nation states that replaced feudalism and lent their support to the trade, to the rise of towns, the broadening of commerce, the development of merchant classes”. While the purchase, transportation and retail of enslaved people was conducted primarily by European merchants, this paper focuses

1 The Caribbean Community (CARICOM) is a grouping of twenty countries: fifteen Member States and five Associate Members.... The Community is multi-lingual; with English as the major language complemented by French and Dutch and variations of these, as well as African and Asian expressions. Source: <https://caricom.org/our-community/who-we-are/>. Accessed on 24 December 2022.

largely on the contribution of British merchants and their activities within the British West Indies. There are several reasons for this. The first is that any attempt to examine the actions of every European interloper involved in the transatlantic slave trade would constitute a much larger research project than is possible here. The second reason relates to the prominence and success of the British Empire as it relates to the commercial viability and operation of the slave trade. As articulated by Eltis (1987, 4), “Britain was the most successful nation in the modern world in establishing slave labour colonies overseas”.

The term ‘climate change’, is defined within Article 1, paragraph 2 of the United Nations Framework Convention on Climate Change (UNFCCC) as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods” (United Nations Framework Convention on Climate Change 1992, 3). However, the marginal human contribution to natural climate variability led to the environmental problem referred to as anthropogenic climate change. Thus, in the context of this article, the term climate change will refer to ‘anthropogenic climate change’. It should also be noted that the terms ‘West Indies’ and ‘Caribbean’ are used interchangeably and refer to the archipelago of islands nestled in the Caribbean Sea that stretches from Cuba and the Bahamas in the North to Trinidad and Tobago in the South.

Transatlantic Slavery: Patterns and Causes

Transatlantic slavery did not occur in a vacuum. Newly acquired territories in the Caribbean needed to be put to productive use (particularly, for the most part, in the absence of the discovery of large deposits of gold in most islands of the British West Indies), so colonial administrators turned to agriculture. Tobacco and sugar cane - among, the most popular crops chosen - demanded a supply of labour to support their production. However, the indigenous populations within these islands were unaccustomed to the harsh and demanding daily requirements associated with plantation work. The result was that many indigenous persons perished as the metropolitan authorities attempted to establish commercially viable agricultural plantations throughout the archipelago.

As explained by Williams (1942, 11), “the original inhabitants of the Caribbean islands were speedily exterminated by the Spanish conquerors....

it was to satisfy the labour requirements of the West Indian Islands that the greatest migration in recorded history took place. This was the Negro slave trade.” The availability of a seemingly inexhaustible supply of African labour, the relatively close proximity of West Africa to Europe coupled with natural Tradewinds which aided ships crossing the Atlantic Ocean to the Caribbean, made African labour an economically viable choice. The initial cost of acquiring slaves² on the African continent, paid for by traders that exchanged capital or weapons (to tribal chiefs that sought to gain a military advantage over other tribes), was overshadowed and outweighed by a lifetime of free labour by those who had been captured and removed from the continent.

The need for plentiful and affordable (in this case, free) labour as an input into large-scale, export-oriented agriculture, facilitated the proliferation of transatlantic slavery for hundreds of years. It should be noted that the idea of utilising slaves for mass agriculture did not begin with the triangular trade now referred to as the transatlantic slavery. Slave labour was a pivotal component of the empires and economies of both the Greek and Roman civilisations (Williams 1944). This point, however, highlights another important driver for the institutionalisation of slavery in the “New World”. The impetus of “Gold, God and Glory³” served as an important driver in the development of European empires (Winks 1963).

Indeed, the development of plantation economies in the Caribbean was not solely (or even primarily) geared toward the accrual of personal wealth, but rather in service of a broader objective: empire building. European territories were engaged in a competitive and violent race to establish

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- 2 Research published by the University of Cambridge in 2015 highlighted that 54 male and female slaves cost £5,100, a sum equal to around £500,000 at that time. The article goes on to highlight that “buying cheap slaves to work the land for sugar cane would ‘relieve the estate from the expense of buying cattle’, and allow for more sugar to be sold for rum, which brought in a profit of £4,500 a year, equal to around £400,000 today.” (University of Cambridge 2015)
 - 3 The term “God, Gold and Glory” is a commonly used refrain among historians when examining the motives of the imperial powers that sought to conquer territories in the Americas (at that time referred to as the “New World”). Reference to God refers to the fact that many of the interlopers viewed their actions as part of a larger religious mandate to spread Christianity among the newly encountered peoples through the work of missionaries (and by force if necessary). Gold underscores the economic motive for their activities in the region. Considerable resources were deployed in pursuit of locating and developing natural resources (especially gold), from the Americas. Glory refers to the competition between European nations to derive as much prestige amongst their neighbours from their activities in the region (International Encyclopedia of the Social Sciences 2022; Osei and Dover 2004; Winks 1963).

powerful and far-reaching Empires through the subjugation and colonisation of territories and peoples throughout the globe – as far as their technology, artillery and administrative capacity would allow. Caribbean territories were, therefore, transformed into colonial outposts that would serve to facilitate the production of raw materials or primary products, often to be used in Europe as inputs into the manufacturing process of more sophisticated products. The economies of the Caribbean, therefore, served to fuel the growth and development of European economies and empires. The race to acquire more territories and the militaries needed to accommodate such growth was financed in part by the economic contribution of colonies already under European rule. The transatlantic slave trade supplied these colonies with a source of cheap labour, which proved to be a critical component to the economic welfare of the colonies in the Caribbean and, by extension, their metropolitan counterparts.

The importance of African slave labour and the slave trade to the European economy, specifically to the growth of British enterprises, cannot be overstated (Williams 1944). In his contribution to the subject, Beckles (2013: 82) indicates that “Britain extracted more wealth from enchained and enslaved Africans than any other European nation. The nation’s wealth was driven by the wealth of the slave system. It became the first slave-trading superpower and the first industrial giant”. However, it should be noted that while slavery may have seemed more affordable, it was later underscored as being more expensive in the long term. Adam Smith noted that “the work done by slaves, though it appears to cost only their maintenance, is the dearest of any. A person who can acquire no property can have no other interest than to eat as much, and to labour as little as possible” (Smith 1723-1790, 345; Williams 1944, 6). In his seminal work, “Capitalism and Slavery”, Williams (1944) underscores how a desire to maximise wealth extraction and reduce costs contributed in no small part to the eventual abolition of slavery. Williams argued that the efficiency gains from the deployment of fossil-fuelled machines to enhance agricultural production were particularly attractive when compared to the cost of maintaining enslaved people and the losses incurred from slave revolts and rebellions.

To illustrate the centrality of slaves and fossil fuels to agricultural and industrial development, it may be helpful to briefly review how humanity’s energy supply and systems have developed over time. As explained by Smil (2004: 550), the ability to harness and utilise greater magnitudes of energy

contributed significantly to improved standards of living, as it brought with it “increased food harvests, greater accumulation of personal possessions... and vastly enhanced personal mobility”. Energy use in the Caribbean (and the Pacific) was significantly transformed by colonial endeavours. Small islands in both regions transitioned from using smaller quantities of kinetic energy from human and animal labour, necessary to support subsistence farming, to much more significant energy production that initially involved the use of water wheels and windmills and later, fossil fuelled steam engines and turbines (see Fig 1). Certainly, the sharp and significant increase in energy deployment following the abolition of the slave trade in the Caribbean was in fact due to the transition to fossil fuels as an energy source.

This article argues that slavery was to agricultural production in the Caribbean what fossil fuels were to industrial production in Europe. Enslaved Africans and fossil fuels served as valuable factors of production, with the former serving as a considerably less efficient input than the latter. Similarly, in much the same manner that the mistreatment and abuse of millions of Africans and systemic racism became an invisible externality of European capitalism, climate change now serves as an example of an unintended externality of the industrial revolution and global capitalism. While voluntary human labour and limited animal labour were sufficient to meet the needs of subsistence agriculture, it could not adequately meet the demands of large-scale, export-oriented agriculture. More significant factors of production, and more specifically, greater magnitudes of energy supply, were required to support large-scale agricultural production. Forced labour and later, fossil-fuelled steam engines and turbines, helped to support agricultural and industrial development in the Caribbean and Europe, respectively.

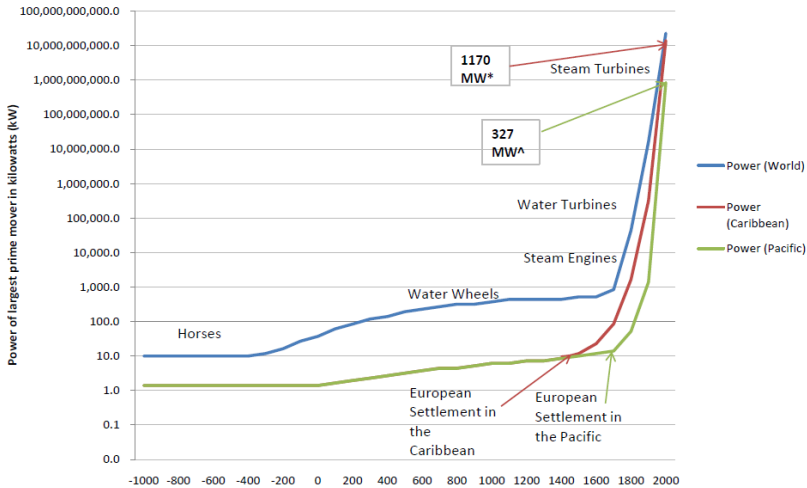


Figure 1: Diagram showing the Transition from traditional to more modern forms of energy use. Source: Niles (2013)

Causes of Climate Change

On the backs of increased agricultural production, industrial development and competition came a level of unparalleled economic development at the time. However, this economic boom came at an environmental cost that was unknown at the time. Greenhouse gas (GHG) emission records can be accessed from 1850 onwards, just twelve years following the abolition of slavery in the British West Indies. As the plantocracy transitioned from slave to indentured/paid labour in the Caribbean, industrial operations were also being transitioned to fossil-fuelled sources of energy in Britain. The results (in terms of historical emissions) of transitioning from primarily human energy to fossil fuels are clearly illustrated in Figure 2. Between 1850 and 1915, GHG emissions from the UK increased fivefold as it transitioned from the use of wood to increasingly efficient coal-powered steam engines. Though momentarily thwarted in the 1920s, this upward trajectory continued until 1971.

In addition to powering other industrial activities, it should be noted that “Britain had the largest mining industry in Europe thanks to coal” (Allen 2012, 22). Allen (2012) points out that the primary use of the engine was to drain

mines. Local production of coal, therefore, served as an important driver of industrial and economic development in Britain.

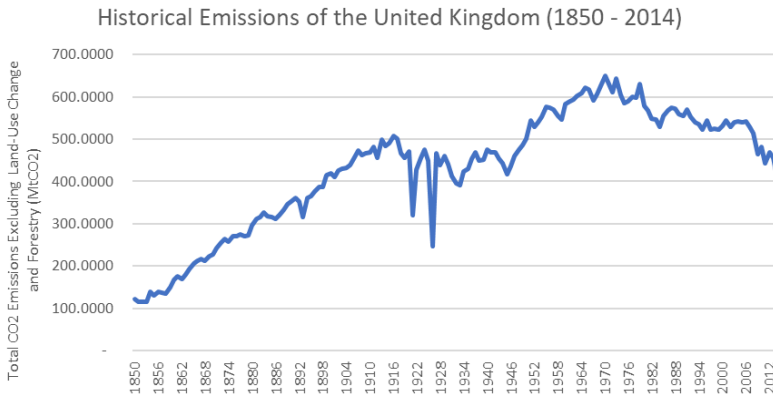


Figure 2: *Historical Emissions of the United Kingdom (1850 - 2014)*, Source: World Resources Institute.

The considerable rise in emissions was driven not only by the large-scale coal within Britain but by the fact that coal became the energy base for industrial development. Incidentally, it was the shift from slave labour to fossil-fuelled machines that led to the emergence of an existential environmental dilemma: anthropogenic climate change. This link between initial economic and industrial development and climate change is recognised in the Preamble of the UNFCCC, which states that “the largest share of historical and current global emissions of greenhouse gases has originated in developed countries” (United Nations Framework Convention on Climate Change 1992, 1).

Britain was certainly not alone in its advance toward coal-driven industrialisation. It was accompanied by other metropolitan nations that sought to enhance economic development by transitioning from human kinetic energy to chemical energy provided by coal. At the time, carbon emissions were simply an (unimportant) by-product of industrial development driven by the transition to a more efficient energy source. The industrial revolution based its growth on the model of operations that was essentially linear. Economic activities were based upon processes that allowed raw materials (the input) to undergo a process of value addition, resulting in the production of a more sophisticated product and outputs deemed non-useful and referred

to as waste. The impact of many of these non-useful waste outputs upon the wider society and the environment was largely ignored.

Sugar production was no different. The transition of the production process from human/animal-powered agro-processing activity to a fuel-powered machine-based industrial process thus all occurred within the same framework of a linear process that transformed cane stalks into molasses or raw sugar, without much consideration for any waste by-products (or wider societal or environmental impacts) that were created as a result. Within this configuration, the expulsion of Carbon Dioxide (CO₂) from industrial production as a waste product resulted from how economic activities were designed and engineered at the time. The cumulative effect of CO₂ emissions from the dawn of the industrial era to now has resulted in a considerable historical contribution to climate change. Having outlined the primary causes and drivers of transatlantic slavery and climate change, their past impact and current implications will therefore be reviewed.

Parallels: real or imagined? The long tail of Transatlantic Slavery and Climate Change

A thorough review of the social and economic impact of transatlantic slavery is not possible within this text. However, this study seeks to briefly outline some of the primary effects brought about by the forced trade in African women, men and children that occurred over centuries. In so doing, this paper examines the short and long-term effects of transatlantic slavery on the development of the African, Caribbean and European nations (with a specific focus on Britain) that were involved in this trade. Similarly, some critical impacts of climate change will be juxtaposed to those of transatlantic slavery to assess whether there are any grounds to compare the intergenerational effects. Moreover, a key reason for engaging in this research is to ascertain whether or not any lessons can be learned from past atrocities, like slavery, that could inform the global effort to combat climate change, particularly in the Caribbean.

Lack of individual legal identity and representation

The legal system that facilitated the proliferation in the trade of slaves across the Atlantic *essentially* converted African personhood into property. Individuals being traded were stripped of any intrinsic rights to which they

may have been entitled and were instead relegated to mere factors of production within a larger agrarian economy and society. Similarly, at present, environmental ecosystems often exist merely as factors of production within a more extensive system – a source of raw materials, ecosystem services or as a repository for the waste products of economic activities. The intrinsic rights of nature are not yet fully established within international law and, have thus far been recognised primarily by jurisdictions within Latin America, the US, Australia and New Zealand (Challe 2021; Daly 2012).

The inability to locate or identify the rights of an individually traded bondservant or a natural ecosystem outside of a bill of sale (i.e. property rights) results in a lack of *locus standi* and representation within judicial systems when persons sought to assist the welfare of the enslaved or the environment. The transition to more sustainable energy systems may need to feature a parallel transition of legal systems to further increase the representation of the natural environment in the courtroom. This is only likely to intensify as climate change litigation continues to increase across the globe (United Nations Environment Programme 2020).

Disproportionate distribution of benefits and costs

Not only did European enterprises and nations benefit from free labour, but they could also benefit from commercially exploiting and owning inventions and innovative contributions made by enslaved people (Johnson 2017). Several of these inventions, include a cotton scraper, a bedstead and a steamboat propeller, served to further the industrial development of the metropolitan countries and their colonies. As a result, those responsible for the operation of the plantations in the Americas were able to benefit from both manual and skilled labour, as well as the intellectual value added by the enslaved population.

Even further, the physical goods provided by European colonies help lay the foundation for developing more sophisticated economies within the metropolitan centres. Within such a configuration, later referred to as “plantation economies”, such nations served merely as appendages of a larger empire (Best 1968; Girvan 2009). The role of plantation economies on the periphery of the empire was, in part, to supply primary goods that could serve as inputs into more sophisticated economic and industrial processes in the metropolitan state. The structure of the economic and

financial relationship that existed at the time resulted in the manufacture of value-added 'secondary and tertiary products' in the metropolitan centre and the continuous (usually singular mono-crop) production of more basic goods and raw materials of lesser value within colonial centres. Moreover, as articulated by Girvan (2009: 2), the establishment of plantation economies in the Caribbean had the longer-term impact of "permanent dependence: of growth without development, of adjustment without structural change, of diversification without transformation".

This narrative mirrors the disproportionate benefits gained from the industrial system that drove anthropogenic climate change. To be clear, as alluded to earlier, the proliferation of the transatlantic slave trade and the climate crisis now threatening the future of the planet are not tangentially related. Slavery provided a significant portion of the capital and economic basis that facilitated a coal-powered industrial revolution. Williams (1944) ably demonstrated how the tremendous wealth from the slave trade helped finance the industrial expansion and economy of Great Britain, not only concerning heavy industry and agriculture, but also concerning insurance and banking. In his own words, "the triangular trade made an enormous contribution to Britain's industrial development. The profits from this trade fertilized the entire productive system of the country". Beckles (2013: 82) goes further and adds that:

"Britain extracted more wealth from enchained and enslaved Africans than any other European nation. The wealth of the nation was driven by the wealth of the slave system. It became the first slave-trading superpower and the first industrial giant. Britain benefited the most from the slave-based Caribbean economy within the wider Atlantic system, an intricate web in primary commodities, manufactured goods and enchained people. The spectacular economic results were symbolic of the relations that constituted Britain's reputation at the end of the eighteenth century. It had become the leading industrial nation in the world and the dominant global slave investor."

It is neither historically accurate nor helpful to future students of history or climate science to highlight Britain as the 'birthplace of the Industrial Revolution' (Coleman 1992; Crofts 2002; Newman 2017) without simultaneously and correctly citing the systems and sources of wealth that made it possible, and their consequent impact on the environment. To

accurately assess the disproportionate distribution of the costs and benefits of transatlantic slavery to metropolitan nations and their former colonies, one must juxtapose not merely the short-term loss of labour and human life but also the longer-term structural socio-economic impacts of the immense wealth accrued by metropolitan nations. Similarly, the tremendous wealth and productive development spurred by the Industrial Revolution should be assessed alongside the devastating impacts of climate change on the nations that bore the brunt of the transatlantic slave trade. The industrial revolution facilitated a vast number of other productive economic activities that demanded higher energy production, far beyond anything that could be supplied by slave labour. As alluded to earlier, the industrial revolution facilitated an energy transition away from the deployment of slave labour to the use of chemical energy. This transition gave birth to the fossil fuel industry.

Loss of culture and identity

Africans that survived the arduous journey across the Atlantic were stripped of their names, language, culture, and any semblance of their identity, except for the colour of their skin, which was ably used as justification for their conversion from persons to property. The generational impact of this loss of culture and identity is profound and far-reaching – both for African nations and their surviving descendants within the Caribbean. The effects of institutional segregation and discrimination on the culture and identity of persons of African descent are also extensive but cannot be examined within this paper. There remains no supra-national and globally normative legal architecture within which reparations or compensation for the generational impacts of transatlantic slavery can be addressed.

The loss of culture and identity due to climate change is a field of growing interest within academia. There has been some measure of agreement that “climate change threatens cultural dimensions of lives and livelihoods that include the material and lived aspects of culture, identity, community cohesion and sense of place” (Adger et al. 2012: 112). Indeed, as climate impacts such as sea level rise and increasingly more intense hurricanes become more frequent, dislocation and cultural losses are likely to result (See Dugan 2007), and perhaps become the norm, particularly in climate-vulnerable nations like Small Island Developing States (SIDS). Though there is recognition of future losses, the nature or specific significance of cultural losses to individuals,

communities and entire societies is not yet well understood (Tschakert et al. 2017).

The current provisions within the rubric of the UNFCCC to address loss and damage took more than two decades to be negotiated after first being raised within the context of insurance and/or compensation for future loss and damage due to climate impacts (Roberts and Huq 2015). The initial legal response to the response to the recognition of the financial and other adverse future impacts of climate change appear in Article 4.8 of the 1992 UNFCCC, which states that “the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures” (United Nations Framework Convention on Climate Change 1992: 8-9).

Article 4.8 continues by highlighting the effects of climate impacts in climate-vulnerable nations, including SIDS. Twenty-three years later, Article 8 of the Paris Agreement specifically highlighted the “importance of averting, minimizing and addressing loss and damage associated with the adverse effects of climate change, including extreme weather events and slow onset events, and the role of sustainable development in reducing the risk of loss and damage”(United Nations Framework Convention on Climate Change 2015: 26). However, while recognising future economic and non-economic losses, as well as damages that will be brought about by climate change on the one hand, the Paris Agreement prohibits explicitly future generations from using its text as the legal basis upon which to seek reparations as it stipulates that “Article 8 of the Agreement does not involve or provide a basis for any liability or compensation” (United Nations Framework Convention on Climate Change 2015: 26).

Financial Support / Compensation

When the Emancipation Act was declared in 1833, compensation was offered to the plantation owners for the loss of their property, such as the slaves. In Britain, the state borrowed £20 million to compensate slave owners. Thorne (2012, 154) notes that the loan constituted “the largest single financial operation undertaken by the British state to date” (Draper 2010:

270; Thorne 2012: 154). This amount, paid out as £15 million in cash and £5 million in government securities, accounted for forty per cent of Britain's annual expenditure for the year in question, represents approximately £200 billion in today's money and was only repaid in 2015 (Manjapra, 2019). In sharp contrast, the enslaved population and their descendants have never received or been offered any form of financial compensation or reparations.

As it relates to financial flows or support within the context of climate change, global subsidies to the fossil fuel industry were "valued at \$4.7 trillion (6.3 per cent of global GDP) in 2015 and...projected at \$5.2 trillion (6.5 per cent of GDP) in 2017" (Coady et al. 2019: 5). Coady et al. (2019, 5) reveal that the largest subsidisers in 2015 were "China (\$1.4 trillion), United States (\$649 billion), Russia (\$551 billion), European Union (\$289 billion), and India (\$209 billion)". These norms persist despite ongoing research that has highlighted that shifting financial support from the fossil fuel industry, which is driving climate change, to more sustainable energy industries is likely to substantially reduce global carbon emissions, decrease air pollution and increase state revenue (Coady et al. 2017; Ellis 2010; Ouyang and Lin, 2014).

Moreover, while financial support for fossil fuels persists, a robust legal framework to facilitate financial support or compensation for communities that have already been adversely affected by climate impacts is lacking and only really exists within the context of insurance schemes (such as the Caribbean Catastrophe Risk Insurance Facility) which operates within the rubric of loss and damage as aforementioned.

In the case of slavery and climate change, compensation and financial support have been directed towards the incumbent industry, which stands to lose from the proposed change or transition. In contrast, financial support for those affected by the impact of the actions of industry has been slow within the context of climate and non-existent within the context of slavery.

Discussion

Transatlantic slavery and climate change have, at their core, a unique policy problem known as the "Tragedy of the Commons". In such a configuration, any individual member of the commons would be disadvantaged by taking unilateral action to cease an action that results in personal or domestic gain but more comprehensive societal (or global) losses, as other members of the commons would be able to reap the rewards of continued unfettered access to

the resource in question. This phenomenon produces perverse incentives for all parties to continue engaging in behaviour that secures only their interests unless all parties agree upon a joint course of action or unless an individual or smaller group has the power to make a binding decision that it can enforce upon all other parties. Though originally developed to explain the problem of overpopulation (Hardin 1968), the concept of the Tragedy of the Commons has been used to frame or contextualise problems related to resource management, including Climate Change (Feeny et al. 1990; Lloyd 2007).

In the case of the transatlantic slave trade, if Britain or any other colonial power stopped trading in slaves while others continued, they would have faced a comparative economic disadvantage when compared to other nations that benefited both from free slave labour on the plantations in the Caribbean and from the jobs and wealth created by the trade itself. Put simply, the cost of production (specifically in relation to the price of labour) would have been higher on British-owned plantations compared to those owned by the citizens or subjects of other colonial powers, where slave labour could be accessed. Moreover, the British shipping sector, supported by the banking and insurance industry, who were heavily invested in the movement of human cargo from Africa to the Caribbean, would have been adversely affected by a decline in commerce. Unsurprisingly, therefore, when Britain abolished the slave trade in 1807, its naval fleet also began to intercept the slave ships and trade of other colonial powers to disrupt their access to free labour. To some degree, therefore, Britain effectively mitigated a “Tragedy of the Commons” within the context of the transatlantic slave trade through unilateral action supported by formidable military power.

Within the context of climate change, the Preamble of the (United Nations Framework Convention on Climate Change 1992, 1) acknowledges that there is widespread recognition that “change in the Earth’s climate and its adverse effects are a common concern of humankind”. Despite this shared concern, several countries – and in particular, a number of developed and emerging economies - have displayed a considerable reluctance to make binding commitments to lower their greenhouse gas emissions. As expected within a “Tragedy of the Commons” scenario, this reluctance is primarily due to an unwillingness to risk stymieing their economic growth in comparison to other nations that have not made equivalent commitments. Unlike Britain’s action concerning the transatlantic slave trade, unilateral action of any individual party is unlikely to occur. To begin, Britain’s enforcement of its unilateral

actions was not made in the interest of the slaves themselves but rather in its economic interest.

Similarly, while all countries may be concerned about the common problem facing humanity in light of the climate crisis, these are often superseded by domestic interests. Furthermore, there does not seem to currently exist a singular nation with the required hard or soft power to compel all nations to make binding commitments to constrain their use of fossil fuels. Notwithstanding this, the UNFCCC does recognise that those nations that were able to benefit from historical emissions associated with the industrial revolution that drove climate change have a responsibility to lead efforts to mitigate the climate crisis. One of the foundational principles of the UNFCCC (1992: 4) states, “Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities” (UNFCCC, 1992, Article 3, paragraph 1). Notwithstanding this, the pace, scale and volume of actual emission reductions lag significantly behind what is required to avoid irreversible damage to the climate system. Thus far, domestic political, social and economic interests continue to supersede the long-term interests of the commons.

Table 1: Climate Change and Transatlantic Slavery: Real or Imagined Parallels?

Variable	Transatlantic Slavery	Climate Change
Tragedy of the Commons	Any individual nation that abolished slavery or the slave trade domestically would have faced a competitive disadvantage that did not exist in other territories that did not have to pay for labour and benefited from the commerce generated by the trade.	Countries fear becoming less competitive than territories that use cheaper and widely available fossil fuels.
Energy Transition	Fuelled in part by energy transition (animal and subsistence labour insufficient to support export-oriented commercial agriculture)	Fuelled in part by energy transition (chemical energy is more efficient than slave labour)
Lack of Representation	No individual legal human rights. Instead, the owner held property rights to the slave.	No locus standi for the global environment or future generations

Variable	Transatlantic Slavery	Climate Change
Disproportionate distribution of benefits and costs	<p>British slave owners and the economy benefited from the enormous wealth generated from the slave trade.</p> <p>Slaves and former colonies bore costs associated with the transatlantic slave trade.</p>	<p>Britain derived considerable economic benefits from the historical use of fossil fuels deployed to power the industrial revolution.</p> <p>The cost of climate change impacts is particularly high among SIDS, like those in the Caribbean.</p>
Loss of culture and identity	<p>African slaves in the Caribbean were stripped of their names, language and culture.</p>	<p>Climate change poses a real threat to the cultural heritage, identity and other cultural dimensions of life, particularly for those in climate-vulnerable locations.</p>
Compensation	<p>£20 million was borrowed by the British government to compensate slave owners.</p> <p>No agreed legal framework for reparations for descendants of enslaved populations or the nations they occupied.</p>	<p>Attempt made to prevent future generations from using the Paris agreement as the legal basis for reparations.</p> <p>No agreed comprehensive framework for compensation or reparations.</p>

Having highlighted several possible parallels between the transatlantic slave trade and climate change, it would be reasonable to enquire if sufficient lessons from the former atrocity are being applied to the latter crisis. Firstly, energy transitions seem to be a key driver of large-scale scenarios that could adversely impact significant populations of human, plant and animal life. As a concerted effort is being made to transition to less carbon-intensive forms of energy, care should be taken to avoid inadvertent “external costs or impacts” of the ongoing energy transition. This is not only critical to ensuring that large

hydroelectric dams do not contribute to methanogenesis⁴ (Giles 2006; Ni et al. 2022; Trojanowska et al. 2009), but also in ensuring that global reserves of natural resources employed as a part of the transition (such as lithium) are not depleted. In this regard, a greater intersection of the work of the Intergovernmental Panel on Climate Change (IPCC) and the Intergovernmental Resource Panel (IRP) may be required to secure a globally sustainable energy transition. Additionally, concerns surrounding a *just transition* - particularly as it relates to the need for retraining and retooling populations worldwide - are critical as the current energy transition continues to displace and disrupt livelihoods connected (directly and indirectly) to fossil fuels.

Secondly, there is an uncanny, if not uncomfortable, similarity that exists between the lack of representation that was available to slaves and the large-scale absence of representation for the natural environment. The slave and natural environment were/are viewed through the lens of property law. Both could or can be sold, traded, willed or assigned based on the desires of their respective owners, and both tend to be represented within legal systems by their owners (or appointed representatives). The transatlantic slave could not address the Court of England as an individual human any more than a species of flora, fauna, or a natural ecosystem could address the Conference of the Parties of the UNFCCC. The point here is not merely about communication, but rather about representing the affected party solely based on their interests.

In the same manner that the interests of the slave were represented in legal systems through the lens of the owner and their concerns, the interests of the environment are often represented solely through an anthropocentric lens and are often focused on the socioeconomic and political impacts on individuals, states and commercial entities. The slowly emerging trend to recognise the intrinsic rights of nature within legal systems (alluded to earlier in this paper) may, therefore, be a useful step toward resolving the current lack of representation.

A third observation relates to the disproportionate distribution of benefits and costs from the transatlantic slave trade and climate change. In both scenarios, one party was able to conduct an activity that resulted

4 In addition to other environmental problems caused by the construction of large hydroelectric dams (which include disruptions to local habitats and ecosystems), they can also result in the production and release of methane into the atmosphere. In this regard, Giles (2006) argued that “the global-warming impact of hydropower plants can often outweigh that of comparable fossil fuel power stations.”

in a tremendous increase of their wealth while simultaneously having severe harmful impacts on the welfare of African slaves (in the case of the transatlantic slave trade) and the environment and climate vulnerable populations (concerning climate change). Additionally, in both scenarios, the short- and long-term impacts of the activities in question must be considered. In the case of the transatlantic slave trade, as mentioned earlier, stripping the enslaved of their personhood and subjugating them, by law, to property contributed to broader systemic discrimination that persists today and may yet be a challenge for future generations. The effects and costs of anthropogenic climate change are also trans-generational. Climate change impacts, in the form of more intense and frequent hurricanes and droughts, as well as sea level rise, are existential threats, not merely to the – and short-term security of climate-vulnerable populations but to the long-term viability and stability of the planet’s climate system which poses a significant risk to the welfare of future generations of human, plant and animal life on Earth. The internalisation of “external costs,” particularly for planning and budgeting considerations, may contribute to a more sustainable trajectory in the future.

Fourthly, profound transgenerational losses related to culture, identity and heritage have already occurred due to the transatlantic slave trade and climate change. Both occur(ed) because of human activity focused on reaping economic rewards, and both have resulted in the forced displacement (and, in some cases, the loss of life) of local populations. In the case of the transatlantic slave trade, the forced removal of their indigenous African names, and the prohibition of all expressions of indigenous culture or religion represented one of the most significant cultural erasures in modern history.

In addition to attempting to sever the enslaved ties to their homeland, these acts also made it incredibly difficult for future generations (i.e. the descendants of the enslaved) to learn about their cultural heritage or identity. Similarly, as climate impacts become more intense and frequent (Intergovernmental Panel on Climate Change 2013, 2021), cultural erasure and loss cases will become more common. It is worth mentioning that populations in climate-sensitive locations that are unlikely to exist in the future due to sea-level rise or other climate impacts are particularly vulnerable to cultural erasure. Unfortunately, instances of adverse cultural effects due to forced relocation related to the climate change impacts have already been recorded in the Pacific and the USA – particularly among tribal communities (Bronen 2009; Charan, Kaur, and Singh 2017; Maldonado et al. 2013; Tabe 2019). In

Vunidogoloa, Fiji, Charan et al. (2017) recount the significant emotional trauma caused to villagers who were forced to “*retreat from their customary land which has been part of their culture and identity for their entire life*” (Charan, Kaur, and Singh 2017, 20). In such cases, as much as can be predicted through scientific models, cultural mapping and archiving in climate-sensitive locations should be prioritised within the UNFCCC framework of activities to minimise cultural erasure.

The fifth is related to the fact that compensation, reparations and restitution are critical to correcting or addressing historical injustices. Suppose future generations are to be able to access relief for harms caused by the historical and current insistence on burning fossil fuels. In that case, legal remedies and mechanisms must be established to facilitate such applications. Unfortunately, to date, almost the converse is true: legal mechanisms that exist thus far to develop a framework of support for loss and damage caused by climate change effectively bar future generations from using the text (in its current form) to access relief. If the current trajectory remains, there will be no positive law basis for future generations to seek reparations for harm, loss or damages brought about by climate change. As noted, in the case of transatlantic slavery, compensation was allocated to slave owners for the loss of their property.

Interestingly, approximately 80 per cent of the £20 million compensation “went to absentee claimants – owners of Caribbean plantations residing in Great Britain” (Draper 2010, 147; Rauhut 2020, 128). Hence, the lion’s share of compensation funds was not employed to develop the Caribbean, but rather, they were re-invested throughout the British economy. Unsurprisingly, therefore, the Caribbean Community (CARICOM) Reparations Commission (CCRC) have focused their global advocacy efforts on institutional reparations geared toward regional development instead of focusing on reparations to individuals (Caribbean Community 2022; Matthews 2017).

Notwithstanding, there remains no global framework for reparations for transatlantic slavery or a draft rubric under formal consideration. What does exist, however, as of 2001, is an acknowledgement within paragraph 13 of the United Nations (UN) Declaration Against Racism, Racial Discrimination, Xenophobia and Related Intolerance that “*slavery and the slave trade are a crime against humanity and should always have been so*” (United Nations 2001, 16). Thus, increased academic interest and recommendations related to

reparations for transatlantic slavery (Beckles 2013; Draper 2010; McCarthy 2004; Posner and Vermeule 2003; Rauhut 2020; Shepherd and Reid 2019), accompanied by institutional advocacy within the Caribbean, and international legal framework or decision related to reparations for the transatlantic slave trade seems unlikely.

Finally, and perhaps most importantly, it would be remiss of the author not to highlight how growth-driven capitalism exacerbates the aforementioned Tragedy of the Commons. An insatiable and expansion-oriented capitalist system created and continues to create an environment within which growth is prioritised and valued above impacts upon people or the planet. The same system that facilitated the trade in millions of human lives across the Atlantic continues to drive the use of fossil fuels and a changing climate. Capitalism, therefore, served to drive expansion and economic growth, but its primary concern was not development. Investments were made and driven by the interests and imperatives of those with the political and financial capital to further their expansion-oriented goals and objectives. In the case of slavery, these investments were driven largely by European state actors (usually monarchs and clergy). Concerning climate change, investment decisions emanated from state and private companies seeking to derive economic rents from natural resource endowments. The challenge facing future generations of leaders is to ensure that economic growth serves and is constrained by the development needs of the planet and all of its inhabitants.

Conclusion

This article sought to juxtapose transatlantic slavery and anthropogenic climate change, not merely to highlight difficulties associated with the tragedy of the commons but also to probe whether lessons learnt from a former atrocity can serve to prevent another. Some of the current systemic errors associated with transatlantic slavery are being mirrored or repeated as it pertains to climate change.

The study illustrated that transatlantic slavery and climate change are not unrelated incidents of circumstance. Instead, transatlantic slavery provided the energetic base that supported export-oriented commercial agriculture in the Caribbean that could not be supplied by the existing kinetic energy base supplied by human and animal subsistence labour. Later, with the proliferation of increasingly efficient steam engines, chemical energy - in the form of fossil-

fuelled engines, replaced slave labour. This energy transition led to historical emissions of greenhouse gases, the driving force behind anthropogenic climate change.

A closer look at the effects of transatlantic slavery and climate change reveals multi-generational impacts related to a lack of representation, the disproportionate distribution of benefits and costs, cultural losses and a lack of frameworks to compensate those adversely affected. The list of impacts examined in this paper is not meant to be exhaustive but illustrative. The author intends to publish further works on this subject, examining how religion, gender and capitalism – as examples of cross-cutting societal value-based norms - influence(d) both the transatlantic slave trade and climate change.

Another subject worthy of additional investigation relates to a comparison of the nature and pace of the transition from the end of slavery in Britain to complete emancipation in the Caribbean on the one hand, and the ratification of the UNFCCC and the process being undertaken to facilitate the future cessation of fossil fuel use and/or the achievement of goals and objectives stated within the agreement. In the case of slavery, even after full abolition, an initial “apprenticeship” period of continued labour was implemented before being prematurely abandoned. This was done to preserve the enslaver’s labour force by keeping the formerly enslaved population on the plantation while proprietors sought to secure new sources of (paid) labour. It was also done because it was thought that former slaves needed to be taught how to be ‘cultured’, civilised and productive citizens within the colonies prior to their full emancipation. The process of transition toward full emancipation, therefore, seemed entirely geared toward securing the interests of former enslavers and the colonial administration. Support was not extended to those suffering from the transatlantic slave trade. This paper has already demonstrated that significant financial aid has already been channelled to fossil fuel industries through subsidies. Future research could examine the extent to which proposed pathways to reduce greenhouse gas emissions and transition to more sustainable energy sources within the rubric of the UNFCCC balances industry and economic concerns related to mitigation efforts and the interests of the environment and those adversely affected by climate change impacts.

The article’s primary motive, however, is to provoke the reader to question not merely past tragedies but also to interrogate how current and

future transitions (particularly concerning energy production) might impact future generations. In so doing, the author hopes that greater care is taken to minimise or avoid external costs or impacts of the current sustainable energy transition on the environment (particularly regarding resource management and depletion) and on vulnerable human populations worldwide.

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The think-think musician!

Fela Anikulapo Kuti’ political thoughts about citizens and the state of Nigeria in ‘Akunakuna Senior Brother of Perambulators.’

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Abstract

We hermeneutically interpret Fela’s song *Akunakuna Senior Brother of Perambulators* to establish that specific musical lyrics contain political thoughts and theories that deserve continuous intellectual exploration. This is quite different from the many others produced through the idea of ‘arts for arts’ sake’. Traditionally, especially between 1970 and 1997, Fela’s songs interrogated the dominant socio-political policies and practices in Nigeria and other countries of focus. *Akunakuna*, specifically, interrogated such political concepts as the state, citizens, the public, justice and ‘government of the people’, notably from daily socio-political interactions. This has propounded a semblance of political thoughts and theories that we, in this article, consider empirical because they are derived from practical circumstances of citizens-government power relations within the state.

Keywords: State, Political Thoughts, Political Theories, Fela, Citizens, Nigeria

Introduction

Fela Anikulapo Kuti is difficult to put in a sacrosanct context. He is called a musician, activist, revolutionary, rebel and many more. Yes, he is all of these, but more of some other personalities that may be evolving. Even if one adopts the appellation ‘musician’ that is the most used for him, one cannot still contest that his kind of musician was rare, perhaps as rare as the Afrobeat popular music genre that he created. In contexts, contents and actions, many of Fela’s Afrobeat albums interrogate, criticise, correct and rebuke dominant socio-political policies and practices. Most writings that have analytically

interrogated them cannot but agree that their themes are political and that, as expressly put by Olaniyan (2004: 26), they “intervene very cogently in political problematics”.

A few of those writings that so submit are Labinjo’s (1982) ‘...protest music and social process in Nigeria’, Mabinuori-Idowu’s (1986) ‘...why black man carry shit’, as well as Ayu’s (1986) ‘Creativity and protest in popular culture...’. They were published during Fela’s lifetime. After Fela’s *ancestorisation* in 1997, Olorunyomi (2003), Olaniyan (2004), Shonekan (2009), Eesusola (2012) and others would continue to explore and explain the political dimensions of Fela’s music. Thus, from and beyond the foregoing writings, there is a sense of assuming that Fela Anikulapo Kuti’s Afrobeat is a radical departure from the dominant practice in the Second Republic of Nigeria, where most popular musician’s works praised the elite and the ruling class in reinforcement of their anomie. Additionally, Afrobeat is much unlike many other popular music genres that indulge in what Ayu (1986:3) calls “the illusory notion of arts for arts’ sake”.

By Afrobeat, we refer to a bi-morphological concept of ‘Afro’ and ‘beat’. It was created by Fela Anikulapo Kuti. It is a political genre. As the creator once declared, the purpose is the critical exploration of the socio-political contradictions that confronted - and are still confronting- Nigeria and Africa (Olorunyomi 2003, Olaniyan 2004; Shonekan 2009). Afrobeat is a conglomeration of artistic, social, political and spiritual activities that Fela often presented in songs, dance, costume and jesting (Yabbis). Between 1970 and 1979 in Nigeria, it was a significant means of raising socio-political consciousness amongst regional and continental African audiences, especially youth.

But even beyond its generic categorisation as ‘political’, Fela’s Afrobeat’s major preoccupation is interrogating the state and other political institutions vis a vis their power relations with citizens. As Lagbaja succinctly declares, most times, the songs raise philosophical concerns: “*When he put mouth for song, philosophy go de flow*”: When he begins to sing, philosophy issues forth (cited in Olaniyan 2004:6). Many of Fela’s songs engage in political thoughts. Others attempt to theorise political issues and raise general consciousness towards politics. Of the many songs, however, the main focus in this study is Akunakuna Senior Brother of Perambulator (1987), with supplementary lyrics examined from Confusion Break Bone (1992).

The discourse of this article flows from its general overview to the specific one of examining political thoughts, theories and philosophy within the context of the state, citizens and other related concepts. This establishes a theoretical foundation for the paper. It also stands as a prelude to utilising the lyrics of the selected songs for analysis. It draws freely from the lyrics of these songs and interprets them hermeneutically. Indeed, the contents of some popular music sometimes contain strong intellectual substances capable of complementing those in conventional intellectual sources such as books and journals.

State and citizenship in the context of political thoughts

Political thoughts, political theory and political philosophy are often interchangeably used, and, as Crick (1967) observes, any discussion of political activities, situations and institutions at all often ultimately approximates one, some or all of the three. Sabine's (1973) classic demonstrates this. The classic presents a detailed analysis of various political philosophers and their respective proclamations as 'political thoughts'. But it is titled 'A history of political theory'! Right from the introduction, Sabine interlinks political theory and political thought with political philosophy, even political ideology. Teachers, students and analysts from disciplines such as Sociology, Political Science, History and Philosophy have continued to use them, just as Sabine does not appear to envisage any clear distinction amongst these concepts. This may be because every process of political thinking or political thought is potentially theoretical and philosophical, suggesting why Crick is quick to declare that the political thought–political theory debates are all distinctions of abstraction and that, in reality, political thoughts and theories derive from and relate with each other. It is on this 'interchange tradition' that the three concepts are used in this paper.

The concepts of state, citizens, and government will always come to mind in any discourses of political thoughts, theories, and philosophy. The state, particularly, is very crucial in this regard. This is because, irrespective of what theoretical orientation it is perceived from, the state exists *de facto* in the affairs of man. Man makes the state through the involvement of other men. The state becomes the man, and man can only be a man when in the state; that is, when in the company of others. The wisdom in one of Aristotle's most

quoted sayings thus remains evergreen: Man, by nature, is a political animal, and outside the state, man is either a beast or God.

Although this doctrine is far from being free of certain unresolved ambiguities and challenges, the simplicity of its message is that the state is a form of human association. Where man is, the state is; where there is the state, man is. Aristotle (384-322 B.C.E.) states that,

“...that man is much more a political animal than any bee or herd animal is clear. For, as we assert, nature does nothing in vain, and man alone among the animals has speech. Speech reveals the advantageous and the harmful and, hence, the just and unjust. For it is peculiar to man compared to the other animals that he alone has a perception of good and bad and just and unjust and other things of this sort, and partnership in these things is what makes a household and a city” (1253a8).

Citizens also become critical in political theory, thoughts and philosophy. A citizen is a person who, by place of birth, nationality of one or both parents or naturalisation, is granted full rights and responsibilities as state or political community member. Citizens are the highest stakeholders who must be protected and provided for by the state. It comes with responsibilities within the political system, often expressly declared in the laws (Eeusola, 2009). The state can award or withdraw citizenship of any of its members, but it must also be based on the laws.

Akunakuna Senior Brother of Perambulators

Akunakuna opens with the phrase, “In this state of Nigeria...”. The word ‘state’ to represent Nigeria instead of ‘country’ or ‘nation’ should be noted as one of those things that convincingly presents Fela’s songs as intellectual and political. State and Country are often used interchangeably because they can be contextually synonymous. But while they both refer to any political unit with sovereignty over an area of territory and population, ‘state’ is often preferred by the ‘informed’: mostly intellectuals, policymakers, diplomats and other professionals. The country is more imprecise and ambiguous, used often in everyday discourse and street parlance (Mohammed, 2018). A similar concept to both is ‘Nation’, but this often represents a group of people who share similar cultures and worldviews but do not necessarily have sovereignty (Eric, 2020). Fela appears to consciously ignore the use of country and nation to represent Nigeria even when he was a popular musician, and that these

words were the popular ones around him. The opening stanza of *Akunakuna* reads:

In the state of Nigeria In the state of Nigeria

We get important places There are important institutions.

One of the important places One of the important institutions (is)

The court of law and justice The court of law and justice

Contextualising Fela's the State of Nigeria

Sometimes, it is difficult to have a full understanding of an artiste's mind when they write their songs and draw their lyrics. However, the personal background and socio-political environment of their art are often relied on in untying their lyrical knots and in understanding the theme or themes of their skill beyond the subject matters. These two issues provide a good platform for understanding Fela's choice of words in the phrase 'the state of Nigeria' that opens the song *Akunakuna*. It is not sure if Fela was sure that Nigeria, as of 1987, was a state. But definitely, he knew Nigeria was not a nation. Even the scholarly circle is agog with the debates on whether or not the country is a state in the technically correct sense of the word (Miliband 1983, Eghosa 1998, Walter, 2013; Spruyt 2002), or the 'mere geographical expression' that one of her founding fathers, Obafemi Awolowo (1947) called it.

Fela's use of the state of Nigeria was in 1987. But things started far before then. On 11 August 1958, he left Nigeria for Trinity College, England, to obtain a bachelor's degree in Music. The Nigeria he left behind was that in which the British colonial interlopers newly handed over political power to the elite of weak economic background; elite who had to steal state's wealth to improvise a ruling class (Ekeh, 1975; Ake, 1981 and 1985, Amin, 1972, Ihonvbere, 1996). This system is what Joseph (1991) refers to as Prebendalism. Olorunyomi (2004) observes that Prebendalism characterises the nature of the emergent Nigerian state, while Joseph (1991) contends that any fruitful discussion about Nigeria must consider the "nature, extent and persistence of a certain mode of political behaviour, and his social and economic ramifications". This is why he suggested the conceptual notion of using Prebendalism to explain the centrality in the Nigerian polity of the intensive and persistent struggle to control and explore the offices of the state. Olorunyomi (2004) maintains that Nigeria was still a prebendal state right in the sense Richard used it.

With the manifestation of Prebendalism in Nigeria, the political elite could not focus on working towards coalescing social values that would build hegemony, create social order and enhance quick socio-political development. Instead, they concentrated on developing coercive state instrumentalities for the dual purpose of abetting their looting and suppressing possible revolt from the people. This made the police venal. It also rendered the military politicised and mercenary.

Fela had returned to this same Nigeria in 1963 when the country moved from one crisis to another. The military intervened in partisan politics in 1966, plunged the country into a thirty-month civil war that ended in 1970, and finally truncated the process of political maturity that would have dialectically resulted from the crisis. Now in control of political power, the military elite weakened the emergent civil society and its ability to set an agenda. Kleptomania endured. Consequently, mass unemployment, poverty and decaying infrastructure appeared, even amidst executive recklessness. Shonekan (2009: 6) describes the Nigerian State of Fela's time as turbulent and painful and then declares Fela and his mother that "Both mother and son cultivated the following among the masses as a result of their knowledge and enlightened stance on the problems their people encountered".

These problems were highlighted by Olaniyan (2003) and Olorunyomi (2003) as rampant corruption, nepotism, executive lawlessness, military rascality, and crude repression. "This background helps to explain why Fela devoted enormous attention to the political patron to undermine its symbolic figure since it was precisely the patron-client relation that provides a sustaining framework for the manifestation of prebendal politics in Nigeria" (Olorunyomi, 2003:16-17). It also explains why he, in most cases, directed his verbal rebuttal (yabbies) at officers of the state and members of the dominant class. His song, ITT (1979), makes this clear. It was a direct attack on the personality of the then Head of State, General Obasanjo, and his close friend, MKO Abiola, a businessman Fela considered one of the compradors of multinationals.

Labinjoh (1982) gave an additional explanation of the state of Nigeria during Fela's time. He noted that the discovery of oil in the immediate post-colonial era led to the frustration of the masses and the embourgeoisement of the few who either belonged to the corridor of political power or were compradors who connived with multinationals to loot the nation's wealth. This

Fela would later explain in ITT (1979). Labinjoh concludes that this situation choked the masses and removed them from the mainstream of government welfare. Fela, exposed to the quality of life elsewhere in Europe and America, began to protest against it.

Thus, Fela left Nigeria with rising expectations. He got further political knowledge elsewhere in the UK and the US. This additional political knowledge is likened to what Zurcher and David (1981) call 'political engagement'. But he returned to seeing these expectations aloof as he confessed in an interview, 'I came back home to change the entire system'. But when the system was antithetical to change, Fela developed high disillusionment for the Nigerian State with his high protest potentiality and internalized protest disposition as we shall explain later. His response was not different from what he called "deciding to face the regime" because, as he declared in the same interview, "if someone is not firm, the society will break up" (F. Anikulapo Kuti, cited in B. Hoskyns, personal communication, August 1984). Fela was referring to the Nigerian State.

In addition, it should be noted that *Akunakuna* was produced during a military interregnum, when all forms of freedoms of speech, association, and movements were restricted, and all fundamental human rights were put on hold following the suspension of the constitution. Most media houses operating during this period were government-owned. The few owned by individuals would either be sympathetic towards the government to attract its patronage or avoid criticizing it to avoid sanction. Even international news was first filtered before it got disseminated to the people. Around that time, the teaching of Marxism was banned in most universities to avoid the growth of radicalism among the youth. A big lacuna then existed in terms of citizens having critical information about their government, as well as giving their views and opinions towards it.

It was Fela and his Afrobeat that filled this gap. Most citizens who patronized the shrine during this time did so to get the latest information about their government through Fela's songs and Yabbis sessions. It was the only space they had to express their views about their country. In other words, the military elite that controlled Nigerian political power weakened the civil society and its ability to set agenda. They also monopolized the instrument of information. The few non-government-owned media houses were seriously cross-filtered and sanctioned when they published anti-state issues. This trend

continued until much later in the 1990s. Under the situation, there was limited information on the part of the people. Freedom of expression as well as political association was restricted. Consequently, people remained helpless in the face of the reckless kleptomania activities of the ruling elite. Amidst these, there was mass unemployment, poverty, and decaying infrastructure.

According to Olaniyan (2004:2), this is why Fela engaged in “comprehensive venomous critique of both institutions and individuals he sees as causes and perpetrators of the reigning incredible social anomie”. It also explains why Fela, in most cases, directed his verbal rebuttal (yabbies) at officers of the state and members of the dominant class. Fela continued to insist that he engaged in deviant activities not because he was a criminal, but as a way of spiting the dominant class in Nigeria (See ITT, 1979: Country of Pains, 1989; and B. Hoskyns, personal interview, December 1984). It was under this situation that Fela’s Afrobeat music of political protest found its way across classes and stratifications of people during the period under study, despite the desperate efforts of the successive Nigerian government to suppress it with the NTBB labelling (Not To Be Broadcast). Nigeria, currently under study, was a prebendal state of an improvised ruling class. Because it was improvised, the ruling class could not create a hegemony that would regulate social order, so, they resorted to coercive state instrumentalities. This weakened civil society and its ability to operate as a balancing force between the government and the governed.

Theoretically, and in terms of popular defining characteristics, Nigeria may be called a state due to the presence of geographical location, population and definite territory. However, scholars often differ over the logic of each of the foregoing characteristics serving its purpose or performing its functions (Walter, 2013; Spruyt 2002; and Hendrik 2002). Hendrik identifies two characteristics of the modern state as having greater capacity to intervene in their societies and being buttressed by the principle of international legal sovereignty and juridical equivalence. Hendrik adds that modern states tend to be organized as unified national polities and that they have rational-legal bureaucracies. However, certain critical questions arise here: What happens when the supposed state is tied to the apron of her colonial masters and cannot take policy decisions based on the popular wills of her citizens? Does the state have sovereignty? If a part of a country’s territory is in contest or occupied by non-state actors or terrorists, does the country still have a definite territory? What if the social institutions in a state, represented by the

Ministries, Departments and Agencies collapse beyond performing their basic functions, is the state still a state? Extending them further, how, for instance, is a country a state when her territory is porous and legally contended, and her sovereignty is hijacked by foreign powers and domestic individual state actors?

Perhaps, these interrogations prompted many state-skeptic scholars, such as Eghosa (1998), Spruyt (2002) and Ajayi (2007), to often refer to Nigeria and some other political formations in Africa as states. If Nigeria is viewed from the foregoing lensed, it might not pass the test of being a state. Beyond these functionalist sentiments, those who have social contract traditions should also support the argument that social contract is the foundation of any state. They could argue based on the fact that since there was no social contract between the different peoples that were amalgamated in 1994 into an entity called Nigeria, the country is not a state in a true sense.

The foregoing interrogations appear to be the underlying reason for Fela's positions in the Nigerian State. Cultural and national homogenization figured prominently in the rise of the modern state, and the state in itself is the hegemony of the ruling class (Eesusola 2009). Thus, instead of the Nigerian State, Fela preferred 'the state of Nigeria'. The choice is based on the critical situation Nigeria was in around the time *Akunakuna* was composed. Also, Fela did not use 'Nation' because in the song he was going to discuss citizenship, political power and other institutions; these are concepts not often used with the nation. Where there is no state there cannot be citizens. So, as Fela declared, "Even the Head of State is not a citizen"! This is because, according to him, the court of law and justice is occupied by 'serious' people:

In the court of law and justice, In the court of law and justice,
Serious people dem dey there is occupied by serious people

Who are the 'Serious people' who occupy the court of law and justice, as Fela declared; what do they do and why are they tagged 'serious'? 'Serious' was a popular slang of the 1980s in Nigeria, and it meant 'mad', 'abnormal' or 'psychotic'. So, whenever, around the period under study, it was said that someone was 'serious', it meant they were larcenous and of unsound mind. That gave birth to the slogan '*Eni to serous wa l'Aro*' (The serious person resides in the Psychiatry Hospital, popularly called 'Aro' in Nigeria). In Fela's opinion, Nigeria's court of law, the police, and the entire institution of justice were occupied and controlled by such 'serious' people of larceny and unsound

minds. The reasons they are so described are best suggested in the part of *Akunakuna* lyrics as follows:

Make you hear di nonsense things | Imagine the nonsense things
Dis serious people dem dey do | That these serious people do
Make you hear di yeye things | Imagine the senseless things
Dis serious people dem dey do | That these serious people do
Police go arrest people for road for wandering | Policemen would arrest people for wandering
Police wey no get destination | Policemen that had no destination
Police wey waka about perambulating | Policemen that moved about perambulating
Harassing the man wey get destination | Harassing the man who had destination
Harassing the woman wey get destination | Harassing the woman who had destination
Trying to fuck women by force by road by night | Trying to rape women at night by road side
Police go charge dem for wandering | Policemen would charge them for wandering
Police dey wander, go charge you for wandering | Police that wander, arrest citizens for wandering!
Steve Wander, himself e go dey wander | Even Steve wonders would begin to wonder

To Fela, the ‘nonsense and senseless things done by the serious people in the justice system are best summed up as naked abuse of state power woven around the law of wandering. There was in Nigeria, the Decree 2 of 1984 which empowered the state security and the Chief of Staff to detain for up to three months without charges, individuals deemed to be a security risk to the state. This was in spite of section 41 (1) of Nigeria’s 1979 Constitution provides that: “Every citizen of Nigeria is entitled to move freely throughout Nigeria and to reside in any part thereof”. The ‘serious people’ ignored this constitutional provision. They attacked many harmless individuals conducting commercial or social activities in the streets- individuals who were, in the first place, denied basic social security and infrastructure and had to discretionally resort to petty trading for survival. According to Fela, these serious people would...

Arrest poppop seller,
 Arrest akara seller
 Arrest moinmoin seller
 Arrest rice seller
 Arrest soap seller,

Arrest amala seller
 Arrest ice cream seller,
 Very very hot food
 Very very fresh food,
 Carry dem go for court
 Magistrate pass judgment;
 Pof pof exhibit,
 Moinmoin exhibit,
 Rice exhibit

The serious people would hide under Decree 2 to oppress, suppress, and incarcerate citizens in such ways that could, to use Fela's phrase, make even 'Steve Wonders wonder'. *Akunakuna* alleges that the police would confiscate all the foregoing items and send them to the court where the magistrate, after being bribed, would pass judgment and declare them as exhibits to be kept away forever from the owners. And just where would the items be kept after being declared as exhibits? Fela alleges rhetorically that the magistrate and other officials of the court, including the police, would consume them:

After dem don take the food from the owner | After confiscating the food from the owner

Magistrate go take some money from them | Magistrates would take some gratifications from them

Him go send dem all away from the court | He would dismiss them from the court

Magistrate go open mouth anyhow | Magistrate would open mouth carelessly

Open mouth anyhow to start to chop moin moin | Open mouth anyhow to start eating moin moin

Police go open mouth anyhow | Police would open mouth carelessly

Open mouth anyhow to start to chop puf puf | Open mouth carelessly to start eating puf puf

Fela had observed the same pattern of state repression in another song: *Confusion Break Bone* (1990). The period fell within the same era of military interregnum in Nigeria, and the state of the country was the same of violence against the citizens. In CBB, Fela reveals:

This time around 1985 and '87 | This time around 1985 and '87

Police go seize expensive goods... | Police would seize expensive goods...

...dem start to burn burn dem | ...and start to burn them
 Army go go market... | Army would go to markets...
 ...anything wey cost money go burn burn dem | ...and raze anything of monetary values
 Why dem like to burn the things wey dey cost money! | Why does the state like to burn property!

And what is the ideal thing for government and its agent to do about the welfare of citizens instead of burning? Fela postulates that,

Government fit sell to people cheap-ee cheap-ee | Government could subsidise for people
 Government fit dash people wey no get-ee money | Government could assist the poor
 Na di burn burn, na him dey sweet-ee dem pass | But they preferred burning!

The foregoing lyrics of Confusion Break Bone must have influenced the ultimate conclusion in *Akunakuna* that in Nigeria, there are no citizens but only members of the public; and even the head of state is not a citizen because of the way he is treated by the same contradictions he created. The implications of this are many in the Nigerian political system, and, considering the statement of Fawehinmi (2016) that “Nigerians are agonising over the high price of commodities and social amenities like transport, medical bills and house rent while corruption has eaten so deep into the fabric of the society, that the masses have been deprived of decent living”, Fela appears to have been vindicated.

Fela concludes that a state in which all of the foregoing occur is no state in the real sense of it, but a ‘Country of Pains’. This is from the background knowledge that the fundamental purpose of the state is to protect as well as provide for citizens who make it. Even this is mentioned in the Section 1 of the constitution of Nigeria. In the *Country of Pains*, “you see policemen who wander, perambulate and gallivant like prostitutes (*Akunakuna*) going ahead to brutalise, arrest and jail citizens who have destinations”. In such a political formation, no citizens exist, not even the Head of State. All inhabitants are mere members of the public:

E no easy o, eh no easy to be Nigerian | It is not easy to be a Nigerian
E no easy o citizen no dey for Nigeria | It is not easy, in Nigeria there are no citizens
E no easy o public dey citizen no dey | It is not easy, the public exists but no citizens

Even head of state no be citizen at any time | Even the head of state is no citizen at anytime

However, while declaring that there is no citizen in Nigeria, Fela turns around to declare himself as a citizen, but not without giving conditions upon which he earned the citizenship. The following provides a rather mild account of what Fela went through in Nigeria, while trying to be a citizen who should have a voice in the affairs of his state:

To be citizen | To be a citizen
Dem must fit to kill you | You may be marked for assassination
While dem kill you finish | After killing you
You must wake up again | You must survive it
Dem must burn your house too | Your house must be burnt
Dem must kill your mother | Your mother must be killed
Dem must charge you sabotage | You must be charged for sabotage
Dem must jail you five years | You must be jailed for five years
E no easy o, eh no easy to be Nigerian | It is not easy to be a Nigerian citizen
As I be citizen I fit talk something | I am a citizen, I have experienced all these

The conclusion reached in the lyrics is that the state of Nigeria during the period under analysis is such that,

Government of the people na spoilers | Government of the people is a destroyer
Police go spoil you by beating | Police will destroy you with violence
Government go spoil you by wahala | Government destroy you with victimisation
Judge go spoil you by jailing | The judge will destroy you with jail

And that,

After this don happen to you one time | After these have happened to you one time
You go start to make up your mind yourself | You go start to make up your mind
You go start to point at your enemy... | You will start identifying your enemy

That enemy is the repressive government of Nigeria. In foregoing lyrics, Fela used his personal experience of repression from Nigeria while he was merely trying to be a citizen and make his country a state. An account of his experience is succinctly provided by Britannica in what follows:

The firebrand singer, who gyrated over the keyboard as he sang in English and Yoruba, struck a chord among the unemployed, disadvantaged, and oppressed. His politically charged songs, which decried oppression by Nigeria's military government, prompted authorities to routinely raid his club, looking for reasons to jail him. Near there he also set up a communal compound, which he proclaimed the independent Kalakuta Republic...A 1977 raid on the complex by Nigerian authorities resulted in his brief incarceration and the death of his mother the following year due to complications from a fall. In exile in Ghana in 1978, he changed his name from Ransome to the tribal Anikulapo. In 1979 Fela formed a political party, the Movement of the People, and ran unsuccessfully for the presidency of Nigeria. Five years later he was jailed for 20 months on charges of currency smuggling. Upon his release, he turned away from active political protest and left his son, Femi, to carry the torch of Afro-beat music. Fela was jailed again in 1993 for murder, but the charges were eventually dropped.¹

Theoretical framework

The discourse so far has been that knowledge is not limited to one source, and that political thoughts, theories and philosophy are not exceptions. They can derive from many sources including popular music. This is what the *odu Ifa Ogbe 'Weyin (Ogbe Iwori)* says in one of the two hundred and sixty-five *odu* (thesis) in the Yoruba indigenous knowledge system. *Ogbe 'Weyin* stands as the primary framework for this discourse. It says,

Ogun ogbon o pin s'ile Olugbon | Two scores of wisdom is not limited to the house of Olugbon

Ogbon oye o f'ikale s'odo Aresa | Three scores of intelligence is not limited to the house of Aresa

Mo mo tan o si nle Owaragunaga | Omniscience is not found in the house of Owaragunaga

Ooni Alaka Esu o j'oba imoran | Ooni Alaka Esu is no king of counseling
bi eni ateeke | like a permanent mat

Ibi taa a ba ti r'ogbon la ti i k'ogbon eni | One seeks wisdom wherever it avails

A d'ifa fun Ajere | This philosophically explains the case of Ajere,

tii s'omo bibi inu Agboniregun | A biological child of Agboniregun

Ajere nle o,

1 See Britannica https://www.britannica.com/Human_Rights

Abeti lu j'ara won n'igba igba | Ajere whose ears are open and connected in ten scores

To complement the Ogbe 'W'eyin theoretical ground is the Multi-Source Hypothesis. Originally used in biblical studies to assert that sources of understanding the gospel can be as multiple as the biblical Matthew, Mark, John and Luke - even when they are not directly interdependent, the Multi-Source Hypothesis was first postulated by Marsh (1823). Bombard (1979) proposed a structurally similar one and now, Rolland (1984) and Burkett (2004) have further developed it.

Both Ogbe W'eyin and the Multi Source Hypothesis speak to the indispensability and inevitability of multiple sources for any phenomenon that must remain functional, and to which the trinity of political thought, theory and philosophy cannot be an exception. As demonstrated in this paper, one of those sources is popular music, specifically the Afrobeat of Fela Kuti. By the nature of what they do, popular musicians often recall and report political occurrences in their environments. In doing so they draw attention to, as well as document, political history some of which may snowball into political thoughts, theories and philosophy. The is just like Ajere has scores of openings through which it accesses, processes, and utilises information.

Fela's political thoughts and theoretical postulations

Theorising is the act of interrogating a set of ideas about a phenomenon in order to explain it in terms of how it occurs or should occur, how it is, or it should be based on certain ideas that are testable. When this is done with focus on the state, citizens, and the use of power, amongst other concepts, it essentially becomes political theorizing, dealing with the ideas and principles that shape constitutions, governments and social lives in a systematic manner.

But how do the selected lyrics of *Akunakuna* and *Confusion Break Bone* qualify as political thoughts? Political thought often addresses questions about the nature, scope, and legitimacy of the state, public agents and institutions in the ways they relate amongst themselves and with the citizens (Crick 1967). In general, they often cover concepts such as state, liberty, justice, law, and the enforcement of laws by authority (Crick; Dienk, 2020). Political thinkers, theorists and philosophers often reflect on or interrogate what preceding are, whether or not they are needed and for what purpose. Those who engage in political thoughts also ponder over what makes the state and government

legitimate, the way the state and government should be constituted, and their dispositions to rights, liberty, and freedoms of the members that make the state. Political thoughts are often interchangeably used with political theories and philosophy (Crick 1967; Sabine 1973).

The lyrics, *Akunakuna* and *Confusion Break Bone*, explored and interpreted in this paper also establishesome theoretical postulations. The first is that the state is a conglomeration of social institutions which are quite central to the state. Fela calls these social institutions 'important places'. The term social institution is widely used to describe social practices that are regularly and continuously repeated, are sanctioned and maintained by social norms, and have a major significance in the social structure. Social institutions establish patterns of behaviour and create a plurality of roles in society. They are an interrelated system of social roles and social norms, organized around the satisfaction of an important social need or social function. They also mean organised patterns of beliefs and behaviour centred on basic social needs.

Fela *Akunakuna* observes that in any state or state, there should be some social institutions that are indispensable to the survival of the State. This is why he calls them important places, one of which is that of Law and Justice. Fela insists that the social institution covering law and justice must be occupied by people of sound and fair minds, not larcenous ones. Failure to do this will reduce the state to a country of pains, and the law enforcement agents who are supposed to be protectors and helpers of the people will become 'spoilers international'. Fela also earmarked roles for soldiers and police in the state, claiming that the former should defend citizens while the latter helps them in daily activities.

Other postulations expressed are that the social institutions must be occupied by people of sane minds to enable the government to function towards the people. Like Plato's recommendation that the philosopher king should rule, Fela emphasises the quality of minds, not of a single ruler but of those who lead the social institutions. His idea is a strong set of ministries, departments and agencies, not necessarily a strong state. The ideal state should be fairly socialist and philanthropic by subsidising the lives of the citizens and providing outright essential items and services. Where the state lacks these characters, it becomes a spoiler. The people there become de-citizenised, unconcerned and unpatriotic, mere 'public' as Fela states.

State repression degrades and de-citizenises people, making them ‘bad minders’ who create insecurity everywhere to the extent of threatening the political system. Citizenship is active and critical involvement in the affairs of the state. It is not an overt creation, instead, it must be earned through people’s active participation in state affairs, even at the risk of serious repression (The Guardian 2 June 2018). The idea of citizenship is a “relationship between an individual and a state to which the individual owes allegiance and in turn is entitled to its protection”. Citizenship comes with several rights and privileges, which, as Eesuola (2009: 26) argued, distinguishes some people from others in the political system.

Fela thinks that killing, arson, frivolous jailing, and many other forms of state repression are not unlikely to occur to anyone willing to be a citizen, but an aspiring citizen must endure them and remain committed towards building their state:

To be citizen | To be a citizen

Dem must fit to kill you | You may be marked for assassination

While dem kill you finish | After killing you

You must wake up again... | You must survive it

Finally, law and justice, for Fela, are the same important institutions of the state. Their responsibilities are shared between the police enforcing the law and the judiciary interpreting it. The police, as an important institution of the state, must coordinate the affairs of the citizens and help them in daily activities.

Conclusion

The paper has attempted to demonstrate that political thoughts, theories and philosophy- viewed interchangeably or differently- are often a product of reflections on the political environments. They can evolve from anyone who cares to think deeply, irrespective of education, gender, race or career. Furthermore, the trio can be expressed and documented in different ways. Plato wrote in dialogue, Aristotle wrote in prose, and Socrates never wrote, but he orally handed down his thoughts to his disciples in a way similar to how Orunmila established the Ifa Indigenous Knowledge System that is used amongst the Yoruba and other nationalities of the world (See Olouwole, 2017; Eesuola 2021).

Fela's *Akunakuna* and *Confusion Break Bone* bring about four basic political thought concepts: State, Citizens, Law and Justice and Social Institutions. Like most thinkers were influenced by their political environments, Fela's songs represent his observation of the political events during military rule in Nigeria. The songs raised some theoretical issues regarding a 'network of concepts and generalizations about political life involving ideas, assumptions and statements about the nature, purpose and key features of the state; and about the political capabilities of human beings' (Held, 2020).

The lyrics of *Akunakuna* and *Confusion Break Bone* (CBB) interrogate the life of the average Nigerian citizen, which is characterized by frustration, lack of security of lives and property, hopelessness, and despondency. Other issues raised in the lyrics that are associated with being a Nigerian citizen are police brutality, judicial corruption, human rights abuse and state repression. As demonstrated here, the ability of a political thinker, theorist or philosopher is to interrogate political issues, and it can be traced to certain innate behaviour or dispositions acquired through socialization. While Fela's case is tied to the latter, the dominant socio-political situations around him during the military interregnum in Nigeria propelled his thinking, philosophizing and theorizing issues of politics. It is greatly needed to further explore many more of Fela's songs for the identification of possible empirical socio-political contents in them- empirical because they must have been drawn from practical social experiences as contained in *Akunakuna*.

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Refugeehood in Crisis and the Quest for a Decolonial Turn in Africa

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Abstract

Current trends in refugee protection within the African continent expose the deep-seated manifestations of coloniality. The 20th-century Eurocentric approaches to the management of *people of concern* continue to guide refugee protection in Africa. The approaches that are arguably a triumph of 'European Universalism' or Eurocentrism in refugee protection, both in theory and praxis, continue to be questioned because of their unmistakable results – the formation of hierarchies between Africans based on nationality and territoriality. This has led to the categorisation of African people and power conflicts, clashes, and intense contests for co-existence. Such a status quo has been normalised to be natural, occasioning deplorable refugee situations in the continent. Against such a background, this article aims to augment and complement the broad swathe of literature in the quest for African Renaissance movements using a Decolonial approach to refugee protection. It departs from untangling the lived experiences of the forcibly displaced, particularly refugees and asylum seekers, to critique the Western-influenced system of refugeehood in Africa. The research argues that the modern approaches to refugeehood rooted in Eurocentrism have eliminated ways of acceptance and co-existence amongst Africans, disregarding some of the traditional ways of incorporation, inclusion and integration. Instead, the refugee regime has been ordering, othering and hierarchizing the forcibly displaced, making them typical subjects of coloniality. It suggests decolonising the asylum system, considering an African-driven refugee regime and the involvement of local communities in the management of migration.

Keywords: Coloniality, Decoloniality, Refugee Regime, Africanism, Forcibly Displaced, Forced Displacement.

Introduction

One of the most dramatic events experienced in the African continent in the 'post-colonial' period has been the massive migration of people across borders. A continent on the move aptly describes Africa's migration trends. While such a phenomenon is not new, Africa currently faces different types of migratory patterns both within and outside the continent. However, the mobility of the forcibly displaced has been the most notable trend (Pinduka 2021; Adepoju 2021). Today, the continent continues to endure escalating and unparalleled levels of forced migration. The push factors of forced migration differ, but the process has been spurred on by various circumstances, including but not limited to rapacious governments, vehement extremism and political instability, among others.

Although migration data is fragmentary, fluid and often imprecise, it is estimated that over 31 million Africans are immigrants within the continent, with West Africa hosting a majority of them (Adepoju 2021). With such migration trends, inevitably, the refugee regime created in 1969 by the Organisation of African Unity (OAU), which is based on the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Additional Protocol, continues to be invoked to support the forcibly displaced, refugees and asylum seekers to be precise. The central concern for the refugee regime has been the need to achieve "durable solutions". Durable solutions are often equated with three routes to resolving displacement—voluntary repatriation, local integration or resettlement—and the concept is closely tied to ideas about permanency, protection, and the rectification of refugees' legal limbo (Bradley et al,2022). However, African refugees are in a quandary due to the failure of this *de jure* and *de facto* refugee regime.

The bureaucratic categorisation of refugees has failed to turn into empirical reality in Africa. The 'Catch-22' situation of African refugees and refugees in general is pertinently captured by Pinduka (2021), who reiterates that while refugees are forced to bank on aid that is not sufficient for a positive impact on their human security, prospects for them to be relocated in third countries are lessening, and alternative solutions are similarly scarce. A brief synopsis of the refugee crisis in Africa discloses that solutions are ever more elusive and that the reality of new refugee movements adding to the already absurdly large numbers of refugees who remain in exile has added to

the misery of the ever-increasing number of refugees. In most cases, the third generation of refugees is being raised in camps due to this predicament.

Given such a phenomenon, in today's studies of refugeehood¹; the focus has been on the lived experiences of refugees to enhance their lives (Pinduka 2021; Landau 2017; Betts *et al.* 2017; Crush *et al.* 2017). Efforts have been made to examine the lives of refugees, particularly their access to social and economic services in host countries. The rationale has been to correct or reorient the durable solutions to lessen the predicaments that refugees find themselves in within Africa. Despite its contemporary prominence, the genealogy of the refugee system in Africa has not been fully considered, yet refugees continue to suffer. The question of what to do with refugees remains unanswered, unsolved, and worth exploring in Africa. Perhaps the fundamental question that should be asked first is the compatibility of the refugee system being used in Africa and African people's ways of life. Given that the refugee regime has a legal basis in the 1951 United Nations Convention Relating to the Status of Refugees, which was written and subscribed to within the European conception of the worthy refugee to suit the specific circumstances of post-World War II Europe, the transferability of the model to other places, African included has remained concerning (Mayblin, 2010).

From this point of view, the study contends that refugeehood is and has been in crisis in Africa because the system being used is foreign to certain traits of Africanism. It is not an absolute view, as several factors also account for the regime's failure, and Africanism is an elusive term with subjective undertones. Nonetheless, the central argument in this research is that the 20th-century Eurocentric approaches to the management of people of concern embraced at the continental level and state levels that continue to guide refugee protection in Africa are arguably a triumph of 'European Universalism' or Eurocentrism in refugee protection, both in theory and praxis. The Western orientation has produced unmistakable results –forming hierarchies between Africans based on nationality and territoriality. It is an oppressive system of refugeehood that has constructed, (re)deconstructed and (re)decentered co-existence in Africa. This has eliminated ways of acceptance amongst Africans, disregarding some of the traditional ways of visitation, cooperation and

1 Refugeehood is a term used by Andrew Shacknove (1985) to refer to the regime under international law that seeks to protect people who flee their countries of origin based on a well-founded fear of persecution or alienation.

integration in the process. The results of the refugee regime have been the ordering, othering and hierarchising of the forcibly displaced in Africa, making them typical subjects of coloniality. Taking cognisance of such a background, decolonial approaches to the exclusivity and ruinous nature of the current refugee regime, both in theory and praxis, become pertinent to lessen the refugeehood crisis in the African continent.

The Refugee Regime in Africa: A Product of Eurocentrism

The global context in the establishment of Africa's refugee regime

Thoughts of a 'post-colonial state' decades after most countries are supposed to have achieved independence have become problematic due to the scourges that have plagued the African continent. It is exceedingly challenging and even illusory to grasp the socio-economic and political configurations of African nations snubbing the concept of coloniality, which has survived colonialism in the African continent (Ndlovu-Gatsheni 2013). The colonisation of African minds by the West, which gave rise to the idea, belief, and narrative that Westernisation is ideal, was one of colonialism's most difficult processes and goals. Its effect has been the adoption of several Eurocentric concepts that have led to the classification and categorisation of people, particularly in the theory and practice of migration, with little questioning. The standards set by Europeans have been under scrutiny for some time, at least in academic studies, but they nevertheless impact how individuals live their daily lives in Africa. Africa has thus remained a 'desolate continent with little influence in its affairs and international concerns with most of its brutal, irrational, and uncultured inhabitants devoid of standards or even ideals.' Plainly put, in modern times:

The African human experience constantly appears in the discourse of our times as an experience that can only be understood through a negative interpretation. Africa is never seen as possessing things and attributes properly part of "human nature." Or, when it is, its things and attributes are generally of lesser value, little importance, and poor quality. It is this elementariness and primitiveness that makes Africa the world par excellence of all that is incomplete, mutilated, and unfinished,

its history reduced to a series of setbacks of nature in its quest for humankind (Mbembe 2001: 1).

Unless otherwise, these views are attached to Africa historically, in the present and possibly in the future. Contextualised, such nuances inform the system of refugeehood that is attendant to the refugee crisis in Africa. European ideas have often been perceived to be ideal, presently and historically. Such parochial proclivities are well articulated by Ndlovu-Gatsheni (2013, 40), whose views reveal how independent African contribution to the shaping of global cultural order has been denied by certain historical processes such as colonialism. Consequently, Western, specifically European, views are holding down African initiatives. The narratives that the European way of life standardised broad ways of living that have been naturalised were created from the conviction that the darker side of the world cannot unearth anything substantial or worth considering. These ideas continue to influence Africa and its policies. At the Commonwealth Heads of Government Meeting (CHOGM) in 2022, President Paul Kagame of Rwanda – on the subject of values – reiterated that the global system has been shaped in a way that there is one part of the world that has assumed the sole responsibility and monopoly of defining values; with the other part being kept in the process of learning the values; and, regardless of the lengthiness of the process, the latter never qualifies to attain the standardised values (Kigali Today, 2022).

It is in such a global context that the refugee regime in Africa was created. Though rectified to suit the African setting, the refugee regime in Africa is arguably a by-product of Western modernity in dealing with the forcibly displaced. It is important to clarify and acknowledge that different historical views account for refugee protection. In some contexts, refugee protection dates back at least a few centuries, not to mention refugee situations in antiquity. In this, the custom of giving safety to others is an even older tradition and one beyond Europe (Kleist (2017, 164), but the contemporary refugeehood regime is deeply rooted in events that took place in Europe in the 20th century (Jaeger 2001). Debates among states about whom the 1951 Convention should apply to revealed that the refugees were tense, highly contested, and strongly opposed by many, but the European bias sufficed before the 1967 protocol (Klause, 2021). Even the 1951 UN Convention Relating to the Status of Refugees in Article 2 precisely mentions that the term “refugee” is limited to Europe as it applies due to events occurring

before 1 January 1951. The events relate to the World War II infighting among European States between 1914 and 1922, which impacted negatively on the shelter security of European citizens. This history only demonstrates that the refugee regime operating in Africa was primarily developed by Europeans to aid European refugees at the time.

The 'assassination' of African ideas: Formation of Africa's refugee regime in history

The creation of the Convention relating to Refugees in Africa can be summed by the following proclamations – 'the triumph of Eurocentrism in Refugee Policing in Africa' or 'Regional Exceptionalism rather than Global Leadership'. It reflects the ideas shared by Ndlovu-Gatsheni (2013: 50), who asserts that Africa has never been afforded any space to recapture the power to decide the course of its destiny after historical processes associated with colonialism and the flawed decolonisation process. He argues that whenever Africans tried to capture and put the destiny of their nations into their own hands, the powerful forces of the colonial matrix of power were quicker to interrupt, de-centre and discipline the initiatives. These accounts speak deafeningly of the process leading to the formation of the Organisation for African Unity (OAU) Convention Governing the Specific Aspects of Refugee Problems in Africa of 1969 (OAU Convention). The seclusion and capture of the idea of an African renaissance in the formation of Africa's refugee regime has rendered scholars like Schenck (2021) to argue that there is a convention that purports to govern refugees in Africa, yet there is "Africa's Forgotten Refugee Convention." Indeed, African ideologies were assassinated and seized in the formation of the OAU Convention as it was a prolonged process.

An account for the coming into being of the 1969 Convention, which is difficult to isolate from the global historic context, the regionally specific confluence of decolonisation struggles and ideas about Pan-African solidarity, as noted by Schenck (2021), reveal marginalisation practices. The drafting of the Convention took place within five years (1964-1969), and in the process, the 1967 Additional Protocol to the 1951 Geneva Convention was established. It must be noted that the United Nations refugee regime 1951 was limited to Europe and did not provide conditions that warranted refugeehood in Africa. Thus, at the formation of OAU, African refugees were excluded from international refugee law, which limited its application to European World War

II refugees. While the 1967 Additional Protocol was holistic in approach and not limited to events that took place in Europe, it can be argued that its creation interfered with Pan-African efforts that were being made in the creation of the African regime of refugees. Consequently, after the 1967 protocol, one of the initial reasons for beginning the drafting process disappeared, and it now became a question of how to supplement the Geneva Convention rather than draft the first convention applicable to African refugees (Schenck 2021).

With such a historical formation, the OAU Convention lacks an authentic African vibe and contradicts African social norms, as will be observed more later. It is difficult to deny or even consider the possibility that the programs, policies, and conventions developed in Africa during the 1960s, which are widely regarded as some of the peak decades of nationalist movements and the demand for emancipation in Africa, could have overlooked Africanism and the Pan-African ideologies of solidarity. Such an observation is also cemented by a 2009 Reliefweb question and answer segment relating to the relevance of the OAU Convention 40 years after its establishment. The arguments implicitly affirm the Eurocentric nature of the refugee regime in Africa.

In this Reliefweb (2009) question and answer segment, it is noted that the 1969 OAU Convention set a basis for refugee jurisprudence and practice in Africa to develop in a predictable and asylum-friendly manner. It also states that the Convention cemented in Africa the international refugee framework represented by the 1951 UN Refugee Convention, which it incorporated both substantively and in mandating wholesome collaboration with the machinery of enforcement set down in that Convention. The latter argument confirms that the OAU refugee regime is an extension of the 1951 UN Convention. The idea that the broadened refugee definition is the most well-known aspect of the 1969 Convention is intriguing but perplexing. It is unnerving to consider the impact of the OAU Convention due to the 'alienation extensions'² both in theory and in practice, currently and even historically, given that Sharpe (2019) argues that the convention has struggled to significantly improve the situation of African refugees across the continent as implementation challenges continue to mount.

Today, much of Africa does not welcome refugees with the same fervent sense of camaraderie surrounding the adoption of the OAU Convention. Instead, African nations are increasingly imitating Europe and the West by

2 See Shacknove, A.E. (1985). Who Is a Refugee? Ethics, Vol. 95, No. 2 (Jan. 1985), p. 274.

locking down their borders and threatening to expel anyone who enters their countries illegally. Even in nations where refugees are welcomed and have favourable policies, their treatment is not always consistent with the Convention (Pinduka 2021; Ostello 2014). The tip of the iceberg is the 2022 April case in which 70 refugees from the Democratic Republic of Congo (DRC) were reportedly detained and deported by the Zimbabwe government. Once back in the DRC, their government rejected 15 of them, who were sent back to detention facilities in Harare (Nair 2022).

While the Zimbabwe government has given an account of the incident and so have the refugees³, such an episode not only raises legal issues regarding human rights, the responsibilities of states that are signatories to the OAU Convention, and even the international refugee regime, but it also demonstrates that African refugees have been made the problem rather than the system. The system has deconstructed (re)deconstructed and (re)decentered mechanisms of acceptance and co-existence in Africa. The aforementioned factors illustrate how the existing refugee regime in Africa is a product of hegemonic European epistemologies, and its transferability to the continent has arranged and re-arranged African ways of life, occasioning the misery of refugees.

Refugees as Subjects of Coloniality in Africa

Coloniality and Refugeehood in Africa

A key observation that is often ignored in refugee studies has been the missing link between the historical contextualisation of the system governing refugees and its effect on refugee governance in Africa (Tuley 2020; Bhambra 2017). Yet, historical processes have affected refugee governance in Africa. African 'refugees have been turned into subjects of coloniality' because of the operational regime in the continent. With such a bold statement, the first port of call would reflect what the concept of coloniality entails. Coloniality refers to the logic, metaphysics, ontology, and matrix of power created by the massive processes of colonization and decolonisation (Maldonado-Torres 2001). It relates to structures, practices and even ideologies derived from settler colonialism and colonial governance that continue to influence social

3 see <https://www.fairplanet.org/story/their-real-crime-was-seeing-too-much/>

institutions and relations in the present, even though they originally are derived from an era many now believe is in the past.

Ndlovu-Gatsheni (2013:11) even goes beyond colonialism to note that the processes that Africa has experienced, such as the slave trade, imperialism, colonialism, apartheid, neo-colonialism, neo-liberalism, and globalisation taken together, constitute colonality and affect power relations internationally. To this end, the past and modern West, its hegemonic discourses, and its hegemonic institutions have given rise to categorisation and subjectivity even in the policing and activities of African states. This has led to the classification of migrants into refugees, asylum seekers, and the internally displaced, a modern European mechanism that has been adopted to deal with 'strangers or visitors' fleeing from their areas of origin.

The refugee regime is not explicitly but implicitly a by-product of yesteryear processes such as colonialism, slave trade, apartheid and even processes such as imperialism. In these processes is the notion of superiority and inferiority based on specific backgrounds. The refugee regime in Africa lies within the catastrophic transformation of human space, structure and even culture into dehumanising coordinates or foundations that perpetuate the inferiority of some and the superiority of others (Maldonado-Torres, 2001). It gives the state the power to assume the role of policing one's access to being classified as a human entity, a factor that was absent previously in African settings. The results have been the bordering and ordering of the homeless refugee thrown into the realm of the sub-human (Yohannes, 2021). Due to the refugee regime being used in Africa, humanity for the Africans – the forcibly displaced seeking and granted haven in other countries has become a condition of impossibility within the frame of colonality.

The ordering and othering reflect the avarice and egotism, which are key factors of Eurocentrism. These have become manifestations of Africa's refugee Convention. The idea that a culture of acquisitiveness and narcissism is produced by a Eurocentric worldview is still relevant, especially in light of the current refugee regime in Africa. It may be argued that from a Eurocentric perspective, reality is conceived in terms of material possessions, and only so many resources can be used to ensure survival. The idea that everything in life is a 'zero-sum game' causes people to act aggressively and competently in social situations. Because the Eurocentric mindset places such a high value on competitiveness, individualism and the acquisition of material goods

are encouraged (Nunn 1997). Although not limited to African refugees but migrants from the continent in general, this Eurocentric view has contributed to the fights and xenophobic attacks that continue engulfing the state of South Africa. It has been competition and fights between different Africans because of the ordering and othering that is in existent in the state – citizen, refugee, asylum seeker, foreigner and migrant. Refugees are being held captive, experiencing the worst conditions of all time in Africa. The system rather than the refugee has led to such unbearable conditions.

The distortive nature of Integration to Africanism

The contemporary conception of the refugee regime in Africa demonstrates that the central objective is to attain durable solutions, arguably associated with permanent settlement, whether in the host country, a third country or the country of origin (Bradley et al, 2022). While it is true that repatriation and resettlement have remained a distant dream for most due to myriad reasons, the concept of local integration is concerning when examining the refugee regime in the context of coloniality. Such a concept is problematic and has been normalized in Africa. The words of Ndlovu-Gatsheni (2013, 11), who argue that “what Africans must be vigilant against is the trap of ending up normalising and universalising coloniality as a natural state of the world,” ring hallow when one examines the concept of integration being utilised under the refugee regime in Africa.

As Tuley (2020) notes, integration has often been used unreflectively, emblematic of how it has become ‘common sense’, yet this is dangerous because it has an underlying (neo) colonial logic. It treats migrants as being poor and unprivileged, requiring them to be ‘integrated’ into host states of citizens for the best socio-economic, political and cultural outcomes. This asserts some fundamental difference between ‘migrants’ and ‘citizens’, which elides the histories of colonialism. The refugee regime has created binaries between ‘forcibly displaced’ and ‘citizens’. It treats refugees and asylum seekers as *out-groups*, while citizens are the *in-groups*. In this context, the *out-group* is rendered a favour by the *in-group* and is a poor, underprivileged who should strive to be like the native citizens, the type of standardization deeply rooted in European ideas of slave trade, colonialism, and imperialism, including democracy.

Such a bifurcation is problematic because it creates the boundaries of *us* and *them* based on a European-influenced categorising system that distorts the history and ways of life of Africans. Just like in colonialism and slave trade, with the regime of refugees has come the suffering of those treated as the *out-group*. This has led to what Yohannes (2021) terms the 'triple loss', which relates to the lived experiences of refugees in which being a refugee has entailed the loss of home, loss of humanity and the worst one of all - the loss of hope. A refugee in Africa has become a homeless and hopeless sub-human accustomed to inhuman and degrading treatment. This has been normalised and natural, yet it is a creation of a European-based system.

Encampment Policies: An Alteration of the African Way of Life

The refugee encampment system in Africa: A product of Western ideologies

The influence of the European ways on the current refugee regime in Africa cannot be underestimated. The pedigree of camps traces various theories and responses to socio-economic and political factors, but refugee camps as a response to migration are traceable to Europe. McConnachie (2016) notes that the consistent, large-scale use of refugee camps as a response to forced migration is undoubtedly a recent phenomenon, beginning during World War II. It hence began during World War II, where Displaced Persons (DP) camps were created across Europe, initially to house people fleeing the Nazi regime but subsequently also to accommodate people who had been freed from concentration camps or who were fleeing the Soviet Army (McConnachie, 2016).

Since then, the refugee camps have been embraced and used to shelter refugees in most of Africa and the world. Approaches to encampment differ, and so do methods to restrict refugees' rights to free movement (Pinduka, 2021). Some camps allow for limited freedom of movement – refugees may be allowed to leave the camp between certain curfew hours every day or travel within a certain, often limited, geographical area, like in Tanzania. Other camps allow refugees to come and go but require "residence" in the camp to be checked through ID renewals, ration records, or similar monitoring systems

(Themba, 2015). However, confinement in a refugee camp is the antithesis of the human rights approach.

Encampment policies reveal exclusion, forms of segregation and dehumanisation. The policies have deconstructed and reconstructed the traditional ways of co-existence and acceptance that permeate African norms and values in theory and praxis. The Afro-centric views have no refugee in the modern legalised sense but a visitor in mind, whether on short-term or extended long-term stays. This is aptly captured in the dyad of inclusion/exclusion sociologically, leading to two forms of the anthropophagic and anthropoemic (Cohen 2017). The anthropophagic insists on calling 'primitive society' where outsiders are swallowed and digested, and the anthropoemic focuses on aliens who are discarded, institutionalised, incarcerated, or expelled (Cohen 2017; Levi-Strauss 1995). While not general, it might not be an overstatement to suggest that many early African communities were anthropophagic, viewing foreigners as welcome guests who could at the very least be gradually absorbed by the communal body (Cohen 2017). Ultimately, the idea of encampment being used in Africa stems from European ideas, and has been embraced in Africa, leading to the decentering and destruction of the social fabric of co-existence in African societies. This is clearly articulated in 4.2 on the deep-seated effects of refugee camps in Africa.

The deep-seated effects of encampment on Africanism

Looking into the earlier lives of Africans and their methods of co-existence may help us better understand the implications of the refugee regime on Africanism. The policies of the refugee regime have profound impacts on Africans, as is evident from a simple reflection of the pre-colonial manner of life on the continent. In early African communities, integration transpired in a variety of ways. Although exclusion and expulsion tendencies were acknowledged, there were inclusion strategies for guests and newcomers. Perhaps an account of African integration and co-existence captured by Cohen (2017) deserves mentioning. In a research entitled, *Strangers and Migrants in the Making of African Societies: A Conceptual and Historical Review*, the author gives an account of how strangers, visitors or those seeking a haven were integrated into African societies. He articulates four processes relevant to this research which resulted in the integration and co-existence of different African communities.

Firstly, he noted that early societies were formed by contiguous but barely related kin, clan and lineage groups, which joined together through migration, myths of a common origin or early forms of clientelism, and strangers in large states were often captives (generally women or children) and slaves who were welded to the body politic by coercion. Secondly, he notes that the formation of kingdoms also involved captives and slaves who were joined to the body politic by force. His third account concerns about new societies formed by refugees fleeing from traumatic exogenous natural disasters—like floods or extensive droughts, human-made political calamities like Arab and European slavery, or the series of events loosely described as the *Mfecane*. Fourthly, strangers, often traders, could enter pre-colonial cities and form (or be enclosed in) *sabon garuruwa* such as those found in Nigeria. It is also worth noting that intermarriages were also allowed and were a way of integration in Africa.

Such ways have been disrupted by the modern refugee regime, which has brought foreign forms of co-existence, distorting, decentering, and even destroying old ways that existed in the treatment of a foreigner seeking a safe haven in a foreign land. African cultural practices have been affected by the legal treatment of refugees. This cannot be treated in isolation from the 1884-1885 Berlin Conference in which the Europeans superimposed colonial domination. The African way of treating a foreigner or a stranger who comes in peace is receptive. While one might argue that hierarchies existed in the pre-colonial systems, it is worth noting that the discriminative, segregation and degrading nature of the refugee regime because of encampment policies is alarming.

It is even challenging to contrast, for instance, the co-existence of the Ndebele state with the othering and order that the African refugee regime has brought. The *Zansi*, *Enhla*, and *Hole* tribes constituted the Ndebele state, divided into three groups. Although the state was expanded by conquest, it is important to note that some of the indigenous people who made up the Hole, such as the *Nanzwa*, *Nyai*, *Venda*, and *Shona*, emigrated or voluntarily migrated into Ndebele settlement and were assimilated into the state (Bulawayo History 2022). The youths were merged to form the *Impande* and *Amabukuthwani* military regiments, while the elders were given land to settle under one of their chiefs. Presently, in the state of Zimbabwe, a mere visit as a first-timer in the rural areas would result in the authorities of the area asking questions about your background and area of origin, which is done for various

reasons but in an accommodating manner. These ways of life have been left to the periphery. Consequently, in the African ways of life, if someone comes peacefully, they be treated fairly. However, the idea of placing refugees in a temporary, uncondusive and degrading shelter for temporary, and permanent measures, temporary camps, has been embraced and is being used in Africa, yet it has altered African ways of living.

The Need for a Decolonial Approach in Refugee Protection: The Way Forward

Reality contours to refugeehood and thoughts on possible changes in Africa

Given the context of the migration and refugee predicament in the 21st century, possible solutions should be prescribed, bearing in mind the contours and complexities that hamper the ‘post-colonial African continent’. As much as this research establishes that traditional ways of acceptance and co-existence have been affected by the modern way of refugeehood, which has a legal basis in international law – the 1951 Convention; deeply rooted in European ideas, it needs to be appreciated that certain historical events are never easily rewritten. For instance, the artificial or territorial boundaries created at the Berlin Conference. However, the need for a reorientation of certain ideologies that negatively impact co-existence in Africa remains pertinent.

‘Africanisation’ of the current refugee regime’ ought to be unmasked, resisted and destroyed as it is producing complex situations that can only be sustained through a combination of violence, deceit, hypocrisy and lies in the words of Ndlovu-Gatsheni (2013). This unmasking and resistance entail decoloniality as a political-cum-epistemological liberatory project to the refugeehood crisis in Africa. In this context, Decoloniality seeks to challenge these exclusive practices of ordering, othering and hierarchising Africans using an instrument developed for European contexts, which has been embraced and normalised in Africa.

Decolonising Asylum in Africa

As noted earlier, the African refugee regime lacks the African vibe, as it has affected the African ways of life. It has rendered refugees to be typical

subjects of coloniality. Refugees and the forcibly displaced seeking asylum are often exposed to regimes of othering, bordering and ordering. Thus, countering the persistence of these exclusive practices would necessitate decolonising asylum in Africa (Yohannes, 2021). This could arguably be the first step in the quest for a decolonial turn in refugeehood. This should start with the acknowledgement that the current regime being used in Africa is rooted in Western epistemologies and management of the forcibly displaced, and its transferability has distorted African ways of life.

This research may have served to augment and complement existing literature on the failure of the refugee regime in Africa, and it becomes pertinent for researchers and policymakers in Africa to reflect on the refugee regime, African ways of life and the unsuitability of such a mechanism in to deal with refugees in Africa. This should be an African initiative that must be led and driven by a combination of African minds, norms and values of co-existence. While there are various ways that can be used to decolonise the asylum in Africa, this research also argues for the elimination of refugee camps and the prolonged process of integration.

It is concerning that the forcibly displaced go for decades living in camps as refugees or as asylum seekers. The processes of integration should be monitored by the African Union together with the UNHCR and even sub-regional groupings. Decolonising the asylum would require setting up a criterion that can lead to integration based on citizenship. A standard has to be set at the continental level. While states have set some standards which they do not follow, approaching the predicament of the refugee regime from such a perspective can assist in eliminating the ordering and othering of Africans based on nationality and the 'refugeeness' brought by the refugee regime.

Development of an African-driven refugee regime

It is without doubt that the position taken in this paper is on how the current refugee regime is not African, as it is deeply rooted in European approaches and epistemologies to manage the forcibly displaced seeking a haven. As a way forward, this study calls for establishing an African-driven refugee regime. Since Decoloniality announces the broad 'decolonial turn' that involves the 'task of the very decolonisation of knowledge, power and being, including institutions such as the university (Ndlovu-Gatcheni, 2013), a reorientation of the current regime becomes imperative. Therefore, there is

a need to reflect on the asylum system in Africa and examine its relevance to the contemporary. This can be done in research and in practice. The nature of refugees suffering in Africa and the response from regional and sub-regional entities are alarming. One is made to think that the regional body - the African Union, will act in abrogating and altering some features of the 1969 OAU Convention and the entire refugee regime if it was done by Westerners first. It appears that the 1951 Geneva Convention confers a revered status amongst dominant international powers with the reluctance of African states and institutions regarding the refugee status.

In this way, the establishment of an African-driven refugee regime involves decolonizing the minds of African leaders and other stakeholders in refugeehood, especially ways of reasoning that have placed African ideas inferior to Western ideas and the 'cure is better than prevention' approach of the Western-influenced refugee regime. It is time that the African Union should lead the process of continuing and/or edifying the refugee regime in Africa so that it moves from a reactive-based to a pre-emptive approach. The concept of the African Renaissance should serve its purpose in such a situation. The transition from the OAU to African Union was for a purpose but is incomplete when certain areas remain the same even with such major changes. The *de facto* and *de jure* refugee regime, therefore, require attention and changes to suit two central positions, *viz.*, the current migration trends in Africa and African ways of life. On the latter, although norms and ways of life differ, it is imperative for the AU and sub-regional groupings to also work with states and other players (such as the United Nations High Commissioners for Refugees) for the best outcomes for refugees in the continent.

Inclusion of the Communities in Asylum Issues

African communities are significantly excluded from refugee issues; yet, they live with them. It is because the refugee regime is elite-driven, yet it affects local communities. In this regard, this study proposes the need for the inclusion of local communities in the management of refugees. Communities where refugees and even asylum seekers live do not understand and will never understand that refugees are forced migrants who are fleeing persecution and are looking for protection or a haven. Therefore, an African-driven refugee regime should raise awareness of who the refugee is. In African societies, a guest or visitor must be known to the host community to avoid

negative engagement. This, , calls for relevant stakeholders such as the AU, sub-regional groupings, the UNHCR and other players to cooperate and work towards ensuring that local communities become aware of the refugee and asylum seekers. Understanding a refugee's identity at the community level helps improve refugee protection and tolerance in the areas where refugees live, which can be crucial for easing the issues of instability and unpredictability that come with being and hosting a refugee.

Concluding Remarks

By way of conclusion, refugees and asylum seekers will live in precarious circumstances unless there is a transformation of the refugee regime in Africa. The current system jeopardises refugees and those seeking asylum since it causes African people to be seen as different, inferior, and hierarchical. The result is that the forcefully displaced, who are the out-group, lose any sense of humanity and are subjected to the harshest conditions in the host countries. The difficulty is not the forcefully displaced people but rather the African system that was created on Western epistemologies and orientations. The refugee regime is merely a transfer of Western ways of dealing with refugees. The effect of the regime's imposition has been the decentering, deconstruction and reconstruction of African ways of co-existence and integration. It, therefore, is pertinent to tackle the refugee crisis in Africa by examining the system governing refugees rather than the lived experiences of refugees. The use of decolonial approaches to develop a refugee regime that best suits the African context is pivotal.

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Essays/Conference Report

The UK, US, and Mauritius

A clash of interests

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Context

I attended a conference on the Chagosian question in Pretoria in October 2022 while serving as a Visiting Fellow at the Institute of Pan-African Thought and Conversation (IPACT) at the University of Johannesburg, South Africa, and I have described some of the discussions that were facilitated by participants in this essay. Representatives of the Chagosian diaspora, the ambassador of Mauritius to South Africa, scientific interpretations in papers presented, and comments by other Chagosians on the realisation of their rights, constitute the foundation of this report. Diaspora Chagosians are torn between Mauritius's fight for sovereignty rights and the interests of the United Kingdom (UK) and the United States (US) on the island. They yearn to return to their ancestral land, and regain their identity and attain self-determination.

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Second, Mauritius fights for justice is understood to mean regaining control of Chagos. The activities and standpoints of the UK and the US, which have allied military interests, were critically examined by academicians and Chagosians. The International Court of Justice's (ICJ) order requesting that the UK return Chagos Island to Mauritius has caused a conflict of interest between Mauritius, the UK, and the US. For the Chagosians, who view self-identity and self-determination as issues of rights under international law that should not be denied, the disregard of the ICJ's judgment by the global powers would continue to signify statelessness to the majority of the Chagosians.

Background

On 4 and 5 October 2022, I attended an international conference on the status of Chagos Islands in Pretoria, South Africa. The world has moved away from direct colonisation. In the Indian Ocean, the Chagos Archipelago still bears the mark of British colonialism. This was the main theme of the conference held at Sheraton Hotels in Pretoria. Organised by the Institute for Pan-African Thought and Conversation at the University of Johannesburg, the conference examined the status of the Chagos Islands.

The leadership of the Institute for Pan-African Thought and Conversation gave the opening comments and outlined the conference's objectives. The remarks focused on the context of the ruling by the International Court of Justice in 2019 that asked the UK to vacate its colonial hold on Chagos Island. In the discussion that followed, the representative of the Mauritius diplomatic community argued that decolonisation of Mauritius is not yet complete with the Chagos Islands still under the control of the UK. Similarly, a former South African diplomat spoke of the role of identity and heritage in colonized people's struggles.

Chagosians began their struggle for freedom more than forty years ago. Mauritius, however, is more concerned with issues of sovereignty. Rather than being concerned about the fundamental rights of the Chagosians, it was more about economic relations with the UK. Both countries have economic and political relations that affect Chagosians. Taking action against the UK requires dealing with the root causes of longstanding problems between Mauritius and the Chagosians. As far as advocacy regarding the International Court of Justice ruling is concerned, a united front is essential for success.

The sovereignty issue preventing a united front against the UK is serious enough. Mauritius had considered the Chagos part of itself long before colonialism. Chagosians, however, aspire to become independent one day. Meanwhile, Mauritius has a range of social programmes to support Chagosians. The Chagosians Welfare Fund, a special programme for their integration, and land for agriculture are intended to address the problems they face. Others include payment of examination fees, scholarships, offer of notional prizes to young graduates, provision of sports facilities and computers, offer of information technology courses, special attention on senior citizens, and assistance to needy Chagosians for the repair of their houses affected by natural disasters. Free medical check-ups and foreign medical treatment are also provided.

There are many questions that need to be addressed, nonetheless. What are the chances of Chagos becoming a sovereign state? Will it be a continuation of another state? The UK currently grants citizenship to Chagosians and their offspring. It entails easier access to healthcare resources and other opportunities that the government of Mauritius might not be able to match. Some question whether the Chagosians' interests were considered when they were forcibly relocated and mistreated by the Mauritius government. Prior to the International Court of Justice taking their case into consideration, Chagosians had to file a lawsuit. Do the Chagosians really matter to the Mauritius government? Chagosians living in Mauritius enjoy significantly poorer levels of living than Mauritius residents.

One viewpoint holds that the United States and the United Kingdom are to blame for the Chagosians' issues. Chagosians, claim they have a right to self-determination because they have been oppressed for generations. They have a strong sense of themselves as indigenous people. They have distinct histories from Mauritius, notwithstanding disagreements. It was erroneously claimed by the government representative that neither were ever indigenous people. Although Chagosians, like Mozambique, are of African descent, this ancestry is Indian.

During the conference, there were several instances of emotional exchanges between the Mauritius government representative and participants from Chagos. The Chagosians want to be Chagosians, not Mauritius or British. It became complicated when we considered international law's position on indigenous people. Africans continue to claim that they

are all indigenous. The United Nations (UN) endorsed this, giving credence to the claim of indigenosity of the Chagosians. Self-determination is an issue in the community, with women at the forefront of the struggle. An in-depth documentary about this was screened at the conference. A filmmaker provided insight into the film's background.

The Chagos Island is considered strategically significant by Western nations for securing control of the Persian Gulf. Without considering the requirements of the local population, the US uses it as a military base. Without also protecting the interests of the locals, the British formed a colony there. Mauritius, on the other hand, deems the separation of Chagos (from Mauritius) illegal. It sees its decolonization as unfinished as a result.

Perspectives of Chagosians in the diaspora

One of the participants maintains, "I am a founding member of Chagosian Voices. I believe the judgment of the International Court is wrong". While Mauritius has Indian and Hindu heritage, the court's decision did not take the concerns of Chagosians, who have African roots. They were neither consulted nor invited to take part in the hearing, according to her. Another Chagosian living in the UK repeated the previous speaker's complaint. A founding member of Chagosians Voices, an organization that supports keeping Chagos apart from Mauritius, claims, "It has been suffering for twenty years, and it still is." The ICJ's ruling makes reference to Chagos as being of Mauritian descent, which the Chagos reject. The Chagosians' nationality was not acknowledged. There was no recognition of the identity of the Chagosians. 1968 was the year of independence, yet they were neglected in the elections that led to that victory. The Chagosians perceive Mauritius as being closely related to the US and UK at the expense of their identity, history, and interest. Although historically connected, they feel marginalized and relegated. As argued, ethnic discrimination has characterised relations between Mauritius and Chagos. It is important to them to have the opportunity to determine where they belong. The meeting clearly established the fact that almost all the participants desire self-determination.

Another participant recalled their tranquil period on Chagos Island before being deported. As argued by the participant, "We had a lot and were happy. We could not go back to our Island," mentioning the agony of being transferred against their choice to Mauritius while having Mozambican

ancestry. It was challenging to suppress it when they learned in 1972 that no one from the Chagos Island would be permitted to return to the Island. Sadly, the Chagosians were never involved in the discussions between Mauritius and the UK. She blamed the US, the UK, and Mauritius for the Chagosians' woes. The participants claim, "They made judgments for their profit...We want to be taken seriously and heard."

The plight of the Chagosian people

One of the participants from the Diaspora discussed the significance of women in the fight for identity and self-determination and noted that there has been considerable suffering. She expressed the desire to visit the Island again in the future. She questioned, "Who would be delighted to be exiled from her Island. We must retake the Island". A direct descendant of the Chagos people bemoaned the lack of acknowledgment of their people as a distinct ethnic group. The decolonization process, however, accepted the fabrication that the Chagosian people are not of African descent. That the people have received compensation is the second falsehood.

Where have the people been since the ICJ made its decision? This question was raised by one participant who a significant figure in the documentary on the plight of the Chagosians was. The main concern, as stated by earlier speakers, is the expulsion of Chagosians from their native land and the prohibition of their return, which is a matter of basic human rights. The meeting also reflected on the disposition of the African Union (AU) towards the Chagosians issues. Thus, what actions did the African Union take to free the Chagosians from British, American, and Mauritius oppression? In Chagos, younger people favour British citizenship. Nevertheless, returning to the 3500 coconut trees and 600,000 square meters of ancestral land appears feasible. The sea is all around Chagos, and one of its resources is fish. Many participants in the battle or movement believe the effort is worthy, even though some members of the younger generations do not find the idea of returning to the island to be an appealing one.

Chagos and the Quest for Decolonisation

The Chagos issue has to do with the island's strategic geopolitical significance to Western nations. People were uprooted from their homes by Western powers in order to start hostilities with other nations. The displacement of the

people has left them without a homeland and country. It is disappointing that Mauritius is moving through with plans that put the future of the Chagosians in jeopardy.

The partial promise of rules-based order was the title of a paper Peter Harris presented on the second day of the conference. A blatant example of colonization is Chagos. China, Japan, Australia, the UK, the US, and Mauritius all have differing viewpoints on the matter. The Pacific and Indian Oceans are combined to form the Indo-Pacific megaregion. This is a political construct rather than a geographical or economic one. Who is establishing the rules and reaping the rewards in the Indo-Pacific order? There are no fair and just rules in this situation. They are likewise not founded on consensus. The fundamental ideas and methods of conducting international politics under the Indo-Pacific system are sovereignty, territorial integrity, national self-determination, and anticolonialism. While these ideas are time-tested, they have never been adequately implemented.

Is Mauritius still a colony? Mauritius's land is still under colonial rule today. The country was never fully decolonized. The 1965 separation of the island from Mauritius should not have happened because of the 1960 United Nations Declaration on Decolonization. This was against the law. In opposition, the International Court of Justice stated that Mauritius is the rightful owner of Chagos Island. Indeed, "On Chagos Island, the UK violates international law." This conclusion is very significant. The international system that supports that stance includes the International Treaty on the Law of the Sea.

Why is the UK not decolonising? There is a sense of duty that it owes to the US. Diego Garcia has housed the largest US military installation since the 1970s. This is why the British Indian Ocean Territory (BIOT) was created (military base). All limitations that would have barred the United States from having a base on the island have been lifted by the UK. The UK has two options for decolonising: on its own initiative, or if the US concurs that the BIOT is incompatible with a rules-based system. As a vital ally, Mauritius provides the US with a long-term lease on the island. Decolonization without the US may potentially be decided by the UK government.

The UK Labour Party has already expressed support for decolonisation. The US has a responsibility to back decolonisation. Diego Garcia can only be accessed legally and properly through Mauritius. The purpose of the rules-based system is to humiliate the US and the UK for their violations. The

Chagosians currently have no state. States are addressed by the rules-based system. The Chagosians appear to be debating whether to support the UK or Mauritius. One alternative is to support or side with Mauritius in its struggle for Chagos sovereignty rights with the expectation of negotiating political rights in the future. Although the UK is least likely to provide significant political rights, it is still a possibility.

The best course of action is to lobby the African Union on behalf of the Chagosians as they insist on reclaiming their territory. They must strengthen their position in order to persuade the AU to comply with their requests. This argument teaches us that Chagosians are tenacious in their pursuit of their homeland. For the benefit of future generations, they intend to move back to their original home. The goal is to eventually put pressure on Mauritius to relocate Chagosians.

A participant spoke on the Chagosians struggle and the role of the US government in ensuring justice. The US was mentioned as the culprit on the question of who is responsible for the expulsion of the Chagosians people. The responsibility of ensuring justice was therefore linked to the US. Yet the US has been running away from this responsibility. The negotiations between Mauritius and the UK leave a gap that only the US can significantly fill. The US must be involved in fixing the problem by participating in the negotiations for resettling the Chagosians people. According to a participant, "The US outsourced the crime to the UK, and the UK, in turn, outsourced it to Mauritius." Pressure on the US government was noted as the main strategy. As far back as 1958, the US had proposed the idea of a military base in Diego Garcia. The link between the US and the military base is a crucial factor making the country the main culprit in the violation of the rights of Chagosians even though there are other state actors contributing to this crime. The abuse of human rights has been explained by Human Rights Watch. The meeting expressed hope that the Chagos people may eventually win resettlements.

Justice is at issue in the Chagos situation. It is significant both historically and globally. The meeting discussed the problem from a political science angle, claiming power plays a role. In a similar vein, a participant discussed the resettlement of the Chagossian people and argued that international law recognizes the rights to self-determination, self-identity, and indigeneity that are at the heart of the Chagosian fight.

When the UK established a marine protected area in 2010, it did so in violation of international law. The intention behind this, even though it was disguised as environmental protection, was to prevent the Chagosians from going back to their home. When Mauritius gained independence in 1965, the UK's decision to isolate the Chagos from it was illegal under international law. In 2019, the International Court of Justice declared that the UK's separation of Chagos from Mauritius was unlawful. The UK was urged to abdicate its claim to Chagos sovereignty when this decision was brought before the UN General Assembly. *The Last Colony* author, Phillipe Sands, believes that the UK's refusal to permit Chagosians to return to their homeland constitutes human rights abuse. He argued that to support BIOT supports racism and colonialism. Chagosians who wish to return to the island of Diego Garcia should be allowed to do so.

Conclusion

This essay has documented some of the discussions facilitated by paper-givers at the conference on the Chagosian question in Pretoria in 2022 while I was a Visiting Fellow at the University of Johannesburg's Institute of Pan-African Thought and Conversation (IPAC). The Chagosian question, which has involved protracted fights for statehood but has so far appeared lost due to conflicts of interest between Mauritius, the UK, and the US, was covered throughout the essay.

Africans should view all Africans as their brothers and sisters in light of the predicament of the Chagossians, which sends a strong message. What the AU's stance is on Chagos is still unknown. It must be on the African Union's agenda. The Chagos Island problem also has to be solved. A committee must be established by the AU Commission to examine these concerns and develop a clear action plan. A worldwide summit should be held by the AU so that people can influence their own future.