

AFRICA POLICY JOURNAL

A Harvard Kennedy School student publication

Spring 2019

The Africa Policy Journal

The *Africa Policy Journal* (APJ) is a student-run publication dedicated to promoting dialogue about African policy and current affairs in the realms of governance, law, education, business, health, design, and culture. The Journal was started in 2006 by students at the Harvard Kennedy School of Government but has recently expanded to encompass all the schools of Harvard University. With its online platform (apj.hkspublications.org) and annual print publications, the APJ acts as a hub fortimely debate, opinion, research, and analysis into the most significant opportunities and challenges facing African nations and peoples today.

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Cover Design by Alicia Bello.
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Acknowledgements

We would like to recognize and thank the people who helped produce this year's journal. We thank Martha Foley, Assistant Director of Student Services, who provides endless support of our work. We would also like to thank the Center for African Studies (CAS), the Mossavar-Rahmani Center for Business and Government, the Kennedy School Student Government (KSSG), the Malcolm Wiener Center for Social Policy, and the Africa Caucus at the Harvard Kennedy School for their financial support and encouragement.

We also thank Sam Bollier, our copy editor at the Kennedy School, for his work to ensure the journal came together to meet the HKS student journal standards of excellence. Last but not least, we would like to thank all of our contributors who have turned their passions and research on Africa-related topics into well-formed and articulate academic articles and opinion pieces that we are proud to share with our readers.

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Editor's Remarks

We are proud to present the 2019 edition of the *Africa Policy Journal*.

2018 was a transformative year for Africa. In it, we saw extraordinary transitions of power in Liberia and Ethiopia as well as the signature of a historic free trade agreement by 40+ African countries. In that same period, we witnessed the passing of giants like Kofi Annan and Winnie Mandela.

In these ever-evolving times, our mandate has been to look beyond the headlines to provide rigorous and thought-provoking analyses of the major issues and ideas affecting Africa today. In this edition, we cover a wide variety of topics, from health governance reform to social change. These articles are the product of the hard work of our amazing contributors who have graciously shared with us their expertise and knowledge.

We would like to extend our deepest gratitude to this year's editing team for their hard work. We also thank our Advisory Board members, the Center for African Studies, Dean Doug Elmendorf, Martha Foley, Professor Ruth Okediji, the Harvard Kennedy School Student Government, and the Malcolm Wiener Center for Social Policy for their continued support over the years.

We thank you for reading and hope that you will continue to be our partner in changing both the perception and reality of the continent's rise. To see more of the great content we publish, visit our site – apj.hkspublications.org.

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Editor-in-Chief
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Changes in Global Health Governance Are Needed for Sustainable Health Development in Africa

Professor Agnes Binagwaho, MD, M(Ped), PhD is a Rwandan pediatrician who returned to Rwanda in July 1996, two years after the 1994 genocide against the Tutsi. Since then, she has provided clinical care in the public sector as well as held a number of project management, health system strengthening, and government positions. Since 2008, Professor Binagwaho has been a Senior Lecturer in the Department of Global Health and Social Medicine at Harvard Medical School. She is also a Professor of the Practice of Global Health Delivery at the University of Global Health Equity in Rwanda, as well as an Adjunct Clinical Professor of Pediatrics at the Geisel School of Medicine at Dartmouth. Professor Binagwaho's academic engagements include research on health equity, HIV/AIDS, information and communication technologies (ICT) in e-health, and pediatric care delivery systems. She has published over 150 peer-reviewed articles. Professor Binagwaho currently resides in Kigali.

Agnes Binagwaho

The African continent is often looked upon as a place of despair – a land of wars, famines, corruption, genocides, and poverty. This unfortunate stereotype and the failure of international health organizations to truly partner with African governments contributes to the failure of African health systems to reach their full potential.

This outdated view of Africa ignores the progress that has occurred throughout this vast and diverse region. In the past half-century, sub-Saharan African countries have transformed from colonial structures to entities of national self-determination and independence. After all, five of the ten fastest-growing economies in the world are in sub-Saharan Africa.¹ Note: Based on IMF forecasts, in 2018, five of the 10 fastest growing economies in the world are in sub-Saharan Africa.²

Alongside this economic growth, Africa has also made notable gains in

Top 10 fastest growing economies in the World in 2018
Real GDP growth at constant prices

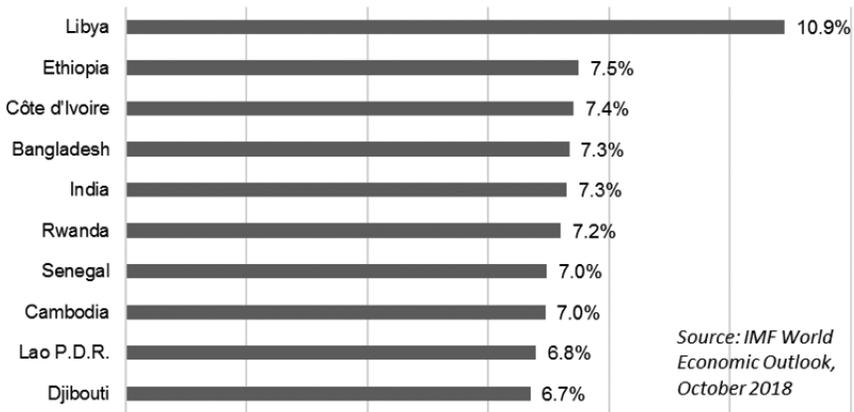


Figure 1

population health. Life expectancy has increased and the rate of deaths due to malaria, tuberculosis, HIV/AIDS, and stunting have declined. Maternal mortality has also declined over the last three decades, and child mortality has dropped by 50 percent while life expectancy has more than doubled since the mid-1990s.³ These very real gains should be celebrated and serve as motivation for continued progress.

Through my experience in Rwanda, I have seen firsthand how economic development can translate into human development and vice versa. Critical to this growth is that it is driven by homegrown solutions, improved governance, political stability, a clear vision for long-term planning, and the support of partners who share that vision. The story of Rwanda in the post-genocide era is one of coordination and of an equity-based agenda, both in national initiatives and

in collaborating with international partners. By leveraging international donor funding and government investment, and thoughtful and deliberate program implementation, Rwanda has made tremendous strides in key health and development indicators.

The percentage of the population living in extreme poverty has dropped from nearly 42 percent in 2001 to 16 percent in 2014.⁴ In 2015, an estimated 75 percent of eligible Rwandans were covered by the community-based health insurance program, *Mutuelles de santé*.⁵ This, combined with those covered through public or private insurance, made health insurance coverage in the entire population among the highest in the world at 91 percent in 2010, ahead of the majority of Africa and countries like the United States.⁶ Today, Rwandan children are among the most comprehensively vaccinated, with 93 percent of all children having received a full suite

of vaccinations against 11 antigens, and with over 90 percent of eligible girls receiving the human papilloma virus (HPV) vaccine.⁷

These positive developments were not a coincidence, but rather the result of effective and collaborative partnerships. While I served as Rwanda's Minister of Health, I witnessed the result of comprehensive governance. We coordinated with international partners that shared the Rwandan vision for success and endorsed our equity-based agenda. As one example, we were able to leverage foreign aid in the fight against HIV in Rwanda. Today, there is no known HIV-positive Rwandan in need of an antiretroviral (ARV) regimen who is denied this life-saving treatment. Rwanda has also successfully reduced mother-to-child transmission of HIV to below 2 percent.⁸ These achievements have been possible and still continue, because of visionary national leadership and investments in the health system, with the additional understanding that locally driven health initiatives are those that are most likely to endure.

While Rwanda is one of the few African countries to have achieved most of the health-related Millennium Development Goals (MDGs), it is not the only country on the African continent to have made substantial gains in health.⁹ While I applaud this progress, it concerns me that even to this day, where you are born and

where you live significantly determine the health risks you face and the diseases you may die from.

In my view, global governance structures – the international institutions such as the World Health Organization (WHO), United Nations, and the International Monetary Fund – play an unfortunate role in replicating and perpetuating disparities in power between the so-called “developing” and “developed” world. These institutions often dictate how development money must be spent, even when national governments have ideas that are better adapted to their own national development plans. This also translates into double standards, such as when the WHO issues different guidelines for infectious disease response, such as tuberculosis, for the rich and the poor countries. While these differing standards are intended to address differences in economic access, they also have the adverse effect of implying that human life should be valued differently. From a normative perspective, there is an urgent need to reimagine these international health institutions and the role that aid can play in helping the African continent reach its full potential.

In addition, recent history has taught us that developing an effective global health system is critical not just for Africa, but for the entire world. Only a few years ago, Liberia, Sierra Leone, and Guinea were ravaged

by an Ebola epidemic. These three countries most affected by Ebola had all experienced a host of assaults in prior decades, including civil wars, political unrest, refugee displacement, and government instability. These challenges contributed to their weak health infrastructure and a health sector that lacked functioning systems; this hamstrung their ability and capacity to respond to the outbreak of Ebola.¹⁰ The crisis was further complicated by a lethargic international response. If not for the proactive measures driven by the African Union and other international partners, the epidemic would have been much, much worse. The first report of Ebola emerged in September 2013. Yet, it took over a year and a half for a global response to occur. The Ebola outbreak serves as a tragic reminder that weak health systems and poor international coordination are a global threat.

The failure of the WHO to lead the Ebola response effort in a timely manner should give pause to its leadership and motivate a deep reflection for an organization whose main purpose is to direct and coordinate health responses for its member nations. The negligence of the WHO cost thousands of lives and millions of dollars in economic loss for the countries affected. As we move into an ever-globalizing world, we are facing new international health threats as a result of massive population movements and a rapidly

changing climate. Emerging health threats, such as global warming, water pollution, and industrialization in other parts of the world, will cause the poor in resource-limited countries to suffer the most. A new, more efficient global governance structure is needed that provides a framework for how these international threats can be most equitably addressed.

Unfortunately, there has been real resistance to restructuring the way development partners provide financial and technical support. I believe that real progress in health must be backed by a legal framework that operationalizes investments in health across all sectors of human development. Good health is not something that is achieved in isolation. It is the product of education, gender equity, peace, security, and economic growth. The Sustainable Development Goals can provide a strong framework for a global health undertaking because they already incorporate the majority of these social determinants of health.

An effective global health response also requires a global legal framework that can hold big corporations accountable. We need a model that regulates powerful industries to prevent the pollution of essential public goods such as water, air, and soil. Global regulations are also required to mitigate the risks caused by health industries that maximize profits by keeping life-saving therapeutics out

of reach for the poor.

In addition, we need to think creatively about how we can finance global health initiatives. The current system of earmarked funds and vertical aid programs has unpredictable funding streams that inhibit sustainability. International institutions must support the revision of how health aid is allocated and deployed so that recipient countries can actually build and develop their health systems with a longer-term vision. Moreover, since international aid comes from a few major players, such as the European Union and United States, it has monumental consequences for how funds from a few are used to influence national governance systems for many.¹¹ The same key players influence multilateral organizations such as the WHO, the World Bank, and the United Nations (UN), as well as public-private partnerships like the Gavi, the Vaccine Alliance, and The Global Fund to Fight AIDS, Tuberculosis and Malaria. This leaves far too many developing countries voiceless because when they raise concerns, they may be subject to sanctions if their concerns are upsetting to these few donors.¹²

Broad participation and transparency must also be at the root of any effective system. Increasing transparency is required to minimize any opportunity for corruption or abuse of financial resources. Sadly, it is estimated that

approximately \$35 billion is moved from Africa into tax havens around the world every year, removing precious resources that otherwise could be benefiting the continent. On the other hand, African governments spend \$21 billion on debt repayments annually. This demonstrates that these loans perpetuate a cycle of indebtedness and systemic poverty in Sub-Saharan Africa.¹³ Global health needs a financial system that works in place of fragmented charity efforts and predatory loans.

To achieve a better structure for global governance, we first need to be optimistic that such change is possible. We also need to hold international regulatory agencies accountable to their mission and seek methods for ensuring that current failures are not perpetuated. The Universal Declaration of Human Rights, signed by almost all countries, recognizes health as a human right.¹⁴ Hence, development partners in health should act as supporters of the real sustainable development of the countries they are supposed to support. Recipient countries do not need charity – they need partners for strengthening their health system. They need investors in their vision. We have seen both the massive gains that can be made when these investments are made and equitable, responsive governance structures are upheld, and the tragic losses when they are not. We must

first imagine that it is possible and then implement a path forward with fairness and accountability.

Notes

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Turning the Lights On in Liberia Through Off-Grid Innovation

Lucy Shaw

Lucy Shaw is a joint degree student at the Harvard Kennedy School and Harvard Business School pursuing an MBA and a Master in Public Administration in International Development. Lucy's career to date has blended African rural development with management consulting for businesses and governments. Lucy worked at CrossBoundary to launch the first Mini-Grid Innovation Lab for Africa, testing business model ideas in the field with mini-grid companies to support investment. She also worked at the Ethiopian Agricultural Transformation Agency, leading projects to develop nationwide government programs and policies in mechanization, food security, rural finance, and inputs. Lucy was previously a consultant at Boston Consulting Group, focusing on energy and government.

Rebuilding a country after conflict is immensely challenging, and Liberia, one of the poorest countries in the world, is no exception. The West African country of just 4.7 million people has struggled through decades of turbulence, including multiple civil wars and most recently the ravages of the 2014 West African Ebola outbreak. In spite of this, over the last decade Liberia has pursued improvements in state capacity, education, and healthcare while also investing in infrastructure to support much-needed economic development.

However, making progress on electricity infrastructure has been challenging, and Liberia is on track to remain severely under-electrified by the year 2030, the year by which the United Nations targets universal energy access globally.¹ This need not be the case for Liberia's electricity sector.

The rise of off-grid business models across Africa and the new ways that

the private sector can be engaged to achieve social objectives offer an opportunity for Liberia and other small, post-conflict countries to overcome traditional energy access constraints in

an affordable way. In particular, Liberia could partially fund its electrification journey through policies that position Liberia as a hotbed of off-grid energy innovation in West Africa.



Figure 1: Mini-grid site in East Africa providing power to over 200 rural homes and businesses

Liberia’s Electricity Sector Still Has Not Recovered From Civil War Damage

Liberia’s electricity infrastructure peaked before the onset of the two Liberian civil wars (1989-1997 and 1999-2003) at 191 megawatts (MW) of capacity.² Despite 15 years of post-conflict development, generation capacity now stands at only 126 MW³ (in comparison, Nigeria⁴ and Kenya⁵ stand at 12,500 MW and 2,400

MW, respectively), with fewer than 20 percent of the population able to access an electricity connection.⁶ To put this in perspective, this is 100 times less than the average installed capacity in the United States per person,⁷ and 20 percent of the African average.⁸ In terms of access, the average rate of electricity access in Sub-Saharan Africa is more than double, at 43 percent.⁹

Improving access to electricity was one of former president Ellen Johnson Sirleaf’s campaign platforms in the lead-up to the 2005 elections, and remained a priority during her two

terms in office (2006-2018). Under her Small Light Today, Big Light Tomorrow initiative, the Johnson Sirleaf government made significant progress in increasing energy access from a low base of less than 1 percent after the civil wars¹⁰ to 10 percent by 2014 and 20 percent by 2016.¹¹

However, transmission and distribution infrastructure remain limited, and is not yet large enough to deliver the existing installed electricity capacity.¹²

The electricity sector in Liberia has been marred by controversy over the last decade, which contributed to its underdevelopment. One pre-war power plant, the Mt. Coffee hydroelectric facility, was first funded for rehabilitation in 2012-2013, but additional funding was sought in 2015 through the Millennium Challenge Corporation after the tendering process revealed higher costs than initially anticipated. By 2016, the facility commenced electricity generation operations, but completion of the rehabilitation project was scheduled for the end of 2018, six years after the first funding was received.¹³ This project will contribute significantly to the extension of the grid once completed.

In another example, Buchanan Renewables, a locally incorporated foreign-backed company eager to invest after the civil wars, was a promising candidate to kick-start the

post-conflict development of new electricity capacity. However, they were unable to develop their sites given disagreements with the government over issues such as high tariffs relative to other electricity developments in Africa, and the financial risks of the proposed Power Purchase Agreement.¹⁴ Ultimately, they sold their Liberia operations in 2013 without building the power plant.¹⁵

The Liberian Electricity Corporation (LEC) itself has been under private management since 2010, recently changing hands to an Irish engineering firm. Even as recently as this year, the LEC has hit the news, following reports that up to 60 percent of power distributed in the system is stolen by people who are unable to legally obtain energy access through the LEC's bureaucratic and slow system for connecting consumers. Most Monrovia (residents of Liberia's capital, Monrovia) use diesel generators for their electricity supply given the inability of the LEC to keep up with electricity demand, and the frequency of blackouts.¹⁶

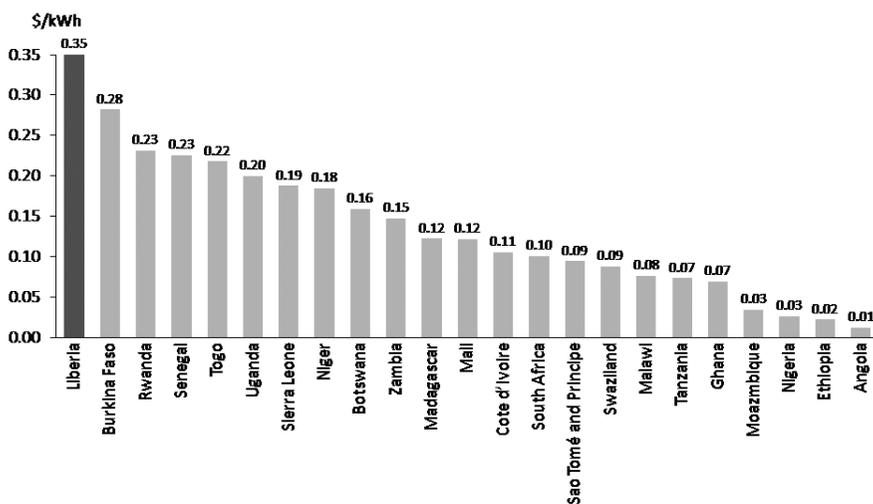
Off-Grid Energy Has the Potential to Reverse This Trend and Accelerate Liberia's Electrification

Leveraging off-grid electricity business models from other parts of Africa could have a real impact, accelerating electrification in Liberia, whose Rural

and Renewable Energy Agency targets just 35-percent access for residents outside of the capital by 2030.¹⁷ Solar home system companies have had strong success in East Africa, with millions of units sold across the region, and are breaking into Nigeria’s large off-grid market at record pace. Solar home systems provide households with access to lighting and phone charging at less than \$200 per connection,¹⁸ well below the cost of a grid connection. Mini-grid companies, too, have emerged across the continent, promising power that can support local business activity and use of standard appliances at more competitive connection costs than the traditional grid.

Liberia’s limited electricity distribution infrastructure and high tariffs are conducive to off-grid solutions. Although electricity generation capacity is still relatively low, the distribution and transmission infrastructure in Liberia is insufficient to absorb this capacity and deliver it to customers.¹⁹ Once someone has a connection, tariffs are also relatively high in Monrovia, at \$0.35/kilowatt-hour (kWh).²⁰ Despite the fact that most utilities in Africa sell power at a loss, this is well above tariffs charged in several other countries in Africa for low-consumption customers.²¹

Figure 2: Residential tariffs in Sub-Saharan Africa for select countries, 2012-2014, for users of 30 kWh per month on average



Source: World Bank Group, Power Africa, author’s analysis²²

Off-grid models have their own self-contained distribution and generation, eliminating reliance on existing grid infrastructure, and mini-grids install distribution infrastructure that can be connected to the main grid's power supply once it expands. In city environments where capacity to pay is high and ability to connect is low, mini-grids and solar home systems could be a viable alternative. As for the majority of Liberia's population who live outside of Monrovia, off-grid models could remove the immediate need for expensive transmission lines. The World Bank certainly thinks so, with a recent commitment to support the Liberian off-grid sector with \$27 million in grants through 2021.²³

Despite the Potential, Affordability, Scale, and Lack of Subsidies Limit the Entry of Private Companies

Despite the country's obvious potential, three problems with off-grid business models may hinder their arrival in Liberia: affordability, scale, and lack of subsidies.

Rural income in Liberia is unlikely to be sufficient to sustain the current unit economics of solar home systems or mini-grids. In East Africa, customers pay \$15 per month for their solar home systems for an average of 12 months, after which the debt has been settled. Five to 10 dollars per month is common for mini-grid connections, which

have a longer pay-back period of five to 10 years. This is what a minority of rural customers can afford in Kenya, a country whose GDP per capita is three times higher than Liberia's.²⁴

The lack of economies of scale is also problematic. Solar home system companies can de-risk investments through a large customer base and spread overhead costs over a large number of customers in East Africa. Mini-grid companies require a minimum density of customers to cost-effectively build distribution infrastructure (at least 400 people per square kilometer in East Africa),²⁵ but almost half of Liberia's population live in areas with fewer than 100 people per square kilometer.²⁶ With smaller urban hubs and a fragmented West African market, off-grid electricity companies will find it less attractive to enter Liberia compared with other major opportunities in Nigeria and Ghana.

Lack of scale and ability to pay is typically mitigated by providing a connections subsidy program. One example, the UK Department for International Development's (DFID) Green Mini-Grid Facility in Kenya, provides connection subsidies to private companies to fund a portion of capital costs, enabling them to charge lower connection fees and tariffs than if the mini-grid were privately funded.²⁸ In Liberia's case, this option is severely limited by debt restrictions

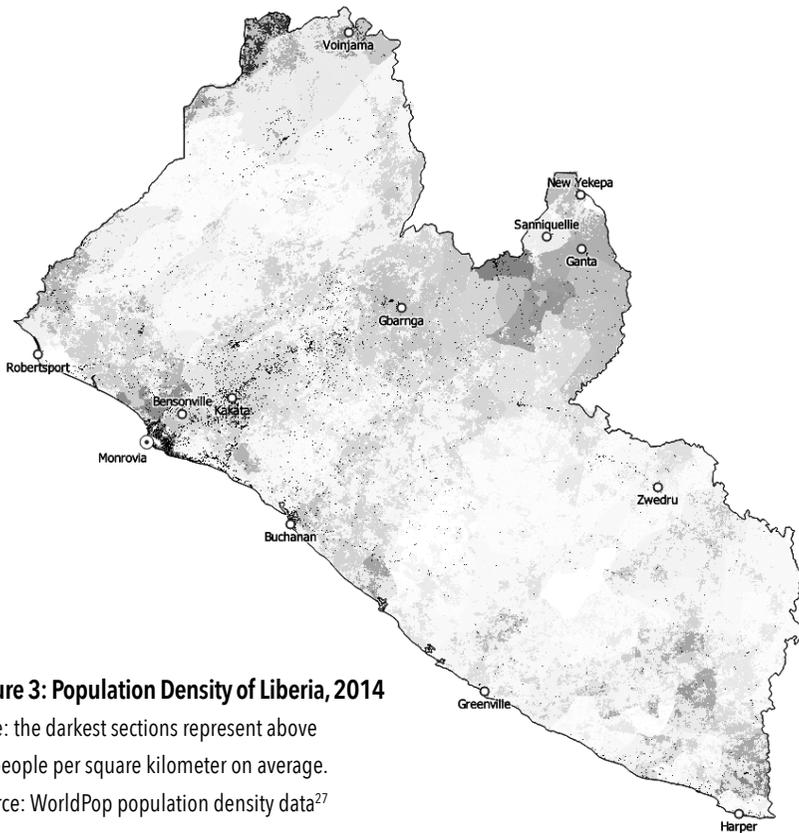


Figure 3: Population Density of Liberia, 2014

Note: the darkest sections represent above 50 people per square kilometer on average.

Source: WorldPop population density data²⁷

and downward price pressure on exports.

Liberia is unable to fund subsidy programs given significant restrictions on debt. Liberia estimates that it needs approximately a further \$1 billion of investment to achieve its planned 2030 electrification goals,²⁹ which still falls short of electrifying every person in the country. However, Liberia received significant debt relief through the World Bank and the IMF's Highly Indebted Countries Program,³⁰ and the government is limited in the amount of additional debt it can hold while Liberia is receiving international development assistance.³¹

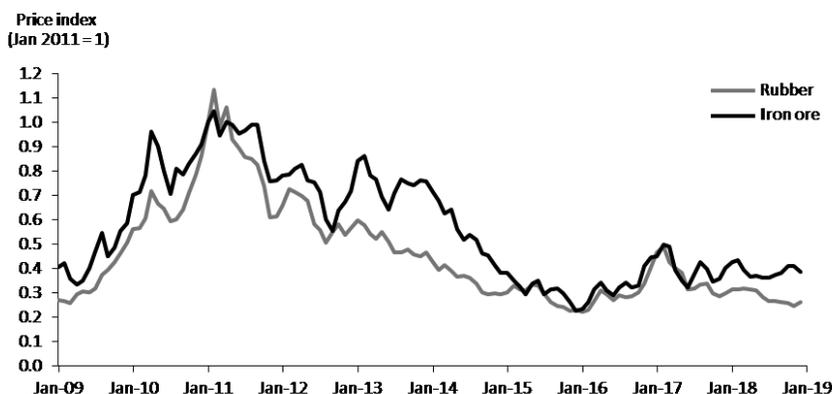
Further, this debt balance is divided among all government investment projects, including schools, health-care, education, and roads, putting further pressure on funds available for electricity connections.

A compounding factor on debt constraints is the recent decline in export revenue. To qualify for international development assistance, the IMF recommends limiting Liberia's debt levels to 80 percent of total exports and remittances, with any additional debt approved on a case-by-case basis.³² Yet exports of critical commodities like iron ore and rubber have been in decline due to significant price reduc-

tions. In 2013, iron ore had a value of \$418 million and rubber represented \$194 million of exports. By 2016, these had declined to \$80 million and \$101 million, respectively.³³ These prices

have been in decline since 2011, and in the period from 2013 to 2018 they have declined by over 50 percent.³⁴

Figure 4: Commodity Price Index for Rubber and Iron Ore, 2009-2019



Source: IndexMundi, World Bank Commodities database, author's analysis³⁵

Incentivizing Off-Grid Investment in Liberia's Funding-Constrained Environment

Even with these constraints on purely market-driven solutions, Liberia has a range of options at its disposal. The Liberian Electricity Corporation is actively connecting new customers in the capital, while the newly established Rural and Renewable Energy Agency is working on the national electrification planning in collaboration with the Ministry of Energy and Mines and the European Union. The agency has already secured \$60 million of funding for the first phase of works on

distributed generation projects from organizations such as the World Bank and the African Development Bank, out of a total requirement of \$290 million across all three phases.³⁶ In aggregate, however, their \$935 million master rural electrification plan still lacks \$750 million in funding across generation, distribution, and transmission investments.

Liberia could accelerate access to electricity by leveraging private off-grid solutions, using approaches requiring lower direct funding from the Liberian government. These recommendations could also apply to similar post-conflict countries facing significant funding constraints.

Firstly, Liberia has experience with using private management for public

services, through its controversial but mostly effective schools program. After its one-year evaluation, test performance improved in privately operated schools, with some unintended side effects that could be addressed through policy changes such as more robust contracts.³⁷ Similarly, Liberia could use this approach to subsidize and test the business models of several private mini-grid or solar home system players, and scale up the program for companies that have the most cost-effective, reliable services. This approach would be likely to attract donor funding given the transparency of any learning and the rigor of the pilot, and it also has the potential to benefit other countries through data sharing.

Figure 5: Night-time businesses operating in a rural East African village electrified by a solar mini-grid

Secondly, Liberia could brand itself as an innovation hub for off-grid energy companies to perfect their business models for expansion into West Africa, similar to Rwanda's strategy as an entry point into East Africa. The West African off-grid electricity market has huge potential but is relatively uncharted territory for East African players, given the lack of mobile money infrastructure and significantly higher penetration of the main electricity grid. Promoting investment in Liberia as an energy hub through existing investment tax incentives, straightforward regulation on tariffs, licensing and grid connection compensation, and transparent electrification master-plans could create a low-risk environment for companies to build a West African presence and expand to more lucrative



markets, electrifying Liberian communities along the way. One tangible step towards this would be expanding the 2015 Liberian Electricity Law to include more detail for independent power producer and distributor regulations, and more certainty on the regulations that apply to small-scale operations.

A donor-funded subsidy program alongside both these options would also help, as this is a major driver for companies to be economically viable. Given limited capacity for Liberian government financing, a donor program is needed to offer this rather than World Bank debt, which has been used to fund connection programs in Kenya³⁸ and Nigeria.³⁹ One example in West Africa is DFID's partnership with the government of Sierra Leone to subsidize up to 10 MW of off-grid power through a £35 million (\$45.3 million) connection program.⁴⁰

A further, more extreme option could be to move Liberia towards privatized electricity generation and distribution. Liberia has achieved some success in privatization in the telecommunications sector, with multinationals such as MTN owning stakes in domestic mobile phone service companies. By the year 2013, these four companies had a 68-percent penetration rate in the Liberian mobile market.⁴¹ Liberia passed law to establish an independent electricity

regulator in 2015 and provide for the licensing of private companies in generation and distribution,⁴² but the Liberian Electricity Corporation is still state-owned. Liberia could partially or fully privatize distribution and generation, similar to examples in Uganda, Nigeria, and Ghana, to attract private financing into the sector and reduce strain on government debt.

The new president, George Weah, has a significant task on his hands to continue the work of Johnson Sirleaf's Small Light Today, Big Light Tomorrow initiative. The vast majority of Liberians lack access to electricity, including those in urban areas like Monrovia. Eighty percent of the current government's rural electrification plan remains unfunded, and even this investment is not sufficient to electrify 100 percent of Liberians. A combination of the proposals above would improve legal certainty for private-sector investors and attract funding from donors and private sources. Liberia's significant debt constraints mean that it needs to use every incentive at its disposal. Failure to do so could jeopardize every Liberian's ability to simply turn the lights on.

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How Africa Can Adopt a Pan-African Migration and Development Agenda

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Abstract

Although most African migration is voluntary, safe, orderly, and regular, policymakers tend to pander to popular narratives of an irregular “swarm” of African nationals invading the West. African migration occurs primarily within the continent, representing broader processes of political, economic, and social development by contributing to growth rates, promoting regional economic integration, and fostering trade, investment, commerce, knowledge transfer, and human contact. If harnessed properly, migration could further enhance productivity in agriculture, construction, mining, and services within the continent. Despite its potential, however,

intra-Africa migration is hampered by restrictive immigration policies including tight controls around visa access, rights of residency, employment, and citizenship for foreign African nationals. This article presents evidence-based scholarly research and policymaking on drivers, patterns and trends in African mobility, and makes concrete suggestions for how policymakers in the continent can design and implement pan-African migration policies that foster development.

Introduction: Why Should Policymakers Develop a Pan-African Migration and Development Agenda?

Migration is a critical driver of socio-economic development in Africa. A study by the Organisation for Economic Cooperation and Development (OECD) and the International Labour Organization (ILO) in 2018 found that migrant contributions to GDP amounted to 19 percent in Côte d'Ivoire in 2008, 9 percent in South Africa in 2011, and 13 percent in Rwanda in 2012. Current projections indicate that global migration could increase Africa's GDP per capita from US\$2,008.00 in 2016 to US\$3,249 in 2030, assuming an annual growth rate of 3.5 percent.¹ Beyond contributing to growth rates, migration is a conduit for promoting regional economic integration. Intra-Africa migration, in particular, "positively impacts struc-

tural transformation in destination countries."² If harnessed properly, it could enhance productivity in a variety of sectors by improving the supply of skilled labor, facilitating knowledge transfer and leveraging the comparative advantage of domestic markets.³ Thus, there is a symbiotic relationship between development and migration in Africa: development facilitates migration and migration facilitates development.

Conventional perceptions of African migration tend to focus on the so-called "migration crisis" in the Mediterranean, where sub-Saharan African migrants accounted for 42 percent of the 1,500 migrant fatalities in 2015.⁴ This has prompted donors to concentrate almost exclusively on stemming the flow of irregular African migration to Europe, even though most African migration occurs within the continent. For example, of the 34 million African migrants reported in 2015, approximately 18 million (52 percent) were intra-African migrants; this figure swells to 70 percent in sub-Saharan Africa.⁵ Some estimates indicate that the share of African migrants within Africa is 53 percent (19.7 million).⁶ Others show that intra-African migration accounts for a little over 80 percent of all African migration.⁷ Given the restrictions on intra-African migration imposed by African states, policymakers in the continent should seek to enhance

the contributions of African migrants to continental growth and socioeconomic development by facilitating freedom of movement.

After 18 months and six rounds of intergovernmental negotiations, the final draft of the Global Compact on Safe, Orderly and Regular Migration (GCM) was adopted widely in July 2018. It is expected that United Nations (UN) member states – including those in Africa – will implement this global, non-legally-binding agreement. Regional pan-African institutions such as the African Union (AU) and the UN Economic Commission for Africa (ECA) have already taken the lead on setting the agenda for enabling safe, orderly, and regular African migration, in keeping with the adoption of the GCM.⁸ This article argues that Africa should focus intently on “maximizing the benefits of migration” through a pan-African migration and development agenda rather than “obsessing over minimizing risks” largely projected onto the continent by outsiders, as notably articulated by UN Secretary-General António Manuel de Oliveira Guterres.

African Migration by the Numbers

Migration Through, To and From Africa

African migration has mushroomed and diversified in the last two decades.

Rural-to-urban migration, labor migration, irregular migration, migration of youth under age 30, women migrants, asylum seekers, and internally displaced persons (IDPs) have all increased dramatically.⁹ In 2015, out of 244 million international migrants worldwide, 34 million or 14 percent were born in Africa, with a near-even split by gender. By 2017, there were approximately 258 million international migrants globally, representing 3.4 percent of the world population, with African migrants accounting for only 10 percent of the total migrant population.¹⁰ Pre-colonial, colonial, and post-independence migratory routes continue to shape patterns of movement today, with migrants from Africa attracted to countries with historical, geo-political, linguistic, and cultural ties.

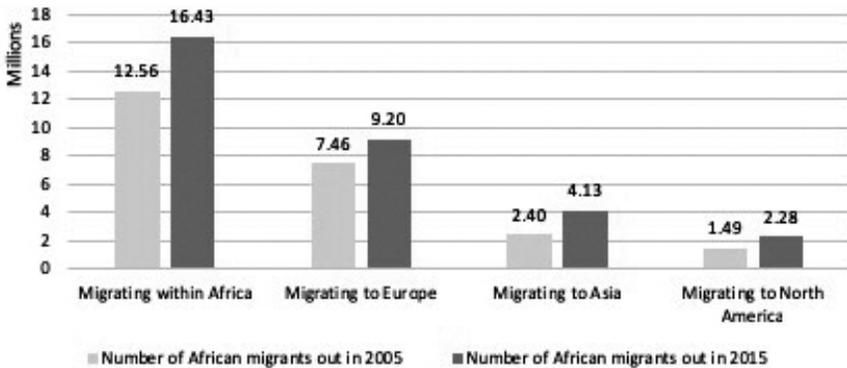
Historically, the top destinations for African migrants have included South Africa, Côte d’Ivoire, Nigeria, Kenya, and Ethiopia. Intra-African migration corridors include Burkina Faso-Côte d’Ivoire, South Sudan-Uganda, Mozambique-South Africa, Sudan-South Sudan, and Côte d’Ivoire-Burkina Faso. These routes link not only major commercial agriculture and mining activities and informal trade routes, but also irregular and forced migration channels.¹¹ The top five sources of African migrants are Egypt, Morocco, Somalia, Sudan, and Algeria.¹²

Figure 1: Top Ten Sending and Receiving Countries in Africa, by Number of Migrants, 2015

Top 10 sending countries in Africa	Top 10 receiving countries in Africa
Egypt	South Africa
Morocco	Côte d'Ivoire
Somalia	Nigeria
Sudan	Kenya
Algeria	Ethiopia
Burkina Faso	South Sudan
Democratic Republic of Congo	Libya
Nigeria	Uganda
Mali	Burkina Faso
Zimbabwe	Democratic Republic of Congo

Source: United Nations Department of Economic and Social Affairs¹³

Figure 2: Number of African Migrants by Area of Destination in 2005 and 2015



Source: Population Division of the United Nations Department of Economic and Social Affairs¹⁴

Outside Africa, Europe accounts for approximately 9.2 million African migrants, representing 28 percent of the total African migrant population worldwide.¹⁵ France, Spain, Italy, and the UK were the most popular desti-

nations for African migrants in Europe in 2017. Outside of Europe, Saudi Arabia, the United Arab Emirates, and the United States attracted the largest number of African migrants.¹⁶ Inversely, Africa is becoming a top

destination for European retirees and Asian entrepreneurs.

Although fragility and conflict are major drivers of irregular and forced African migration, refugees constitute a relatively small share of the migrant population from the continent. For example, when news about a Mediterranean “migration crisis” dominated headlines in 2016, irregular boat crossings of refugees and labor migrants from Africa were approximately 100,000, about one-seventh of the estimated total regular migration to OECD countries.¹⁷ Moreover, unauthorized overland and maritime crossings represent a minority of all migratory flows within and from the continent.

Many exogenous migration-related initiatives, such as the European Union (EU) Emergency Trust Fund for Africa (2015), worth €3.4 billion (\$3.9 billion), endeavor to manage irregular migration from Africa by addressing root causes such as poverty, inequality, conflict, unemployment, and underemployment. However, some scholars have argued that efforts to contain migration by addressing these drivers are ineffective because socio-economic development neither curbs citizens’ desire to migrate, nor decreases migration rates.¹⁸ Moreover, African countries with higher levels of socioeconomic development, such as those in the Maghreb, coastal West Africa, and South Africa, account for

the majority of regular migration out of Africa.¹⁹ Additionally, in lower- to lower-middle-income countries in Africa, development actually facilitates emigration by making migration costs more affordable and increasing incentives to migrate.²⁰ That the poorest of the poor rarely migrate calls into question the tendency to focus policymaking on poverty-induced, irregular migration.

Furthermore, Africans’ motivations for migrating are varied and nuanced; they range from extreme cases, such as the need to flee persecution, violence, and environmental disasters to more mundane motivations, such as a desire to avoid boredom and professional stagnation. Close to 70 percent of African migrants are young and productive, between the ages of 20 and 64. According to the Gallup World Poll of 2015, the share of people who want to migrate is greatest in Africa: North Africa (24 percent), West Africa (39 percent), the rest of sub-Saharan Africa (29 percent).²¹ Therefore, the challenge for African policymakers is to make Africa a desirable destination for African migrants. To achieve this goal, policymakers should focus not only on “creating jobs, raising standards of living, and eliminating repression and violent conflict” but also on “nurturing foundations of hope” and creating viable “prospects for social mobility and social change.”²²

According to scholars of migra-

tion, the focus of policymaking on African migration should be enabling Africans to remain in Africa because they want to, not because they are blocked from migrating elsewhere.²³ Although recent migration work has been framed within the context of fragility and conflict, African policymakers should address not only crisis-induced (forced) or irregular migration (due to political, environmental, or ecological factors), but also non-crisis-induced labor or regular migration. They should adopt different strategies to address migration by engaging with four categories of actual and potential African migrants:

1. Those who have the resources to migrate and already have (i.e. diasporas);
2. Those who have the resources and have not already migrated;
3. Those who do not have the resources and still migrate (whether they fail or succeed);
4. Those who do not have the resources and do not migrate, but have the desire to migrate – what Carling describes as “involuntary immobility.”²⁴

With respect to this final category of potential migrants, evidence suggests that the inability to migrate may encourage them to pursue other alternatives, such as joining extremist movements. The involuntarily immobile are also less likely to invest in skills enhancement or livelihoods

development; this could have unintended consequences for development assistance targeting them.²⁵ For these reasons, policymakers must pay particular attention to this demographic.

How Should African Policymakers Design Migration Policies?

African policymakers should cater to the needs of the four categories of actual and potential African migrants by supporting and financing their mobility, particularly within Africa.

1. Research Funding and Capacity Building in Migration Data Analysis

Evidence must be the bedrock of meaningful migration and development interventions. Therefore, African policymakers should fund national statistical offices as well as regional centers for research to facilitate data collection. By gathering robust baseline data on African migrants, disaggregating them by gender, age, country of origin, educational background, socio-economic status, etc., policymakers can better address their needs. In turn, this data should be shared across national, regional, and continental platforms, as well as inform the International Organization for Migration (IOM) Global Migration Data Portal, the World Bank Migration Knowledge Partnership on Migration and Devel-

opment, and the recently established Multilateral Development Banks' Platform on Economic Migration and Forced Displacement.

Policymakers on the continent must also work with the AU and ECA to fund the establishment and operationalization of an African Migration Research and Policy Network,²⁶ comprising African migration scholars and leading policymakers on African migration. The proposed Network should collate scholarly and policy-focused writing on African migration for reference across the continent. Additionally, the Network should build a database of African migration scholars and policymakers who could provide ad-hoc research and policy support on topics as varied as diaspora bonds and the gendered implications of migration. Given that migration creates promising economic opportunities for African women, policymakers in particular should consider commissioning specific studies to inform targeted policies and programs in regional member countries (RMCs) on the gendered dimensions of African migration. For example, policymakers could establish a special fund to provide micro-credit and insurance premiums for women cross-border traders.

2. Implementing Africa-Centric Migration Frameworks

Over the last century, Africa has partic-

ipated in or signed onto international agreements²⁷ and platforms related to migration.²⁸ Furthermore, the AU has spearheaded initiatives of its own.²⁹ While these agreements are relevant and important for Africa, there is a lack of political will and limited capacity to enforce them in the continent. In a few unfortunate cases, African governments have signed agreements with non-African institutions that explicitly contravene regional free movement of persons protocols. Nevertheless, the adoption in 2018 of the Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment³⁰ by 32 RMCs of the AU, as well as the Continental Free Trade Area Agreement (AfCFTA)³¹ by 49 out of 55 RMCs, signaled Africa's renewed commitment to facilitate intra-Africa trade, investment, and mobility.

Although many RMCs have yet to fully ratify and implement the Protocol on Free Movement and the AfCFTA, they remain important instruments for advocacy and financing. African policymakers should assist the AU by ensuring funding to implement migration agreements and platforms instituted from 2015 onwards, specifically the AU-ILO-IOM-ECA Joint Labor Migration Program for Development and Integration (2015), Migration Policy Framework for Africa and 12-Year

Action Plan (2017), Protocol on Free Movement (2018), AfCFTA (2018), and Single African Air Transport Market (2018).

African policymakers should domesticate AU migration policies by devising relevant migration strategies of their own, which could include: the protection of migrant nationals abroad (including labor and human rights, evacuation, resettlement and reintegration in times of crisis, etc.); the return and reintegration of migrants fleeing crises in regional and non-regional destinations;³² the establishment of offices of diaspora affairs in ministries of foreign affairs; the establishment of knowledge transfer programs that would facilitate the return of African nationals with skills suited to fill gaps in the labor market.

3 Improving the Flagship Africa Visa Openness Index (AVOI)

Widely referenced in the media for its foresight, the African Development Bank Group's Africa Visa Openness Index (AVOI) measures the openness of African states to nationals of other countries in the continent. Although it is difficult to prove causation, there is very likely a correlation between the inaugural issue of the AVOI in 2016 and subsequent policy shifts on visa-free intra-African movement. Nearly four years ago, only five countries in the continent had adopted liberal visa policies for all

African nationals; that number has now increased to 11.³³ For example, Benin³⁴ and Seychelles allow visa-free travel for all Africans. Senegal now has visa-free access for 42 African countries.³⁵ After protracted negotiations of more than a decade, in 2017 the Central African Economic and Monetary Community (CEMAC), comprising Cameroon, Central African Republic, Chad, Equatorial Guinea, Gabon, and the Republic of Congo, agreed to visa-free movement of their citizens.³⁶ Similarly, South Africa and Angola agreed to visa-free reciprocal arrangements for each other's nationals. Ghana, Ethiopia, Kenya, Namibia, and Nigeria were slightly more cautious in vowing to permit visa-on-arrival for all African nationals.

Although African countries are increasingly adopting visa-on-arrival or visa-free travel access to other nationals from the continent, prompted in part by the AVOI, hurdles to achieving a borderless Africa persist. Despite free movement of persons, labor, and services protocols adopted by regional blocs, Africa remains one of the least economically integrated regions of the world and extremely restrictive for intra-African mobility. The AVOI could be leveraged more meaningfully to champion the abolishment of visa requirements altogether (as enshrined in the 2018 Protocol on Free Movement), thereby enabling the rights of

entry, residence, and establishment for African nationals in any RMC. To this end, resources allocated for the AVOI could be increased significantly to introduce more robust measures, such as a comprehensive examination of procedural impediments to free movement and statistical evidence on how security has been affected by visa liberalization. An expanded AVOI must also include recommendations for how countries can improve their rankings in subsequent iterations, at least until RMCs can ratify and implement fully the Protocol on Free Movement.

4 Funding Skills Enhancement and Portability

African policymakers can assist the AU and ECA to advocate for increasing skills portability, matching skills developed in one country to job opportunities in another. This would conform to the AU's regional skills-pooling efforts, including the Joint Labor Migration Program (2015) and the Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States (2014). Skills portability could be achieved by mapping the core competencies of African migrants and depositing this information in a database to help RMCs identify individuals who could meet critical labor market needs across

the continent, regardless of their countries of origin. An early version of this database has already proven successful: ECOWAS' job-matching platform links jobseekers in Benin, Cape Verde, Ghana, Mali, Mauritania, and Senegal to national and continental employment opportunities.³⁷

Skills enhancement and portability would effectively turn "brain drain"³⁸ into "brain circulation" within Africa, minimize the youth bulge, and enable young Africans to gain new skills through education and labor mobility. Moreover, African policymakers should target migrant youth in skills development and enhancement thereby assisting them in obtaining internationally recognized workers' credentials, skills, and qualifications. This would complement the AU's proposed African Accreditation Agency for developing and monitoring educational quality standards while expanding student and academic mobility across the continent. Furthermore, African policymakers should fund temporary transfer of knowledge programs, similar to the United Nations Development Program Transfer of Knowledge Through Expatriate Nationals (TOKTEN), by bringing back to the continent African diasporas with specialized skills.

5 Funding Remittances Platforms

African migrants contribute mean-

ingly to household incomes in the continent with their remittances, which also serve as an important source of foreign currency reserves.³⁹ Remittances to Africa currently account for 51 percent of all private capital to the continent, up from 42 percent in 2010.⁴⁰ In 2015, officially recorded remittances to Africa – from outside and within the continent – amounted to US\$66 billion, surpassing overseas development assistance and, arguably, serving as a more stable form of financing than foreign direct investment.⁴¹

Nigeria is the top recipient of remittances overall in Africa, gaining approximately US\$20.8 billion in 2015 alone.⁴² Liberia holds the top spot for remittances as a percentage of GDP, which accounted for 24.6 percent of GDP during the height of the Ebola outbreak in 2014.⁴³ Despite the significance of remittances to Africa, they are limited as a development tool. First, the poorest households do not receive remittances as they are unlikely to have relatives living abroad. Second, transaction costs for transfers to Africa are higher than for most other regions of the world, and far above the Sustainable Development Goals target of 3 percent.⁴⁴ Given that many African migrants send transfers through non-formal channels with low to no transaction costs, African policymakers should help to formalize these alternative

measures. For example, they could secure and expand highly effective, home-grown remittance facilities such as dahabshil, which faces serious regulatory challenges from anti-money laundering and counter-terrorism financing laws. Alternatively, African governments could subsidize transaction costs by entering into formal partnerships with international money transfer companies such as Western Union and Moneygram, making remittances more impactful in African countries of origin and less expensive for African migrants.

In addition, African policymakers could also fund research on remittance corridors by supporting the work of the African Institute for Remittances (AIR),⁴⁵ established as a Specialized Technical Office of the AU in 2015. While the EU has committed US\$5 million over five years to the Institute, African governments could do more to support its three main goals: reducing the cost of remittances, improving statistical knowledge around services, and better leveraging monetary transfers.

6 Expanding Access to Travel Documents

Securing adequate identity documents is a major hurdle for African migrants. African policymakers can help to address this by reducing the cost of biometric national identity documents (such as passports) and civil registry documents (including birth, mar-

riage, and death certificates). These documents are critical in facilitating access to public goods and key services such as healthcare, education, banking, remittance platforms, and emergency assistance. Improving access to travel documents would also provide supplementary benefits by reducing statelessness, contributing to census data collection, and shaping sustainable development planning.

7 Supporting Refugee-Hosting Nations

Finally, policymakers should support African countries that host the lion's share of the continent's forced migrants by establishing a special fund to augment the national budgets of Uganda, Kenya, Chad, Cameroon, South Sudan, and Sudan. Given the AU's designation of 2019 as "The Year of Refugees, Returnees and Internally Displaced Persons," this would invariably integrate refugees, enhance their employability, and enable them to secure land for agricultural productivity.

Conclusion

As continental and regional integration deepen and expand, so too will the movement of African peoples.⁴⁶ To that end, African policymakers should channel most, if not all, of their energies on creating an enabling environment for and facilitating regular intra-African migration – including

the promotion and financing of inclusive growth, job creation, climate change mitigation, etc. – thereby placing African migrants and their wellbeing at the very center of policy interventions. Policymakers in Africa must also recognize Africans on the move – be they regular or irregular, forced or labor migrants – as resourceful and agentic rather than passive victims of circumstance.

Notes

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 - 25 Carling, "How Does Migration Arise?"
 - 26 This network would ideally complement and support the previously established Network of Migration Research on Africa, coordinated by leading African migration scholar Professor Aderanti Adepoju.
 - 27 International conventions that attempt to protect the rights of migrant workers have had minimal success because the majority of high-income countries have not ratified and/or implemented them.
 - 28 These include the ILO Migration for Employment Convention (1949); ILO Migrant Workers (Supplementary Provisions) Convention (1975); UN Convention against Transnational Organized Crime including the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, and the Protocol Against the Smuggling of Migrants by Land, Sea and Air (2003); UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (2003); UN High-Level Dialogues on International Migration and Development (2006, 2013); Global Forum on Migration and Development (launched in 2007); the New York Declaration on Migrants and Refugees (2016); Guidelines to Protect Migrants in Countries Experiencing Conflict or Natural Disaster (MICIC Guidelines) (2016); and the IFAD Global Forum on Remittances, Investment and Development (2017).
 - 29 These include the African Common Position on

- Migration and Development (2006); Migration Policy Framework for Africa (2006); Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children (2006); Joint AU-EU Declaration on Migration and Development (2006); [Kampala] Convention for the Protection and Assistance of Internally Displaced Persons in Africa (2009); Pan-African Forum on Migration (2015); AU-ILO-IOM-ECA Joint Labor Migration Program for Development and Integration (2015); Declaration on Migration (2015); the African Union Passport (2016); Migration Policy Framework for Africa and 12-Year Action Plan (2017); Common African Position on the Global Compact on Safe, Orderly and Regular Migration (2017); Protocol to the Treaty Establishing the African Economic Community Relating to Free Movement of Persons, Right of Residence and Right of Establishment (2018); African Continental Free Trade Area Agreement (2018); Single African Air Transport Market (2018), etc.
- 30 Sub-regional groups have previously adopted free movement of persons protocols, including the ECOWAS Protocol on Free Movement of Persons (1979); COMESA Protocol on the Free Movement of Persons, especially Labor Services, the Right of Establishment and Residence (1994); and SADC Protocol on the Facilitation of Movement of Persons (1997), amongst others.
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- 42 World Bank. 2016. *Migration and remittances factbook 2016*. Washington, D.C.: World Bank Group.
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The Quest for Hydro Hegemony and the Changing Power Relation in the Eastern Nile Basin

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Abstract

This paper examines the incessant hydro hegemonic power configuration and the changing power relations in the Eastern Nile basin. It argues that though Egypt has used “smart power,” a combination of hard and soft power, in establishing, maintaining, and consolidating its preferred state of affairs, its incessant hydro hegemony is being challenged and contested by non-hegemonic riparians, largely stemming from drastic changes in the prevailing domestic, regional, and international geopolitics since the 1990s. In this vein, a new geopolitical order is emerging along the Nile's riparian social, political, and ecological systems, following Egypt's attempts to establish norms that fit its goals and compel other Nile states like Ethiopia and Sudan to follow suit. In order to effectively challenge Egypt's path to hydro hegemony over the Nile, other Nile powers need to

embrace a “decolonizing mindset” to show that “Egypt is not the scared husband of the Nile”;¹ rather, the Nile binds 11 African states politically and geographically. Further, there should emerge a “historic non-hegemonic bloc” to bring a consistent, unified upstream position to effectively counter Egypt. Failing to do so would mean compliance with the status quo at the expense of a common resource: the waters of the Nile.

Keywords: Eastern Nile, hydro hegemony, counter hydro hegemony, power

Introduction

The Eastern Nile basin is characterized by a number of asymmetries, ranging from water endowment to exploitation and geopolitical power.² The Eastern Nile river basin guides the formation of national strategies surrounding water resource entitlement and regional collaboration; however, these national interests in the Nile may contribute to instability when the use of Nile water resources differ. These potential geopolitical clashes have led to the emergence of “water war” and “water peace” narratives to describe the geopolitical character of the region. This piece encourages further complexity. Viewing hydro politics as allocative politics of “who gets how much water, how, and why,” hydro hegemony scholars assert that “control over water resources is not achieved through water wars but

through a suite of power-related tactics and strategies such as resource capture, integration and containment.”³

Using the indicators of population size and Gross National Product (GNP) as starting points, Egypt is a clear hegemon.⁴ The major assumption of this view is that by exploiting the existing power imbalance (the first dimension of power, such as military might, economic strength, technological advancement, expert power, and international political and financial support; and the second face of power, such as bargaining power and ideational power), Egypt has established negative/dominant hydro hegemony in the Nile river basin, largely through the interlocking systems of water resource control, resource capture, and the establishment of political norms governing strategic engagement in the region.⁵ In terms of bargaining power, Egypt is also the strongest, as it has successfully influenced the hydropolitical agenda of the Nile for a century: its potential to define the red lines of negotiations, framing and reframing of cooperative platforms, and setting the agenda.⁶ Finally, Egypt is also the strongest in ideational power, as it has attempted to sanction a particular discourse, such as Egypt’s absolute dependency on the Nile, the discourse of alternative sources, historic rights, and water as a national security issue. Egypt has used its power advantage to consolidate

and maintain its hydro hegemonic position.⁷

Since hydro hegemony is often established by a more powerful riparian through a mix of coercion and consent,⁸ Egypt has followed a strategy of establishing and maintaining a malign hydro hegemonic water arrangement system. Throughout the hydropolitical history of the Nile, Egypt's solution has been at odds with upstream countries. Egypt's Nile solution can be best explained as a hegemonic solution aimed at establishing the *de jure* acquiescence of all countries to an existing bilateral treaty regime, if not "de facto nondefection."⁹ The other Egypt solution is technical cooperation; however, as Anthony Turton notes, "Egypt only wants technical cooperation where it can insert its own people into the third country to monitor that country."¹⁰

Egypt has pursued a policy ranging from military expansion and destabilization aimed at making Ethiopia "a state of anarchy" (the stick), to cooperative diplomacy (the carrot) aimed at hegemonized cooperation. Nevertheless, Egypt's hydro hegemony is always contestable by upstream countries. From this it can be concluded that the kind of hegemony is a "contested malign" hydro hegemony. Through this, Egypt has established an inequitable status quo, which has now become an impediment to ongoing cooperative efforts. The Nile's

upstream countries, notably Ethiopia, view the most sustainable solution as being a "New Deal" that nullifies the status quo and thereby establishes a new transboundary Nile governance regime based on the principles of equity and justice.¹¹ Nevertheless, post-1990s developments have created an enabling environment for upstream countries to challenge, even transform, the existing inequitable water arrangement system. The following section, therefore, discusses various political developments that have taken place in the 21st century and their implications in foreshadowing a new emergent order.

Challenging Egypt's Hydro Hegemony and the Changing Power Relation in the Eastern Nile Basin

"The current regime cannot be sustained. It's being sustained because of the diplomatic clout of Egypt. There will come a time when the people of East Africa and Ethiopia will become too desperate to care about these diplomatic niceties. Then, they are going to act." - Late Ethiopian Prime Minister Meles Zenawi¹²

There are several reasons explaining the inability of non-hegemonic riparian states to challenge the status quo: colonial rule, political instability, internal and external conflict, economic underdevelopment, lack

of external financial support, lack of technical expertise, absence of strong national research-based water institutions, and weak geopolitical clout. Until recent decades, the water resources of the Nile's upstream were severely underutilized. However, the 21st century has witnessed unprecedented changes to the political balance of power across the region, both domestically, regionally, and internationally, which largely changes the balance of power of the Nile region. This section, therefore, identifies the changing power relations in the Eastern Nile basin and moves on to analyzing how these factors influenced and shaped the political relations between hegemonic and non-hegemonic Nile River powers.

Ethiopia: A Move from Challenger to Changer of the Status Quo

Despite being home to 85 percent of the Nile's water resources, Ethiopia has not significantly utilized its resources, evident by the lack of extensive water control infrastructure. The lack of financial resources of its own and external sources, protracted internal and external conflict, weak national research-based water institutions, absence of well-organized water technocracy, discontinuity of water experts as a result of political instability, and the inability to penetrate or enter international financial

institutions to secure financial funds have all contributed to the underdevelopment of Ethiopia's Nile resources.¹³ Despite these constraints, Ethiopian leaders have expressed their aspiration to develop the Nile for hydropower and irrigation, which has emerged as an "element of continuity" and top agenda priority of the past three successive Ethiopian regimes.¹⁴

However, with the coming to power of the Ethiopian People's Revolutionary Democratic Front (EPRDF) in 1991, the country has made nothing short of major politico-economic transformations. Yet, key challenges remain, such as food insecurity, sustainable development, and economic growth.¹⁵ Among the several strategies through which food security is enhanced, the new regime preferred a "big project" approach: large water storage and hydro power generation projects. This strategy can be labelled as a "hydro-agricultural state-building strategy." Such a strategy has appeared to disrupt the hydropolitical context pervading the Nile River. Thus, using its geographical power combined with its relatively growing material and bargaining power, Ethiopia has begun the long journey of eroding the hydropolitical status quo, which is legally established by the 1929 and 1959 agreements with the intent of making the Nile an Egyptian river. Based on the three dimensions of power, the following section critically

examines Ethiopia's growing power, which challenges Egypt's hydro hegemony.

First, the Ethiopian economy has become one of the fastest-growing economies in the world, with an average growth rate of 10.5 percent since 2005.¹⁶ Such relative changes, coupled with Ethiopians' enduring aspiration of utilizing the Nile's water to end poverty, have influenced the new regime to proceed with the development of the water resources. Thus, the country has built a better position for itself to finance hydraulic infrastructures on its own and to bring alternative funding from the emergent world economies. However, this does not mean that Ethiopia is more powerful among Nile riparians. Rather, it means that in the 21st century, swift political and economic changes across Ethiopia provide the state a stronger capacity to challenge the hydropolitical status quo, which favors Egypt.

Second, Ethiopia has been exploiting its bargaining power. Bargaining power refers to the capacity to control and influence the agenda and the red lines of negotiations,¹⁷ and this may manifest through the riparian capabilities in setting diplomatic agendas, as well as framing and reframing the norms guiding transboundary cooperation.

Egypt, through discursive power, has proven itself willing and able to determine the red lines of

negotiation. However, in recent years, Ethiopia has been exerting more agency in these negotiations.

Using its bargaining power, Ethiopia, for the first time in the hydropolitical history of the Nile, won the "war of ideas" at the third meeting of the Technical Cooperation Committee for the Promotion of the Development and Environmental Protection of the Nile Basin (TECCONILE) in Arusha, Tanzania in 1995. This meeting may arguably be framed as a "battle of ideas" between the Nile's hydro hegemon, Egypt, and Ethiopia. Both countries devised and presented different frameworks for transnational cooperation across the Nile river basin. Egyptian delegates focused on promoting technical cooperation and assisting upstream countries in the search of alternative uses for water resources other than the main Nile river systems.¹⁸

In contrast, Ethiopia called for the necessity of a comprehensive legal and institutional framework, which must be the first task before any proposed action plan. The Ethiopian position, as explained by Waterbury, is that "action can be taken only after we have agreed on a users' code, preferably based on principles of equitable use."¹⁹ To realize its proposed solution, Ethiopia has called for the formation of a panel of experts, the D3 project, to design the framework of agreement. Out of several Nile

proposals at different times, it was this proposal that was unanimously adopted by all participant riparians at the Arusha TECCONILE meeting.²⁰ Thus, Ethiopia won the “war of ideas” through skilful use of its bargaining power.

The increasing Ethiopian bargaining power is also manifested in the negotiation process of the Nile River Basin Cooperative Framework (CFA), along with the CFA’s finalization, signing, and ratification. Ethiopia successfully influenced the negotiation process of the legal framework. “Ethiopia had convinced the six equatorial Nile riparians to vote unanimously in favour of a draft document that endorses the principle of ‘equitable utilization’ and downplays the past Nile water agreements.”²¹ The mobilization of upstream countries to form a unified front against downstream countries was arguably the first of its kind in the modern hydropolitical history of the Nile, suggesting that Egypt’s role as the Nile’s hydro hegemon may be eroding.

Another notable manifestation of Ethiopian bargaining power is the establishment of the tripartite International Panel of Experts (IPoE). The government of Ethiopia invited, in good faith, Sudan and Egypt to set up the International Panel of Experts on the Ethiopian Grand Ethiopian Renaissance Dam (GERD), to review the overarching design documents

for GERD and to analyze the possible benefits and costs of GERD to downstream countries, so as to build confidence among the three riparians.²² This showed the Ethiopian government and people’s altruism, good will, and good faith. Ethiopia is using soft power, specifically the power of persuasion and attraction. And of particular note, Ethiopia has accepted most if not all of the recommendations made by the IPoE’s final report.

Finally, it is becoming more evident that Ethiopia’s ideational power has strengthened relative to a decade earlier. For clarity, ideational power may be considered as the capacity of a country to broadcast, impose, and legitimize its knowledge and narratives. Historically, Egypt has successfully relied upon its own discourse such as its absolute dependency on Nile, historic rights, and water as a security issue, to shape the Nile River basin’s political agenda. In contrast, Ethiopia and other upstream countries hold an alternative discourse of “equitable and reasonable utilization” of the shared water resources. With regard to GERD, Ethiopia also sought to assure that “no significant harm” to downstream countries would result due to the construction of GERD. Rather, GERD is a beneficiary project for all. This is also confirmed by the IPoE final report.

Ethiopia is also leveraging its

awe-striking economic growth to form alternative arrangements with external powers to finance hydropower projects within its borders. Simultaneously, these financing arrangements showcase to the rest of the Nile river basin Ethiopia's willingness and initiative to advance water-based development priorities. Ethiopia has relied on China as an alternative source of finance.²³ Additionally, Ethiopia is poised to receive financing from the World Bank. Thus, on the one hand Ethiopia is increasingly involved in ongoing hydro-political cooperation, and on the other hand it continues the unilateral construction of hydraulic projects. This has its own implications for the Nile region.

Ethiopia's recent hydro project unilateralism carries a potentially salient message to Nile powers like Egypt. Ethiopia's economic and political power growth permit the state to pursue its own hydraulic infrastructure and water utilization priorities, with or without the backing of other regional powers. Second, Egypt may have lost its *de facto* "veto power" in blocking external financial sources for planned upstream hydraulic projects. Historically, Egypt has successfully prevented traditional Western donors from funding upstream hydro projects, such as the World Bank, which requires the consent of downstream countries for a project to be financed. Thus, Ethiopia and other ri-

parians, including Egypt's ally Sudan, have gained China as an alternative source of finance. These factors work concomitantly to severely disrupt the hydro-political status quo, which arguably favors Egypt's hegemony over the region's Nile policy, and Ethiopia continues to emerge as a *bona fide* political force guiding the flow of the Nile's future.

Changing Geopolitics Along the Nile Between Source and Delta Countries Like Ethiopia and Egypt

On 9 January 2011, the people of South Sudan exercised their right of self-determination and voted to secede from the mother country Sudan, establishing their own independent state: the Republic of South Sudan.²⁴ The independence of South Sudan, which brought the number of Nile river states to 11, has its own repercussions in the hydro-politics of the Nile. Hydrographically, South Sudan has relative geographic power. South Sudan contains the region where the most tributaries of the White Nile converge. This is a region where nearly half of the White Nile waters are lost, largely due to evaporation and the presence of large-scale swamp ecosystems in which the Nile waters stop flowing.

As a result, Sudan and Egypt agreed to initiate several canal projects like Jonglei I and II, to better secure

water resources that flow through precarious riparian ecosystems in South Sudan. Local South Sudanese have characterized these projects as “a new wave of Egyptian invasion of South Sudan,”²⁵ while others viewed it as “twin crimes against humanity and nature” simply to benefit politicians in Cairo and Khartoum.²⁶

Securing Nile water resources in South Sudan has emerged as a vital strategic priority for Egypt. Given the size of the White Nile, the heavy loss of water in swamps, and the possibility of the development of hydro power and irrigation projects, an independent South Sudan might make the already contentious hydropolitical dilemma of the Nile more hostile. It may even be argued that South Sudanese secession is not in the best interest of Cairo. According to information leaked by Wikileaks, “Egypt urged the United States to help postpone a referendum on independence for South Sudan.”²⁷ Dinar noted that the reason was the secession of South Sudan, which could potentially threaten Egypt’s interests and its access to the Nile River.²⁸

Flowing North: Sudan in a Hydropolitical Dilemma

Sudan enjoys twin advantages. Hydrographically, all tributaries of the Nile (White Nile, Abbay-Blue Nile, and the Tekeze-Atbara) flow through Sudanese territory into Egypt. Thus, Sudan is

a geographical bridge between the contributors of the water and the main consumer of it, Egypt.²⁹ The other advantage is its potential for irrigated agriculture, as Sudan is the largest Nile riparian in terms of potentially irrigable land.³⁰ However, civil war, political instability, lack of financial sources including external financial support, and weak institutions make the development of water resources minimal.³¹ Historically, Sudan has aligned with Egypt, and it plays a crucial role in shielding Egypt’s hydro hegemony. However, recent shifts in geopolitical power threaten the fidelity of this relationship.

In Sudan, tremendous changes have taken place in the water sector, which raises serious concerns for Egypt. According to Cascão, three major changes have taken place in the Sudanese water sector: “unilateral construction and planning of hydraulic infrastructure [with assistance from China], the establishment of powerful new water institutions, and the expansion of irrigation schemes.”³²

Second, Sudan has increased its expert and structural power, which is manifested through the establishment of a new national institution, the Dams Implementation Unit (DIU). Established in 2005 to follow up and manage the Merowe dam, DIU’s mandate was later extended to initiate, develop, and utilize the water resources of Sudan and to manage

future planned projects.³³ Ultimately, powers like Sudan and Ethiopia are exerting knowledge power and human capital to advance their own hydro strategic priorities, with or without engagement from other key regional powers.³⁴

The China Factor: Shifting the Power Balance in the Nile Region

As mentioned above, an emerging challenge to the Nile basin's geopolitical status quo is the rise of China as a key infrastructure financier across the African continent. This is an "emblematic shift" in the hydro politics of the Nile, in terms of access to external financial resources, opportunities from construction contracts, technical expertise, skills, and political backing, which was markedly absent before the 1990s.³⁵

Since the 1990s, the investment landscape across the Horn of Africa has dramatically changed. A 2014 white paper issued by China's Information Office of the State Council claims that China has "carried out technical cooperation with countries like Ethiopia, Burundi and Sudan, and helped these countries improve their utilization and management of hydro power and other clean energy."³⁶ In the Eastern Nile basin, China provides financial resources and technical skills for Sudan and Ethiopia, without the preconditions

traditionally imposed by Western-led international financial institutions. In this way, China has helped carve out new opportunities for Nile powers like Ethiopia and Sudan to exert agency over the trajectory of their water resource strategies. China's guiding foreign policy principles of non-interference and non-intervention may ultimately expedite the implementation of these strategies.

With the "rise of China," traditional international financial institutions and donors are no longer the only actors and partners, particularly in the area of hydraulic infrastructure and power projects in the Nile region. This meant that Egypt has lost its "veto power" over external financial sources for upstream hydraulic projects. For a long period of time, Egypt had used its geopolitical significance and substantial diplomatic clout, along with its economic and military power, to prevent financing of dam construction in Ethiopia.³⁷ The late Ethiopian Prime Minister Meles Zenawi predicted the coming of a new "playing field" in favor of the helpless upstream countries: "The current regime cannot be sustained ... There will come a time when the people of East Africa and Ethiopia will become too desperate to care about these diplomatic niceties. Then, they are going to act."³⁸ Thus, the emergence of China as an alternative source of funding is a game-changer,

and will be another challenge to the hydro hegemonic status quo of the Nile River.

A Way Forward

In brief terms, Egypt's hydro hegemony is being challenged in two ways: *influence*, through a declining capacity to shape transboundary cooperation across the Nile basin like the CFA; and *geography*, as the flow of the Nile is changing through massive infrastructure projects like the Grand Ethiopian Renaissance Dam (GERD). Both mechanisms ultimately serve counter-hegemonic aims by disrupting Egypt's capacity to unilaterally shape the geopolitical environment guiding the Nile River. This multipolar environment, though, does create heightened political risk and tension in what is arguably among the world's most unstable relations.

To mitigate political tensions, the creation of a knowledge-based community of technical experts might facilitate a wider scope of cooperation across the Nile Basin states. Beyond brokering trust, this community might share findings and expertise on how to tackle emergent challenges to the ecological fidelity of the Nile, particularly those stemming from climate change.

It is paramount that emergent Nile powers like Ethiopia clarify their internal- and external-facing Nile policies, so that they may advance priorities

like sustainable water utilization and transboundary security. Ethiopia and other regional stakeholders are reaching a critical window of opportunity to shape the future of the Nile, and potentially provide templates for cooperation for other international river ecosystems.

Concluding Remark

The study examines the hydro hegemonic power configuration of the vast Nile River Basin, which spans 11 North and East African states. The study focuses on the swift political and economic changes taking place in countries along the Nile's upstream region as sites where this Egypt-centric power structure may be destabilized by the likes of Ethiopia, South Sudan, and Sudan. Ethiopia, for instance, has emerged as among the fastest-growing economies on the planet, providing the capacity to realize its own strategic water resource priorities – on its own terms, and without engagement with other Nile Basin powers. South Sudan's recent independence may destabilize water security for countries further downstream like Sudan and Egypt. Sudan is also developing technical expertise to advance its own water management industry, which may not necessarily align with Egyptian interests. Finally, the rise of China as a key water infrastructure financier in the region provides several states

with new capacity to pursue their own priorities and potentially act within their own self-interest. Moreover, these factors operate concomitantly to destabilize the hydro hegemonic political structure of the Nile River Basin, which previously favoured Egypt, in favor of upstream countries across East Africa.

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A Discourse on the Legacy of Colonialism for Women in Africa

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Introduction

The ideology of the struggle for women in the West has failed to take into account the distinctive socio-historical context of women's role and their place in African societies. Thus, with this paper, I aim to shed light on the issue by analyzing two dueling perspectives on women in Africa: a Western perspective and an African perspective. Particularly, the paper focuses on a discussion of the role and place of women and how it was framed under colonial governance, and the implications that these transformations had on how we make sense of the place of women in society today. This paper begins with a discussion and review of literature on the impact of colonialism in Africa. The next section dives into a critique of feminist theory in the West, and then provides an alternative discourse on the study of women in the African context.

Colonial Encounter and the Impact on Women

The institutional legacy of colonialism and the impact it had on women in Africa has been well studied.¹ In her book, *Shona Women in Zimbabwe, 1870-1939*, Schmidt shows that while women were central to the formation of African peasantries in Rhodesia, their status under colonial rule declined throughout the period of conquest. With the introduction of cash crops, women lost political power and economic autonomy. The effects were exclusion from the global marketplace.²

In colonial Kenya, Tabitha Kanogo demonstrates how both male elders and the colonial administration used political and sociocultural structures and practices to shape and control women's lives.³ Schmidt and Kanogo, working in Rhodesia and Kenya, arrive at a similar conclusion. Namely, colonialism brought far-reaching changes to African societies, including gender differentiation; and according to Kanogo, African elders sometimes collaborated with colonial administrators to implement changes. In places with heavy cash crops, land reform led to women losing their inheritances, access to land, and social status. Women's legal rights were subordinated to their male counterparts, leaving women in a disadvantageous position. Customary laws were usually established based on male testimony

that gave men leverage and social status, which later shaped and defined customs related to all aspects of social lives: land acquisition, marriage, divorce, and economic activities.

The encounter with the European colonial nations of Britain, France, Germany, Belgium, and Portugal was decisive in the reconfiguration of gender relations and the place of women in many African societies. Hunter provides one example of women's rural labor with the South African Pondo. Their encounter with Europeans disrupted economic activities and altered social organization in Southern Africa, and women lost ground economically.⁴ In East and West Africa, political power was often diffused; there were multiple centers of power, and women had membership in associations that held the final say in everything from disputes to market relations. With the advent of colonialism, these institutions were dismantled.

Colonial administrators, who were most often men, ignored social and political institutions, and erected in their place institutions with strong patriarchal tendencies. Martin Chanock, Professor of Law at La Trobe University, wrote that, "The colonial state brought immensely far-reaching changes to colonized peoples which undermined their structures of authority; their relationships to land; their relationships to other peoples;

gender and generational relationships in their communities; and usually completely changed the economic world within which they lived.”⁵ The institutionalization of customary law, carried out by native authorities,⁶ reified and entrenched gender difference in the name of upholding tradition. Customary law contained elements of African practices, but as time went on, it became less representative of the past because it was transformed through the colonial experience.⁷ Colonial administrators were ambitious in what they wanted to accomplish: first to define, then to remake the subjectivity of the ruled, and then divide in order to effectively rule.⁸

The development of African women’s history developed in an entirely different context than in Europe and the United States. Ester Boserup’s book, *Woman’s Role in Economic Development*,⁹ was among the first to investigate what happened to women in developing countries during the process of economic and social growth. Boserup was concerned with what happens to women when countries start modernizing their agricultural sector and urban life. Two core themes were identified: colonialism and imperialism, which led to the decline in women’s status, and women farmers were major stakeholders and contributors to economic development prior to the arrival of Europeans. Eugenia Herbert summarized the

way gender is understood in West and East Africa as follows:

The distinction between gender and biological sex has come as something of a revelation to western scholars, and yet the abundant literature on initiation makes clear that Africans have known all along that gender is socially, not biologically, created and that it evolves over the life cycle.¹⁰

Iris Berger echoes what many others have concluded, that European rule “undermined pre-colonial institutions and ideologies that had underpinned key political and economic roles for women.”¹¹

Western Discourse on Women

The foreword to *Feminist Legal Theory: A Primer* by Levit and Verchick is offered by Martha Minow.¹² It claims that the book “is a comprehensive survey of a broader array of feminist legal theories” and it covers issues of “equal treatment cultural feminism, dominance theory, anti-essentialist theories, ecofeminism, pragmatic feminism and postmodern feminism.”¹³ Yet, the vast literature on women in Africa is ignored and the scattered references revolve around three cases of which the focus on Africa is centered on the problem of female genital cutting. One is left with the feeling that when it comes to feminist legal theory, Africa’s contribution is non-existent. However, when discussing

obstacles facing women, customs in Africa, like female genital cutting, is front and center.

The question, then, is where is Africa's scholarly contribution to the study of feminist theories? In the next section, I discuss the historical context of colonialism and the impact it had on women in the African context. The carryover legacy of the transformations that were imposed on African women is reflected in discourses on the subject, and omissions of key seminal contributions to the global scholarship on women's history and contributions, especially in the African context.

Intellectual Legacy of Colonialism

One of the most enduring legacies in Africa is the effect of colonialism on the production of knowledge. Colonialism sought to define not only the public sphere but also the private sphere.¹⁴ It sought to contain the African in totality: socially, politically, economically, and more importantly, intellectually. European powers sought at all costs to remove and extinguish African historiography and literature, and systematically replace them with a more Eurocentric scholarship. Inherent in that body of knowledge is the distortion of the history of Africa and acute racism towards African society and knowledge produced across the continent.¹⁵

In *The Philosophy of History*, Hegel dismissed Carthage and Egypt as geographical anomalies.¹⁶ According to Hegel, Africa "is no historical part of the world; it has no movement or development to exhibit. Historical movements in it – that is in its northern part – belong to the Asiatic or European World."¹⁷ In this sense, Africa had no history of its own and had no part to play in world civilization. In Southern Africa, Jan Smuts called for Africans to be moved forward from regressive to progressive societies, while making the case for the institutionalization of apartheid in Southern Africa.¹⁸

Nevertheless, scholars have been challenging the Eurocentric nature of discourse on Africa and trying to dispel the myths perpetuated in the West about Africa.¹⁹ In *The Invention Of Women* (1997), Oyeronke Oyewùmi's historical and epistemological account of African culture offers a new way of seeing and understanding Yoruban and Western cultures.²⁰ Oyewùmi's critique, like that of Amadiume, is directed at Western discourse and the ideology of biological determinism, which assumes biology is destiny and uses biology to provide the rationale for organizing the social world.²¹ She goes on to show that "gender constructs are not in themselves biological – they are culturally derived, and their maintenance is a function of cultural systems. Consequently, using Western

gender theories to interpret other societies without recourse to their own world-sense imposes a Western model.”²²

In her critique of American sociology, Oyewùmi takes on a deeply held and troubling problem with knowledge produced about Africa outside of Africa by Western scholars. She writes that “American sociology is unaware of Africa. In the dark ages, Africa was ceded over to anthropology as ‘the front lawn’ of the discipline.”²³ The idea and concept of the “woman” that is central to Western-gender discourse was completely absent from Yoruba society, and the body was not the basis of social roles. This fundamental assumption in Western feminist theory about “women” then produced a new understanding of gender, namely that gender is socially constructed and thus challenged the notion that subordination of women was universal fact. In Yoruba society, the organizing criteria were not gender. The basis of social organization was determined by relative age and not by biological differences.²⁴

Further, Semley found that, in Bénin, contrary to the assumption of universal subordination prominent in Western literature, women featured in prominent roles including treasurers, advisors, and ritual specialists, in addition to other roles such as queens, wives, and sisters. These women resisted French colonial administrators

from implementing and enforcing ideals of subordinating women.²⁵

In the pursuit of establishing a field to challenge male dominance, Western feminists presumed a universal female subordination based on the dichotomy that is found in the West: domestic/public, or private and public, and a standardized devaluation of motherhood, marriage, and family.²⁶ By following a formulaic notion of what affected women in the West, most scholars used ethnocentricity and culture to generate a universal theory to unite women everywhere in the struggle against subordination and patriarchy.

According to Amadiume, this grew out of the necessity to “justify conquest and the subjugation of indigenous people and their cultures to foreign rules.”²⁷ It has also led to the perpetuation of inaccuracy in facts, and the omission of historical truth in the study of women in Africa.

Amadiume claims that one of the problems in understanding the role of women in Africa lies with European anthropology, which imported the division between public and private seen in European societies into Africa. This later blinded them from seeing the immense power women enjoyed in African societies prior to conquest. Amadiume presents case studies from her home country, Nigeria, to support her argument that the role of women in Africa was different from the role

of women in Europe. She argues that where decentralization was a mode of governance, power was diffuse. There were multiple centers of power and the ruler did not rule autocratically by himself. Amadiume thus exposes the dominant “ethnocentrism of Western social anthropology and the imperial arrogance of Western feminism implicit in studies of the condition of women in Africa.”²⁸

Male-female relationships and gender systems were flexible. This flexibility enabled both sexes to assume similar roles and status in society. Amadiume calls this “male daughters, female husbands” in showing the flexibility of Igbo gender categories.²⁹ She develops the paradoxical notion of “male daughters” and “female husbands,” referring to “women who have been accorded male status in the absence of a son,” and “female husbands, who were wealthy women who acquired ‘wives’ to assist them in their economic pursuits”³⁰ to show the flexibility of the gender system in Africa prior to colonial encounters. Both men and women could accumulate wealth, power, and wives. Women dominated the marketplace in West Africa, and used their economic power to acquire political power and effectively check against male dominance of society.

The wealth generated from the marketplace enabled women to participate in an achievement-based

title system. Amadiume shows that unlike the rigid system found in the West, which is categorical, women in Africa were not as subordinated to male dominance as women in the West. Women in Africa could play roles considered male, be classified as “males” in terms of power and authority over others, and had the ability to accumulate wives, and organize into councils and assemblies that had the power to veto and effectively check the ruling of chiefs, kings, and sultans.

In 1987, Amadiume published her now-groundbreaking book which challenged deeply held assumptions about sex and gender. A year later, historian Joan Scott published her seminal text leveraging a critique of the distinction between sex and gender.³¹ Today, both scholars are understood differently: Scott is seen as a foundational figure in the field, while Amadiume’s work is often presented as an interesting case study, worthy of a tantalizing sentence or a footnote about “female husbands.”³²

Both Americanist and Europeanist feminist scholars downplay the significance of her work, relegating it to the category of other cultures and ignoring her profound theoretical intervention, which 30 years ago noted that the gender construct was distinct from biological sex.³³ Amadiume built her arguments around certain foundational claims using the Igbo society, highlighting examples where biolog-

ical women adopted male identities as men, acting as son and husband figures to extended families. The fluid nature of gender roles and boundaries, whereby women could transgress norms to acquire wealth and dominate the marketplace, showed how “social and cultural ideologies and practices had built-in possibilities for change.”³⁴

This stands in sharp contrast to what colonial writers wrote about African political systems and the role of women in that system.³⁵ The role of women was reduced to subservience and their participation in public life prohibited. Lord Lugard, one of the leading colonial administrators in Nigeria, wrote about the political system and the role of chiefs in administering African colonies. It was necessary, according to Lugard, that the British harness the power of chiefs in order to effectively rule over the mass of peasantry. Lugard noted:

The Native Authority is thus *de facto* and *de jure* ruler over his own people. He exercises the power of allocation of lands, and with the aid of the native courts, of adjudication in land disputes and expropriation for offences against the community.³⁶

To this end the native authority, the agency that governed the native population, was to remain exclusively native in character and composition, and any mixture with foreigners or aliens was to be resisted since it weakened the power of the native authority. These

native institutions were a male-dominated system that excluded women from participating in governance. The authority of these chiefs did not depend on other complementary systems of governance or checks and balances or accountability towards the governed. The chief had the backing of the imperial power when necessary. In other words, these native chiefs were “an integral part of the machinery of the administration.”³⁷ In order for the system to function efficiently, duties of the chiefs and those of British officials were never to overlap and had to be kept separate. The native was governed under the auspices of his own native authority.

Fusion of Power

Mamdani has demonstrated that the hallmark of despotic tribal power was the fusion of legislative, judicial, and executive power in one chief, who passed by-laws, enforced those by-laws, and managed the judicial system all at once.³⁸ The chief governed and oversaw land tenure of subjects within a tribal homeland. The authority was defined to be masculine and excluded females. In this regard, women could not act as chiefs, could not rise to important positions, and could not wield power, neither political nor economic.

According to General J.C. Smuts, the South African politician who advocated for a segregated South

Africa, “For thousands of years they [Africans] have been accustomed to domination by their chiefs, and therefore they readily accept the firm handling, the lead, and the mastery of the white employer.”³⁹ The outcome was a native authority, organized, framed, and made to rule despotically without checks in the name of custom and tradition.

Conclusion

I began this article by differentiating between discourses in the West and the emerging scholarship on feminism in Africa. I argued that African social anthropology as presented by Western anthropologists failed to account for the reality of African society prior to the arrival of Europeans on the continent. Rather than historicizing gender relations, showing the facts as they were on the ground, anthropologists have misconstrued African societies and reproduced their version of European gender relations in an African context.

Feminist scholars have tried to universalize the struggle of women by assuming the global subordination of women in a male-dominated structure. They have failed to see that in African society, women were not always subordinated to men, but gender relations were actually flexible and women could perform male functions, achieve powerful positions, and inherit property. Colonialism

effectively put an end to this process and reduced the sociopolitical status of women to objects, thus preventing them from achieving social and economic mobility within society.

Amadiume and Oyewùmi have challenged Western anthropologists to recognize their own complicity in producing a historical scholarship that does not take into consideration the reality of African society prior to the arrival of European colonial powers. Colonial anthropologists did little more than legitimize conquest through discourse that consciously overlooked historical gender relations in Africa, and instead reproduced European anthropology with its reliance on class-based, patriarchal distinctions in an African context.

The seminal contribution by Amadiume and Oyewùmi is a distinctively African social anthropology that takes as a starting point the real, not just the invented, condition of an African society. This historical context showed that African societies recognized the rights of women in political and economic matters long before the arrival of Europeans on the continent. Oyewùmi showed that the category of “women” did not exist in precolonial Yorubaland. Both scholars showed that gender categories and seniority within the lineage were important in Igbo and Yoruba societies. Biological differences were not the definitive criteria for

social differentiation: Africans have long known that gender was a social construct, not biologically created, and that it evolves over the life cycle. The power structure enabled women to achieve higher positions in society, adopt male status, and perform in functions that in Europe were only reserved for men. Contrary to the scholarship that dominates in the West, the roles of women were neither rigidly masculinized nor feminized in Africa; they were fluid, flexible, and transparent.

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Situational Analysis of Revenge Pornography in Kenya

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Abstract

This article is not intended to provide empirical evidence or a fully formed theoretical understanding of revenge pornography. Rather, it is aimed at providing a selected literature review, offering initial thoughts on why the vice continues to be perpetrated, and providing a set of directions for understanding the dynamics of this phenomenon. It also looks at the challenges of addressing non-consensual pornography, especially where the law is indistinct and attitudes towards the vice are dismissive of the harm caused to the victims.

Introduction and Terminology

“Revenge pornography, “cyber rape,” or “non-consensual pornography” is a global phenomenon that affects women disproportionately, both in

terms of the number of women affected and the amount of social stigma attached.¹ This phenomenon involves a privacy violation where a person's nude image or video is posted online by a third party.²

These images or photos are usually posted alongside the subject's individually identifiable information, such as their home and work addresses or social media profiles. The perpetrator may also intentionally exploit search engine algorithms so that the subject's employers, friends, and new acquaintances will see the offensive content first when they search for the subject's name.

Revenge porn can take many forms, including "sexualized photoshopping," "morphing," sexual extortion (often labelled as "sextortion"), "upskirting," and "deep fakes." Upskirting involves taking images of women's private parts using tiny hidden cameras that can be hidden in shoes, belts, and other convenient places. "Deep fakes" are pornographic videos made to look real by using artificial intelligence. Various types of voyeurism also fall in this category.

"Fapping" and Society's Perspectives on Female Sexuality

In most places around the world, including Kenya, revenge pornography has been dismissed as "fapping." "Fapping" is slang for an event

that occurs when someone on the internet releases a large number of nude/semi-nude pictures of famous people.³ "Fapping" brings in a perspective of body politics that shows society's contradictory perspectives regarding female nudity. On one hand, a consumer economy, which encourages erotic pleasure, praises women who consent to circulating their nude images online for their personal or financial gain. On the other hand, many people in society frown upon this trend. This may be why **some** women who take nude and sexualized photos of themselves still prefer to keep them private and within the context of their intimate relationships.

The latter, a rising phenomenon in Kenya, have come to be referred to as "socialites," who demonstrate that it may be possible for women to express their sexuality independent of patriarchal and societal control. Their expression of sexuality asserts female desire in a culture where female sexuality is expected to be passive – useful only for procreation and not for libidinous pleasures. They defy a culture that expects women to submit to the prevailing patriarchal surveillance, objectification, and commodification, while devaluing their own freedom to express their sexuality. Furthermore, it is a culture that is contradictory in that it both socializes women to equate their self-worth to their sexual

desirability and inculcates the belief that women who enjoy and express their sexuality, or who seek out sex and sexual partners, are dirty and slutty. In such a context, socialites emerge as a disruption in a society that conditions women to think that their goal should be to satisfy men's sexual desires, while suppressing their own sexual desire because it is dirty, polluted, and morally unacceptable.

Mukhongo is a pioneer in studying the Kenyan socialite trend.⁴ She looks at how young women in Kenya are constructing their own gendered narratives online and opines that the young women, perhaps inspired by world-renowned socialites like Kim Kardashian and Paris Hilton, have posted their naked photos online in a bid to gain popularity or what she calls "social capital." She questions whether the posting of nude photos by women is a bid to feed into a culture dominated by patriarchy and which exploits the female body, or a method to exploit that very patriarchal culture that draws its life from visuals that exploit the female body. With the erotic being seen as raw material for the consumer culture, she contends that the latter is used as "social capital," and mentions the case of a Kenyan socialite, Huddah Monroe, who claims to have been able to utilize her huge social media following for financial gain.

Considering the influence that

socialites have in shaping behavior, and the pressure exerted on girls and women to conform to the hyper-sexualized view of what is attractive in online spaces, it is not surprising that many women engage in digitally mediated sexual practices and produce nude, sexualized images of themselves that are shared with intimate partners and for the aspiring socialites, posted online. For the socialites, the sexualized images become a currency to gain popularity on online platforms, which are shaped by masculinized sexual desires. For those who share the photos with their partners, it is simply a form of intimate sexual expression that they hope will remain within the context of the relationship. For this group, taking nude photos for their sex partners becomes a tool for satisfying male sexual desire, but at the same time exposes women to the threat of revenge pornography.

The Devastating Effects of Revenge Pornography

Dismissing revenge pornography as "fappening" encourages revenge pornography to be seen as a source of entertainment, and ignores the likely emotional and mental anguish that it brings upon the victims. These harms include: subjecting women to intimidation and control by men, reinforcing societal notions of patriarchy and male dominance over women, subjecting women to ridicule by a

global audience, depriving women of the right to have agency over their on-line identity, and potentially causing them to suffer from mental illnesses, such as PTSD.

Traditional rape can be seen as “a conscious process of intimidation by which all men keep all women in a state of fear.”⁵ Similarly, cyber rape can be used as a tool of intimidation by anyone with a technological device capable of taking photos and sending messages. As technology advances, the owners of such devices become potential perpetrators, and every woman becomes a potential victim.

Like traditional rapists, cyber rapists are motivated by a need to obtain power or control another person through intimidation. Obtaining a naked or semi-naked picture of another person gives a person power over that person.⁶ The ultimate power that men feel that they hold over women is the power to drag them from the category of “good women” – those who are never openly sexual and who are respectful to men – to the category of “bad women,” those who express their sexuality openly.⁷ The Internet makes it easier for them to wield the power to castigate women for any sexual agency and for having “allowed” their images to be taken, or for having taken the images themselves.⁸

Both traditional and cyber rapists are also motivated by a desire to get revenge on or to punish a woman for

her sexual expression, or for denying them sex. Therefore, with both traditional and cyber rape, men position themselves as having authority to punish women who deviate from the sexual norm, because they feel that they are the only ones allowed to express themselves sexually and that they are the “moral police” of the female body.

Given the motivations of traditional and cyber rapists, both rape and revenge pornography reinforce patriarchy and male dominance over women. Society’s reactions to victims of revenge pornography further reinforce patriarchy and male dominance by victim-blaming, asserting that victims wished it upon themselves or that they could have done something to avoid it.⁹ These reactions show that society helps to give revenge pornography power.

Feminist scholars have long argued that the female body is both socially shaped and colonized. As such, it carries negative bodily associations when viewed under the influence of Western culture and religion. In Christianity and Islam, women represent the temptations of the flesh and the source of man’s moral downfall.¹⁰ In these religions, a woman’s nudity is sacred and exposing it is frowned upon.

The social construction of female nudity in post-colonial and post-missionary Kenya is heavily influenced

by Western culture, Christianity, and Islam. These influences clash with the African notion of nudity in the pre-colonial and pre-missionary era.¹¹ In the pre-colonial and pre-missionary era, most women in Kenyan communities walked around nude and semi-nude, and this was not in any way associated with eroticism and morality (this is still the case in some communities, e.g. the Turkana found in northern Kenya). In these times, being naked or half-naked was simply a way of life. This changed with Westernization and the introduction of Christianity and Islam. Women were taught that their bodies were to be covered up as female nudity had the potential to corrupt society. Female nudity thus became an act of immorality deserving of shame, public humiliation, and punishment. In fact, female nudity came to be associated with curses, a very strong aspect of African culture that largely influences acceptable behavior.

To demonstrate how powerful female nudity is, it has been used as a potent tool of public protest due to the shame associated with it. As an example, during the one-party regime in Kenya, women led by the famous Nobel Peace Prize winner, professor Wangari Maathai, protested for the release of political prisoners by stripping naked. Maathai explained this action saying, "By showing you my nakedness, I curse you as I would my

son for the way you are abusing me."¹² The female body is thus shrouded in beliefs, sacredness, and shame, which makes stripping women, leaking their private photos, and other forms of non-consensual pornography powerful tools for shaming and punishing women.

Revenge pornography subjects women to repeated and almost permanent shaming. Women are accosted each time their intimate image is subjected to someone else's gaze and commentary against their consent. Once a photo has been posted online, it can remain there forever.¹³ Even if a victim is successful in getting the photos to be taken down from a website, the photo may have been picked up by other websites or stored on people's computers. It is therefore difficult for a victim to permanently delete the photos from the internet. As a result, revenge pornography does not grant the victim the right to be forgotten.¹⁴

Posting revenge pornography online amplifies its effects because unlike offline violence, which is limited in audience, revenge porn invites a global audience to participate in humiliating the victim.¹⁵ Anyone who has a connection to the internet can view the images, download them, store them, and use them as they wish. Thus, once an image has been posted online, the victim may be ridiculed by those who know her

as well as those who do not. Unlike victims of offline crimes, victims of revenge pornography cannot relocate or change jobs to avoid this ridicule because the photos can follow them anywhere in the world. No matter where they are, victims may live in fear and shame because anyone may have seen the photos, and those who have not seen the photos can easily obtain them through search engines because most perpetrators attach identifying information to the images.

The repeated and permanent nature of revenge pornography offers perpetrators a free and permanent weapon to continuously harass and exercise power over their victim.¹⁶ For example, those who possess their private photos demand money to not post the photos, or, if they have already been posted, to pull them down. Those who have these images may also blackmail and “sextort” victims if they do not submit to the perpetrators’ demands.

In some instances, perpetrators have caused victims of revenge pornography to lose their jobs and titles due to bad publicity that results from revenge porn. In the case of *Roshanara Ebrahim v. Ashleys Kenya Limited & 3 others* (2016), Ms. Roshanara, who was the reigning Miss Kenya 2016, was stripped of her title by Ashleys Kenya Ltd after a former boyfriend leaked her nude photos online.¹⁷ In the case of Kenyan singer and actress

J***, her career was almost damaged after her nude photos were leaked in an incident she claims was a case of “morphing.” Consequently, she says that corporate brands did not want to associate with her.

Furthermore, revenge pornography hinders a woman’s ability to create her own online existence and identity.¹⁸ Women who have been victims of non-consensual pornography are likely to change their online behavior or withdraw from the online community because of the damaging information released, robbing them of the opportunity to establish an online presence. Withdrawing from the online community isolates these women and prevents them from establishing rewarding social connections, personal contacts, friendships, and dating opportunities.¹⁹ Victims of revenge porn may also find themselves limited in their career options, especially in fields where an online presence is necessary to acquire a job.

Victims of revenge pornography are likely to suffer mental health issues, such as anxiety, night terrors, alcoholism, depression, post-traumatic stress disorder (PTSD), and suicidal thoughts.²⁰ In several cases, victims acted upon those suicidal thoughts. For example, on 12 September 2015, Ms. Mercy Bundi, a 19-year-old Kenyan woman, committed suicide after a man she had met through Facebook threatened to post her nude pictures

online. She left a suicide note with details of the torture that the threats had caused her.²¹

Legal Effects of Revenge Pornography

Dismissing revenge pornography as “fapping” also causes perpetrators to continue engaging in it and ignores the legal issues involved, including the issue of consent. The current legal framework is quickly being outpaced by the fast changes in technology and how it is being used and applied. The Sexual Offence Act (2006) and the proposed Computer Misuse and Cybercrimes Act of 2018, as currently constituted, appear to be lamentably ill-equipped to address revenge pornography.

As currently constituted, Section 37 of the Computer Misuse and Cybercrimes Act (2018) states that “A person who transfers, publishes, or disseminates including making digital depiction available for distribution or downloading through a telecommunications hardware or through any other means of transferring data on a computer, the intimate or obscene images of another person commits an offence and is liable, on conviction to a fine not exceeding 200,000ksh or imprisonment for a term not exceeding 2 years or both.”²²

As it is, the bill is deficient in that it uses broad terms that may have larger implications for freedom of

speech. This use of broad terms in law has previously been challenged in the Kenyan courts, as in the case of *Geoffrey Andare v. Attorney General & 2 others* (2016), where the judge ruled that the use of words like “indecent” and “obscene” in a law are broad and vague, and their definition and meaning is left to the subjective interpretation of the Court. He further added that “the principle of law with regard to legislation limiting fundamental rights is that the law must be clear and precise enough to enable individuals to conform their conduct to its dictates.”²³

As currently laid out, it may be seen to be criminalizing even intimate consensual filming or photography among consenting adults, and is subject to question for ways in which it may affect acceptable forms of artistic expression such as boudoir photography, glamour photography, and nude art. It also fails in its consideration of the prevailing consensual intimate image exchange driven by pop culture, as discussed earlier in this paper.

The bill also appears to be overwhelmed by social and technological change and needs to focus more on well-defined, specific problems posed by sexually explicit materials that can be plausibly subject to legal regulation. In this regard, a clear definition of the offense of revenge pornography that the bill intends to capture is important so as not to

infringe on freedom of speech. As Cecil points out, most perpetrators of online aggressions usually hide behind the powerful and constitutional right to free speech, even as they work to suppress the sexual expression of women both online and offline.²⁴ Citron contends that while freedom of speech is a fundamental human right, it cannot be absolute when it oppresses the ability of one section of society – in this case, women – to express itself.²⁵ She goes on to add that women’s rights are also human rights, and outlawing online expression that subjects women to defamation, threats of physical harm, misogynistic expressions, and intentional infliction of emotional distress is thus not in any way denying anyone their just right to freedom of speech.

Currently, in the absence of a clear law, the remedies available to a victim can be said to be a patchwork of both criminal and civil laws. The lack of a clear law dealing with revenge pornography specifically is unacceptable given Article 29 of the Kenyan constitution, which protects Kenyan citizens from being “subjected to torture in any manner, whether physical or psychological.”²⁶ Furthermore, Article 28 provides that “every person has inherent dignity and the right to have that dignity respected and protected.”²⁷ Given the emotional and mental harm that victims of revenge pornography experience, revenge

pornography can be said to be a form of torturing women.

In Kenya, revenge pornography is often addressed through civil law, specifically the law of tort, where a woman sues a perpetrator for damages. In the law of tort, one key question is whether a woman consented to have her nude images shared via social media and other forms of digital technology.²⁸ Consent is determined by context. Some women who share their nude images with their partners do so with the expectation that they will be used solely in the context of the relationship. Several Kenyan court rulings, such as *Rukia Idris Barri v. Mada Hotels Ltd* (2013) and *Alfred Ombudo K’ombudo v Jane W. Odewale & another* (2014), have determined that consent in one context does not confer consent in a different context.²⁹

Besides violating a woman’s right to consent, perpetrators of revenge pornography also violate a woman’s right to privacy. In one of the more publicized revenge porn cases, *Roshanara Ebrahim v Ashleys Kenya Limited & 3 others* (2016), modest damages were awarded. The court held that “...In taking selfie nude pictures using a mobile phone or other communication gadget, a person does not thereby waive her right to privacy, she only exposes herself to the risk and danger of the photographs being transmitted to and viewed by other persons through the communication

networks by unauthorised access and publication, or by authorised access but unauthorised publication...”³⁰

Despite such court rulings, victims of revenge pornography face the following hurdles in bringing a civil suit against the perpetrators: difficulties of identifying the real perpetrators, secondary victimization, victim blaming, the cost of filing a lawsuit, and the failure of lawsuits to fully compensate them for the harms that they experienced.

Women may not even be able to file a lawsuit in the first place because an anonymity-enabled digital world makes it difficult for them to identify the real perpetrators.³¹ Most perpetrators use aliases and other means to hide their identity and location. Women cannot always do the technological detective work required to positively identify the perpetrators.

Even if they can identify the perpetrator, women may not want to file a suit or police report because they run the risk of secondary victimization. They may have to show the offensive images to prove that they were victims of revenge pornography. More specifically, filing a suit or a police report increases publicity around the offensive images and creates an opportunity for more people to ridicule the victim.³²

Victim-blaming also discourages women from filing suits or police reports because when they do so, they

are told things such as: “Suck it up. Grow a thick skin.” “Ignore it and it will go away.” “Don’t feed the trolls.”³³

They are also told to “toughen up or go offline” and advised that they should not expect anything different if they want to make a name for themselves.³⁴ Statements and advice like these place the blame on women for being “too easily offended,” and not on the perpetrators of revenge pornography.

Furthermore, the cost of hiring a lawyer and filing a suit may prevent women from filing a lawsuit.³⁵ Even if they can afford to hire a lawyer and file a suit, it may not be worth their while to do so because the damages awarded are not enough to fully compensate them for the harms that they suffered. The damages awarded to them may not be enough to cover the cost of their suit. Additionally, even if sufficient damages are awarded, the photos may still remain in circulation. First, it is difficult to seek damages against the hosting websites that continue hosting the images even after a suit has been won. For example, website owners in some foreign countries such as the United States, where a lot of Kenyan websites are hosted, are granted immunity for content that they did not generate themselves.³⁶ Second, even if a victim manages to get images removed from one website, the images may be on other websites or downloaded on people’s devices.³⁷ The current law does not account

for the repetitive damage that occurs from having the photos remain online forever.³⁸

Given these challenges, perpetrators are aware that they may never be punished because it is hard to get caught. Even if they are caught, they will have achieved their objective. Thus, the current legal system does not deter perpetrators from committing revenge pornography.

While the law of torts continues to provide one avenue of remedy, it cannot be said to be adequate in addressing this phenomenon. It should not be the major tool. It could however have a residual and secondary usefulness in the fringes of a properly constituted, well-defined law that addresses aggressions conducted in online spaces. This has over time been hindered by critics who feel that the law of tort provides adequate remedy, trivialize the effects of revenge porn, and ignore the heavily gendered nature of revenge porn. The whole incident is reduced to a consequence of naivete that could have been avoided if the woman had been wiser or more careful. Cooper observes that the simple response given to revenge porn is usually “don’t take nude photos or videos.”³⁹ This is a response that ignores the reality that these images are being taken and will continue to be, and also ignores the gendered nature of the problem as well as the severity of the consequences.

The self-censorship that is promoted to women as a means to avoid becoming victims of “revenge porn” restricts their willingness or ability to exercise their rights to sexual autonomy and expression.⁴⁰ Penny observes how women who respond or react to harassment online are called “crazy, hysterical overreacting bitches, censors, no better than Nazis, probably just desperate for a ‘real man’ to f*** us, a ‘real man’ like the men who lurk in comment threads threatening to rip our heads off and masturbate into the stumps.”⁴¹ Citron equally observes how victims are called “whiny girls” who are reacting to a few test messages.⁴² Citron further explains that the perpetrators are dismissed as “juvenile pranksters,” and victims as “overly sensitive complainers.”⁴³ In the face of such dismissive attitudes, the gendered nature of nonconsensual pornography and its profound consequences are dismissed as trivial matters that the law should not be concerned about. This makes legislative action harder to attain and the offending behavior harder to address.

In determining whether a law is adequate to address non-consensual pornography, a test of individualism versus social justice should apply. Citron, who argues for criminalization of nonconsensual pornography, contends that the relevant question should be whether nonconsensual pornography causes harm only to

an individual or whether it harms both individuals and society.⁴⁴ Franks explains that the continued legal permissiveness of revenge porn harms not only the individual but the society at large, because it imposes expressive harms that send a message that the sexual exploitation of women is an acceptable form of entertainment.⁴⁵

Franks further adds that revenge porn, on top of harming the individual, violates legal and social commitments to gender equality.⁴⁶ If revenge porn is seen as harming only an individual, then the law of tort would be deemed to be adequate. However, as discussed in this paper, nonconsensual pornography has the potential to disenfranchise and harm an already marginalized section of society – women, who happen to be the majority of victims – and this therefore warrants criminal penalties.

While technology continues to change every day, the training of lawyers, law enforcers and judges has not kept up. The technologically advanced public is therefore normally way ahead of those charged with ensuring that technology is not abused. Victims are thus left with the burden of dealing with law enforcers who are still deeply rooted in analog ways, and are more inclined to deal with conventional “tangible” crimes that they are used to, rather than the emerging “intangible crimes” perpetrated through the digital tools

of technology.

There is a need for law enforcers, legislators, and judicial officers to acknowledge the seriousness of nonconsensual pornography and all forms of aggressions against women mediated by the internet, and put it on the agenda. To do so, they would require training on matters of technology and ways in which they can be exploited to harm women. This calls for an investment on the part of the Ministry of Internal Security and that of Information Communication Technology (ICT) to improve internet and social media literacy among its personnel.

Equally, addressing this injustice calls for the drafting of distinct laws that clearly define nonconsensual pornography in all possible forms. Criminalization and tougher penalties would help lower incidences of nonconsensual pornography, as a criminal record has more potential of instilling fear in the would-be perpetrators than a civil offense record does. In addition, Isenberg observes that laws cannot work in isolation and proposes that a combination of legal, economic, and educational approaches are needed.⁴⁷

Conclusion

For the perpetrators, Kenyan law currently does not provide adequate incentive to refrain from revenge pornography. This is probably why the

trend of nonconsensual pornographic content is still on the rise. The consequences of engaging in revenge porn are minimal for the perpetrator while at the same time being resounding for the victim. This is improper given that nonconsensual pornography, which profoundly harms, devalues, demeans, and subjugates a section of society as sexual objects, thus diminishing their dignity, continues to be inadequately addressed by the law.

Notes

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Interview with Oby Ezekwesili

The Harvard Kennedy School's Africa Caucus celebrated African Women Leadership in conversation with Oby Ezekwesili. Ezekwesili is the former Minister of Education and Minister of Solid Minerals (Mines and Steel), the former Vice President of the World Bank's Africa Division, and Convener of the #BringBackOurGirls Movement.

Africa Policy Journal Interview Editor Ameze Belo-Osagie sat down with Ezekwesili during her visit to discuss her experiences in government, and her candidacy in the 2019 Nigerian presidential elections. The following is an edited version of the interview. For more of our interviews, please visit <http://apj.hkspublications.org/category/interviews/>.

APJ: Today we are sitting down with Madam Oby Ezekwesili, who has previously served as Minister of Education and Minister of Solid Minerals within the Nigerian government. Madam Ezekwesili, you spent several years in the World Bank and you are, of course, a Harvard Kennedy School alumni, giving you a particular connection to the journal. Today we're just going to ask a few brief questions. We'll focus on your past performance [within government], your opinions on the current administration, and on the upcoming elections, in which you've decided to run for President.

As Minister of Solid Minerals, what would you rate as your most important achievement and your most significant failure?

Ezekwesili: As Minister of Solid Minerals, the key was getting the data out on the endowments that we have in the minerals sector. So we did a totally airborne geo-

physical survey of the country. It was on the basis of that that we now have data showing that there are 34 classes of minerals in Nigeria, and they are located in 430 sites across our country. In that position also, we worked on business-friendly legislation and removed all the powers of discretion, especially the power to award licenses that was deposited in the minister, and led to abuse in the sector. So when we [created] whole new legislation, which is the legislation that covers mining today, it brought into existence a global system for transparent allocation of licensing, and it's called the mining cadastral system. We innovated on it and built it into a world-class institution. The same thing happened with the Geological Survey Agency of Nigeria. We put law behind it so [that] it has autonomy from the ministry, as a [separate] and very important part of the mineral sector. Without data, no mining sector [institution] functions well. The private sector needs basic data in order to form the basis to make decisions as to whether to dig further and seek opportunities in the sector.

We also prepared the sector for full privatization. The coal corporation and the mining corporation had been corporations that struggled for many decades.

Our work was to prepare the sector [for privatization], so we did a lot of sectoral-level policy reforms and we brought back technical capabilities to the sector. By the time we got to the sector, 82 percent of the workers in the ministry and its allied agencies had no idea of the technical imperatives of the sector. That changed because we then restructured the ministry and the skillset of the industry. We ended up with 40 percent [of staff in] admin-related roles and 60 percent [in] technical [roles], people with background in geophysics and geography, people with the knowledge of the sector. It was the admin people that overran the place initially. But by restructuring it, we brought into full focus the kinds of skills that the sector needed. As a matter of fact, we implemented 107 reforms in the sector, but at the time that I was minister, I did 97 of them. There were 10 left before I was sent to Ministry of Education.

APJ: And in education?

Ezekwesili: In education, we engaged with the diagnostics of the sector to discover what the underlying issues were – because [according to the] key indicators that we needed to enable us to evaluate the sector, [such as] the learning outcomes which you could use as a proxy, the pass-rate

of children in the academic examinations, both international as well as West African examinations, etc., we weren't doing well at all. The diagnostics enabled us to see some of the clear reasons. First, and most importantly, is teacher adequacy, or teachers' qualification and [related] issues. We had a dearth of teachers with the right skillset and the right mental preparation to teach in our classrooms across the country. So we instituted a number of reforms that addressed the issue of teacher quality. We designed programs that were swift, programs to upgrade the skills and the certification of teachers. We handled a reform of the profession by working on a new bill that was [intended] to empower the Teachers Regulatory Council (TRC) with the power to reward and sanction, and to lay down the standards of the teaching profession. So we wanted teaching to get back to being a noble profession. And then we had a program for top candidates among teachers, so that teaching would be a profession that not the lower segment of academic achievers came into, but rather the top achievers would enter into.

Part of what we tried to do with that was to improve the working environment, as well as the remuneration package for the teaching profession. We've worked with the wages and salaries commission to

look at what effective remuneration for a teacher would be. We also focused on housing for rural teachers, because when teachers know that the single most important matter of housing is taken care of, it frees them to give their full dedication to the teaching profession. So teacher quality is huge, because more than 55 percent of the determinants of learning outcomes among children is the quality of the teacher in the classroom.

And then we did a reform of our curriculum at the different levels of education. We had basic education curriculum reforms that brought in critical thinking as well as civic education, as well as restored the history that had been taken off the curriculum before I got to the Ministry of Education. We did the same thing for secondary education and added entrepreneurship and leadership as part of the programs for secondary education. We then did that of tertiary education by bringing in the private sector as part of the National Universities Commission, [specifically in] the accreditation team to evaluate programs and to help make curriculum changes. And at the tertiary level we added a general studies program for students that was entrepreneurship based, so that people could develop the skills and the basic knowledge of how

to be entrepreneurs should they choose that path later on, in life post-graduation. Then we worked on technology in education. I was minister at the time, when Twitter was barely in existence, but we could already see where technology was taking the world, so we entered into partnership with groups like Microsoft, Oracle, and Cisco. All of them were going to set up academies in the country [centered] on the use of computers both by teachers and students, to upgrade the quality and relevance of the learning.

The fourth most important thing we did was to look at how education and the labor market were connected. [The goal was to] ensur[e] that the training that students get is appropriate for the jobs that are available. It's about employability, but also about [directing students towards] the sectors where employment is available. Then we looked at the operation of the school system and the physical infrastructure. We worked with the society of engineers and surveyors to get a comprehensive evaluation of the state of infrastructure for education. We looked at the issue of funding education and asked, How do you fund education with the right distribution of responsibility between government and the students, parents, the community

and private sector? We looked at that because for basic and secondary education, it was very clear from our model [in] financ[ing] education that government needed to be the key player. More than 70 percent of people in the basic [elementary-level] schools were children of the poor. And more than 60 percent of secondary school students are similarly situated. So that data mirrors the poverty cluster in the country. So if we needed to do anything about our poverty profile, we needed to do something about public schools.

Then we looked at innovation enterprise institutions and vocational enterprise institutions for skills development. [We realized] that certification in the university was attractive, but it was meaningless without income. And therefore, we needed to have skills development to enable people to quickly adapt to having skills in sectors of progress. Telecommunication was coming onboard at that time, fintech is growing very quickly, even the [traditionally strong] oil and gas sector [had opportunities available]. [So we partnered with] private-sector institutions who would set up learning centers and have us accredit them. We then designed a certification arrangement to create a national diploma in innovation and a national

diploma in vocational enterprise. Then another key thing that we did was quality assurance in education. If you didn't measure or demand for accountability, you couldn't know how well education was faring. [That system] had broken down; we reinstated it.

APJ: I just want to switch gears, because this will be our last question as we're coming to the end of our time. I want to give you an opportunity to answer a common criticism of your current presidential campaign. You were involved in the PACT agreement, which was trying to develop a consensus candidate outside of the two major parties, PDP and APC. [It tried] to have a third-party candidate running. The consensus agreement seemed to break down, and since then there have been several separate candidates: Fela Durotoye, yourself, etc., who have decided to run on their own. Could you discuss the process of trying to form that consensus?

Ezekwesili: Well, there's nothing to discuss ... because I was not part of PACT. That's where the question is faulty. You asked the question on the basis of information that is false. What happened with PACT was [that] people asking me as an independent Nigerian to come and monitor what they were doing. I was not part of PACT; I

had no recommendation to give. The reason they asked me [was] to observe. So there's nothing. They agreed and created an MOU [memorandum of understanding]. Any one of them who gives the impression that I was somehow part of PACT is up to some mischief.

APJ: Winning the presidency under the Nigerian Constitution requires that you win at least 50 percent of the vote overall, and at least 25 percent of the vote in two-thirds of the states. Could you outline the electoral strategy for targeting that broad swathe of states – are there particular places you are looking at? What is your media strategy?

Ezekwesili: Our strategy is focused on unlocking the bloc of voters that have since moved away from our democracy – the ones who made up the nearly 40 million that did not show up for the 2015 elections, even though they registered to vote. The near 14 million who have joined the voters register [since then]. And then to focus on the young ones amongst this segment of the population. They are interested and there is a strong appetite on their part in something different in the governance of the country. We have a vision for what they see of Nigeria. And by engaging in targeted engagement with them,

the message is reaching, and a number of them are signing onto what is actually a movement. This is a citizens' movement, this is not some political run for office that is individual-driven. This is about a massive movement of the citizens saying we've had enough of poor governance; it is time to build a different country. So with the citizens' movement, there is a groundswell of convergence of that basic interest to take a new direction in the country. That helps a lot with the messaging. The message becomes the message of the collective, and that enormously is helping us reduce the kind of cost that we would have in the cost of campaigning.

APJ: With that interest in youth, are you partnering with younger candidates that are being developed by the "Not Too Young to Run" Bill? What efforts have you made to support younger entrants into politics?

Ezekwesili: Yes, I mean for us every young person that wants a different Nigeria is immediately a collaborator in the Hope 2019 drive. [Hope 2019 is her campaign slogan.] What we've seen is that I am not running alone; we're all running. We're all running. All Nigerians that want a different country are running along with me because this will be a government

where we place citizens first. As a matter of fact, the way we see it is that this is a project to rescue Nigeria.

APJ: Thank you very much for your time.

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