Secession dilemma: How Africa got here and why the debate sparks controversy worldwide

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By Prof. Maria Nzomo

Globally, secessionist movements and trends are as old as the history of the state system. Some scholars date it to the ancient Greek city states. Others date it to the period of the French Revolution, when the concept gained currency and became a major rallying point for statehood and sovereignty.

Over the centuries, as societies and political economies have evolved and acquired more structured governance systems, so have the people of the world become more assertive in demanding, exercising and guarding their perceived basic rights, entitlements and freedoms against any form of infringement.

In Africa, the increasing frequency of identity-based conflicts and secessionist movements can be traced to the first “Scramble for Africa” which began with the Berlin Conference of 1884 and completed by 1914.

This had enormous long-term impact on the pre-colonial, colonial and post-colonial African communities and political entities that found themselves arbitrarily partitioned by European colonisers. They became spheres of influence, protectorates, colonies and free-trade areas, with no consideration of the existing political geography and ethnic and cultural composition of the colonised.

SPLIT

As a result, most African countries have significant fractions of their communities split between two or three countries.

For example, the Maasai are split between Kenya (62 per cent) and Tanzania (38 per cent) and the Chewa between Mozambique (50 per cent), Malawi (34 per cent), and Zimbabwe (16 per cent).

Political historians and anthropological scholars have noted that there are about 231 ethnic groups in Africa, with at least 10 per cent of their historical homelands falling into more than one country.

Conscious that the boundary issue could later raise political problems, the founding fathers of the Organisation of African Unity (OAU) and its Charter in 1963, made a legally-binding decision to uphold the colonially-inherited borders of post-colonial states, making them sacrosanct and not to be tampered with.

Further, they ensured that this legal decision became part of international law and defined relations among African states. Despite their arbitrariness, these boundaries endured in the post-colonial era, but are increasingly being challenged; thus raising fundamental questions of the legitimacy of the post-colonial state.

UNHAPPY CONDITION

As the curtains fell on 2017, there were many in Africa and around the world who were dissatisfied with their governments, which they blame for their unhappy condition.

The 21st century and its information technology-driven globalisation, has facilitated the enormous pressure being put on governments and other institutions to democratise and uphold justice for all; become more inclusive and uphold the rule of law.

More often than not, governments are unable or unwilling to respond as expected to the perceived entitlements demanded by concerned citizens. The response to the ensuing sense of deprivation, exclusion and violation, may elicit several possible types of reactions; one of which is the desire to withdraw from the body polity to which the aggrieved persons belong and seek an alternative space for self-determination. Herein lie many of the secessionist tendencies, whether fully realised or not.

The concept of “secession” remains highly-contested both in its meaning and application. Significantly, most of the political units that have attempted or actualised secession, rarely term the act as “secession”. They either call it “self-determination”, “separation”, “self liberation” or “unilateral declaration of independence”. This is what Ian Smith did in the 1960s, when he seceded the current Zimbabwe from Northern Rhodesia (now Zambia).

POLITICAL STANDOFF

Similarly, in October 2017, a Cameroonian scholar made a spirited case explaining that the move by Southern Cameroon to break away from the Republic of Cameroon was not secession but rather a

struggle for separation from a state that he claimed the Southerners were never part of.

In Kenya, none of the various threats or attempts to secede since the 1960s have been labelled by those involved as acts of secession. This includes the post-2017 election political standoff that escalated into threats by opposition Nasa coalition to form a parallel government while maintaining that this was not an act of secession. The secession label thus seems to be largely used by scholars and analysts.

Most analysts define secession as the unilateral political withdrawal from an established state. Some define it as territorial disintegration from an existing legally-constituted and internationally recognised state that possesses a geographically-delineated territory, population and government.

A variant of this, is irredentist secession, where the breakaway group seeks to merge the seceding territory with a neighbouring country.

ETHNIC IDENTITY

This can be on the basis of either religious or ethnic grounds, often where a majority of those seceding share a religious and/or ethnic identity with those in the neighbouring country (as happened with Kenyan Somalis in the 1960s). Secession can also take place following a protracted struggle and final agreement between leaders of conflicting groups to go their separate ways (as happened between North and South Sudan).

In a few cases, constitutional secession occurs with the existing state's consent, and may not involve severance of territory.

This type is normally negotiated within the framework of the existing state's constitution. This scenario can also be viewed as a form of self-determination without secession, as it merely involves a culturally homogenous group with justifiable cause for recognition and rights, seeking autonomy and yet remaining part of the mother state. As a result, it forms a "sub-state" within a State.

For example, in 2000, through a negotiated constitutional amendment, the Canadian Supreme Court granted the province of Quebec the right to nationhood within Canada and the same was endorsed in 2006 by the Canadian House of Commons.

It is also important to separate the concept of self-determination as used by secessionist groups to justify their breakaway actions and its usage by liberation movements seeking to liberate their countries from occupying or colonising powers; for example, the various colonial liberation processes that led to the decolonisation of Africa in the 1950s to the 1990s. In this context, self-determination is actualised without forming a new state as opposed to classical secession which connotes breaking away with a part of an existing territory.

DEMOCRATISATION

Consequently, self-determination is widely viewed as a positive step towards democratisation of the socio-economic and political condition of the people concerned, while secession is generally resisted and frowned upon as disruptive and reducing the form and value of the mother state. This may explain why most secessionist movements prefer to label and justify their cause as grounded in the right to self-determination.

Secessionist movements have, therefore, for decades found justification in legal provisions in domestic and international laws. Often cited, is the principle of self-determination provided for in the 1945 United Nations Charter, under Articles 1 and 55, which has been used as a basis for the attainment of socio-economic, cultural and political wellbeing; all of which are considered preconditions for peace and friendly relations among nations. This principle has been domesticated in almost all regional treaties and national constitutions. It is, however, important to note that nowhere does the UN charter explicitly authorise secession.

Elsewhere, the preamble of the 1966 International Covenant on Civil and Political Rights provides that recognition of dignity and rights of all members of the human family is the foundation of freedom, justice and peace in the world.

SELF-DETERMINATION

The Covenant declares in Article 1 that “All people have the right of self-determination, creating sovereign statehood”. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

In addition, the UN Resolution 1514 (XV) of 1960 and UN Resolution 2625 (XXV) of 1970 buoyed the rights of people and nations to constitute their own statehood.

In Africa, the 1963 OAU Charter and its successor, the 2002 African Union Constitutive Act both recognise the values and provisions of the UN Charter and the Universal Declaration of Human Rights, effectively lending support for self-determination. Similarly, national constitutions have domesticated international treaties. In the Kenyan case, this domestication is provided for in Article 2 (5 & 6) of the Constitution and in various articles under Chapter 4 on the bill of rights. It should, however, be noted that at no point does the Kenyan constitution explicitly provide for secession.

These international legal norms nevertheless provide the backdrop against which the principle of self-determination has repeatedly been invoked by different groups around the world to push for autonomy and secession.

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[8] http://www.nation.co.ke/oped/opinion/Secession-dilemma--how-Africa-got-here/440808-4261844-10wes7fz/index.html