

DISSENT AND GOVERNANCE IN STATES: THE AFRICAN PERSPECTIVE

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Abstract

This paper examined dissent and governance in Africa. The method adopted by the paper is analytic. The paper argued that violent dissent protest and most forms of disputes in Africa are the result of the bad governance that the people have faced and continue to encounter to this day. The paper observed that dissent seems to be making little or no serious impact in Africa because African leaders when faced with organized dissent, routinely employ various kinds of coercive force in the hopes of subduing these challenges rather dialoguing with dissenter. With the continent reeling from the impact of COVID-19 pandemic and freedom of expression under threat in all the countries. The paper concludes that there is need for dialogue and dissent programs. Under the dialogue and dissent program, numerous initiatives should be organized to reach out to different dissent groups and give them a level playing ground to engage in dialogue with the authorities. Else the continent of Africa is sitting on cage of gun powder that will explode and consume both the rulers and the ruled.

Introduction

In every society, there is always that desire to be respected, protected and to be treated with equity justice and fairness. The quest for fair play, creates very often clashes of interest, since everyone or group is egoistic. Like every other human beings, African had always longed for justice and fair play in socio-political engagement with their leaders. Record has it that that in 1712 AD, prior to colonial rule, "Prince Idova who ascended the throne of Oba of Bini Kingdom with the title Oba Ewuakpe as the 26th monarch was forced to abdicate the throne and go into exile due to his high handedness and flagrant disrespect of human lives which culminated to killing of his subjects" (www.beninroyalfamily.com). It is on this fact that dissent even during the colonial era and after the independent of African nations had become an ideal, greatly sought after by African, particularly by the ruled against the rulers, the minority against the majority, the weak against the strong. Arising from this stand point, this paper seeks to find out the challenges confronting dissent in the African states.

Dissent and Governance

Dissent ordinarily is "an opinion, philosophy or sentiment of non-agreement or opposition to a prevailing idea or policy enforced by a government, political party or other entity or individual in a capacity of contextual authority" (Navis 2). In socio-political philosophy, dissent is "the right of a person or group of people to compel the government to respect the fundamental rights of the citizens either by exhibiting unwillingness to cooperate with an established authority or by opposing those policies of government felt to be against the general well-being of the people" (Gupta 11). Expression of dissent may take forms from vocal disagreement to civil disobedience to use of violence. A dissenting person may be referred to as a dissenter. While governance is "the exercise of power or authority by political leaders for the well-being of their country's citizens or subjects" (Udechukwu 74). Dissent has a long relationship with governance. Dissent contributes to good

governance if it is received and addressed by the governing body. But, often leads to violence, self-governance if the governing body pay deaf ears to it. Dissent is, therefore, essential ingredient of every good governance. If a country has to grow in a wholistic manner where not only the economic right but also civil right of the citizens are to be protected. Dissent have to be permitted, and in fact should be encouraged. There is no good governance without dissent. The close affinity between dissent and governance is that dissent is the fertile ground upon which good governance grows and flowers. Hence, dissent and good governance correlates. In a society where there is no dissent, good governance is at stake. For there to be good governance, dissent must prevail.

Amidst dissent, there are times when out of sense of compassion, a just cause is not pressed. There are times when we accommodate the dreadfulness of loss for opponents, even when the cause for which they fight is unjust. Sometimes we come to terms with the irreversibility of historic injustice and reconcile. Political compassion of this sort carries risks. Pushed too far, it may weaken our commitment to justice through too great a sympathy for those on the other side. It would be convenient if such compassion could be constrained by a clear set of political principles. But principles run the quite different risk of promoting an 'ossified dissent', unable to respond to change.

The State of Africa and the Right to Dissent

In 1981, the organization for African Unity (OAU) adopted a Charter for the “promotion and protection of human rights on the continent of Africa” (Gittleman 1). It proved to be a remarkable document for “it represents a significant departure from international and regional human rights instrument which have preceded it, in that it is singularly African and responsive to uniquely African circumstances” (Boven 183). Consistent with the pledge made by OAU to “have due regard to the Charter of the United Nations and the Universal Declaration of Human Rights” (Gittleman 3) and to “reaffirm their adherence to the principles of human and peoples' right and freedoms contained

in the declarations, conventions and other instruments adopted by OAU, and the United Nations” (9), the African Charter “enumerates conventional norms, rights and freedoms ascribed to the individuals” (OAU Doc. CAB/LEG/67/3, Rev. 1 at 2). The Charter embodies two startling innovations. For example, the Charter specifies people's rights. Five provisions, all aspirational in nature, name not the individual, but peoples, as beneficiaries. The drafters' philosophy that these peoples' rights are pivotal to the Charter's objective is reflected by the title: *The African Charter on Human and Peoples' Rights*. These rights should never be taken away otherwise we will become an unquestionable moribund society, which will not be able to develop any further.

The first eighteen of the twenty-nine articles “enumerated rights and duties that comprises Part 1 of the African Charter” (Gittleman 1) are conventional norms, while articles 19 through 24 specifically name “[a]ll peoples” as beneficiaries” (Art19-24). Chapter II of Part I elaborates upon “the duties of the individual” (Art 27-29), while the remainder of the Charter is composed of measures for the organization of Human Right Commission (Art 30-63) and some general provision (Art 64-66).

The right to question, to challenge, to verify, seek for accountability from the government and self-determination is the right of every citizen enshrined in the Charter. Article 6: provides Right to Liberty and Protection from Arbitrary Arrest. Article 9: Right to Receive Information and Free expression. Article 8: Right to Freedom of Conscience. Article 10: Right to Freedom of Association. Article 11: Right to Freedom of Assembly. Article 20: Right to Self-Determination. These six rights are vehicles through which dissent can be expressed. The right to freedom of opinion and the right of freedom of conscience by themselves include the extremely important right to disagree. The right to disagree, the right to dissent and the right to take another point of view inhere inherently in African Charter on Human and Peoples' Rights. Thus, “the right to dissent is the biggest right and the most important right granted by the Constitution” (Gupta 3).

Governance and Dissent in African

Governance is an act and process through which government carry out their day to day activity of administering or managing the affairs of a state it adopted. It is “a conscious attempt by a designated group of people either elected, selected or otherwise to regulate the affairs of a given set of people and ensure the maintenance of order” (Iwarimie-Jaja and Raimi 110). A careful study of the pre-colonial Africa reveals that there was some level of civility amongst the people. At least, the people had their existential values with which they developed a culture and politics that they considered adequate for positive living and progressive development. In addition, the structures for checks and balances including those that guarantee the right of dissent were well institutionalized. In the case of monarchs' high handedness and flagrant disrespect of human lives, “the people withdrew their allegiances to them and disobey their proclamations and forced them to abdicate the throne and go into exile” (Offor 139). This structure arrived even during the colonial period, as some concessions gained from the colonial administration by the African nationalists, were made possible by the exercise of their right of dissent through various forms of dissent. But the situation worsened on taking over the mantle of leadership from European colonizers and enthronement of democratic rule.

The post-independence political office holders in Africa simply positioned themselves as master while others were reduced to slaves. Governance became “orderly botch of open treasury, net disregard of societal issues, absence of enthusiasm for the advance of the country, killing of adversaries and other united afflicts” (Ebeh and Aleke 11). Ultimately therefore, post-independence African leaders ended up developing and encouraging by their actions, more nocuous methods of perpetrating the very ills they had earlier accused the colonial masters of. Some of those who fought for the independence of their states but who were not fortunate enough to be in power, had their right of dissent curtailed by being thrown into prison.

This state of affair breed different forms of dissent and protest among those who were relegated to the background in the scheme of governance or the day to day running of the state affairs.

According to Amnesty International Report 2020/21, “the use of excessive force to stop dissenting voices and activities is on the increase in Africa democracy” (www.amnesty.org). In many instances, such force led to death and injuries. On April 9, 2022, 22 activist who gathered to march against the detention of political prisoners and call for free and fair election was arrested and detained in Angola. Those detained include, Laurunda Goueia and her 6-month-old baby boy, who were kept in a crowded cell without food or water for more than 48 hours. At least six people, including a 13-year old -boy, died from police violence in the first 10 days of nationwide curfew declared by government in attempt to stop citizens who were protesting against negative policies imposed on them by the Kenyan government in 2021. Uganda security forces killed at least 30 people on Nov. 24, 2020 for protesting over the illegal arrest and detention of Bobi Wine who has emerged as the strongest challenger to the Uganda longest time leader Yoweri Museveni in election set for the early next year 2021. On August 2, 2022, four people died in South Africa during protest over cost of electricity.

Protest against human rights abuse and call for political reform in Ethiopia was confronted with excessive force by the security forces, killing hundreds of people in May 2021. On July 2020 in the same Ethiopia, more than eighty people were killed in two days protest following the killing of musician cum political activist Hachalu Hundessa. On August 15, 2020 security forces killed at least 16 people following protests over the arrest of zone administration officials, community leaders and activist in Wolaita zone in the south of Addis Ababa.

In Nigeria, the #EndSARS protest led to the dissolution of the Special Anti-Robbery Squad (SARS), a police unit notorious for

human right violations. But this came at heavy price that between 9th to 19th October, at least 56 people were killed nationwide as security forces attempted to forcefully stop the protest. The killings reached its apex on October 20, 2020 when 28 people died after the military opened fire on protesters at the Lekki Toll Gate in Lagos city. In Guinea, seven people were killed on May, 2020 during demonstrations against the security forces' enforcement of COVID-19 lockdown by the order of the government that could not provide means livelihood for the citizens amidst the lockdown. Many more died during demonstration against the bid to change the constitution to allow President of the country, Alpha Conde to run for a third term. On 22 March, 2021 the day of the constitutional referendum, 12 demonstrators were killed, nine of them by gunfire. In the days following the October presidential election, security forces killed at least 16 people while they protest the results. On July 11, 2020, President Keita of Mali deployment of security forces to forcefully stop protesters, demanding for investigation into the Mali's Constitutional Court overturn election result of 31 legislative seats led to the death 11 of eleven persons.

Crackdown on protesters took other forms, including unlawful bans, judicial harassment and arbitrary arrest. In Burkina Faso, several protest were arbitrarily banned or stopped, including a January sit-in outside the Ouagadougou Court organized to demand justice for the killing of 50 people by an armed group in 2019. In Cote d'Ivoire, dozens of people were arbitrarily arrested on August 15, 2020 for having participated in demonstration against President Ouattara's running for third term. On 23 September, 2020, many citizens of Cameroon were arbitrary arrested and detained for protesting and calling on the longest served President, Paul Biya to resign and step down from office due ill-health and old age.

Even amid a pandemic, attack on human rights defenders and opposition activist did not relent. This was particularly the case in countries that held or headed towards elections like Burundi,

Cote d'Ivoire, Guinea, Niger, Tanzania and Uganda. In Burundi, more than 600 opposition party members were arrested before and during election on 20 May, 2021. In Niger, a wave of arrest of political activists preceded the December 2020 presidential election. In Tanzania, at least 77 opposition leaders and supporters were arrested and arbitrarily detained in the aftermath of 28 October, 2020 elections. Before the Tanzanian elections, authorities had suspended the activities or frozen the bank accounts of several human rights activists and NGOs.

Elsewhere, human rights defenders were abducted, forcibly disappeared or killed. In Mali, an anti-corruption activist was abducted by hooded intelligence service agents and detained incommunicado for 12 days and spurious charges brought against him. In Mozambique, community radio journalist Ibarimo Abu Mbaruco was forcibly disappeared by army officers for speaking up against bad governance; his whereabouts were unknown at the end of the year 2020. In Niger, South Sudan and Zimbabwe, human rights defenders and activists exposing corruption and demanding accountability were particularly targeted and arrested. In Zimbabwe to be precise, the criminal justice system was misused to persecute investigative journalist Hopewell Cin'ono, among other human rights defenders.

However, a few positive development were recorded. A Ugandan High Court ordered the release of Stella Nyanzi for wrongful conviction and violation of her human rights, in February, 2021, few days to 18-month prison sentence slammed on her by a magistrate's court for alleged cyber harassment of the President. In June, 2021, the Burundian Supreme Court set aside an appeal court decision upholding Germain Rukuki's conviction for exposing and protesting against the government financial recklessness and ordered a fresh hearing of the appeal. On October 13, 2022, the Court of Appeal in Abuja ruled that the rendition of the detained dissenter and leader of the Indigenous People of Biafra (IPOB), Nnamdi Kanu, from Kenya was illegal and therefore should be discharged and acquitted

The Organization for Economic Co-operation and Development (OECD), defines the civic space as the “the set of legal, policy, institutional, and practical conditions necessary for non-governmental actors to access information, express themselves, associate, organize, and participate in public life” (Olasupo www.thecable.ng). It entails the policies, laws, institutions and practices that provide a conducive atmosphere for citizens and civil society to organizations to thrive as they promote progressive liberties, freedoms and spaces for institutional growth. In recent years, “restrictive laws on the right of civil society, cybercrime and counter terrorism has been passed throughout Africa in an attempt to curb dissent voices and activities” (Makha www.aljazeera.org). There is an unbreakable solidarity between heads of state, who are able to use regional institutions such as ECOWAS to their advantage despite the fact that these organizations have some of the most pro-democratic founding texts in the world. The COVID-19 pandemic and social distancing measures have played a key role in shrinking civic space everywhere. Although the consequences of the pandemic were not as disastrous as expected in many countries of Sub-Saharan Africa, a public health state of emergency has been used as pretext to put restrictions on dissenters freedoms: freedom of demonstration, of assembly, of information and movement. The health crisis has been a boon for many governments eager to silence dissenting voices and activities, and jailing them has been one way it has chosen to do this.

In Mozambique, unidentified assailants firebombed the office of the independent newspaper, *Canal de Mocambique*, around the same time that the authorities issued trump-up charges against two of the paper's senior staff members. In Tanzania, newspapers and broadcasting stations critical of the government were penalized, suspended or banned. Regulation on radio and television broadcasting were also amended to limit international media coverage of the elections. In Togo, a new Press and Communication Code passed in January 2021 provided for journalists to be punished with hefty fines for criticizing

government officials. In March, 2021, two newspaper were suspended for running a story criticizing the French ambassador's shoddy contract with the government, while the third newspaper was suspended for criticizing the suspension. There are also reports of Journalist harassment, arrest and detention in Niger and the Republic of Congo for criticizing the governments' response to COVID-19.

The fact that a burgeoning human rights movement has been contemplated, created and sustained online did not go unnoticed in the overwhelmingly conservative halls of power in Nigeria. Shaken to the core by this new media phenomenon and its astounding proclivity to galvanize a traditionally silenced and disregard youthful majority, some Nigerian state governors and senators started to demand that social media be regulated. On November 2, 2020, the Northern Governors' Forum in attempt to tactically stifle social media space issued a communique under the guise of calling for the strict supervision and censorship of social media to thwart “subversive actions” and “avoid spread of fake news” (*Vanguard Newspaper* 9).

Far from being the expectation to the norm, such troubling attempts to govern social media usage and effectively impede progressive public discourse and universal right to assemble peacefully have become increasingly ubiquitous and fairly normalized in Africa. On August 16, 2021 a communique published by the Southern Africa Development Community (SADC), read much like the statement from the Nigerian governors. It “urged Member State to take pro-active measure to mitigate external interference, the impact of fake news and the abuse of social media, especially in electoral process” (Moky 13). That the whole regional block attributed the emergence of social media-driven dissent to “external” designs is not disturbing. But the ambition to control the content posted on social media platforms is undoubtedly sinister, especially in a region fraught with hotly disputed elections and violent spurts of authoritarian crackdowns on mundane civic activism and political opposition.

Needless to say, the aim of SADC's statement is not to protect Africans from foreign disinformation campaigns and fake news, but to ensure that the self-serving narratives and political agendas promoted by local governments remain unchallenged.

Angola, Tanzania, Uganda, Malawi, Swaziland and Zambia have introduced harsh laws that regulate social media abuse. Zimbabwe and Lesotho are also in the process of introducing new social media controls. While the regulations promulgated in these countries appear essential and even reasonably progressive on the surface, they contain problematic clauses aligned to dubious national security imperatives and in practice, they all serve to install doubt and fear in social media users and encourage them to practice self-censorship to avoid facing the wrath of the state machinery for voicing their grievances about their governments and local institution.

The “good old days” of archetypal state media organizations, or strong ties to dominant political forces, single-handedly churning out jingoistic propaganda to diversity-starved and disintegrated listeners, viewers and readers are truly over. Still in the main, African rulers remain unwilling to move on and embrace the changing times. Social media platforms allows the masses to scrutinize the actions of their leaders and demand accountability in real time, but many African leaders are failing to understand that they no longer have the ability to diminish or obliterate the truth by establishing and moderating national conversation topics through “friendly” media organizations.

Today, more than ever, one of the key challenges for organized dissenters who wish to both defend themselves and shake the foundations of authoritarian regimes- is to rally sections of the police force that share the same frustration. By the end of March 1991 in Mali, there was an anti-one-party protest that led to nationwide strike. The dissenters negotiated with the soldiers who refused to fire into the crowds and instead joined the demonstrators. As the military defected, then-Lieutenant

Colonel Amaodu Toumani Toure led a paratrooper unit to arrest the president. Toure then suspended the constitution and called for multi-party elections within two months. The formation of a new government opened a new avenue for peace talks and the conflict in the country died down as a result of negotiations between the transitional government and the people in 1992. But African leaders are learning from the mistakes of others, and are unleashing a relentless onslaught of repressive measures on their opponents supported by the international community's silence. Obsessed with fighting terrorism and reducing "migration flow", western governments are ready to support any autocrat whom they perceive as an ally.

Conclusion

Prior to colonization, African had within them, communal system of living - traditional mechanism for governance and by extension social order. This system of communal social relations had low class contradiction because of the existent of rudimentary and simple social hierarchies based on sex and age leading competition along classiness with perspective effect of social order. But this African life style has been altered as a result of African contact with colonialism and ongoing neo-colonialism of the African world. Since then, African indigenous way of governance and maintaining social order which hitherto were invested in the collective conscience of the people became strongly endangered. The basic social cement of society which was enabled by shared belief system and communal living were relegated into the rubbish heap of social history and replaced by individualism, private property and profit motif. This created a very big lacuna in governance despite entrenching a distinctive kind of governance known as western democracy. With the emergence of the modern day democracy in Africa, governance became largely driven by profit maximization for incumbent rather than the collective good that characterised African society. Thus, bad governance is "Africa's Achilles, a shortcoming that is at the heart of all the continent's problem" (Downie15). This include among others, unemployment,

poverty, rapid population growth and lack of healthcare. The situation keep getting worse on daily basis with no end in sight. The deteriorating situation led to insecurity, lack of rule of law, lack of respect for human rights and lack of all-inclusive governance. Bad governance has negatively ordered the peace and development of African state in recent decades. Particularly, the emergence of violent dissent groups which were believed to have metamorphosed from the highhandedness of the authorities on those who hold different views. This reality underscores a deeper truth: There can be no sustainable trade-off between progress in human and economic development and disdain for citizen participation, rights, rule of law and transparency by the government.

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