THE ROLE OF BUSINESS AND PRIVATE CITIZENS IN SUSTAINING AFRICA PEACE AND SECURITY BEING A PAPER PRESENTED AT THE OFFICIAL OPENING OF WANEP REGIONAL OFFICE AND BOOK LAUNCH BY YUSUF O. ALI ESQ; SAN, LLM, FCIArb (UK), FCIArb (Nig), FSPSP; FIDR.

Protocols.

INTRODUCTION

Let me start by thanking the West African Network for Peacebuilding (WANEP) and its Management for giving me the regional platform to deliver this crucial lecture. This is my second time of coming here. WANEP makes me proud each time I am here. Its work underscores how non-state actors can build peace in a sustainable manner. WANEP is a private initiative. Yet, it has achieved so much at preventing and managing conflicts in the West African region for upwards of ten years now. This is not a small achievement.
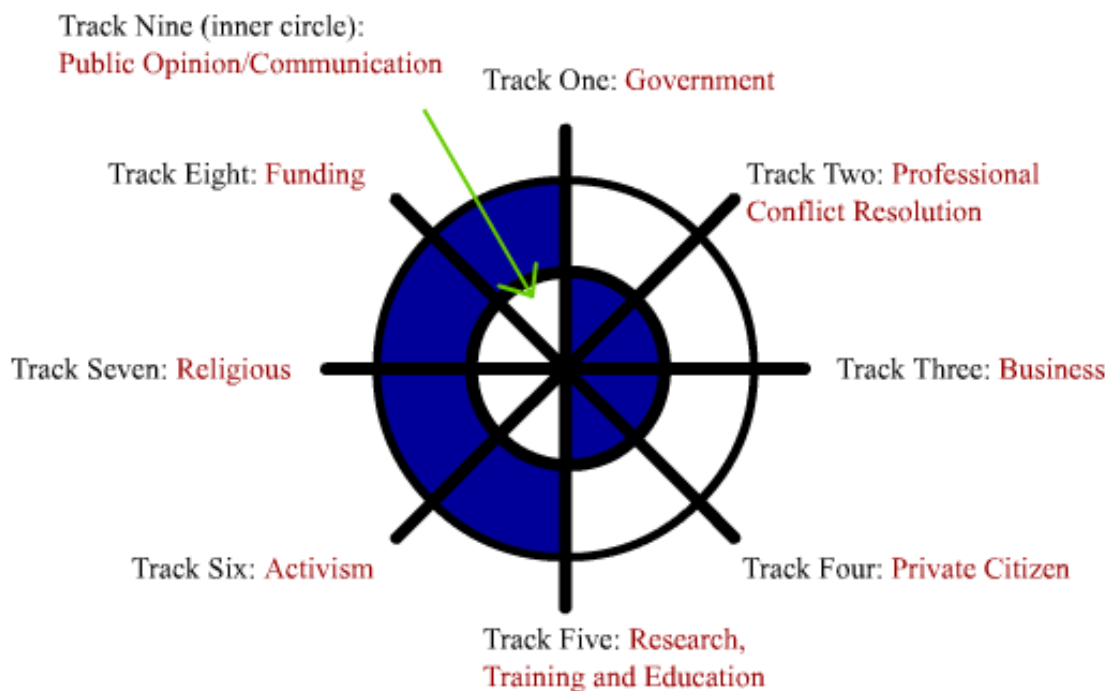
Let me add as well, that I am very proud of Ghana, which hosts WANEP. This is not just an orderly society but one country in Africa where the people have a lot to tell the rest of the

continent on how to conduct peaceful elections. I followed your last elections from the beginning to the end. You performed well and indeed showed that you have all it takes to host WANEP on behalf of all of us in West Africa.

I am by this point not necessarily saying that Ghana is in any way perfect. But when compared to a few other African countries, the country has consistently shown the world that it has the internal capacity to manage her problems. Built into democratic governance are chances of conflict. Two or more people are expected to slug it out for an office. At the end of it all, only one person would win the race. The beauty of democracy is that at elections, the candidates would find peaceful ways for sorting out their differences. That we are all calmly seated here today is to suggest that whatever bad blood that could have attended the December 2016 elections in Ghana, the matters are already behind us. This is a good example in "African solutions to African problems". The rest of my presentation would give attention to this critical issue in African development by focusing on the roles of business and

private individuals in peace and security. As our leaders learn to conduct themselves better, what should we as business men and women and as private citizens do to complement state efforts?

Immediately I got the invitation to deliver this lecture I called on one of the conflict management experts in Nigeria to find out if there is any normative framework for mapping the role of business and private citizens in peace processes. He told me about "multi track diplomacy" and the following day sent me three academic papers on the issue. I benefitted substantially from the papers for framing my thoughts in this lecture. As many of you here are aware, the multi-track diplomacy framework maps out the nine key stakeholders in a peace and security discourse as evident in the following:

The nine tracks in multi-track diplomacy are government (Track 1), civil society (2), business (3), private citizens (4), education (5), activism (6), religion (7), funding (8), and the media (9). Each of them plays specific roles in ensuring that a society is peaceful.

What WANEP has simply asked me to do in this lecture is to underscore the significance of Tracks 3 and 4 in the sustenance of peace and security in Africa. To me, these two tracks cut across all other tracks and therefore are the most important. It is as important as the ninth track (the media), which is said to be cross cutting. I am saying this largely because there is a business angle to all the other tracks. For example, a business can be private or state-owned (Track I), there is a business angle to CSO work in terms of lucrative consultancies; private citizens make more money from business than otherwise; academic institutions have consultancy units that make money; so also are religious, human rights and even media organizations. In this respect, the point must be clearly made that the main goal of business is to make profit. Any organization that seeks to make profit whether directly or indirectly is part of Track III.

Whether we recognize it or not, private citizens equally energize all the other tracks. Every political leader or political system has a number of individuals behind it. A popular Yoruba adage says "Eniyan lo nbeleyinoro to nke" (there is always an individual behind the venerated masquerade).

THE ROLES OF BUSINESS ENTERPRISES IN SUSTAINING PEACE AND SECURITY IN AFRICA

Let me start by taking a critical look at business. How does it fit into our discourse here? What do we mean by "business"? It simply refers to any initiative at making monetary profit. As I would say of "private citizens" later, let me state that business cuts across all the other tracks in multi-track diplomacy.

Let me make three points here about business, peace and security. The first is that no business can survive in an atmosphere of civil disorder. You need peace to conduct your business and make profit. What extant policy and academic publications have shown is that in war situations, fighters loot business organizations most especially banks and financial

houses to raise money, they raid farms and food stores for food, engage in illegal mining to raise funds. In some cases, fighters destroy the business outfits of their opponents as a strategy for punishing them and winning the war. The second point to be made about business is that predatory business strategies make peace impossible. When a business organization does not pay tax or destroys community life more conflicts are created. The third point is that those engaged in business must commit themselves to funding peace and security projects whether as a strategy for providing themselves safer environment for profit making or meeting the expectations of corporate social responsibility. I will address some of these issues later.

For now, I would strengthen my argument on the relationship between peace and business. In this respect, I will draw my basic data from Nigeria and then do a continental extrapolation from it. I am doing this because Nigeria is the biggest country in the sub-region. It has the biggest economic structure and yet has the biggest kind of conflict issues that anybody discussing

business; conflict and peace must refer to. The country is largely dependent on oil resources. Oil business would therefore provide us the conflict issues to be discussed. In this respect, I will use the ongoing Niger Delta crisis in Nigeria to establish my arguments. The Nigerian economy is highly dependent on the oil-rich Niger Delta region. The country is considerably broke today because of the persistent violence in the region. The conflict issues in the region take us to the heart of the nexus between business and peace.

Since the 1980s, the people of the region have been complaining about the disturbing business strategy of the oil companies in the region. They handle their oil prospecting business in a manner that pollutes the environment. Farmlands and rivers in the region are endangered by seemingly endless oil spills. This endangers the capacity of the people to farm and fish. The ability of the people to hunt is also limited by gas flaring. The second argument of the Niger Delta people is that the oil companies prefer to employ foreigners and Nigerians from other regions other than to employ the people of

the oil producing communities. The third argument is that the oil companies lack social corporate responsibility projects that could cause a meaningful empowerment of the people. All of these problems limit livelihood opportunities in the region and account for the high level of youth violence in the region. If Niger Delta would experience peace today, the business organizations in the region must take a front seat in developing the strategies for its developement.

The picture presented above is that of Nigeria's Niger Delta. The story here has to do with how business created the framework for violent conflict. As more African countries discover oil, the Nigerian situation can be experienced elsewhere. But war situations, also hamper businesses and also provide for predatory exploitation of business opportunities. The crisis in Cote d'Ivoire had untold negative effects on Cocoa business in the country. Several miners in the country had to abandon their minefields. The country is still recovering from the shocks experienced during that unfortunate episode. It would be recollected that during the wars in Sierra Leone, rebel

movements engaged in "blood diamond" business. In exchange they got more arms and ammunitions to fight their opponents. During the Boko haram crisis in Nigeria, the insurgents destroyed several banks and communication masts. They stopped the operations of several markets rendering the people economically powerless.

What are the lessons from the foregoing? The first is that future violent conflicts are prevented where business organizations do not engage in activities that could offset the peace of the society. The Niger Delta example shows that the people agitated when oil companies started to pollute their environment. The second lesson is that violent conflicts disrupt business operations and enable troublemakers to exploit the resources of their society criminally. The goal of business is to make profit. This is not possible during violent conflicts. It is therefore in the interest of business that society should be peaceful. Why then do business organization show little interest in funding peace projects as we now experience in Africa. Organizations such as WANEP get the resources for

their projects from foreign donors, though African businesses have the capacity to provide something better. How do we get the big communication, aviation and mining businesses in Africa to be committed to the business of conflict prevention and management? Where are we now? How do we get started or expand the opportunities that we have?

Those who engage in trafficking in small arms and light weapons make rebel movements not willing to enter into the peaceful negotiation of the problems they have. Some rebel movements fund their projects through illegal logging, blood diamond and sales of ivory. The business elements that buy from this people make our society less peaceful. Those who seek to make outrageous profit also make the society more stressful as this reduces the purchasing power of the people.

Drawing from the above, the role of business enterprises in peace and security would seem to include:

1. **RESPECT FOR THE LAWS OF THE LAND:** Business Enterprises must scrupulously abide by all laws and regulations of the county where they operate as they relate to their operations or spheres. Enterprises should take fully into account established policies in countries in which they operate and consider the views of other stakeholders.[1]

2. **AVOIDANCE OF CORPORATE DECISIONS WHICH CAN LEAD TO CONFLICTS:** As part of its social corporate responsibility, business enterprises should assume a responsibility to help prevent and mitigate conflict. They must be conscious of this responsibility when taking decisions on issues of investment, employment, community relations, their internal security arrangement etc. Hence, it will be inimical to peace and security where business enterprises focus on profit making as their only prime consideration. They should not invest in resources that further

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[1] See Organization for Corporation in Economic and Development (OCED) Guidlines for Multinational Enterprises available on line at www.oecd/org/corporate. Note that both Multinational and Domestic enreprises are subject to the same expectation in respect of their conducts.

insurgency or illegal and unethical purpose or swap arms and military equipment for conflict resources. The Robert Fowler Report clearly shows that illicit investments in conflict resources exacerbate conflicts in Africa.[2]

3. **COOPERATION WITH GOVERNMENTS AND THEIR AGENCIES:** Business Enterprises and Governments are development partners. It is the responsibility of government to provide enabling environment conducive for smooth operations of business enterprises. On their own part and in line with their social corporate responsibility, business enterprises should contribute to socio-economic progress of communities with the view to achieving sustainable development. Sustainable development is the precursor of sustainable peace. They must encourage and participate in local capacity building through close cooperation with the local communities and

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[2] Ibid

governments[3]. Exclusion of locals in their operating environments could be a threat to peace and security.

4. SUPPORT FOR DIVERSIFICATION OF GOVERNMENT DRIVE OF THEIR ECONOMIES:

Africa economy is based on commodities. A study under the auspices of the World Bank has shown that economy dependent on commodities has an increased risk of conflicts and civil wars. The study shows that [4] a high proportion of primary commodities in national exports significantly increase risk of conflict. A careful analysis of conflicts and civil wars in Africa in contemporary time showed that none was devoid of contest over control of natural resources.[5] There has been endemic conflict in the Niger Delta Area of Nigeria (an Area with massive oil

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[3] Currently Nigerian government is undertaking rehabilitation of Ex-Militants from Niger Delta Area and Erstwhile members of Insurgent group from the Northern part of Nigeria assisting them to acquire skills to avoid relapse to life of violent. Investing in this project by business enterprises will boast efforts of government towards peacebuilding.

[4] Coller Paul and Hoeffler Anke (2000) , " Greed and Grievance in Civil Wars". Available on line at www.worldbank.org/research/conflict.papers.htm

[5] United Nations Security Council diamond and Timber embargoes against UNITA AND RUF as well as Kimberley Diamond Certification regime were all introduced to curtail natural resources flow to Combatants to force them to yield to peace talks.

deposits) over access to the benefits accruing from oil exploitation. The conflict is between communities on the one side and between communities and oil companies on the other side and then between the armed groups (Militants, oil companies and Nigeria Security forces. Since natural resources, ironically exposes African Continent to high risk of Conflicts and civil wars, business enterprises operating in Africa should support development policies gear towards economic diversification.

5. **RESPECT FOR HUMAN RIGHTS:** Business enterprises must respect Human Rights. This means that they should avoid infringing on the human rights of citizens and should address adverse human rights impacts in which they are involved. [6] The responsibility of business enterprises to respect human rights refers to internationally recognized human rights- understood, at a minimum, as those

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[6] Article 11 United Nations Principles on Business and Human Rights endorsed by the Human Rights Commission in its Resolution 17/4 of 16th June 2011. Available on line at

expressed in the International Bill of Human Rights and the principles concerning Fundamental Rights set out in the International Labour Organization's Declaration Fundamental Principles and Rights at work.[7]

Business enterprises have a responsibility to respect economic, social and cultural rights of communities where they operate as provided in International Convention on Economic, Social and Cultural Rights and African Charter on Human and People's Rights. In addition, they should adhere to principle of equality of opportunity and treatment and must pay equal wages for work of equal value. They should not involve in any form of discrimination and/or exclusion on any basis including race or colour, sex, religion, political opinion, national or social origin in employment.[8]

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[7] Article 12 Ibid

[8] International Labour Organization Conventions. Available on line at www.ilo.or/declaration/lang-en/.

The endemic conflict in the Niger Delta Area of Nigeria has greatly been attributed to massive violations of human rights embodied in both International Convention on Economic, Social and Cultural Rights and African Charter by International Oil Companies operating in the region. A report has shown how wide spread and unchecked violations of rights to adequate standard of living, food ,health etc resulting from impact of oil-related pollution and environmental damage attributable to the oil industry have pushed many people deeper into poverty, deprivation and fuelled conflict. [9]   Business enterprises must warn themselves against taking advantage of weak regulatory systems prevalent in most African Countries with respect to enforcement of human rights and remedy for their violations. It will amount to corporate failure for an enterprise to delay, neglect or refuse to remedy violations of

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[9] Amnesty International Publication June 2009 Index:AFR 44/017/2009 . "Nigeria: Petroleum, Pollution and Poverty in the Niger Delta ".

human rights arising from its activities or activities of third party such enterprise is related to . For sustainability of peace, there is need for rights and obligations to be matched to appropriate and effective remedies when breached.[10]

6. **PROTECTION OF THE ENVIRONMENT:** Protection of the environment should be an integral part of a responsive business initiative. Protection of environment and protection of human rights are intertwined. The protection of the environment is a vital part of contemporary human rights doctrine, for it is a *sine qua non* for numerous human rights such as the right to health and the right to life itself. It is scarcely necessary to elaborate this, as damage to the environment can impair all the human rights spoken of in the Universal Declaration and other human rights instruments. [11]

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[10] United Nations Guiding Principles on Business and Human Rights .

[11] Judge Weeramantry of Internationa Court Justice private opinion in the case concerning the Gbcikovo-

Environmental degradation resulting from oil activities of International Oil Companies (IOCs)in the Niger Delta Area of Nigeria has occasioned endemic conflict, massive unemployment, social deprivation, public health challenges etc in the area. United Nations Development Programme (UNDP) put it more succinctly when it stated that the region is suffering from administrative neglect, crumbling social infrastructure and services, high unemployment, social deprivation, abject poverty, filth and squalor and endemic conflict.[12]

It goes without saying that it is most essential that business enterprises take account of the need to protect the environment, public health and safety, and generally to conduct their activities in a manner contributory to the wider goal of sustainable development.

Nagymaros Project (Hungary V Slovakia), 1997 ICJ Rep 7

[12] UNDP Niger Delta Human Development Report,2006. Available on line at:http://hdr.undp.org/en/content/human-development-report

7. **COMBATING CORRUPTION:** Corruption has since been identified as primary factor responsible for underdevelopment in Africa. But inclusive development is a panacea for peace and stability. The anatomy of corruption in Africa is an issue completely outside the scope of this paper but suffice it say that it is most debilitating, as its corrosive.

It is therefore pertinent that business enterprises operating in Africa do not exacerbate the situation by adhering scrupulously to best international practices and ethics in conduct of their activities. Since bribery is most recognizable corrupt practice in Africa, business enterprises should not, directly or indirectly, offer, promise to give or demand bribe or other undue advantage to obtain or retain business or other improper advantage. [13] In recent past, some Multinational enterprises operating in Nigeria were indicted for corrupt practices running into millions of

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[13] Organization for economic corporation and Development (OECD) Guidlines for Multinational Enterprises.

United States of American Dollars. They were said to have been involved in shady deals with some rent seeking and corrosive Political Elites in Nigeria with respect to Nigeria Liquefied Natural Gas (NLNG) contract.[14]

Another responsibility closely related to avoidance of corrupt practices is necessity to stay away from local politics. Business enterprises should not get involved in local politics. They must not be partisan or take sides with political parties or warring factions or make donations to support their activities.[15]

THE ROLES OF PRIVATE CITIZENS IN SUSTAINING AFRICAN PEACE AND SECURITY

"Private individuals" as conceptualized in multi track diplomacy refers to prominent individuals in the society that

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[14] Zachary A. Goldfarb, "Halliburton , KBR settle Bribery Allegations, Thursdayy, February 12, 2009. Available on line at: www.washingpost.com/wp-dyn/content/article/2009/02/11/AR20090211030400.htm. See also "$ 180m Halliburton Scam: Ex-Heads of States indictment scared Jonathan" . The Nation Newspaper.
Available on line at: www.the nationonlineng.net/180m/-halliburton-sacm-ex-head-states-indictment-
scared Jonathan/.

[15] See Section 38(2) 0f Companies Allied Matters Act (CAMA) CAP C20 Laws of Federation of Nigeria 2004

are not part of the state. In reality, we are all private citizens, as nobody remains part of any of the other tracks independent of the society. Even for state officials, they are private citizens whether during weekends when they go back to their communities visit their family members or when they are out of power. For all of us here present today, we are private citizens irrespective of our official positions. A private citizen in this context is a person that falls back on his own intellectual and material resources for dealing with the peace and security situations around him or her. Let me use myself as an example. I am a lawyer and belong to the sixth track: I am a legal activist. But I stand before you today as a private citizen interested in making my own little contributions to the peace of Africa. The Board Chairman of WANEP, Prof Isaac Albert teaches in a University. As a teacher and researcher, he belongs to the fifth track but he is not here today to talk down all of us as his students. He is here as a private citizen, with the interest of helping Africa get out of its conflict making issues. As he sits here his official works wait for him.

The point that I am trying to make by circumlocution here is that no matter our vocations, we are private citizens with the responsibility to help our society. What I said above of business applies to all of us. We must not conduct ourselves in a manner that could generate tensions in the society. We have to be law abiding and ensure that those who are not are helped to become citizens. In situations of conflicts, whether violent or non-violent, we have the responsibility to help the disputants to resolve their differences.

No one can claim ignorance of the increased rate of violence and crime in the region in recent times. Many questions trail the occurrence of each event: who is responsible? What is the motivation? What is the government doing about it? And so on. However, that is not the essence of our being here today. The popular saying "don't ask what your country can do for you but what you can do for your country" is more analogous to the essence of today's discourse.

What you and I do, or do not do - what conveniences we demand or inconveniences we accept or what sacrifices we make - does reinforce or erode the domestic security effort. This is a fact that sometimes gets lost or obscured in the mass transit, mass media and mass complications of the life of the average African.

It is easy for us to sit and criticise the authorities for being inactive, but the issue of security at the home front is not something to be pushed from one quarter to the other. I use this opportunity to call on my fellow citizens to join in the fight against crime and ensure the security for one and all. To use an American cliché: ***Homeland (domestic) defence certainly means the home boys and girls must get involved***.

Legal Practice

Let me conclude by making some points about my own profession, which is legal profession. How do we lawyers fit into all the points I have made so far? We lawyers are more private citizens than state officials. I am making this point against the

backdrop of the fact that only few lawyers actually work for government. Most of us are in private practice. It is sometimes argued that we lawyers contribute to the problem through how we do business. It is argued that we defend some of these bad businessmen and women. I have two arguments here in defence. The first is that the nature of our work expects us to defend everybody and anybody. No person charged for criminal offence is assumed guilty until the case against him has been proven beyond reasonable doubt. Hence, we assume the innocence of those that come to us for representation. However, there are situations where it is clear to us that people create problems for the society. A lawyer has the right to refuse taking up such cases. Some lawyers participate in some cases with a view to helping their clients find a peaceful solution to the problems besetting them.

Intervention Strategies

Investment: Unemployment is a major source of violent conflict. Firms and private citizens can help to reduce this problem through investment in conflict prone society. In this

context, investment could help to prevent conflict and stabilize a post conflict society. The more people have chance of increased interactions in business, the more they would be encouraged to forget their differences. Aside from creating employment opportunities, they can also invest directly in the business of peace and security by assisting the security agencies, both financially and morally, in the discharge of their duties. This is because, as earlier alluded to, the responsibility of providing security is too daunting to be left to the Government alone.

Law abiding: Private citizens and business organizations operating in a conflict prone environment must be socially responsible, most especially in terms of observance of environmental and social standards as well as human rights codes. To ensure this, such firms must have mechanisms for monitoring and evaluating its operations on regular basis.

Social corporate responsibility: It is necessary for business organizations to make contributions to the reduction of

conflicts around them by investing in corporate social responsibility projects most especially in the areas of education, health, housing, and enterprise development.

Linking the state and society: On the account of their contributions to the economy, big business firms have solid institutional credibility with governments. These organizations can leverage on their status to serve as a policy dialogue link between the people and the state most especially in addressing the sources of conflict and insecurity in the society.

Leadership and Mentorship: Private Citizens who are in position of influence as leaders should guard their utterances to their followers on sensitive issues. In our collective and individual resolves to co-exist peacefully, irrespective of sectional, religious, cultural leanings, we have to take care not to work against the efforts to tackle the great challenges of insecurity and distrust. Leaders should endeavour to commensurate the sacrifices made by our armed security personnel.

CONCLUSION

The importance of Peace and Security to sustainable development cannot be overemphasised. Development, Peace, Security and Human Rights are interlinked and mutually reinforcing. National Governments have the primary duty to maintain peace and security. Athough the project of peace and security is daunting and cannot be left to government alone, government should provide the necessary leadership through evolving and furthering agenda that promotes peace through public policies.

Business Enterprises and Citizens have roles to play in ensuring sustainable peace and security. They are stakeholders but it must be emphasised that their roles are distinct from that of government. They are to compliment government efforts and government remains the driver of peace project. The goal of sustainable peace and security is everybody's project and most likely to be achieved if government and all the Stakeholders work in partnership.

On a good note, all hope is not lost. The political leaders of our subcontinent performed very well in dousing the potentially disruptive political conflict in Gambia, by the proactive steps they took to ensure that Yahya Jammeh peacefully gave up power to President Adama Barrow.

Once again, I extend my appreciation to the Board, Management and Members of WANEP, for affording me this rare opportunity to share my thoughts on the topic of this discourse. Thanks for your attentive listening.