Role Played by Imported Constitutions in Promoting Intra Conflicts in Africa

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Abstract

This paper provides an overview of role played by imported constitutions in promoting intra conflicts in Africa. The paper is grounded on the assumption that African people had their way of leadership where by most of the inhabitants of the land where royal too and would have been the keystone to democratic transition in case of it being evoked than implementation of the imported constitutions that spark off conflict to a great extent due to lack of ownership of these constitutions by the ruled. Paper will highlight the evolution of conflicts, its form and nature in Africa, and also illustrate the presumed causes to these conflicts in Africa by clearly showing a distinction between constitution and constitutionalism practices in the African context. Furthermore the paper will practically illustrate the case study of the Uganda's constitution of 1995 that clearly demonstrate how incompatible the constitutions are vis-à-vis the expected cultural norm of the inhabitants in the area, then conclusive remark as the conclusion stating way forward as derived from the general discussion in the paper.

Keywords: Constitution; Constitutionalism; Conflict in Africa

1. Introduction

1.1 Intra-conflict in Africa

In the past few decades or nearly half of a century, African societies and it's emergent nation states have been undergoing difficult times in terms of intra conflicts especially ethnic conflicts and antagonisms. This is not to say that conflicts did not exist prior to this period. The history and oral tradition of most African societies contain elements of conflicts and intra ethnic conflict situations. Investigation into forms and causes of these conflicts in contemporary Africa are of significance for a proper management of the situation. According to author in[1] he suggested that total eradication of the problem seems impossible, rather a need for better options to be adopted remains the answer to the intra conflict management evidenced in Africa, furthermore he argues through his work that Nigeria, Congo, Sudan, Sierra Leone, Ghana, South Africa, Rwanda, to mention but a few

among others have been reduced to theatres of conflicts and ethnic struggles, concluding that these struggles may not have a decisive end if nothing urgent is done to save this ugly situation.

1.2 Evolution of intra ethnic conflict

Max Weber defined an Ethnic group as "those human groups that entertain a subjective belief in their common descent because of similarities of physical type or of custom or both or because of memories of colonisation and migration, this belief must be important in group formation, it does not matter whether an objective blood relationship exists". In addition to him, the author in [2] defined it as a set of delineated boundaries between neighbouring groups and individuals are primarily concerned with maintaining these boundaries in order to explain one's identity often in a relative comparative manner. The two evolutional insights from Weber and Bath qualify an ethnic group with features of identity and boundary. These are also the features that distinguish the evolution of the concept of 'we' and 'them' where if we are treated by them can spark off collusion for self-determination as evidenced in many of African Intra conflict movements.

1.3 Forms and nature of ethnic conflicts in contemporary Africa

According to author in [3], he argues that intra conflict begins from the point of simple disagreement to a point where open violence becomes inevitable and a continuous hostile environment is perpetuated, distinctive between public realm ethnicity which involves conflicts related to the determination of who gets what, when and how, and private realm ethnicity that may not invite state intervention. In relation to Osaghae argument, authors in [4] states that what obtains most in Africa is public realm ethnicity which may be partly because of the limited development of the private sector in most African societies, though ethnicity in the two realms is recursive, another dimension in the classification of these intra conflicts in Africa apart from the population descriptive analysis above is the degree of manifestation. Intra conflict may be latent or manifest. The latent forms are those that are non-violent per se. Even though they may be destructive in nature, they are indeed grievances and underground vexations. This may be similar to what is regarded as cold war in the international political arena. In this situation there are inherent hatred among ethnic groups and enclaves. Authour in [5]. states that ethnic conflicts are not always violent. More usual or "normal" conflicts are non-violent and occur as part of normal life. In most cases, they are underground or latent and may not be obvious to the observer. On the opposite side of this case is the manifest or violent conflicts which represent only one extreme of a continuum. Same author in [3], states that, It is when channels of expression are closed or government fails to respond or responds negatively that conflicts can take violent forms as evident in most intra-state conflict in Africa. Having discussed the forms and nature of ethnic conflicts in Africa, it is important also to examine the underlying general factors or causes of these conflict situations.

2. General overview of factors promoting intra conflicts in Africa

This part will highlight the External and internal factors causes of intra conflicts in Africa;

2.1 External factors of ethnic conflict

2.1.1 Exportation of European state formation

The European strategy of state formation was exported to other parts of the world. The exploitation of this to other parts of the world regenerated many problems and almost the very conflicts that manifest in African states today due to the forcing of several ethnic groupings to live together as a state. Author in [6], stated that, it has been difficult for these states to be able to provide security, economic development and liberty to all their citizens equally. In addition author argue that, the various organized and functioning nations were brought together differently, diversified as they were before the colonial experience by the grace of colonial forces which destroyed the traditional African political systems, clarifying that, when people with different historical experiences, diverse cultures, varying economic conditions and political systems are brought together, a common situation for African nation-states today making intra conflicts inevitable.

2.1.2 Colonization legacy and ethnic conflict

After the division of African states from the image of European states the colonial masters implemented a divide and rule policy in which their administration they selected particular ethnic groups in the different states and favoured in various ways to disadvantage of other ethnic groups in the same state. They considered certain ethnic groups as closer to their way of politics, social-cultural and economic status. By so doing, author in [7] argued that they induced the spirit of superiority in one ethnic group, meanwhile disfavouring other ethnic groups and treated the ostracized ethnic groups as underdogs which upon their departure on independence, the leadership was left in the hands of these preferred ethnic groups which continued discriminating and excluding the others with in the state evoking grounds of conflict in many African countries to date. Author in [3] elaborate further that In Nigeria, for instance, Lord Lugard's colonial administration created and made use of docile rulers where they were in existence and the warrant chiefs where there are no substantive central political system such as among the Ibo's or the South Eastern Nigeria. Similar to Nigeria, In Uganda the British used the Buganda tribe as a protectorate over the other which led to an unequally distributed of resources up to date creating superiority and marginalization of other ethnic groupings in the country with the favour of Buganda tribe in Kampala city (capital city of Uganda) asset ownership creating ground of dissatisfaction and conflicting ground for this group to retain its privilege and other groups liberation making intra conflicts inevitable.

2.2 Internal factors of ethnic conflict

2.2.1 Appearance

In some countries in Africa this has plays a very great role to propel ethnic conflict. Due to difference in colour of skin, facial features or any other physical features compared to other ethnic groups. This was more evident in the Rwanda Genocide that claimed death of thousands of Rwandese. It was due to the appearance of the Tutsi that caught attention for the Hutu to kill them by furthermore looking at their Identity cards to confirm the ethnic origin of any Rwandese during the genocide. Many Hutu were also killed, for a variety of reasons including alleged sympathy for the moderate opposition parties, being a journalist or simply having a "Tutsi appearance just as the case was in the Rwanda Genocide of 1994. Furthermore it's through the appearance in most African

countries that many individuals are discriminated from government opportunities which has continuously continued and created dissatisfaction with majority groups creating grounds of conflict making intra conflict inevitable in Africa.

2.2.2 Resource and Economic inequality

The urge to have a share in resource of the state is one of the elements influencing ethnic tension. It does not matter whether the resources are scares or in abundance but how they are being distributed in the country. Author in [8] argue that In a situation where most resources are more distributed to a given ethnic group over the other in Africa this has caused rivalry over the one accessing to those struggling to access ending up into intra conflict in a struggle to have an equal share with in the state. As argued by author in [9], in the case study of Kenya, from Independence in 1963, Kenyan politics was dominated by the influence of ethnicity according to him, Jomo Kenyatta lacked nation-building efforts as compared to Tanzania's Founding Father, Julius Nyerere, which privileged the KiKuyu among the other communities who only considered themselves natives of the area, and keep on claiming for the returned to their rightful ownership of all that belonged to them than the others groups in the country [10]. Struggle against their land encroachment by foreigners is a more potent source of conflict for the kikuyu case as evidenced through the perpetrators of violence, According to Author in [11], he stated that, these perpetrators were paid a piece rate fee for each hut they burned down in favour of kikuyu dominance and retaining of the status of land and opportunities than the other ethnic grouping in Kenya which has continuously made intra conflict inevitable as surfaced in the post 2007 election and inevitable in the future.

2.2.3 Politics of the state

This is an important factor since the state is responsible to determine the division of resources of the state. Author in [12], states that certain states tend to determine individuals and groups to poses these goods and services or resources which make them to become more powerful to wield political power, these individuals and ethnic groups possess political power to gain privilege to state or ruling government easily gaining access and thus widen their status and prohibit sharing due to the power of the state's protection of these specific people in attaining their status. According to author in [13], African states are characterised by 1) lack of societal cohesion and consensus on what organising principles should determine the contest for state power and how that power should be executed, 2) low capacity and/or low political will of state institutions to provide all citizens with minimum levels of security and well-being, 3) high vulnerability to external economic and political forces, and 4) low degree of popular legitimacy accorded to the holders of state power by portions of the citizenry. And due to this, author in [14], states that, this lack of legitimacy is a logical result of the failure to coordinate equally state affairs above in consideration of all diversities and priority is based on political interests and benefits of those few who get to be having power ending up oppressing the masses leading to deprivable condition for self-determination hence making intra conflicts inevitable in African countries.

2.2.4 Information failure

The aspect of intra conflict mostly due to ethnic collusion, manifest it's self in two ways. The way is for groups to become secretive by keeping away information from the one groups that develop suspicions in other groups, Information failure stifles the possibility for competing groups to be able to dialogue since the competing groups do not have any basis on which to dialogue. Author in [15], states that, There is no possibility to share or negotiate their problems among themselves. They are an able to clarify a misunderstanding and make a shift towards peace. He furthermore continues to say that under information failure, the other point is the ability to misrepresent group information. This can be seen in a situation where ethnic or minority or marginalised group withholds information on what they think can facilitate there struggle against state oppression winning which is a common practice in Africa for majority of the minority groups rebelling against the state leadership making conflict inevitable due to blocked information.

2.2.5 Problem of credible commitment

In most African countries Agreements are signed but they are being abrogated, specific when conflicting parties enter into signing agreements to settle their difference with in the country however after reaching these agreements less commitment is taken to affect them as signed a common case of Sudan where the Comprehensive Peace Agreement of 2008 was signed by the Sudan government and SPLA but still the conflict persisted, Similar abrogation of these signed agreements have made intra conflict inevitable. Credible commitments have focused on several factors that help ameliorate the problems produced by time dependence as explained by author in [16] that, external actors can play an important role in assuring each side that the other is complying with the agreement. However according to Author in [17] he states that, combatants in Africa prefer to continue fighting when they predict a high likelihood that their opponent renege on a post-war agreement, and according to author [18], they apt to negotiate when they are facing an opponent who is likely to abide by an agreement which are abrogated making the circle continuous and intra conflicts inevitable in Africa

2.2.6 The security Dilemma

These depend on two main factors of information failure and credible commitment, it is found with in the conflict of interstate relations which is proper focus for international relations. It develops from the anarchy and how states depend on themselves to develop security measures like increasing their military capacities. Author in [19], states that within the state, ethnic groups may be politicised and build up its security influencing another in rivalry to do same by increasing its relation with the external support out of the state arguing that if one reacts because of lack of threats from the other, this give room for military empowerment and if information is transparent to permit the one to understand why the other ethnic group or opposition at national level is arming the reaction will be different and because of lack of credible commitment to be protected may attack the other by only focusing on the state as the object of failed security according to author in [20]. Authors in [19], argue that States are political units and as such it is this political integrity which needs to be secured but states are also composed of societies and societies are about identity. The issue of societal security becomes important since this fact of different societal collectives confirms an increase in one ethnic groups security when politicised threatening that of the other ethnic group making intra conflicts inevitable. [19].

2.2.7 Tribalism, Unguarded and Radical ethnic consciousness

Consciousness of one's ethnic origin or background is a psycho-sociological reality that is largely universal in nature. Ethnic consciousness may be described as that subconscious or conscious identification with one's ethnic background. Such identification may sometimes be unobtrusive, subtle, and largely unnoticed by others. On the other hand, it may be obtrusive and crudely insensitive. Author in [20], states that ethnic consciousness amongst people can be found in many multicultural societies in varying degrees with in Africa, in conflict or coexistence with other forms of consciousness such as class, religious or national consciousness which is the same case among some blacks South African that is putting their country's post-apartheid future in jeopardy and inevitable to intra conflict

3. Role played by imported constitutions in promoting intra conflicts in Africa

3.1 Overview of what a constitution is and constitutionalism?

A constitution is a set of fundamental principles or established precedents according to which a state or other organization is governed as defined by New Oxford American Dictionary of 2005, though constitutionalism, Author in [21], explains that a constitution is essentially used as a mechanism of governance through which people, individuals, and groups exercise power channelled to institutions with certain out comes and effects on the system, he furthermore added that the overarching goal that guides the process of decision making and actions ought to be that of human dignity, defined as the broadest shaping and sharing of all values, material and nonmaterial which requires increased productivity, equitable distribution, and enjoyment of human rights, civil, political, economic and cultural. In agreement to Francis Dengs' explanation, while constitutionalism is a generic frame work for universal application to all people with in the state, Imported constitutions lack of substantive consideration of overriding values, norms, and cultural patterns to satisfactorily address the pluralistic nature, minority marginalisation and characteristic nature of people in Africa.

3.2 African societies in the Pre-colonial period, Colonial, independence and evolution of constitutionalism in Africa

During the pre-colonial period in Africa, the African continent had communities that used to live concurrently with each other through empires using customary laws with in their respective territories. And during the Colonial period, these communities where destroyed nations states where formed which demarcated Africa forcing Africans to live together in the state nature bounded by boundaries and following the colonial policies established at the time in addition to that new change, author in [21]. argue that during independence most of the African founding fathers at the time played less in the development of their constitutions than importation of the colonial constitution making at the time of granting self-rule to Africans, however these constitutions have always remained to serve in retaining the values and legacy of colonial values which on the other hand is less representative of the values of African people who agitate for their rights and inclusion in to the governance system through constitution reforms to address the varying under privileged positions, to a smaller extent internal and external factors mentioned above promote grounds for intra conflict and imported constitutions play

a greater role in structuralization of exclusion and marginalizing functions of African states. These constitutions continuous failure to address the following bellow has left a structural setup of grounds for conflict as shown below;

3.3 Lack of minority respect in the imported constitutions

This chapter will elaborate how the minorities are not properly addressed within these imported constitutions as shown below;

3.3.1 Imported Constitutions' acknowledgement of Minority Rights vis-à-vis limited structualization of practical respect of these rights in the states of Africa

According to author in [3], he states that the importation of exclusive and power centralising European statehood and constitution which recognise some minority rights, makes regenerated conflicts in Africa attributed to deep ethnic demand and interest articulation when these rights are only stated in these constitutions and less action is taken to ensure full fulfilment as stated due to lack of political will and reluctance in practical constitutional reforms. These demands when foreclosed by an authoritarian government usually give rise to violent intra conflicts with in sates in Africa. This was the case in Liberia, Ethiopia, Chad, Sudan and Rwanda. Even where the channels of ethnic struggle and articulation are legitimate and open, mismanagement of the ethnicity variables may equally lead to conflict situations. For instance where the ruling class pays lip service to ethnic demand or minorities other than those by their own ethnic groups, as Doe did in Liberia, ethnic conflicts are likely to exceed normal limits and be inevitable in Africa.

3.3.2. Articles of Affirmative action stated to address marginalisation with no permanent redress to minority rights as a whole.

In efficiency in the imported constitutions to implement respect of minorities, Affirmative action, is being taken by the states of Africa and is becoming a common feature for addressing historical inequity directed at ethnic minorities and women in a number of African countries than permanent reform of the imported constitutions to meet the minority right respectively in the country. For example In Uganda for instance, according to 1995 Ugandan Constitution Article 32 permits the state 'to take affirmative action in favour of groups marginalized on the basis of gender, age, disability or any other reason created by history, tradition or custom for purposes of redressing imbalances that exist against them'. However this continues to be an inefficient means of fully addressing the minority underprivileged condition living many in a situation of struggle to obtain these rights hence making intra conflict inevitable, most evident in Uganda by the continuous demonstration of the Buganda ethnic group against the leader ship of the Ugandan state that claim death of citizens of the country in then Human Rights Watch Uganda report of September in 2009

3.3. 3 Exclusive Constitution Powers mandate to the executive, judiciary and parliament in Law enacting vis-à-vis any minority stakeholders of the states like traditional leaders

In this regard many of the imported constitutions in Africa, mandates parliament to enact appropriate laws, influenced by elites' decisions in the legislature that many times may meet there selfish interests and be in disagreement with the marginalised excluded minorities who may not be represented. For example, according to the 1995 Uganda constitution Article [22] guarantees the right of ethnic minorities to fully participate in the development process as well as in decision-making that affects their welfare however prohibited the traditional leaders from participating in political positions, this continuous exclusion form grounds for conflict and intra conflict inevitable for many African countries. While affirmative action measures have focused more on women in Africa, these measures are less directed towards ethnic struggles which are received enthusiastically by most Africans. With no constitutional reforms to integrate and liberate power granted by these constitutions to other state stake holders has led to continuous exclusion making intra conflicts inevitable in Africa for self-determination.

3.4.0 Lack of pluralist respect in imported constitutions

This chapter will elaborate the lack of pluralistic respect of the African society with in the imported constitutions as shown below;

3.4 .1 False dichotomy of imported constitutions and pluralistic nature of Africa

According to author in [23], he argues that driving much of the analysis of African intra conflicts is a supposed distinction between two types the constitutional and the pluralist competing models the "foundational" and "comprehensive" constitution. In its liberal-democratic guise, the constitution constitutes state and polity, and provides the normative underpinnings for constructing and challenging the polity's legitimacy over time. He further explain that, the foundational constitution is assumed to be complete: it establishes a single "overarching legal framework and comprehensively determine the structure, processes, and values" of the system which is not the case for the African constitutions that don't put in consideration the pluralistic nature of the African society. In agreement, Alec, 2003 states that in contrast to pluralism, constitutionalism entails "clear cut hierarchies stable Grundnormen, settled "rules of recognition, ultimate conflict norms and rules whose purpose is to enable a designated authority to resolve conflicts among norms and institutions effectively. Pluralism is best for Africa and is explicitly conceptualized in opposition to constitutionalism of imported constitution which has continuously led marginalised, exclusion and intra conflicts inevitable.

3.4.2 Imported constitution's basic role in universalization of human rights vis-à-vis the failed practice to protect and promote these rights pluralistically

According to author in [23], when it comes to rights protection and promotion many domestic constitutional orders in Africa look to be pluralistic. In addition, Author [24], argues that extensive documentation of these constitutions, not only have conflicting authority claims between national high courts remaining unresolved, they have generated the kind of inter-jurisdictional and juris-generative as associates with pluralist orders. However at the level of citizens in Africa, there is continuous suffering and violations of Human rights as shown by Amnesty international reports of 2013 and despite the contextualization of these rights in the Imported

Constitutions, enactment of statues establishing 'Autonomous' National Human rights commissions there is continuous marginalization and undermining of the pluralistic nature in promotion and protection of Human rights as stated which are continuously manipulated by the executive arm of the states in Africa with power hence creating grounds of conflicts due to continuous violation of them making intra conflicts inevitable.

3.4.3 Imported Constitutions' limited response to pluralistic nature of Africa, Human rights promotion and protection constitutionalism as played by African Union

According to author [24], he argues that Africa presents three detailed case studies of post-national pluralism that, in his view; provide strong empirical support for the view of constitutional pluralists. He furthermore argues that a pluralist constitution can be built through interactions between other- wise autonomous legal orders by encompassing all the diverse ethnic groups in the state. The claim boils down to the following: the more intensive the rights-based interactions are between different legal orders with the ethnic diversity, the more likely it is to be that constitutional jurisprudence of pluralism would gradually emerge and give a discursive through legal structure to these interactions. Author in [15], argues that pluralism of African rights protection in chapter (4) of the African Charter on Human and people's rights, mandated by member countries by African Union to constitutionalize and domesticate in African states through the imported constitutions at state level, show clearly how this discussion is about "things constitutional," in a profound sense which is being violated by dictatorial regimes in Africa making intra conflicts inevitable.

3.5.0 Lack of characteristic nature of African people in imported constitutions

This chapter will present the lack of characteristic nature of African people in imported constitutions as shown below;

3.5.1 Imported Constitutions' lack of Characteristics constituent of African People in most of the state with in Africa

According to authors in [25], they pointed out, in the context of Africa that, the integration of different groups through colonialism into a peripheral capitalist formation brought new and competitive notions of development, and heightened existing conflicts and produced new intra conflict among groups in African Countries. Author in [27], in addition he added that the state in Africa are neither neutral nor an arbitrator, it is itself a focal point of competition and an actor in conflict as upheld by author in [28], who concluded that ethnic conflict can be seen to be produced more by the (state's) threatening actions regarding the various communities which sustain peoples' lives than by any intrinsic hostility among African peoples. Author in [3], expound elaborating that in Nigeria, Sudan and Liberia for instance, the ethnicization of state power led to civil war, this is much accredited to the lack of the characteristic nature of African People in their respective states within the imported functioning constitutions in African Countries, some of which are elaborated bellow;

3.5.1.1 African Psychological Characteristics denunciation for European like State functioning Values in the imported constitutions.

According to author in [28], he argues that African way of organizing and cognitively engaging the world derives from a strongly restrictive indigenous sociocultural milieu, and that this approach to social life of African People, in his most recent attempt to place Kiswahili language as a crucial element in East Africa's political and economic development and ultimate regional integration, refers to the "East African mind" as follows:

'The psychology of living together is also undergoing a change - and Kiswahili is part of the new East African mind in communion with the modern world" quoted from author in [28]. African minds are products of unique "cultural edifices" and "cultural streams" that arose from environmental conditioning and long-standing cultural traditions. Within the African cultural stream, author in [29], he furthermore claim that psychological and moral characteristics are pertaining to African identity, personality dignity and personality characteristics are inherent in the African mind, these include sociality, patience, tolerance, sympathy and acceptance and lacking in imported constitutions functioning in Africa'

This elaboration from Mazrui, clearly show the nature of African people vis-à-vis the state hierarchy and forcefulness in administration of these people lacking sense of attachment and belonging, and all this is cause due to the non-inclusive imported constitutions that centralize power to the state and oppress these values of the African people that create grounds of conflict making intra conflicts inevitable.

3.5.1.2 Imported Constitutions' less concentration on the individual and African society solidarity towards development vis-à-vis state law obligations and citizens' obedience

Author in [30], State that Individual have little latitude for self-determination outside the context of the traditional African family and community, "Whatever happens to the individual happens to the whole group, and whatever happens to the whole group happens to the individual. The individual can only say: 'I am, because we are; and since we are, therefore I am.' This is a cardinal point in the understanding of the African view of man" Author in [4] states that, African traditional society are "based both on the community and on the person, because it was founded on dialogue and reciprocity, the group had priority over the individual without crushing him, but allowing him to blossom as a person" as quoted from author in [31]. This community based arrangement and solidarity is broken down by the imported constitutions in Africa that have continuously neglected the communities for political reasons and has prohibited self-determination of many African communities uprising against the laws in the countries to protect their solidarity rights and privileges in these communities creating grounds of conflict and hence making intra conflicts inevitable.

3.5.1.3 Rejections of the role played by the African family and community in building nationalistic values for African Development vis-à-vis the imported constitutions general role for all citizens in African states

According to author in [32], African traditional family has a setting wherein the vertical power structure of the ethnic group is introduced and sustained as predominant over the freedom of individuals; there is a "fundamental difference between the traditional African child and a child in the Western culture. The same author further added that the child in Africa was muzzled right from the outset and was thereby drilled into

submission to authority from above" and Community norms, he says "are merely received but never subjected to the scrutiny of reason to establish their viability and practicability in the society, it is because of this lack of personal involvement and personal scrutiny that has tended to work to the disadvantage of the Africans and causing intra conflicts especially where they are faced with a critical situation of reckoning about their own destiny and even dignity. As a characteristic nature of African People and family functions, the imported constitutions neglected greatly the role played by this unit of the state ending up in doing less to groom the children in the state with nationalistic values rather than a domination of the ethnic values as learnt from families who at a later stage get to have clashing values of ethnic domination from families vis-à-vis the nationalistic values imposed by the states. This clash in values creates a ground for conflicts and makes intra conflict inevitable when politicized in Africa.

4. a case study of the Uganda constitution (1995) in Africa as one of the imported constitutions in Africa

This chapter will give a back ground and an analysis for the evolution and implementation of the imported constitution in the Republic of Uganda as my empirical representation and as a representative practical sample of such constitutions in promoting intra conflicts with in Africa.

4.0.1 Overview of imported Constitution rule development in Uganda

Before the scramble for Africa, current day Uganda was a country with a combination of Kingdoms and chiefdoms. With Buganda Kingdom as the strongest and biggest in the area, in 1894 the British government declared a protectorate over Buganda, according to author in [33]. Two years later after this declaration, British control was extended to cover the western kingdoms of Ankole, Toro and Bunyoro - to form, together with Buganda, the Uganda Protectorate . According to the 1962 first Uganda constitution drafted for independence, adopted from the British with very little input of nationalists at the time, on departure of the British, a federal independence was granted to Buganda, Kingdom of Ankole, Kingdom of Bunyoro, Kingdom of Toro and the territory of Busoga who's in habitnats all have diffirent values, in addition to them were Districts of Acholi, Bugisu, Bukedi, Karamoja, Kigezi, Lango, Madi, Sebei, Teso and West Nile and the territory of Mbale. Due to the Nationalist movements in wider Africa in 1960s, Uganda in specific and desire of the elected Prime minister at the time on obtaining this independence, Dr Milton Obote aspired for a unified administration of these federal states. He staged a coup against the central federal strongest state Buganda ethnic group, whose king was the president of the Independent Uganda dismissing its leadership; through the Uganda Constitution of 1967 where he abolished traditional institutions kings and chiefs forcefully restructured and unified all respective territories and boundaries under on centralized state forming the Government of Uganda following a reformed imported constitution of 1962 with disregard of ethnic diversity and identification. The revision of this same constitution by the Ugandan Parliament in 1995 reinstating the traditional institutions, and blocked up to date traditional institutions from participating in political, economic, and social affairs of the state and granting all of these ethnic groupings a status of traditional institutions and since that time the denial of autonomy t these ounce free kingdoms by the imported constitutions created grounds of conflict which are evident through the demonstrations in the country that are greatly aligned to ethnic belonging against the main government of Uganda

4.0.2 Analysis of the Ugandan Constitution in promoting Conflicts in the Country

Since this revision of the constitution up to date, the constitution is a representative of the colonial values of the British not inclusive enough to accommodate most of the values of the indigenous ethnic groupings and is in rivalry with the all ethnic group who are striving for autonomy in the country. Issues such as legitimacy, efficiency of democratic activities and good governance in the country, as well as the participation and responsibility of citizens is weak in the country due to their lack of sense of belonging to the main state which is caused by the imported constitution exclusiveness and centralization of powers to only the state. This constitutional exclusion has provoked of Buganda ethnic group under its main administration in Uganda called Mengo to demanded for a federal system of government which the centralized government continues to reject and suppress leading to death of royalists during the demonstrations, climaxing in the September 2009 riots which saw the death of at least 40 people and hundreds of arrests un constitutionally imprisoned and released after 2 years by the Human Rights Watch Uganda in September of 2009. The centralisation of all power to the state and un equal distribution of resource enshrined through politicization of the constitution to the Ankole ethnic group privileged position than to the diversities of ethnic in the country has continuously created ground for conflict and hence will be making intra conflicts inevitable if this constitution is not revised to integrate the pluralistic, minority and characteristic nature of Ugandans that is lacking in it then intra conflicts making the future of Uganda to be at break.

To a great extent imported constitutions and all the above internal and external factors have not in themselves sparked off intra conflicts but the polarization and manipulation of these factors by the following actors bellow in implementation of these imported constitutions has been the triggered for the wide spread violent intra conflict in Africa.

5. Political entrepreneurs

Ethnic conflicts do not erupt so suddenly, they are the consequences of some people in countries infested by conflict like in Rwanda, According to author in [33], they both argue that these people foster the conflict, have different interests to meet and they see ethnic conflict as their sole chance. They furthermore argued that political entrepreneurs that organise collective violence have an easier mission when there are overlapping contested issues and the main arguments for hatred are blurred. Thus, there is a process that links contested issues provoking an 'avalanche chain' contested issues arise from a single tension and political entrepreneurs identify other contested issues in order to stress the 'otherness' of groups and embitter the interactions between these groups. In addition to first author the second author in [34], argues that the opportunity to fight is also geographically situated, political entrepreneurs usually need to build networks among people and the windows of opportunity to mobilize these people can vary over different locations by for example providing information and logistical support to latent fighters that are willing to fight but are constrained by lack of opportunities. A main pattern triggered and developed by political entrepreneurs is to link contentious issues and boost the salience of the conflict moving it from a delimited and localised contest to a broader territory and a general dispute. The pattern is drawn as a set of interactions between a central agency, rebel political entrepreneurs, and the local population hence, these agents will link different actors that previously were untied and shape their

strategies and actions to a consistent set of motives to fight. By doing this, they mobilize actors situated in different locations using local political opportunities and a network of crystallised identities.

5.0.1 Method used for mobilising the diverging people with grounds of conflict in the Africa

This part will introduce the most used method by Political entrepreneurs in mobilising diverging people in sparking off intra conflicts where grounds of conflict exist for selfish reasons

5.0.1.1 Brokerage: Tying People, as a method of mobilising diverging people

According to author in [35], he argues that Political entrepreneurs, in order to maximize the number of people enrolled in their organisation, need to start their "marketing campaign" from certain locations and then diffuse their ties. They coordinate different actors in different locations; they are able to provide information on the willingness of other actors to fight to people that aspire to behave similarly in another location. He further concluded that, political entrepreneurs are vital though collecting actors' motivating and coordinating them. This is a common situation in many African states where rebel movements against the ruling government usually focus on a given group of minority, promising rewards towards participation and provoking them to fight for their rights this in turn results into violent intra conflict as evidenced from Southern Sudan under the two political entrepreneurs(elite) mobilization of loyalists on either side of Salva Kiir Mayardit who is the current president and Riek Machar Teny Dhurgon who was ounce vice president but was denounced from the position

6. Ethnic activists

They use ethnic group's identity to lob for all needed to support the conflicting situations to protect these ethnic origins. They look at the country with the ethnic perspective as well polarize myths, symbols and historical origins of an ethnic group of origin and during the struggle there main aim is to protect the ethnic grouping from outsiders. According to author in [36], he argues that the ethnic activists mainly defer from political entrepreneurs in a way of catalysing the conflict in protection and promotion of their ethnic origins while the political entrepreneurs catalyse and mobilize the diverse conflicting parties for selfish reason. The above Sudanese politicians started as political entrepreneurs who had selfish interests in mobilization of the southern Sudanese people to collide and with time they introduced the identity and ethnic attachment in the struggle identifying the Nuer and Dinka people as being different with the nuer fighting the dinka to have their autonomy and liberation themselves from un equal resource sharing it's at this point of ethnic struggle of those actors who join to liberate their ethnic groups that they turn out to be ethnic activists [37].

7. Conclusion

In the present dispensation of intra conflicts as evidenced through ethnic conflicts in African nation-states, According to author in [37], he argues that the imported constitutions which most African Countries are following have addressed less to be inclusive enough to avoid dissatisfactions that create grounds of conflicts in Africa; in addition to this the western, formal systems of conflict management where these constitutions originated have not really saved the situation due to the African pluralistic, minority diversity and characteristic

nature disrespect. In instances where they have been applied, they have only acted as management rather that means of resolving the conflicts. The search for an enduring resolution mechanism is still relevant and it should be noted that a great role is played by the imported constitutions which have institutionalized Africans structural marginalization, underprivileged positioning, oppression and discontent which have created conflict grounds needs urgent redrafting of these constitutions to suit the African diversity and reality in order to manage the differences and reduce on the conflicting upraising's on the continent by integrating and revitalizing those existing earlier African systems and customarily laws for a more functional responsive African society which would be better than continuous function of imported constitutions in addressing African pluralist, Minority struggles and characteristic nature of African people to transform this un welcoming situation of increasing intra conflicts in the future of Africa.

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