

# (IN)SECURITY REGIME AMONG AFRICAN YOUTH: THE AGE AND LAW CURFEW

CHINEDU THOMAS EKWEALOR  
*School of Social Sciences, Cluster of International and Public Affairs  
University of KwaZulu-Natal  
ekwealorc@yahoo.com*

*Abstract:* this paper purports to present the account of twin phenomena of age and constitution that anointed the relegation of African youth to the wastebasket of oppression. African youth have been studied by various scholars; and social, economic, and political statistical analyses of the youth were habitually deduced from [un]employment quotient. According to National Treasury discussion paper<sup>1</sup> this instrument may not be a reliable tool in either understanding insecurity regimes threatening the youth in Africa and may not suffice in championing policy course for a secured African youth. [Un]employment are only symptoms of asymmetrical laws governing many African states. The principal problems are the constitution, and age limitations respectively (Ombagi 2012). In this guide, the instrument valid for testing and indeed, observing the true condition of young Africans are: the roles of state's constitution; and the Age Grade limitation factors. These, are critical in the development and security of the youth. George McGovern cited in Jeanette Rankin (2012) noted that he [was] fed up to the ears with old men dreaming up wars for young people to die. Two salient factors, rudimentary to youth insecurity in the region in McGovern's assertions are the law which authorises war and the age grade legally targeted in the war. In assortment of ways, constitutions provide the basis for definition, qualification and categorisation of the youth, who in turn are the direct sufferers of numerous human and state insecurity conditions forced on them by law. Constitution, therefore, plays exclusivist roles and enables the central authority to enforce rules on, and dictate norms for the youth. Despite the need for the state to adjust its behavior to reflect the actual or anticipated preferences of all citizens through a process of policy coordination, laws deprive the youth.

*Keywords:* Africa, constitution, education, security, youth.

## INTRODUCTION

“None of the building blocks of poverty reduction – inclusive economic growth, human capital, empowerment, education and social protection – are possible without harnessing the potential of youth.”<sup>2</sup> African youth believe that they are the real vehicle of development and growth, and indeed, the agency for Africa's acquisition of its rightful place at the global podium. The stark lack of sufficient constitutionally-supported platforms to act and resuscitate that outlook belies the notion that African youth are the real instrument of current revolution. This absence of accomplishment among African youth twigs from the emplaced constitutional limitation and the de-

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velopmental age exclusion theory across the globe. Africa is worst hit by the age grade factor. Through national policy formulations on key sectors of the society – such as education – supported by law, frustrated the options for development, growth, and undeniably, suffocated the human security of young men and women in Africa. According to Ekwealor (2013: 74), human security entails protecting vital freedom as contained in the United Nations human security umbrella – Economic, Food, Health, Environmental, Personal, Community, and Political (Akman 2012). Undoubtedly, constitution manages issues of citizenship, rights and privileges in the state. It, however, also processes some selective deprivation in its application. For example, most African states instituted entrance examinations from secondary/high schools into the tertiary education levels. These entrance examinations aim at preparing the naïve secondary school students to have a feel of what they will be doing in the university, have become hindrances. In many ways, entrance examinations serve to lock out a huge number of the youth population from tertiary educations.

Essentially, the principal rationale for establishing educational institutions (such as the universities, polytechnics, monotechnics, colleges, and secondaries) is especially to uphold the ideological development of humans and to endow it with the means by which human input in the society can be intelligibly fostered. In recognition of the hard lessons learnt from the mistakes of the tertiary institution entrance examinations, some African countries have developed other modalities that scrapped the entrance examination as a solution to its deterrence effects. Seemingly, determined to prevent the associated calamities of high number of un-educated youth across the globe, informed the operational philosophy that encourages the United Nations Convention on the rights of the Child to education. Specifically, Article 28 of the convention stipulates that “every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children’s human dignity. Wealthy countries must help poorer countries achieve this.”<sup>3</sup> Further, Article 29 fortifies, and asserts that education must develop every child’s personality, talents and abilities to the full. It must encourage the child’s respect for human rights, as well as respect for their parents, their own and other cultures, and the environment. In this way, the UN convention on the rights of the child obligates not only the le-

gality of access to education, but also frowns on academic exclusion in whatever form against children.

Even though the youth continued to suffer from many forms of deprivation, the Youth Think Tank Initiative<sup>4</sup> maintain that the insecurity among African youth hinges on the very short supply of youth deep thinkers to wriggle the youth out of the claws of constitution and age limitations in Africa. Hinson and Bradley (2011) advance the argument; they see that youth oppression is built into the fortitude of the society by law which makes it difficult for the youth to play important roles within the confines of the guiding rules and regulations of their states. This explains why Coetzee and Roux (2002) underscored that state constitution in Africa created filial rancor between the society and youth on one hand; and, enabled imbalance on the other hand. I press further, Hinson and Bradley position, and argue that, constitutional limitations on the youth in Africa oppress them through the instrumentality of the age grade exclusionist philosophy.

## THE YOUTH IN AFRICA

The conversion from infancy to maturity is a peculiar phase of human expansion. “The extent to which youth succeed depends on the opportunities available to them, the assets and capabilities they have accumulated, and the spaces in which they are encouraged to function.”<sup>5</sup> According to the African Youth Charter, (AYC) youth are “those persons between the ages of 15 and 35 years.”<sup>6</sup> Ramokgopa (2014) opines that the defining factor of youth in Africa is that, they are those group of active people whose positive contributions to the society, especially, through leadership of their state is pruned by the state through the agency of the constitution. He holds that people between the ages 15 to 35 are supposedly active citizens of the state. The United Nations corroborates Ramokgopa in the Charter’s article 67(1) and 73(d) respectively by encouraging the UN member states to invest in “education and research”<sup>7</sup> as means to catering for their youth. Since the absence of youth security is carcinomatous and creates multiple layers of security dilemmas, which challenges the core national values and disturbs state’s operational environment, African youth, require the state by law, to enable: employment, entrepreneurship, political inclusion, civic engagement and protection of rights, education, and health<sup>8</sup>. These are the

fundamental elements of youth-hood. However, African states' constitutional provisions belie these principles.

As indicated earlier, unemployment is not the problem with African youth, the legal frameworks of the state is, and unemployment is not a singularity of the developing countries. It is a global phenomenon. Young people all around the world face the challenges of unemployment and underemployment. Lack of employment and entrepreneurship strategies are constitution-backed devices that fan unsecure youth. Explicitly, "the global youth unemployment rate was estimated at 12.6 per cent in 2013, meaning that 73 million young people were out of job in 2013"<sup>9</sup> but this was possible because several entrepreneurial options are constantly truncated through the utility of constitution. African youth are those young men and women more likely to be engaged in informal employment because transitions to decent work are often slow, and indeed, difficult. They are the deprived members of society frequently facing strategic difficulties and hindrances informed by law, when establishing or developing their own businesses. They are those often lacking the means to start business due largely, to constitutional requirements. They are those perceived in financial institutions as high lending risk and people without collateral securities. The states promulgate collateral security laws through its financial institutions. The question is how would young African possess collateral security, since he/she is by age prohibited by law to do so?

Further, state constitution (that is, the Laws of the land) across the globe, particularly, in Africa has done very little in addressing the protection of rights and civic engagement of youth. Participation is a fundamental right. It is one of the guiding principles of the Universal Declaration of Human Rights<sup>10</sup> that has been reiterated in many other international Conventions and Declarations. Through civic engagement, young people are empowered to play vital roles in their own development as well as in that of their communities, helping them to learn vital life-skills, improve knowledge on human rights and citizenship, and promote positive civic action. To participate effectively, young people must be given the proper tools, such as access to their civil rights and demonstrated faithfulness to those international resolutions and avowals that chronicle the rights of the youth. In some African states, such as, Nigeria, political exclusion of the youth is enshrined in the constitution of the federation. This explains why a young man or woman cannot become the president of the country under

the watchful eyes of its constitution. For example, section 131(b) of the constitution flagged that a person shall be qualified for election to the office of the President if... he/she has attained the age of forty years<sup>11</sup>.

Amidst legal frailties, social progress is dependent on the ability and willingness of our societies to incorporate young people's contributions into the building of the future. Youth are not adequately represented in formal political institutions and processes such as parliaments, political parties, elections, and public administrations. "The average age of parliamentarians globally is 53, only 1.65 per cent of parliamentarians around the world are in their 20s and 11.87 per cent are in their 30s."<sup>12</sup> This barrier is fortified by the constitution which ensured that even when the youth flout the law that prohibits them, and facilitate the overthrow of dictatorial regimes, such cases as of the Arab Spring of: Tunisia in 2010, Egypt in 2010 and Libya in 2011, the old have picked up powers and continue to rule according to the old order. In the shadow of such laws built around age in Africa, is where the selective privation which guaranteed political marginalisation and economic deprivation of the youth have crested. In this fashion, a number of grave events continued to happen even in education sector in Africa. Education is a priority area in multiple internationally agreed development goals, as it is a prerequisite to eradicate poverty and hunger and for the promotion of sustained, inclusive and equitable economic growth. But policy frameworks that outlined educational structures in the continent characteristically disadvantage the youth through the constitution.

## THE CONSTITUTION IN AFRICA

Constitution as espoused by the Black's Law Dictionary 5<sup>th</sup> Edition, means the organ and "fundamental law of a nation or state, which may be written or unwritten, establishing the character and conception of its government, laying the basic principles to which its internal life is to be conformed, organising the government and regulating, distributing, and limiting the functions of its different departments, and prescribing the extent and manner of the exercise of sovereign powers."<sup>13</sup> Merriam Webster Dictionary further defines constitution as "the basic principles and laws of a nation, state, or social group that determine the powers and duties of the government and guarantee certain rights to the people in it."<sup>14</sup> The

common denominator in these definitions is the term law, meant for the protection of human rights. In Africa, the laws governing most states violate certain pertinent youth's rights. The Council on Foreign Affairs issue brief, conceded that law is meant to respect human rights. However, implementing respect for established human rights is problematic. Some of the worst violators have not joined central rights treaties or institutions, undermining the initiatives' perceived effectiveness. The UN Charter, for example, promotes "fundamental freedoms," but also affirms that nations cannot interfere with matters within the domestic jurisdiction of member state<sup>15</sup>. The utility of accountability measures, such as sanctions or force, and under what conditions, is also debatable<sup>16</sup>. At times, to secure an end to violent conflict, negotiators choose not to hold human rights violators accountable. Furthermore, developing nations (Africa being one of them) are often incapable of protecting rights within their borders, thereby victimising the weak, usually the youth. The UN Human Rights Council (UNHRC), committees of elected experts, various rapporteurs, special representatives, and working groups always places the beam light on rights issues in areas of active war, ignoring limited youth participation as main security issue. This is how war crimes tribunals – the International Criminal Court (ICC), tribunals for the former Yugoslavia and Rwanda, and hybrid courts in Sierra Leone and Cambodia – were instituted.

Constitutions in Africa are always carefully tailored to effect political elimination which begets economic ostracism of the youth as in Somalia<sup>17</sup>. Somalia Human Development Report underscores that:<sup>18</sup>

in 2000, the Women's Commission for Refugee Women and Children report on a review of international programmes and policies on health, education, livelihood and protection needs for young people, highlighted the needs to ensure that, the youth are squarely on the international agenda for action through increased appropriate programme to respond to youth's numerous specific felt-needs.

The document opines that, in Somalia, a constitutional empowerment framework may be the most holistic and effective option for addressing interrelated youth and societal crises. In this case, the emergent Somalian youth working towards inclusion and against deprivation are directly or indirectly at war with the law which established exclusion in their land. For emphasis, Somalia's clan-base political dynamics

have consistently worked against the re-establishments of central government thereby, creating unequal power structures that undermine youth primacies. Surely, without a central government in Somalia, and with the collapse of formal judicial institutions, *xeer* and sharia laws play significance roles in post-war governance and state-building. In both, women and youth are the direct victims of the law.”<sup>19</sup> Since education, health and decent standard of living are major determinants of human development, improving people’s access to these fundamental needs is of constitutional importance to promote human development. Rwandan Government’s ability to eliminate ethnic clause and its attendant divide, which caused the Rwanda genocide in 1994, prominently, lends credence to power of the constitution.

Against the forgoing, written and unwritten types of constitution embodying various regulatory procedures of sovereign states of Africa should inject life into the youth through strict policy implementation, to be enshrined also in the constitution and in the African Union (AU) Charter. Lack of regulatory mechanisms in African constitutions explains why the African Union Youth Charter is, at best, an ordinary dustbin document without any force. This is how the region’s Youth Charter is equally of no effect. Article 11(a) of the Charter, advocates for “the participation of youth in parliament and other decision-making bodies in accordance with the prescribed laws.”<sup>20</sup> Further the document also promised that mechanisms to address youth challenges shall be framed within the national development framework of the country.<sup>21</sup> Ever since 2006 when the Charter was adopted, Cote d’Ivoire, Egypt, Libya, Mali, and Tunisia have been at war against their own youth fighting for justice and peace? The AU did not utilise the Constitutive Act’s Article 4(h) to restore peace in those states, external interveners did.

At the enunciation of the Youth Charter, it was believed that it will engender cooperation between African states and its youth. Although the charter places national constitutions of African states as commonplace, the nature and extent of constitutional arrangements that were reached and attempted to achieve the youth welfare were limited by defectors. National leaders abandoned the implementation of the charter with impunity. This emplaced crippling effects on African youth and serves impediment to absolute gain as defector national leaders, focus on relative gains. Some of the basic principles laid out in the charter to be pursued by the state are blatantly ig-



nored. Many young African are imprisoned and denied access to education. The charter encourages member states cooperation but state parties are cheating. Specifically, Article 18(e) of the charter places the burden of ensured education of the imprisoned youth on the state, when it reads: [states] “shall make provisions for the continued education and skills development of imprisoned young people as part of the restorative justice process.”<sup>22</sup> This is cardinal, since the youth are majority in the continent of Africa with over 70% of the overall population.<sup>23</sup> Sadly, some security authors claim that there are as many young people in the prisons as they are in the universities and on the streets in Africa. One would hoped for many young Africans in the universities, and asks, following the general saying that youth are the leaders of tomorrow, are African governments not concerned about the future of the continent?

## THE EDUCATION IN AFRICA

Glenn Langford and D.J. O’Connor posit that the controlling idea of education is the training of mind and character of humans (1973). This statement is certainly true as far as it goes with the Chinese adage: “If you are planning for a year, sow rice; if you are planning for a decade, plant trees; if you are planning for a lifetime, educate your children.”<sup>24</sup> This adage presses further the fact that a faulty educational system that is characterised by structural and policy barriers will not only produce perverted adults but also, to a greater length, a lifeless society. Being a part of the super-structure of the whole society, education has a key role to play in political and especially, ideological development of the society (Tsang 2000). In addition, it fosters secured youth. Exponentially, the education system should be a harbinger for promoting social equality and socially-oriented goals. For education to remain true to its meaning, it will also continue its principal role of developing the human science and technology. Thus, educational institutions should nurture the acquisition of skills and knowledge (“expertise”) as well as moral development of the learner and stratification within education system should aim at preparing a diversified workforce for the economy in need of different types of skilled labour. This is key, since in training mind and character, education seeks to develop and to ensure sustainable livelihoods for all people, especially, the youth around the world.



Education can become a catalyst for eradicating poverty and hunger as well as in promoting sustained, inclusive and equitable economic growth<sup>25</sup>. However, data shows that much remains to be done constitutionally to ensure access to education for all young women and men in Africa. “In 1940, laws were amended in United States of America to include a school milk program, and, in 1946, several related food-commodity laws were consolidated to provide free meals to low-income children under the National School Lunch Act.”<sup>26</sup> Regrettably, some education systems in Africa not only do not provide food for the children, but also, frustrate descent academic pursuit. In Nigeria, for example, the Joint Admissions and Matriculations Board (JAMB) controls entrance examination for tertiary-level institutions. The examinations being administered are available for students who have completed their Senior School Certificate Examination (SSCE) and need to join any Nigerian public and private monotechnics, polytechnics, and universities. The SSCE is administered either by the West African Examinations Council (WAEC) board or the Nigerian National Examination Council (NECO) board.

The general untidiness and uncoordinated system of admissions into universities and the attendant problems of students passing their SSCE without entry into the university has become sufficient cause for concern to youth development in Nigeria. For instance, on “17th April 2014, the JAMB released her 2014 Jamb result edition for those who registered for her Pencil and Paper examination type. The statistics showed that a total number of 1,015,504 applicants wrote the JAMB-managed university entrance examination. Out of which, 990,179 candidates registered for the Pencil and Paper examination type, while 25,325 candidates registered for DBT” (Edean 2014). The board did not account for 73,476 candidates’ (mostly young people’s) applications which it declared invalid. This account forms the basis for instances of youth insecurity and vulnerability due to academic exclusion in the region, which in turn, creates enabling environment for the Boko Haram recruitment and menace. The net effect of the JAMB presence in Nigeria is not only that there are traces of credibility crisis but also it serves to relegate prospective students to the abyss of peasant farming and perpetrators of violence. Further, over 60 per cent of young Nigerians could not go to the university because they have the SSCE but ‘failed’ the Unified Tertiary Matriculation Examination (UTME) conducted by the JAMB. Some who passed both the SSCE and UTME,

ready to be given admission into universities, are excluded through the Nigerian universities invented post-University Matriculation Examination (post-UME). Clearly, there are several incentives to boycott university studies in Nigeria in its current structural and policy stress than there are to seek admission into the university education among the youth. This is both the outcome of faulty policy and constitution. For example, in South Africa, students are allowed direct entry into the University of their Choice at the successful completion of Senior School Certificate Examination. While not many young people go to the universities in South Africa after passing the SSCE, the problem lies mainly with the candidate and not necessarily with the state per se. Yes, state may have the duty to constitutionally address the mishap perpetuated by the apartheid regime, but she does not discourage her youth from education.

This paper advocates that students who passed their SSCE need not be subjected to any further test to be given admission into the university. Nigerian UTME and post-UME are some of the practical examples of sources of youth diffidence in Africa. Yet, these milestone examinations take fortunes to register. It obtains however, in assortment of ways that students who qualify at WAEC regularly lose at JAMB or lose at post-UME. The youth's determination to train their mind and character in tertiary setting keeps them revolving within the circles of WAEC, JAMB, and Post-UME. So, before they secure admission, they would have wasted about two to five years writing JAMB-managed examinations and post-UME internal tests. Hence, academic systems in Africa have to be standardised through the constitution, with a view to removing the breaking point factor in seeking admission into universities which makes the youth the direct sufferers and victims of ill-formulated education structures such as JAMB in Nigeria.

In comparison, academic systems in Europe and North America allow students to do proceed to the University of their Choice on satisfying the SSCE regulatory examination body. The fact that opposite is the case in many African states, places the burdens of constitution on African youth. To preempt a constitutional disoriented youth, the New Partnership for Africa's Development<sup>27</sup> (NEPAD) in its founding statement insisted that Africa should embark on the redefinition of its core values and principles to become that of a leading continent through education. The net effect of bumpy

roads to education among youth in Africa is that, they represent those vulnerable right-thinking adults who could be rented to ferment crisis because they are available to do so. For example, Somalia's demographic youth profile, shows a pronounced 'youth bulge'. This portion is unlikely to decline in the near future (...) and has been and probably will continue to be a major source of conflict in Somalia, where two-thirds of youth are unemployed and out of school and accounting for one of the highest rates of joblessness in the world. This is among the factors fuelling Al-Shabaab's appeal in the region."<sup>28</sup> The wave of rising terrorism in Africa (Al-Shabaab in the East and Horn of Africa, Boko Haram in West Africa, dictatorial regimes in the North and South of Africa), necessarily follows that the administration of law hinders youth progression. Due to the faulty crafting of the national constitutions in Africa to value youth education, African young person is always stranded until recruited by the state or forces opposing the state to act.

## CONCLUSION

Freedom to all young men and women in Africa to take part in the societal development goals on ability-based approach is absent. African countries such as Somalia that depended on clan-based politics (a constitutional error) should adopt the Rwandan approach, which constitutionally undermined ethnic cleavages for common development. The fact that national governments enunciated youth rights in constitution towards the realisation of the cosmopolitan ideal of youth empowerment is creditable. However, poor implementation strategies, and lack of guardianship and guidance of the provisions that allows for youth participation on important national administration, limits the youth surviving options in Africa. The age grade factor, whether seen as instrument for ordering the society or a recognisable rite in people's life, is a limiting factor with numerous negative effects on the youth. But, it is survived by the constitution. Also, unnecessary entrance examinations boards such as JAMB, hinders academic development of the youth. JAMB-managed UTME, even though, they are education policy initiatives, if not addressed shall indeed, become enduring sources of conflict in the state. Constitutions need to address the gaps that exist in the form of persistent obstacle along the secondary-tertiary education migration,

which negatively affect the youth's enrolment into tertiary education. The transition examination boards costs the continent immensely not only in the form of stunted academic growth, finance and development, but also, in the continent's overall effort to institute youth usefulness. Nigerian government, should, as a matter of constitutional and policy reform, scrap the JAMB, since her inability to increase youth in-take in education sector hinges on her lack of meaningful policy framework towards education in Nigeria.

#### NOTES

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