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Abstract

Technical progress has essentially changed the social world of humans. Civil turnover has encompassed the contracts already signed using e-means which saves time, consolidates commercial relations, and increases commercial efficiency. This is one of the many reasons why signing e-contract in recent decades has become popular worldwide and is demanding. Constantly promoting and changing technologies has put law against serious challenges. Aside the international legal acts, it has become necessary to make amendments in national legislation, which together with national characteristics is in harmony with international conventions and directives. The global pandemic in 2020 has resulted to the special need for developing internet commercial infrastructure (Smartloan.ge, 2020). This paper focuses on examining the legislation applicable in Georgia in the field of e-commerce, namely Civil Code (1997), Georgian laws: “About e-communication” (2005), “About e-document and free flow code” (2012), “About e-document and reliable e-service” (2017). Despite the fact that indicated laws (particularly the last two bills adopted recent years) is at certain extent in relevance with the international acts acknowledged internationally, e-commerce which is subject to applicable legislation is not regulated perfectly. The aim of this paper is not only the review of the above mentioned legislation, but it also establishes some recommendations for making Georgian legislation perfect in the field of e-commerce. Georgian legislation applies no regulations for directly signing e-contracts, namely the customer, as well as non customer contract governing

mechanisms. Certain statements and principles of applicable Georgian Civil Code, in addition to Georgian law about e-document and reliable e-service, at the moment of signing the contract and at pre-contract stage which regulates separate issues that are specific to e-communication does not create legal principles. For the purpose of eradicating the mentioned discrepancies, it is necessary to make exact regulation of e-commerce by adopting e-commerce (applicable in whole range of countries) while considering its specification.

Keywords: E-contract, contract form, e-signature, protection of customers

1. Introduction

E-commerce is an industry where customers and sellers contact one another through the internet (Smartloan.ge, 2020).

The role of electronic commerce has become more important for Georgia as well as for the whole world. This is as a result of the change in the conduct of customers and the rapid development of digital technologies (Smartloan.ge, 2020).

For the purpose of economic development and stable investment atmosphere, it was an important challenge for Georgia to establish contract-based relations through electronic means with foreign companies and providing support to local businesses. From this point of view, the relevant legislative base, refining legislation, is not only desirable for Georgia but also binding. In June 2014, Georgia signed the Association Contract with Europe with which Georgia has undertaken to approach its legislation to EU legislation and international legal instruments.

The Association Contract is the most recent ambitious relation between Georgia and EU. It evidences the commencement of completely new stage of development of Georgian judicial creative work, which is conditioned with its legally binding features (Samkharadze, 2015).

The contract aims at the creation of deep and overwhelming free commercial space between Georgia and EU. The sub-par. 1 of Article 6 of Contract is related to electronic commerce. According to Article 127 of the Contract, parties acknowledge that electronic commerce in many sectors increase their commercial possibilities and agree to assist the development of electronic commerce among them. According to Article 128, Georgia has undertaken to handle dialogue on various issues of regulating electronic commerce, including protecting customers, subject to electronic commerce. To execute other numerous obligations foreseen under this contract, a 5-year term was determined after it enters into force (Georgia, 2014).

Through the EU4Digital initiative, the EU promotes trade facilitation and harmonization between the Eastern Partnership countries and the EU. This

is done by supporting common frameworks for e-commerce, e-customs and e-logistics, as well as working on digital transport corridors (EU4Digital, 2020).

To prevent the spread of COVID-19, the Georgian government has banned online trading across the country. The bans did not only apply to postal items but also food supplies. However, representatives of local companies engaged in online trading think that the government made the wrong decision and have caused serious damage to local businesses. Since the spread of the virus has become a global problem, restrictions have affected many businesses, including online retailers. This issue was especially painful for Georgia because unlike other countries, only certain types of products can be purchased at this stage. This in itself has negatively affected the development of business, although the online sales platform in Georgia worked flawlessly before the virus spread and is not as popular as Amazon in America, China Taobao, etc. (Bregadze, 2020).

The interest of large companies in e-commerce clearly shows that this field is developing and growing. About 20% of the world's retail trade is e-commerce. In Georgia, this figure does not exceed 2%. Like China, where consumer isolation due to the spread of the virus in 2003 helped boost the role of e-commerce in the market, Georgia has a unique opportunity to use the challenge as an opportunity to develop e-commerce in the country. The development of e-commerce will lead to the necessary processes such as job creation and finding key markets for entrepreneurs. Hence, this will result to the development of local production. Currently, there are more than 300 large and small online stores in Georgia. The number of self-employed people who independently trade in subscribed or hand-made products independently through various online platforms exceeds thousands (Bregadze, 2020).

The innovative means, distance and electronic commerce development of signing contract, the yet not seen electronic media and internet progress, have made the adaptation of economic and legal institutes to be necessary with new technologies and commercial regulations (Lakerbaia, 2016, p. 89).

In Georgian legal literature, there is no homogeneous notion for electronic contract. With general attitude, it encompasses the electronically achieved contract through the way of using technological means by two or more people. It is a fact that is based on traditional comprehension, the paper-based contract differs from electronic one, which is modeled completely through a software system and is controlled relevantly. This difference requires the regulation varied from traditional ones as well.

Consequently, there are several acts which regulate issues related to electronic contracts, including The Electronic Commerce (EC Directive) Regulation (2002) (EU PARLIAMENT, <https://eur-lex.europa.eu/homepage.html>, 2000) and directive about electronic signatures (COMMUNITIES, 1993). The latter has been cancelled under “Regulation

(EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC” (EU PARLIAMENT, <https://eur-lex.europa.eu/homepage.html>, 2014), The consumer protection (Distance Selling) Regulations (2000) (EU PARLIAMENT, <https://www.legislation.gov.uk/>, 2002), Rome 1 convention (contractual obligations) (EU PARLIAMENT, <https://eur-lex.europa.eu/homepage.html>, 2008), CISG and other.

On the basis of basic statements of Model Laws and indicated directives, many countries of the world have adopted regulatory legislative acts of electronic signatures and electronic commerce.

Despite the fact that in the world, as well as in Georgian customer market, the signing of contract using electronic means has been widely spread. However, there is no reflection of this made in Georgia at the legislative level of this relation (Pachuashvili, 2017, p. 102).

Nowadays, neither Civil Code of Georgia nor either other legislative acts do not include statements in distance, including electronic contracts (Lakerbaia, 2016, p. 87). Also, several legislative acts which are examined in article, indirectly regulates the mentioned issue.

The article is in conjunction with legal acts and case law based on the research issue. The paper comprises of abstract, introduction, review of separate law governing electronic contracts, and conclusion.

2. Civil Code of Georgia

Article 69 of Civil Code of Georgia (Georgia, www.matsne.gov.ge, 1997) is related to simple as well as complex written forms of deal. According to Part 3 of the same Article, the revealing of will in written form requires the presence of signature. In civil turnover, like in terms of doctrine (Zambakhidze, 2005, p.118) and judicial practice (Resolution, 2016), electronic contract is assessed as simple written form contract equalized with the relevant one. The aim of equalizing electronic form with the written one is to establish the identity of will revealing entity, checking its authenticity, and avoiding the possibility of falsification.

According to Section 2, Article 328 of Civil Code of Georgia, if parties agree on written form, contract may be signed with one document signed by the parties. To provide the form, a telegraph notification, TV copy or letter inter-change is enough. It is possible to inter-change letters by using ordinary mail. Thus, if parties agree in advance to sign written form contract electronically, then the electronic documents executed by them with their legal features will be equalized with paper-based material documents, i.e., the contract is signed following the written form. Also, it is necessary to

consolidate the mentioned functional-equivalent attitude in a legislative way (Todua, 2019, p. 49).

Consequently, the principle of freedom of form rises due to the Civil Code of Georgia indirectly. However, the vagueness of formulating relevant norm should not become the reason for saying that the form freedom is not acknowledged. This is because the consolidation of this latter is conditioned by the presence of contract's freedom, and it is expressed by determining the binding form of a deal rising from the principle of form freedom as exception (Amiranashvili, 2018, p. 270).

The Civil Code of Georgia is different from some countries (Germany, Russia) and does not include special norms in relation to electronic contracts. Nonetheless, considering the general norm regulating the form of a deal (contract), it is possible to sign electronic contract.

Subject to the current reforms of civil jurisprudence, the adoption of regulations about "electronic form" should be put into consideration. This would replace the written form in the case of applying e-mails and similar means. The possible models mentioned are regulations of separate countries or international ones, as well as EU Parliament and Council directives (Amiranashvili, 2018). It is also important to note how to organize the special issues subject to Civil Code around electronic commerce (Amiranashvili, 2018).

3. Georgian Law "about Electronic Document and Reliable Electronic Service"

Georgian law "about electronic signature and electronic document" adopted in March 14th, 2008, has been announced as invalid. This was amended by Georgian law "about electronic document and reliable electronic service" adopted in April 21st 2017 (Georgia, www.matsne.gov.ge, 2017).

In 2008, after the law was adopted, some factual circumstances have essentially changed in Georgia. For example, electronic identity card (temporary) and relevant infrastructural means have been implemented. Furthermore, the possibility of making digital signature has become possible. The experiences gained by the authorities in recent years have made it clear on how to regulate issues of applying electronic document and electronic signature at legislative level.

The adoption of a new law was also conditioned by the necessity of harmonization of Georgian legislation with that of EU. Also, all the innovations are reflected in law, which are given in "Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC" (EU PARLIAMENT, <https://eur-lex.europa.eu/homepage.html>, 2014).

Georgian law “about electronic document and reliable electronic service” mostly relies upon technical terms such as “digital signature,” “cryptography,” “open and closed keys,” etc. More so, some technical term of general application (for example, “open key,” “closed key”) have been applied in previously applied law with narrow content. This is specifically seen in some part of digital signature, which in turn could not be applied in the right way. To this extent, it was irrelevant to the legislative practice established in EU. This refers to the application of relatively neutral terminology from a technological point of view.

Regardless of the digital signature, which is one of the forms of reliable service, the previous law did not regulate the application of other reliable service such as qualified electronic stamp, qualified determination of authenticity of signature/stamp, qualified denotation of time, and qualified storage of qualified electronic signature/stamp related services. Nevertheless, it became necessary to adopt new law which reflected not only the legal principles of using electronic signature but also those of reliable service (Article 1.1).

The applicable law does not limit the freedom of citizen’s will to determine the public relation form, whether in material or electronic form. Also, private legal entities have the right to determine the material or electronic document application (Article 1.2).

The applicable law is targeted at determining the legal mechanisms using electronic signature and other reliable service. This provides assistance to electronic management, electronic business development and other directions, and provides relevance to the Georgian legislation with a legal framework subject to EU.

The mentioned law provides the creation of electronic and electronically signed documents (documents which have never been submitted in paper-based form) (Todua, 2019, p. 15). This in turn significantly decreases the paper-based document turnover and increases the degree of document protection.

It is worthy to note that Georgia constantly improves its positions in electronic management and open management issues as highlighted below:

1. According to UN electronic management index, Georgia occupied 56th place among 196 countries in 2014. With this indicator, it is on promoted positions and runs before such countries such as Turkey, Romania, Bulgaria, Ukraine, Armenia, and Azerbaijan. In 2008, Georgia occupied 100th place in the mentioned rating. Index is also updated once in every 2 years.
2. According to open management index, which determines the openness of governments in the world, Georgia occupies first place between 13 countries of East Europe and Central Asia and generally 29th place

among 102 countries. In 2014, Georgia was selected as Open Management Partnership Managing Committee member. In 2017, it occupied the country's position of Deputy Chairman. Georgia in the initiative of open management is exemplary with its active participation of legislative and judicial branches and ambitious plans as well as democracy, thereby elevating the trust towards government and reforms addressed to activity transparency (Ministry of Justice, 2016).

According to law, throughout the country, the electronic document and reliable electronic service are widely spread. The early applicable law, which limited only court in waiver on electronic document, is different from the new law which practically obliges the public authorities not to waive electronic document with the motto that it is not submitted in material form (in paper-based version) (Article 3.7). Also, it is possible to apply electronic document in all the cases when the written form of document is requested or foreseen under legislation (Article 4.2).

The indicated par. 4.2 of the law is of blanket mood. Therefore, it is necessary to determine cases related to specific deals or contracts, which should be signed in written form. In addition, the agreement of parties for using electronic form is excluded, when written form has intention seriousness/warning function carrier. Based on Georgian legislation, such cases should not be assessed as activity of freedom of form (Amiranashvili, 2018, p. 271).

The idea of new law differently considers and interprets the notion of electronic signature. As a result of new legislative changes, the qualified electronic signature is given legal power of material signature. The person may have the opportunity of using electronic document in cases when the written form of document is requested (if not otherwise, it is considered by legislation) (Ministry of Justice, 2016).

Based on new law, electronic signature is not the system of graphic signs. This is the system comprising of the combination of binary signs, zeros, and ones (Ministry of Justice, 2016).

According to law, the issue of qualified electronic signature is regulated in details. The preconditions of its usage are determined and the high quality is based on its reliability. The qualified electronic signature verifies the identity of signer and protects the signed document. Also, with the development of electronic management, administration costs are significantly decreased and the green cover and its environment are saved (Ministry of Justice, 2016).

New law does not regulate the list which is determined under Article 3 of old law. It carries blanket mood in difference with its predecessor (Amiranashvili, 2018, p. 90).

The law established such notions such as “qualified electronic signature,” “qualified electronic stamp,” “signature creation data,” “signature checking data,” “qualified reliable service provider” and others.

The applicable law determined and subordinated the qualified reliable service to regulation. The requirements towards qualified reliable service provider for the protection of high standards were also refined. This includes the qualified electronic signature which is given the legal power equal to personal signature (Article 5). In previously applicable law, from the point of safety, it was less strictly established when carrying out certain risk.

The strict regulation of qualified reliable service provider’s activity given in law provided the opportunity for the country to start the process. This was done for the purpose of acknowledging the qualified reliable service taking place in Georgia in EU member states. In order to achieve this aim, the law has determined the obligation of supervision. This is different from the early applicable law which considered only the voluntarily accreditation (Article 5.2).

The law has also regulated the issues of acknowledging qualified reliable service applicable abroad. In relevance with the law, if Georgia has signed the contract with international legal entity, which includes the issues related to electronic signature, the qualified reliable service or international organizations or the ones applicable in other countries will be given the legal power equal to the qualified reliable service applicable in Georgia (Article 12).

The law has also clearly regulated the rule of using qualified electronic stamp on behalf of legal entities, which somehow pushed the development of electronic signature and the spread of electronic document. For example, it became possible to issue the official documents by administrative functional authorities in electronic form in order not to make it necessary to publish the electronic versions of these documents at the web-portals with high availability (Article 4.4), different from early existing condition. Any private legal entity was given the opportunity to create such environment. However, based on the user’s identification, the service will be provided. This is particularly important for banking, insurance, and healthcare sectors. The law has also offered the implementation of electronic signature and electronic stamp, which significantly assists businesses and the development of electronic commerce in the country.

According to Article 11 of the law, the qualified reliable service provider is obliged to make authorization at LEPL – Data Exchange Agency operating in the field of management of the Ministry of Justice of Georgia (hereinafter – Data Exchange Agency).

Furthermore, many administrative authorities are processing documents in electronic form. When issuing relevant copies of these documents to citizens, they have legal power because electronic originals are kept at databases and are available through internet. Apart from operational expenses, it is necessary to have stronger server and other infrastructure and connection to the internet. It also includes information about damage or risk loss. On behalf of legal entity, the usage of qualified electronic stamp provides the issuance of electronic documents to stakeholders verified by autonomous and authorized authorities. When checking the correctness of electronic documents, it is not necessary to download them from issuing authority web resources.

One of the most important legislative novelties is legal regulation of qualified denotation of time. The qualified denotation of time provides the opportunity to confirm the presence of electronic signature on the document within a specific moment of time. This in turn makes it possible to establish qualified electronic signature's legal power (Article 7).

On the basis of law, it became possible to maintain qualified electronic signature/stamp for a long period of time, which represents qualified reliable service. This means the extension of reliability even after their technological duration period expires, and this represents the so-called "electronically born" documents' archiving precondition. The creation of this legal precondition is currently actual. This is because in Georgia, together with the progress of electronic document turnover, the so-called "electronically born" documents may be archived to avoid making any cessation happen in the process of storing document-based memory (Article 9).

Finally, according to law, though the electronic document is equalized with the material one and the issue of electronic signature is regulated according to directive, this law or other applicable normative act does not regulate other issues in relation to electronic commerce.

3. Georgian Law "about Product Safety and Free Turnover Georgian Code"

The Georgian law "about product safety and free turnover Georgian Code", which was adopted in 2012 (Parliament, www.matsne.gov.ge, 2012), has been amended by Georgian law "about user's rights" adopted in March 20th 1996. The law targets human health care, life, property and environment protection, while considering the best practice of developed countries. The refinement of increased technical safety object supervision, construction, standardization, accreditation, relevance assessment, metrology, and technical regulation is in accordance with the best practice applicable in developed countries (Article 1). This has led to the creation of a strong reason to decrease technical barriers

in commerce, establish technical regulations, quality infrastructure and modern system, as well as regulate the consolidation of quality infrastructure and united codification.

Nothing is mentioned about electronic regulation directly in law. However, there are many important and considerable norms that regulate the relations between electronic commerce participants in remote areas when the manufacturer and customer face the deal.

For example, two volumes of law basically unite such norms, which are related to the obligations of product manufacturer. This in turn conditions the location of safe product in the market and provides complete information to customers about product manufacturer as well as the product itself.

According to Article 11 of law, the manufacturer is obliged to warn the customer about any noticeable or negligible risk, which includes when the product is used. This will provide the customer with the necessary information about the product, which gives him the chance to make the right choice.

The customer will have to be provided with the following information:

- a) Title of the product and form;
- b) The firm title and address of product manufacturer, and the title of the country where the product is manufactured;
- c) In relevant case – the validity period of the product (the deadline for the product or date of manufacturing and storage), and the customer features which are being worsened during the time;
- d) In relevant case – product weight and/or volume;
- e) In relevant case – list of basic customer features of the products;
- f) In relevant case – the consequence and safety usage regulations and terms of the product as well as the special storage terms.

The execution of new global attitude European directives was implemented. This has made Georgian legislation come closer to European best practice, which has significantly improved the commercial relations with European countries.

Through electronic contracts, relations are executed in the important segment of civil turnover. This provides electronic communication networks and/or supply of electronic communication service between customer and electronic communication network operator or electronic communication service supplier. The indicated relations “about electronic communication” are regulated under Georgian law, which has been adopted in 2005 (Parliament, www.matsne.gov.ge, 2005). The mentioned law determines the following: the legal and economic principles of activity through electronic communication networks and means throughout Georgian territory, the establishment and regulation principles of specific environment in this field, functions of national regulatory authority (National Commission of Communications of Georgia),

rights and obligations of physical and legal entities during service providing, and holding electronic communication networks and means.

4. Sociology Survey Results

For the purpose of determining the implementation of electronic contracts in Georgia and their application, sociology survey has been made, which encompassed 338 applicants.

More than half of the applicants are mostly lawyers, economists or financial specialists, while the age of the majority is 31- 45 years.

Almost 90% of respondents gave positive response to the question: what is electronic signature? Less than 57.7% know about the types of electronic signature (simple, qualified) and even less than 59.5% have applied it.

Furthermore, 89% of respondents have negative response to the question about the acceptability of the process of signing electronic document, and 59.2% of surveyed people do not trust electronic signature. According to 64.8% of respondents, the indicator of electronic documents in civil turnover in Georgia has been assessed as average. However, 91.4% of respondents consider that in the future, civil turn will be developed on the basis of electronic documents.

Conclusion

In order to carry out market-economic relations in Georgia, it is necessary to have competitive entrepreneurial structures involved in electronic business and free entrepreneurial environment to create relevant legislative base. To develop electronic commerce, it is necessary to improve united legislative strategy according to its regulation in issues related to electronic contract.

Despite the fact that the legislation applicable in the field of electronic commerce is relevant to the international acts acknowledged in this field, from the point of creating stable legal mechanism for determining the rights and obligations of electronic contracting parties, the legislative amendments are necessary.

The issue related to the authenticity of electronic document and its legal acknowledgment should be given regulation with “functional-equivalent attitude,” which is the foundation principles of Model Law of UNCITRAL. It is based on the analysis of functions and legal requirements raised for making paper-based documents. This determines how these aims and functions will be achieved or executed, which is subject to information technology framework. The consolidation of legislative rule of this attitude provides the following requirements raised to paper-based document through electronic means (Zambakhidze, 2005, p. 137). Also, it is important to have

legislative regulation about sending electronic notification and its adoption regulation (time, place, and applicable law) (Zambakhidze, 2005, p. 137).

In Georgian legal science, not a single author has indicated the necessity of adopting special law in the field of electronic commerce (Edisherashvili, 2016, p. 55; Andguladze, 2014, p. 92; Erkvania, 2011, p. 51).

Sociology survey results also indicate the necessity of legislative amendments. Furthermore, the creation of new law about electronic commerce and relevant amendments in separate laws (for example, special norm in Civil Code about electronic contracts) assists in the adaptation of Georgia with the world's developed economic systems.

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Whale Watching Tours as a Cultural Object in Fiction – Jojo Moyes’ *Silver Bay*

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Abstract

This paper starts from Jojo Moyes’ novel *Silver Bay*, looking at the way in which it presents tourism related to sea life watching and at aspects of people’s existence in a territory that has this type of potential. One of the aims is to raise awareness in what regards the specificity of such beach areas, in terms of not only opportunities, but also threats to sea ecosystems posed by excessive modernization driven by economic interests. Another aim is to interpret phenomena and attitudes presented in the story from a theoretical background, to make visible what mindsets the actions and behaviors in the novel manifest, from those discussed in intercultural, identity and cultural studies, which represent the academic theoretical approach in this research. Examples of these would be uncertainty (in)tolerance, masculine versus feminine cultures, dominant versus harmonizing (outer-directed) attitudes towards the environment. Moreover, certain potential iconoclastic interpretations, such as mystical exaggeration when it comes to interpreting whale communication may be elucidated. The analysis starts with the outline of the story and focal points, then pinpoints the significant role of sea life tourism in the novel. Afterwards, it goes on to set the explanatory background by looking at the polarity old-new and further superposed oppositions, to subsequently get to the description of whale watching, whale behavior and animal-related issues, and finally look into the metaphor of seeing the human being as a whale. The conclusions sum up the main findings: the fiction under the lens here is informative and raises awareness related to the above-mentioned aspects (cultural identity and profiles, intercultural contrastive

interpretations, typical forms of tourism, ecosystem preservation, irresponsible or illegal actions). They point out as well the relevance and placement of the topic in modern approaches on tourism, environmental concerns, sustainability and wildlife preservation in general.

Keywords: Interculturality, tourism, fiction, whale watching, sea wildlife preservation

Introduction

The story in Jojo Moyes' novel centers around Silver Bay, Australia, where Liza McCullen lives with her elderly relative, Kathleen, and her daughter, Hannah, trying to run away from a painful past, which contains, among other things, and as far as she knows, the death of her other daughter, Letty. The only other aspect of her existence that makes her feel alive besides the love for her surviving child is her connection with whales and whale watching tours. Mike Dormer comes to disturb the balance of the residents' lives, driven by corporate ambitions to open up a profitable luxury hotel and nautical sports base business in the area. This venture, however, would pose danger to the sea animals in the bay, especially whales, troubling their migration cycles with the changes that would occur in the amenities needed for the new business and, as a consequence, significantly raised the inflow of tourists. Residents are forced to reconsider their standpoints with respect to their love of nature, fauna and the environment, as well as regarding their mindsets and adaptability to change.

The plane of romance between Liza and Mike is not the primary concern in this paper, nor is the characters' private individual lives. It will rather focus on the issues of whale tourism and nature concerns, of emerging oppositions in context, and of whale watching tours and whale behavior. It will corroborate the information in the novel with what goes on in the real world, explaining the phenomena presented by the book with real facts and issues. Also, the actions and attitudes in the novel shall be interpreted from the perspective of identity, cultural and intercultural studies.

The role of tourism and tourism specificity in the story

When she was 20, Kathleen Whittier Mostyn (a grandmother in the narrative present) caught a bull shark and became famous when the picture of her standing beside her prey made the headlines, and consequently attracted hordes of tourists to Silver Bay, Australia, boosting the family hotel business, as well as those of sailors' whale seeing tours by boat, by drawing curious faces to the region and implicitly hotel Bay in the 50s.

From the very start, it is visible, in the example of Kathleen, how tourism and the cultural attraction of *whale watching impacts the characters'*

– *and generally residents*’ – lives in various ways. The way in which the novel starts, with the description of this photo centered around a young woman’s conquest over a shark – itself a natural attraction – announces, in a very concentrated manner, the very fact that tourism and cultural specificity in tourism intermingle with personal destinies, playing a decisive role in them, on the one hand, as well as, on the other, how this is a focus of attention in the book and a key interest that readers will be told about in what follows, in parallel with the description of the characters’ lives. Both the *weight and the scope of whale-related tourism*, as an aspect to be depicted in the story, are announced at this point through the manner in which the novel begins.

Success, and perhaps, more importantly and basically, survival and earning a living are made possible back in the 50s for Kathleen, her family and local entrepreneurs as a consequence of this picture, geographical reality and occurrence, which is an immensely and relevantly positive aspect. Kathleen’s personal life, however, on the other hand, has to suffer as a result, as her father instills in her the fear that men pursue her only on account of inheriting a business that becomes flourishing overnight. The parent’s overprotective attitude would make her reticent and guarded for the rest of her life, preventing her from accepting anyone close enough to become a life partner, and determining her to establish her priorities around money-making. The connotations around her nickname, Shark-Girl, tend to become interpreted in the line of her being a metaphorical man-eater as well, inaccessible, perhaps feminist, a little too sure of herself for a woman living in those times, which enhance the impression created around her that she is an ivory-tower maid, hybridized with an unfeminine toughness, the result being someone who, for various reasons, will not comply to married life.

The paper will highlight the specific ways in which whale life entwines with the lives of characters. This analysis will show, for instance, how Mike Dormer is changed by the reality of the whales in his very core personality, becoming a better, more empathetic and compassionate person. Also, the sight of these animals will literally prevent Liza from committing suicide and give her a reason to go on living, pulling her out of a bleak depression back afloat, literally and symbolically, after the tragic death of her daughter Letty.

The contrast between the old and the new

The contrast and battle between the old and the new, or tradition and modernity, is a polarity around which additional opposites are built. It functions as a sort of a skeleton key for the whole story and for various themes approached in it.

The facts showing a *cult for the whales* are the following. Sailors used to take tourists at sea, on their small boats, accommodating only a limited number of people, to watch dolphins and, occasionally, whales. There is an

emphasis on the excitement created around the event of spotting a whale, as this is a rare occurrence and needs to be considered a treat. It happens more seldom, it cannot be forced, it depends on chance and basically on the whales' whims. This uncertainty-tolerant attitude towards whether tourists will be benefiting from the sight of such a marine beast or not relies on a deep respect for nature and its creatures. Not disturbing the ecosystem is clearly prioritized over people's interests. The narrator in the novel mentions a precarious and fine-tuned equilibrium, or delicate balance that needs to be preserved: not enough tourists would make the small businesses go bankrupt, but too many would scare away the creatures with ultimately the same result, not to mention the trouble brought to the fauna and ecosystem. Also, another example is the presence of the Parks and Wildlife authority, which regulates behavior with and around animals, and which, for instance, would punish participation at parties with loud music on boats at sea. Yet, there is also the aspect regarding the difficulty of proving these trespasses, once they can stop at any sign of the officials' presence. People's fondness of the animals is also visible in the existence of the Whalechasers Museum. Organized in a rather shabby building that used to be a can factory and which looks like a barn, it is a thing of the past, mirroring the reverence that people acquired for these water beings at some point when, instead of hunting them and processing them, they started paying their respects to this sea creature – sometime in the 1960s, when whaling was given up around Port Stephens. The centerpiece in the museum is the hull of the *Maui II* whale chaser, which broke in two when a minke whale raised it from below on its tail. The morale that accompanies the story is that people need to behold what may come upon them when nature feels that they have disconsidered it. The museum also contains stuffed fish, fishing rods and postcards with wildlife. Fewer and fewer people have visited it with time, but they still come to sign a petition against commercial whaling. In contemporariness, most consider that the attractions of modernity, i.e. golfing and betting, are more interesting than a fragment of whale bone or a baleen, but the fascination with these relics is still there.

Sea animals appear to be more important than financial considerations or any other selfish drives. The welfare of the animals comes first, and the locals are not afraid to pinpoint it and include it in the deal, warning tourists that not seeing the whale is not a deal-breaker. This reflects the *uncertainty-tolerant cultures* and societies that various cultural theorists have talked about, i.e. cultures that do not “*feel threatened by ambiguous or unknown situations*” (Hofstede, Hofstede and Minkov, 2010: 191). In a table illustrating the uncertainty avoidance index by regions of the world, in which number one is the country with the highest index, Australia ranks 57 out of 76 countries and regions (*ibidem*: 194). At the same time, the locals secretly pray for the animals to allow themselves to be seen and to approach the boat, as they are

aware of the fact that tourists may indeed have a point and rightful claim to this for the money that they have paid, but the detail of the prayer and slight anxiety that they feel also shows their deference for nature, the fact that they accept that some things can be left to chance, and the above-mentioned mentality of the small community. Even though their very survival depends on the satisfaction that they can provide for the tourists, preserving the natural equilibrium and peaceful coexistence remains more important. Here, *being in tune with the natural rhythms and in harmony with the environment*, rather than aggressively and egotistically modeling nature to suit human beings' desires, applies as the chief attitude, called "outer-directed" (Trompenaars and Hampden-Turner, 1997: 141). An additional element that points to this same idea is the way in which sailors have named the animals that they encounter at sea, recognizing each as an individuality and being able to distinguish one from the other. The animals get personified, which shows, again, respect for them, but also affection and a sense of belonging and integration to the natural order of things as a superior force to human beings' devices.

Mike Dormer enters the picture to upset this order and to introduce *the threat and opportunity of modernity* in the area. Representing Beaker Holdings, Dennis Beaker's big company, which is supposed to invest in the region, he comes with the promise of a brighter future as far as financial profit is concerned. He means to provide not only luxury accommodations, but also a spa and water sports base, as well as scuba diving in the area. However, there is a "but". Prosperity can only occur at the expense of danger posed to the ecosystem. Opening up a spa base may scare away the sea animals and disturb the small businesses set up by the residents – be they lodging units or centered on specific tourist activities. These entrepreneurs could either face the extinction of their family businesses or get involved in others, adapting, which would, on the negative side, require extra effort, but also, on the positive one, mean more profit. This dilemma echoes the one of preserving nature's resources, flora and fauna and minding the environment through green acts and sustainability instead of having in view only material gain, since "the tourism industry can also be viewed as a destructive force, associated with negative externalities such as the loss of natural landscapes, congestion, environmental and cultural degradation" (Brokaj, 2014: 103). It raises the highly-debated, thorny issue of targeting profit without damaging the balance established between the natural elements of a place. Further, it mirrors the contrasts between authenticity and artificiality, wilderness and man-made constructions, symbiosis with nature and oppression over it, simplicity and complexity, innocence and a type of perversion through methodization, modesty and luxury, roughness and increased comfortableness. It is perhaps not by accident that the local community is initially represented by feminine energy and women, in three generations – Kathleen, Liza McCullen and Liza's

daughter Hannah – whereas the intrusive present with an eye on the future has as its harbingers males – Mike and his boss, whose masculine energy is aggressive, disrespectful, unminding and thoughtless. Nature is portrayed as feminine, warm and fine-tuning, whereas civilization is masculine, cold and goal-driven. Even the two cultures, the Australian and the European/American/Western ones can be thought of as feminine and, respectively, masculine, opposing tenderness and egalitarianism to achievement and practicality (Hofstede, Hofstede and Minkov, 2010: 139-140). As Mike gets naturalized, so to speak, he changes and balances his own energies, ideals and expectations, helping Liza and Kathleen adapt theirs as well. A sort of exchange takes place, and a mutual moulding, and the implication might be that it is favored by nature-respecting attitudes. There is, therefore, a whole *set of contrastive values* that the matter of opening up a new modern business in Silver Bay entails.

There are actually *three moments* in which the landscape of Silver Bay is depicted in more recent times, every one of these with its own stage of development. This is if we do not take into account the older, historical stages of the eighteenth century, when the area was first colonized by the so-called civilized world, which was first reluctant to settle in it, but then got motivated by greed, as it saw its potential capitalized upon through logging and harvesting of oysters from the rich beds in the waters. Also, in the nineteenth century, Kathleen mentions the way Britain brought prisoners to Australia and used them to hunt whales which were then sold to the locals, and it was only later on that residents started hunting themselves. The first relevant moment in the relatively more recent history of the place was when Kathleen caused the explosion of tourism and whale tours in the fifties, when two wharves got added to the existing one to usher in the new waves of holiday-goers and their curiosity. In the subsequent large-scale hunting between 1950 and 1962, over 12,000 humpback whales were killed, the prey thus becoming massive and creating unbalance in the environment. In the present, there is another stage, when tourists have lost interest in the tours and prefer other amusements, such as clubs and high-end hotels, in more ostentatious areas such as Coffs Harbour or Byron Bay. These attitudes coexist with the environmentalists' nature-minded ones, and the separate, cold, money-driven approaches. Then, there is a third moment, after Mike sees his plans brought to life, towards the end of the novel, which manages to combine sustainability with financial advantage, in a business which sees that all types of interests get satisfied. These three moments represent three attitudes to nature and tourism. The first is raw, minding tradition and harmony with the environment, the second illustrates modernity (with all its facets – indifference, selfishness, and environmental awareness) and the third is a successful conclusion of the struggle to blend the first two in a fortunate way. It thus exemplifies the manner in which the best

of two worlds may be had and achieved in a mixture, a sort of synergetic solution to the local reality of the community under the narrative lens. What Mike accomplishes is to preserve respect for nature and local specificity while pushing things forward, towards the future.

The *museum* mentioned above interestingly catches another subtle nuance of meaning related to the opposition between two mentalities and periods of time. In the past people hunted whales, like Kathleen did, and they saw it as a natural act of human beings' grandeur and prevalence over wilderness. However, there were no endangered species because nature did not get exploited massively and constantly with no respect for its balance and solely for material gain. Hunting was possible precisely because it did not take place in bulks, mindlessly. It was a more honest and cleaner manifestation as it were, instead of the programmed, cold and blind cruelty that it became later on with an eye on "progress" and mercantilism, performed so as to serve strictly economic and material purposes. The magnitude of the phenomenon, its excessive, abusive nature and lack of measure and rationality led to a need to ban it as the natural balance became disrupted. So, somehow, if one can see beyond the paradox, the early hunting times displayed more respect for the water beings in question than later, more modern times did. Kathleen speaks of a romanticism of the first years of hunting. The atavistic nature of the hunt back then had more cleanliness to it than the one manifested by people in modernity.

Digital advertising is also a relatively new practice for the old generation, represented by Kathleen and her suitor, the elderly Nino Gaines. When Kathleen talks to him about advertising for the pension and museum on the website of a tourism agency in New South Wales, as if it were a new thing to her, instead of just spreading leaflets the traditional way, Nino proves to be one step ahead of his old friend, saying that he has already been selling forty crates of wine bottles a month online – but with the help of Frank, his son. Kathleen is shocked at this and at Nino's adroitness in adapting to technology. Digital advertising illustrates the progress made in the world of representations, and only echoes the photo of young Kathleen with the whale, at the same time opposing it through its significantly increased versatility.

Kathleen refuses to install satellite television and bathrooms in every room at her pension the way Port Stephens and Byron Bay have done. Even though that would mean more tourists, she realizes that it would also sacrifice the peacefulness of their way of life, which she is unwilling to do. Also, Kathleen apparently also rejects the idea of offering packages, such as a meal, accommodation and a trip on Liza's *Ishmael* included, because, in her opinion, high tourist flows are not a priority if it comes with changes that she is unwilling to make. She invokes the same balance mentioned at the beginning

of the book (and then a few times in various contexts and forms), which entails and relies on avoidance of greed and excess.

Whale watching

In the first pages of *Silver Bay*, adolescent Hannah has stealthily embarked on the *Moby One* boat manned by Lance and, through her eyes, readers make the acquaintance of some of the aspects concerning sea wildlife visitation tours. Tourists are served with coffee, tea and biscuits on a windy spring May weather that tends to become cold, enjoying the sight of dolphins as a result of the astute boat manoeuvres made by the captain, which make them sick but also joyful due to the things that they get to see. Besides the seasickness and treats, readers witness the joking with the passengers, as part of a form of marketing, meant to make them attentive to what they are about to have in sight as well as increase their sense of excitement and adventure, not to mention it being an aspect of the entertainment provided for the guests. Jokes are not only with the visitors, as packaging for their experience. The sailors communicate with one another, having specific mariners' humorous exchanges amongst themselves. For instance, Lance on *Moby One* derides through radio the captain of *Sweet Suzanne* for manning the boat as if he were drunk, as it follows a meandering course. The same Lance also mocks the other for keeping the boat at an angle, which makes a few passengers perched over its rail to heave on it at every turn, and thus change the hue of the paint covering the hull. The other man, Greg, retorts with an obscene message written directly on his vessel.

The love for animals is manifest in the names given to the dolphins: Zigzag, Piper, One Cut, Butterknife, Brolly and Polo. Moreover, Yoshi, Hannah's Japanese friend, the steward on Lance's catamaran, has put photos of their fins on the lower deck on a panel, which has then enabled every member of the crew distinguish between the animals they saw based on that and recognize them immediately by association. This is a form of love and respect towards the mammals. Personalization of the animals, as well as affection for them is visible as well in the way in which Hannah makes the comment of them being as intelligent as humans, and in how she imagines them conversing over the humans they have seen during the day, in their "language", making fun of the tourists' dress and attitudes. Even the humor that the captain resorts to in talking with the tourists has a tinge of the respect that he has for the animals: he warns the tourists not to crowd on one side and thus make the boat capsize, as, he says, the dolphins dislike boats that overturn and are disturbed by tourists falling over in their waters. Taking into account the dolphins' disturbance and perspective, even though jokingly, makes the same point of importance granted to the animals and their welfare, in an indirect and subtle way, one more time.

The description in these first few pages reveals some of the common practices surrounding these tours, as well as what the tours are like. Humor (for marketing and among sailors) and care for the animals have already been mentioned above. Also, there are certain rules to be followed while doing the tours. The captain needs to stop the engines of the boat to create the comfort that would determine the dolphins to feel safe enough so as to start playing. Also, if the boat starts moving again, it should do so alongside the movement performed by the sea animals, on a parallel course, as if guided by them. This is, of course, in order to avoid accidents, clashes with them and harming them, as well as startling them. The idea that dolphins need to like the boat and the people on it to stay with it and to allow themselves to be photographed is clearly put forth. The story here mediates some of the regulations and realities of these trips on water, helping tourists find out, understand and become more informed as far as this cultural reality is concerned. What is also manifested is the love for the fauna of the place, which accompanies these descriptions as an ever-present element highlighted in various ways, as discussed – in jokes, personalization, change of perspective with that of the animals, and corresponding rules.

Dolphins are not the only attraction, or the greatest. The whales supersede them. There is a tradition of watching them, to which the name of the Whale Jetty bears witness. Lance introduces the event as a rare one, a fact suggested by how he suddenly changes course of the boat, risking to make a few tourists lose their balance, in order to catch with his boat the whale that he has spotted. Also, he announces this possibility as a valuable opportunity and as a surprise, as something particularly special. The humpback whales cross the local waters on their migration from the Antarctic towards the north. This announcement is important enough to deserve a translation into Japanese and Korean. In relation to whale sighting, what could also be said that pertains to this cultural reality as it is depicted in the book is that boat size is an issue, as well as competition between boats that can provide this kind of service. Usually bigger boats may, as well as should be the ones to approach whales. Lance makes it clear that he wants to keep the information he has received from a helicopter hovering the bay a secret from other boat owners. Providing this kind of experience is obviously a way of advertising one's craft and business as having a competitive edge, and the possibility to attract more tourists on one's vessel to the disadvantage of other boat owners, and to practice higher fees. One more advantage of getting in the proximity of the whale first is a better viewing angle and position in comparison with the other boats'.

As far as the *behavior of the whale* is concerned, there are a few fun facts presented in the novel. Apparently, the animal can move extremely fast despite its huge dimensions and weight, as well as be playful, rolling on its

back to show its white belly or lobtailing (beating the water with its tail). The belly is usually filled with crustaceans and barnacles that have clung to it, making it look rigid and marked by time and life, as if it were a living island. If the splashes of water that it makes are more than thirty seconds apart, then it is preparing to deep-sea dive, but if the intervals are shorter, then it will remain on the surface and the tourists have an opportunity to watch it at length. When Mike Dormer convinces Liza to take him on a boat ride for whale watching, as she lowers a hydrophone into the water, Mike is surprised to hear a long wail. Liza explains that whales in a school sing the same song for approximately eighteen minutes, and if a solitary whale with a different song joins the group, its tune is taken up by the respective school; hence, they learn from one another and communicate through sound; also, different schools have different songs. But how evolved the communication achieved through this song really is? Studies have shown that humpback whale songs are rhyming phrases, as they end with similar syllables, which can “last up to twenty-three hours”, and which are performed by males in the winter around breeding time, so they may actually represent mating techniques and may not be filled with more meaning than birdsongs (Rothenberg, 2008: 132). In 1963, the first symposium on whale research in Washington established that whales made clicking sounds and that they could also hear them, even though it was not sure how they produced these and if they actually communicated with one another, although it seemed a logical conclusion (Burnett, 2012: 562). Extensive research on whales in the sixties (some of which involved drug-related episodes, controversially, for both the researcher and the mammal) and the idea that their brain size points to superior intelligence fueled the movements against whaling in the early seventies (*ibidem*: 628). These were also helped when taped cetacean sounds and noises (navy-recorded a few decades back, as part of experiments meant to ascertain the possibility of using cetacean and their intelligence in war) were presented as a language and as communication in the album *Songs of Humpback Whales*, released in 1970, becoming the “soundtrack of the ‘Save the Whales’ campaign” (*ibidem*: 629). Hence, Dr. Graham Burnett, Professor of history and history of science at Princeton University, amply depicts the spiritual interpretations around these dolphin and whale songs as complex messages as much romanticized, a circumstantial outcome rather than something backed up by science.

The beached baby whale is an extremely delicate and sad event in the *Silver Bay* novel. It also represents a high suspense point, when relevant character features about Liza are put forth. The stranding is perhaps a result of the disorientation caused in the animal by excessive noise previously made on a pleasure cruise boat. Loud noise is known to cause disturbance in whales’ ability to communicate and triggers confusion among them, negatively impacting echolocation. The rudeness of the drunk young passengers, who

refuse to heed Liza's repetitive warnings and pleas to turn down the volume of their music, triggers a very violent reaction from the female character in question, as she subsequently uses flares to determine them to leave – a dangerous thing to do, which also prompts a visit to Kathleen's motel from the part of the authorities. The policemen question the characters whom they find there on account of the events of the day, but are deftly deterred by Greg's lies, while he takes the blame on him, and by Mike's distractions as he inquires why they did not answer Liza's call more promptly, and thus points the finger back at the officials. The whale which Liza spotted and wanted to show Mike when the boat of party-goers interrupted their pursuit has a baby, which unfortunately becomes stranded nearby, while its mother swims and wails (according to Liza), unisolated, a little bit farther from the shore. Actually, Yoshi contradicts Liza by saying that female whales do not sing, and that the song comes from a male one that usually accompanies or escorts a mother and its baby. Liza enters the sea, together with Greg, Kathleen, Yoshi and others, putting water on the two-meter baby whale to help it hydrate, and they all try to push it to re-enter the sea. The novel captures the tenderness and unwavering determination of the people who stand by the animal for hours on end, keeping it alive while encouraging it to orient itself and swim back to its mother, but their dedication is in vain. They also receive the support of men from the Parks and Wildlife authority. Despite the fact that they move it to deeper water as well as back, striving to make it find its way, it is clear that if it cannot do that on its own, it will only drown if taken at a distance. Liza is the one who cannot give up on the baby whale, having the hardest time to confront reality, as she practically begs the men to hold on a bit longer, or at least take the baby to its mother. In the end, they apply a lethal injection to put the animal out of its misery.

Liza makes an interesting description of humpback whales. It is also an empathetic one, in which sentiment and affection are transparent. She describes their vulnerability and gentleness, as well as their childish and honest conduct, which come in contrast with their big dimensions and apparent accompanying threatening nature. Humpback whales approach a boat and study the people on it, sometimes overtly, by sticking their head out of the water. In Liza's view, a whale may like certain people or not, and it would remain nearby or leave, accordingly. Fishermen used to call this species of whales "happy", because, depending on their mood, one might see some floating belly up and wiggling a fin, or jumping in the water, pirouetting around like ballerinas. Also, like children, these whales tend to become jealous of the spectacle that the dolphins offer people and of the humans' enjoyment of these creatures, and when this happens they come nearby and interrupt the show given by their fellow marine animals, as if eager to be applauded themselves.

One night after Mike comes back to Australia, subsequent to his quitting the company he had been working for, the people at Silver Bay face another crisis. A lot of sea animals and birds get entangled in nets, close to the shore, which causes them serious injury or even death. Hannah follows the others into the water without permission, going away at sea in a boat, endangering her own life in order to move a dolphin, but Mike manages to save her life, as well as the dolphin's, while jeopardizing his own. The phenomenon described in these pages is known as "ghost nets" or "fatal entanglement", which is considered a "silent killer", as it occurs globally every day, and the figures are worrying: after 1950, when fishing gear was no longer made of bio-degradable materials that break down at sea, it augmented progressively, the estimations being that between 2003 and 2013 it accelerated by forty percent, reaching a point where over one hundred thousand animals die annually as a result of this, or of debris ingestion (Ghost Nets, *Planet Love Life*, <https://www.planetlovelife.com/pages/wildlife-entanglement>).

Apparently, an astonishing 640,000 tons of fishing gear gets dumped in the waters, either by poachers or as a result of negligence, creating these "death traps" (Alberts, 2018). Mammals and turtles need to breathe, and, once entangled in these nets, which prevent them from reaching the surface to get air, they may drown as a consequence; net may cut the flesh, severing muscles and blood vessels; if tails, fins or flippers get strangled by this rope, their tissue may become necrotic (*ibidem*). Apart from accidental nets, there are those named "walls of death" or "illegal drift nets", which reach "up to 50 km in length and 50m in depth", and which "were banned in international waters by the UN in 1992 for any length above 2.5 km" (Yeung, 2020). In the novel, this latter term, namely walls of death, is used, which may point to illegal activity rather than the habitual residual nets mentioned above (Moyes, 2019: 249). The online press, for instance *The Guardian*, signals in 2020 the legislative discontinuity and ambiguity in these matters, which creates lack of uniformity, confusion and room for interpretation and ongoing illegal acts unfolding below the radars of the authorities; for instance, there is inconsistency in defining the legal nets exactly (Yeung, 2020). Moreover, there are workarounds, as fishermen may carry legal smaller nets called *ferrettara* and, once out at sea, attach more of them together to create larger ones (*ibidem*). In the book, the dead animals gathered in these nets attract tiger sharks, about which Yoshi explains that they are named garbage eaters (Moyes, 2019: 307). The International Union for Conservation of Nature (IUCN) warns, in a study conducted as early as 2008, that 11 out of 21 species of "oceanic pelagic sharks and rays" are threatened to become extinct (IUCN, 2008). The proximity of this predator to the shore may raise the problem of shark attacks on humans, and potentially the need to retaliate, which would only lead to more deaths among the members of this already endangered sea species as well.

Metaphor animal/whale-human being

This metaphor arises in the novel as part of the love for and empathy with animals. Liza is compared to a whale and jokingly called by Greg the Princess of Whales as she joins the family and friends over for prawn supper after the whale sighting. Liza also seems to have an uncanny communication with the first whale of the season. While all boats – *Moby One*, *Sweet Suzanne* and *Moby Two* – rush to reach it first, so as to provide for the tourists a better view and photographing angle, it turns out that Liza is already there on her *Ishmael*, and closer than any of them might have hoped to get – close enough to brush its teeth, as Greg humorously remarks. It is almost as if Liza has sensed the presence of the water mammal, having the intuition to wait for it at the perfect spot. A parallel is drawn between Liza's behavior and that of the whale: as Greg asks her out, and she refuses, Lance compares the two events at the end of Chapter One as the two "firsts" of the season, highlighting their simultaneity as a nice symmetry.

Liza describes the extraordinary mothers that whales make, which is perhaps a feature with which she resonates and which makes her draw closer to these animals, finding resemblances with herself in this respect. Having lost a child (Letty), she empathizes with the way in which some mother whales would let themselves get stranded just to save their baby whales, or with male whales making wailing sad sounds when they feel that a baby of theirs is in danger, not leaving its side. It happens with the mother whale of the animal that dies as a result of becoming beached. Traumatic past determines Liza to even identify with the entangled baby whale wrecked ashore, as well as with the situation and its mother, striving to save it the way she wanted to save her own daughter, Letty. We realize that Liza understands the death of the baby whale and the pain of the animal mother through the filter of her own experience of loss of her daughter. She associates the two events, which is yet another reason why she is unwilling to give up on the baby whale. In saving it, she unconsciously sees a chance of symbolically saving her long-lost daughter. Had she managed to do so, the success would have offered her a kind of compensatory satisfaction. Instead, the failure deepens her trauma, functioning as a reminder of her helplessness.

The sight of seven whales circling the boat on which Liza was with Kathleen, one of the days after she had finally pulled herself out from the paralysis of staying only in bed after Letty's death, was what saved Liza's life at the last minute. Right before she saw them, she was contemplating the possibility of committing suicide by throwing herself overboard. The symmetry of the animals' dance in the water made her remember that there might be some order and harmony in the universe and she changed her mind, deterred from a tragic self-inflicted end in the last moment. Liza's life and survival were literally joined to the whales'. The strange connection that got

created between the female protagonist and these beings that day manifests itself in the way in which Liza would be the first to track them and get to them, before all the others, as if she feels their presence.

Compassion and respect for the whales is what draws Liza and Mike together. It is what triggers Mike's reeducation and transformation as a human being, awakening his ability to feel and empathize, as well as prioritize other things over money. They are what brings Mike to Silver Bay in the first place, and, after he and Liza become a couple and Mike settles to Australia for good, the whales become the center of their new business and life.

Conclusion

Silver Bay has the quality of putting forward some major concerns regarding sea wildlife and the preservation of the environment. Besides entertainment, fiction sometimes brings the plus value of being informative in a very straightforward and decided manner, as far as issues that need people's attention and which should be addressed in the real world, and of raising awareness in the respective directions, motivating the taking of action. It is the case of Moyes' novel that has represented the object of our analysis here. *Silver Bay* is not only a beautifully romantic story, it tells us about the reality of whale watching, specific to certain parts of the world (like the Australian continent), as well as about the problems arising in the area of tourism and sustainability related to this topic – ecosystem preservation, illegal hunting/whaling, death nets, stranded or beached animals and how this incident may be avoided (at least in part), noise disturbance or pollution, the clash between natural conservation and financial gain in the corporate world that would, in certain areas, be at the expense of natural imbalance and endangered fauna.

The first section of the body of this study has shown the way in which interaction with sea fauna may bring about, at an individual level, fame and financial benefits, on the one hand, as well as misfortune and stereotyping for women as being too independent and self-sufficient, on the other. Then, in the next part, focusing on the differences that arise along the historical axis between certain time periods, in terms of people's mentalities, we have found interesting accompanying contrastive values, such as (chronologically) the ones between: harmony with nature, and an interest in dominating it at all costs; feminine, accord attitudes in dealing with the environment, and masculine ones, dictated by practicality; a raw attitude of self-reliance in dealing with the fauna of the place, which nevertheless relied on balance with the environment, and a mercantile one, of mindless exploitation of nature and lack of equilibrium; last but not least, rudimentary marketing was replaced by more modern means involving advanced technology. The next section, on whale watching, discloses the way tourist tours unfold in the area, the locals'

affection for the animals, some fun facts about the whales in terms of their behavior and habits, the controversial issue of the nature of communication between whales (revealing that some mystical aspects related to it are rather a myth, and the factors that led to their emergence, historically), not to mention some problems that threaten the health of sea ecosystems such as ghost nets, walls of death and illegal hunting. The last chapter before the conclusions points to the shared features that justify a metaphorical outlook on the female character Liza as a symbolical whale: her seemingly special and strange communication with the mammals in question, being extraordinary mothers, the struggle in human traumatic experiences that resembles a whale's beaching, and empathy. All these findings provide a comprehensive outlook on the cultural specificity of life in beach areas in Australia.

The book does not stray from reality, proving quite realistic, educational and edifying in some respects. The interested reader may throw a glance at statistics regarding the number of animals facing extinction at the hand of death nets, as a result of poaching or negligence, motivated by the mentioning of this fact in the novel. Also, the story opens an avenue towards the history of Australia and, in particular, that of the places surrounding Silver Bay. It introduces a few facts from biology, especially the behavior of whales and dolphins, thus bringing the reader closer to these species, engendering, why not, and last but not least, a love and appreciation of animals and awareness as far as the natural diversity of living beings on the planet.

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Diseño de un Modelo de Regresión Lineal Múltiple Para Predecir el Rendimiento de Estudiantes de Institutos Superiores Tecnológicos Públicos Frente a la Nueva Normalidad

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Resumen

Los autores sistematizan una investigación cuantitativa sobre los factores asociados al rendimiento académico desde el nivel socioeconómico

en estudiantes de nivel superior del Ecuador; analiza, mediante modelos de regresión múltiple, los factores asociados al rendimiento académico, se realizó un análisis descriptivo de variables sociodemográficas, socio económico y variables acerca de la pandemia. Se ofrece un marco explicativo sobre el tema, así como insumos para la gestión de la educación superior pública. Se evidencia entre los principales hallazgos que el rendimiento académico es un fenómeno altamente complejo y que depende de la perspectiva de cada estudiante pero que tienen un punto de incidencia, del cual se resaltan los siguientes hallazgos: La pandemia ha sido sinónimo de obstáculo para los estudiantes en tener una continuidad para los estudios ya que el 59.31% así lo afirma y que además la gran mayoría coinciden en conocer a alguien que haya abandonado los estudios, y las variables que explican a la variable dependiente (Rendimiento Académico) son: Tiempo de estudio, Motivación sobre si el estudiante le gustan las tareas que le permiten relacionarse con los demás (Atribución Interna), Motivación sobre si al estudiante le gusta ayudar a los demás a hacer las tareas porque así aprende mejor (Atribución Interna), Motivación sobre si el estudiante indica que se pone nervios(a) antes de los exámenes (Trabajo Individual), Motivación sobre si el estudiante considera que las notas dependen del esfuerzo y ganas que le ponga (Necesidad de reconocimiento), con una sensibilidad de $\beta = 7.696$.

Palabras claves: Regresión Múltiple, Rendimiento académico, Motivación, Análisis descriptivo, Pandemia

Design of a Multiple Linear Regression Model to Predict the Performance of Students From Public Technological Institutes vs. The New Normality

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Abstract

The authors systematize a quantitative research on the factors associated with academic performance from the socioeconomic level in students of higher level of Ecuador; analyzes, using multiple regression models, the factors associated with academic performance, a descriptive analysis of sociodemographic, socio-economic variables and variables about the pandemic was carried out. An explanatory framework on the subject is offered, as well as inputs for the management of public higher education. It is evident among the main findings that academic performance is a highly complex phenomenon and that it depends on the perspective of each student but that they have a point of incidence, from which the following findings stand out: The pandemic has been synonymous with an obstacle for students in having a continuity for the studies since 59.31% affirm it and that in addition the vast majority coincide in knowing someone who has dropped out, and the variables that explain the dependent variable (Academic Performance) are:

Study time , Motivation on whether the student likes tasks that allow him to relate to others (Internal Attribution), Motivation on whether the student likes to help others to do the tasks because that way he learns better (Internal Attribution), Motivation on whether the student indicates that he gets nervous before exams (Individual Work), Motivation about whether the student considers that the grades depend Give of the effort and desire that you put into it (Need for recognition), with a sensitivity of $\beta = 7.696$.

Keywords: Multiple Regression, Academic performance, Motivation, Descriptive analysis, Pandemic

Introduction

La educación virtual ha sido impulsada desde los años 90 a partir de que se involucró a las Tecnologías de Información y Comunicación (TIC) en el Sistema Educativo, según Argarañas et al., (2015) consideran que las Tics forman parte de la enseñanza presencial y como herramienta de comunicación de la educación a distancia; según la Organización de Naciones Unidas para la Educación, Ciencia y Cultura (UNESCO, 2015), especifica que las Tic cumplen con el propósito de universalizar la educación, de instruir de manera equitativa y promover una enseñanza de calidad.

Sin embargo los mecanismos de enseñanza de la educación virtual en gran parte se apoyan a plataformas educativas y sistemas digitales para la gestión del aprendizaje, que han sido tomadas por la mayor parte de universidades particulares y algunas públicas, y de esta manera extender la educación, pero existen diferentes conflictos para que llegue al usuario final (estudiante), estos problemas pueden ser por niveles socioeconómicos, lugar de residencia, número de horas de aplicación al estudio y de salud pública que en este caso sería la pandemia causada por el COVID-19.

Obtener información relevante acerca del rendimiento académico de estudiantes que estén cursando el nivel superior, ha sido poco explotado ante la nueva normalidad, según Montes (2019) explica que la motivación como parte del factor psicosocial es una causa o circunstancia que propicia al rendimiento académico; presentando como causales internos y externos que han afectado la motivación evidenciado en diferentes factores como son la formación académica previa, la selección de la carrera, que causa que los estudiantes no alcance el promedio necesaria para culminar sus estudios con normalidad.

No obstante el rendimiento de un estudiante ha sido objeto de estudio de muchas investigaciones educativas, cuyo indicador más empleado ha sido las calificaciones de una determinada asignatura, (Moral, 2016).

Finalmente el siguiente estudio pretende conocer si las horas de aplicación al estudio y la motivación inciden en el rendimiento (promedio

semestral, I período 2020) de los estudiantes de educación superior de un Instituto Público de la ciudad de Daule, mediante la utilización del modelo de Regresión Lineal Múltiple.

1. Planteamiento del problema

No existe un modelo de enseñanza magnífico, sin embargo muchos estudios concuerdan en diferentes programas de aprendizaje que ayude al estudiante a tener un buen desempeño académico en su carrera. Así como también alternativas que ayuden a comunicarse tanto como fuera y dentro de la Institución ya sea con otros compañeros o docentes; donde las Tics juegan un papel muy importante ya que con sus herramientas han brindado a todo tipo de Institución una comunicación efectiva y sobre todo ha hecho posible que la información llegue a los estudiantes como docentes de forma rápida y eficaz; por lo cual se ha convertido en el medio más utilizado a nivel mundial.

Sin embargo el progreso de la ciencia y la tecnología son de vital importancia para una sociedad de conocimiento, así como también el desarrollo sostenible para las futuras generaciones, ya que permiten brindar soluciones de forma inmediata. Es así que los Institutos de Educación Superior Público buscan nuevos métodos de aprendizaje y medios de enseñanza para fortalecer la parte académica con el propósito que se formen profesionales de calidad.

De acuerdo con Contreras (2018), el fracaso académico es un problema que afrontan los estudiantes cuando el rendimiento académico es deficiente, lo lleva al poco tiempo a desertar o ser expulsados del sistema educativo. Este tipo de problema se considera multicausal, por ende es necesario indagar desde estudiantes factores podría estar afectando a sus estudios.

Mientras para Castrillón y et al., (2020) explican que predecir el rendimiento académico de los estudiantes de educación, rechina sobre la base de varios factores de influencia que utilizan técnicas de inteligencia (clasificadores). Con factores definidos (educativos, familiares, socioeconómicos, hábitos y costumbres, entre otros), diseñaron una metodología que permite entrenar un sistema capaz de clasificar un nuevo alumno a priori, en una de las cinco categorías predeterminadas del rendimiento académico. Esta clasificación permitirá a una institución educativa identificar de antemano a los estudiantes con posibles problemas de rendimiento académico, implementar acciones de acompañamiento y mitigación.

Un informe realizado por la Organización de Estados Iberoamericanos para la Educación, la Ciencia y la Cultura (OEI) (2020), considera que el máximo efecto ante la crisis sanitaria será que los alumnos no puedan acceder a la formación online o que pudiendo acceder las plataformas digitales sean totalmente inefectivas (efectividad del 0%), que en muchos casos ocurre en el

estudiante que viene de una institución pública; lo que implica que la formación online sólo proporcionará la mitad del aprendizaje que genera la educación presencial, además el cierre de los centros está afectando a los alumnos de todas las etapas educativas. Es un impacto general en toda la población joven, que provoca disminución del aprendizaje.

El efecto sobre el desempleo será a gran escala, dado que toda la población joven se ha visto afectada por esta interrupción de la formación. Adicionalmente, su repercusión no ha sido sólo en un país, sino en todos los países. Es decir, que muchas de las naciones sufrirán una pérdida en la competitividad, puesto que esta crisis ha afectado de forma contundente a todas las partes del mundo. Esta situación ha resultado difícil tanto para los estudiantes como para los docentes, que tienen que enfrentarse a los problemas emocionales, físicos y económicos provocados por la enfermedad al tiempo que cumplen la parte que les corresponde contribuir a la disminución de la propagación del virus. (UNESCO, 2020)

El futuro es incierto para todos, y en particular para los millones de estudiantes que tenían que graduarse en el 2020, los cuales se van a enfrentar a un mundo con la economía paralizada por la pandemia.

Por lo tanto los estudiantes creen que si obtener un buen rendimiento académico los hará merecedor de ser escogido como parte del Talento Humano de una empresa o de emprender un negocio propio en tiempo de crisis, es así que Alarcón et al., (2019), explican que las organizaciones consideran a las capacidades, habilidades y destrezas como instrumentos para solucionar dificultades, por lo tanto el desempeño académico del estudiante estaría relacionado con la posibilidad ser escogido por las empresas.

En consecuencia es motivo de análisis conocer aquellas variables que inciden en el rendimiento académico de los estudiantes de un Instituto de Educación Superior Público con el propósito de dar alternativas de mejora para su desempeño y evitar el abandono de los estudios.

Por todo lo anteriormente indicado, es importante analizar los factores que inciden en el rendimiento académico de un Instituto Superior público, para esto se ha tomado como referencia la ubicación del centro de estudio, los cantones de donde provienen los estudiantes y las carreras que ofrecen esta institución educativa.

Tabla 1. *Ubicación, cantones y carreras*

<i>Ubicación</i>	<i>Cantones principales que provienen los estudiantes</i>	<i>Carrera que ofrece</i>
<i>Km 48.5 Vía a Santa Lucía, frente a la gasolinera Primax</i>	<ul style="list-style-type: none"> • <i>Daule</i> • <i>Guayaquil</i> • <i>Lomas de Sargentillo</i> • <i>Nobol</i> • <i>Pedro Carbo</i> • <i>Santa Lucía</i> • <i>Limonal</i> 	<ol style="list-style-type: none"> 1. <i>Tecnología en Administración.</i> 2. <i>Tecnología en Procesamiento de Alimentos.</i> 3. <i>Tecnología en Planificación y Gestión de Transporte Terrestre.</i> 4. <i>Tecnología en Medición y Monitoreo Ambiental.</i> 5. <i>Tecnología en Seguridad y Prevención de Riesgos Laborales.</i> 6. <i>Tecnología en Desarrollo de Software.</i> 7. <i>Técnicas focalizadas como Seguridad Ciudadana y Orden Público, Seguridad Penitenciaria</i>

Fuente: Departamento de Secretaría General de la Institución Superior Público

En la Tabla 1, se describe además de la ubicación, las carreras que oferta, siendo esta Institución del sector público, por ende el factor socioeconómico de los estudiantes es medio, medio bajo, (Dominguez, 2019), por lo cual no poseen las herramientas necesarias para enfrentar una educación online, lo que podría afectar al rendimiento académico de los estudiantes.

Dado que la Institución pública no posee un estudio estadístico que permita conocer las variables que afecten al rendimiento de los estudiantes ante la nueva normalidad que fue causado por la pandemia Covid-19, es importante para las autoridades de la Institución conocer cuales son las motivaciones para los estudiantes continúen con sus estudios ante esta situación que vive el país y que además si la mayoría de los estudiantes no contare con un buen rendimiento educativo podría afectar negativamente en su formación académica y por lo tanto podría ser motivo de deserciones en la comunidad educativa.

2. Marco Teórico

2.1. Marco Conceptual

2.1.1. Institutos de Educación Superior

De acuerdo con el artículo 14 literal b) de la Ley Orgánica de Educación Superior (LOES) (2010, pág. 52), indica que son instituciones de nivel superior. “Los institutos superiores técnicos, tecnológicos, pedagógicos,

de artes y los conservatorios superiores tanto públicos como particulares, debidamente evaluados y acreditados por la presente ley”.

2.1.2. Afectación de la Crisis Sanitaria en la Educación Superior

La comisión Económica para América Latina y el Caribe (CEPAL) (2020), ha planteado que, antes de confrontar la pandemia, el ámbito social en la división se estaba perturbando, de acuerdo al incremento de los índices de pobreza y de pobreza extrema, la perdurabilidad de las desigualdades y un creciente descontento social. En este contexto, la crisis tendrá importantes consecuencias negativas en los diferentes sectores sociales, incluidos particularmente en la salud y la educación.

El continuo desarrollo de iniciativas para superar obstáculos de sistema funcional y la sustentabilidad de la indagación en América Latina ha llevado al análisis de la educación superior e investigación en los países latinos y la transición al uso de tecnologías digitales debido al COVID-19; estas contribuciones son promovidas por agencias gubernamentales y universidades. Los resultados muestran que los programas académicos a través del entorno digital, y la predicción del avance durante la pandemia es muy baja Paredes et., (2020).

El alcance de la tecnología para superar la deserción escolar es muy pequeño. Las investigaciones ignoran la visibilidad de la estrategia para asegurar su continuidad, lo que conduce a la parálisis o retraso y afecta el progreso de la ciencia y la tecnología, por lo tanto es necesario ir más allá de la tecnología dedicada a la enseñanza y promover la accesibilidad, visibilidad e interoperabilidad de plataformas tecnológicas que puedan responder a los requisitos del entorno educativo violados por COVID-19.

2.1.3. Rendimiento Académico

Existen varias definiciones sobre el rendimiento académico y hay muchas formas de obtener un buen rendimiento. El rendimiento académico se define como los cambios que hacen los estudiantes en el proceso de enseñanza y aprendizaje, que puede ser probado por el conocimiento adquiridos en el proceso de formación, (Rodríguez, 2017). El rendimiento académico no solo refleja la capacidad de aprendizaje de los estudiantes, sino que también refleja su respuesta a diversos estímulos educativos.

Para evaluar los conocimientos adquiridos por los estudiantes, de acuerdo a González (2015) el rendimiento académico, suele ser obtenido "a través de evaluaciones numéricas o cuantitativas realizadas por los profesores, esto se relaciona con el proceso de enseñanza formal tradicional o exámenes de evaluación externa, generalmente llamados exámenes estandarizados"; es necesario que los estudiantes demuestren los conocimientos adquiridos en un campo específico.

2.1.4. Motivación del estudiante ante la crisis

Las características de la motivación del estudiante se basa en la afiliación, la competencia, las recompensas y los impulsos del juego; estos impulsos incitan a los estudiantes a tomar acción ante algún hecho que les inquieta o incomoda (Nieto & Pimbo, 2020).

Lo causado por la pandemia Covid-19 se puede suponer que fue un reflejo de desmotivación, así como también otras actividades destinadas a la virtualización que amenazaron el proceso de educativo. Las preocupaciones de los estudiantes por los cambios bruscos en el aprendizaje han creado un campo de confusión porque tienen que salir del aula física para ir al aula digital, es decir, por carencia e ignorancia, tienen un poco de miedo a cambios violentos en herramientas virtuales Rodicio et al., (2020), por ende la motivación de los estudiantes se ve afectada.

De acuerdo con Guamán (2020) explica que la falta de infraestructura tecnológica, la falta de capacitación del docente, e incluso la falta de apoyo del distrito educativo y del Ministerio de Educación del Ecuador, sumado a la crisis económica que atraviesa el país, podría afectar a la motivación de los estudiantes, existiendo deficiencias en el conocimiento y gestión del uso de plataformas digitales y herramientas virtuales por lo cual ha provocado que las instituciones educativas y las agencias gubernamentales se enfoquen en la formación y gestión de herramientas técnicas para ayudar a formar a los estudiantes y mejorar las habilidades de los docentes.

2.1.5. Tiempo aplicado al estudio

La hora clase incluye tres etapas: antes, durante y después; durante el momento presente de la relación enseñanza-enseñanza entre profesores y alumnos, entre lo que se destaca la capacidad enseñanza de los profesores las habilidades, secretos, y dominio de la materia durante la clase (Arteaga, 2016). Según la investigación realizada por la Escuela Universitaria Politécnica Superior de la UPV-EHU, los estudiantes necesitan dedicar un tiempo a estudiar una asignatura. Esta es la primera encuesta de investigación sobre el tema en múltiples asignaturas, por lo que señalaron que una buena calificación en alguna asignatura dependerá principalmente del sistema de evaluación de la asignatura mas no de la cantidad de tiempo que se le asigne. Pero para otros expertos aseguran que el promedio que cada alumno tenga se deberá al tiempo que dedica al estudio, este estudio indica que sería un promedio de 4 a 6 horas por día, mientras que otros creen que el tiempo no es importante sino la calidad del tiempo invertido, (Martinic, 2018).

La creación de un entorno de aprendizaje virtual en tiempos de pandemia debe inspirarse dentro de la psicología y pedagogía educativa. El acceso simple a recursos de alta calidad no está exento de que un maestro tenga

un conocimiento estricto de las condiciones de aprendizaje o plan de enseñanza cuidadoso (Varguillas & Bravo, 2020).

2.2. Marco Referencial

Ciertamente la vida estudiantil de una persona empieza desde los 4 años aproximadamente que en este caso sería desde la etapa escolar proyectándose hacia la Universidad, por lo cual parte de una motivación, que va desde complacer a los padres, necesidad de progreso o intereses de alguna materia que le llama la atención, (Lobato, 2019).

Un estudio realizado por Jury et al., (2015), explican que existen dos variables relacionadas al rendimiento en la universidad que destacan por su novedad son: 1- el provenir de una familia donde el estudiante es la primera generación que ingresa a la universidad 2- la autopercepción de habilidades que el estudiantado tiene, siendo ambas cuestiones aún poco exploradas; concluyendo, este estudio quiere decir que los padres de los estudiantes que tienen una formación académica inferior a un nivel superior, estaría estrechamente relacionada ya sea de una forma positiva o negativa.

Asimismo un estudio relacionado con el rendimiento académico realizado por Fajardo et al., (2017), afirman que la formación académica de los padres, la clase ocupacional de los padres y madres, tuvieron diferencias significativas con el rendimiento académico de los estudiantes de una unidad educativa pública.

De acuerdo con González (2020), en un análisis preliminar de la percepción de la escala de afrontamiento del estrés académico (A-CEA) y el cuestionario de estrés académico de los estudiantes universitarios relacionados con COVID-19, se evidenció una disminución de la motivación y el rendimiento académico, mientras que la ansiedad estaba relacionada con dificultades familiares, especialmente estudiantes de bajos recursos económicos a causa del COVID-19.

Otro desafío es capacitar a los docentes en métodos de formación virtual, ya que gran parte de los formadores educativos no cuentan con las herramientas virtuales necesarias para afrontar esta situación, donde el 100% de las clases es enteramente virtual, (Hurtado, 2020).

La pandemia ha afectado emocionalmente a las familias en consecuencia, muchos de los estudiantes y su proceso de aprendizaje se encuentra directamente perjudicado; para ayudar a disminuir el impacto ante esta realidad se deberá utilizar mecanismos que motiven al estudiante a no rendirse y continuar con sus estudios; otra grave situación es la falta de recursos económicos que enfrentan las familias, donde los docentes deben tener en cuenta que es difícil diseñar otro método de aprendizaje aplicado en el aula presencial y que ahora se debe adaptar al virtual; entonces asignar

tareas y contenido de procesamiento es prioritario y clave para continuar el proceso de formación de los estudiantes.

Según García et al., (2015) explican que al utilizar la regresión lineal y la regresión logística para predecir el rendimiento académico y del éxito/fracaso académico, con base en variables como la asistencia, motivación, la participación en el aula y las horas aplicadas al estudio, se ha comprobado las correlaciones en la variable dependiente. Además concluyen que de este estudio: (a) El desempeño previo es un buen predictor del desempeño futuro y (b) la asistencia, la motivación, la participación y sobre todo el tiempo que dedican al estudio, es una variable para la predicción del rendimiento académico.

3. Metodología

3.1. Diseño

La presente investigación parte de un diseño de tipo descriptivo, inferencial y correlacional, de corte transversal de variables no manipuladas experimentalmente. Además tiene un enfoque cuantitativo sobre los factores asociados al rendimiento académico de los estudiantes de un Instituto Superior Público.

La técnica estadística que se utilizará es la Regresión Lineal Múltiple que incluye calcular la similitud en forma de función matemática. Esta función nos proporciona más información sobre las correlaciones. Por ejemplo, el modelo más simple: regresión lineal simple, que consta de una variable explicada y una variable explicativa, (Balaguer, 2020).

A continuación se mostrará la función de la Regresión Lineal Múltiple:

$$y_j = b_0 + b_1x_{1j} + b_2x_{2j} + \dots + b_kx_{kj} + u_j,$$

Donde la y es una variable endógena, x las variables exógenas, u los residuos y b serían los coeficientes estimados del efecto marginal entre cada x e y .

Además se utilizará información de fuentes de datos de la secretaría administrativa del Instituto Superior Tecnológico Juan Bautista Aguirre, ubicado en la ciudad de Daule – Provincia del Guayas, del cual se han recopilado los datos relevantes de la muestra objeto de estudio. Se han recogido datos sociodemográficos y académicos, matriculados por curso, además se aplicará un cuestionario sobre la motivación (variables independiente). Tras recopilar la información de interés, los datos han sido procesados mediante la herramienta estadística IBM SPSS Statistics 22, realizando un estudio descriptivo e inferencia de las variables (estadísticos y diferencias de medias), un análisis de correlación mediante el coeficiente r de Pearson, y por último un análisis de regresión lineal múltiple para identificar qué variables y cómo influyen en el rendimiento del estudiante que sería el

promedio general correspondiente al I Semestre 2020-2021 (variable dependiente).

A partir del 2016 el Instituto automatizó la matriculación de estudiantes en la plataforma denominada como Sistema Gestión Académica, con el fin de viabilizar la información de los estudiantes, reportes e informes que requieren los docentes para el control de matriculados, calificaciones, etc.

En el Instituto Superior, imparte las cátedras a través de los docentes en modalidad presencial, pero actualmente por las condiciones externas como son los efectos de la pandemia, la modalidad de estudio se volvió virtual.

A continuación se detalla la población de los estudiantes matriculados en la Institución:

En este caso será el número de matriculados de las 7 carreras tecnológicas, este número es de 1.022 estudiantes aproximadamente, información que se obtuvo del SIGA de la Institución.

Para obtener la muestra se recoge de la población de estudiantes del Instituto Superior, por lo cual se aplicó la fórmula del cálculo de la muestra en base estudios de (Aguilar, 2005), con un 95% de confianza, siendo 280 estudiantes que finalmente participaron

3.2. Instrumentos

Además se emplea un cuestionario en referencia al Cuestionario de Estrategia de Aprendizaje y Motivación (CEAM), de Ayala et al., (2004), a aquellos estudiantes matriculados del Instituto Superior Público de todas las carreras.

Además se adapta el cuestionario para el análisis de los estudiantes de la Institución y para ello se validó el cuestionario mediante el coeficiente Alfa de Cronbach, este índice fue 0.875 que permitirá validar el instrumento y obtener mediciones estables y confiables, (Pérez, 2014). (Ver Anexo 1).

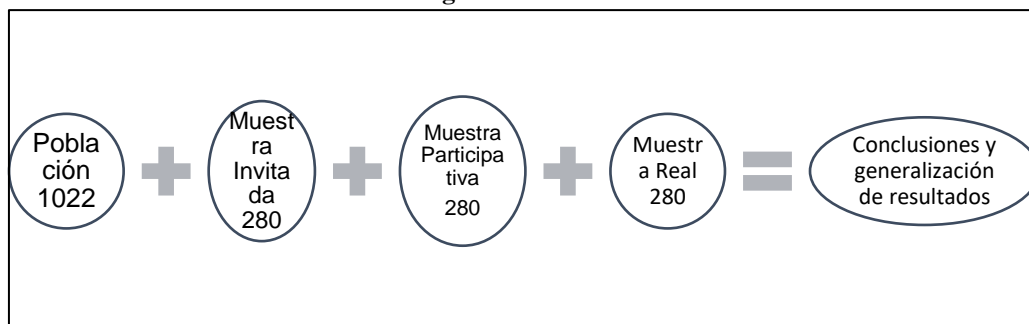
3.3. Procedimiento

Se tomó la base de datos de los estudiantes de la Institución, luego se extrajeron los promedios generales de 280 estudiantes de acuerdo a la muestra y debidamente matriculados, escogidos de diferentes carreras, luego se les envió un correo electrónico mediante la aplicación Google drive que facilitará la recogida de datos de los estudiantes, y de esa manera obtener datos relevante que permitan predecir el rendimiento académico de ellos ante la pandemia.

Sin embargo no todos los estudiantes atendieron la solicitud y es así que aplico la siguiente teoría, sobre la muestra invitada que en este caso se toma del tamaño de la muestra que se registró anteriormente mediante la fórmula de la normal, utilizando un nivel de confianza del 95% y una probabilidad de éxito o fracaso de 0.50 respectivamente. Como muestra participativa sería el número de individuos que aceptaron participar en el

cuestionario, para medir la deserción estudiantil y como muestra real sería aquellos individuos que respondieron las preguntas del cuestionario que este caso sería los mismo que aceptaron en participar en el estudio, que para la presente investigación fueron 280 personas.

Figura 1. Muestras



Fuente: Información obtenida por (Fox, 1981).

Tras aplicar el cuestionario se extrajo la información mediante la herramienta Excel, luego se identificó datos relevantes a través del análisis descriptivo empleado a las variables sociodemográficas y socio económicas. Con posterioridad se empleó el modelo de Regresión Múltiple para identificar aquellas variables que inciden en el rendimiento académico de los estudiantes.

4. Resultados

Se realizó un análisis descriptivo de las variables sociodemográficas (edad, género, domicilio), socio económico (trabaja, ingresos) y con respecto a la pandemia, a continuación se las detallan:

Tabla 2. Resultados del Análisis Descriptivo

<i>Variable</i>	<i>Porcentaje</i>	<i>Interpretación</i>
<i>Edad</i>	21	<i>La edad media de los encuestados es de 21 años, la mínima de 17 años y máximo de 40 años</i>
<i>Género</i>	69.66%	<i>Del total de encuestados son de género femenino.</i>
<i>Domicilio</i>	38.62%	<i>Del total de encuestados se encuentran domiciliado en Daule</i>
<i>Trabaja</i>	82.76%	<i>Del total de encuestados no trabajan</i>
<i>Ingresos</i>	303.52	<i>Los ingresos medios del núcleo familiar de los encuestados son de \$303.52 aproximadamente.</i>
<i>Tiempo de estudio</i>	6.02	<i>El tiempo que dedican los estudiantes al estudio es de una media 6 horas aproximadamente</i>
<i>Obstáculo</i>	59.31%	<i>Del total de los encuestados creen que los efectos de la pandemia ha sido obstáculo para sus estudios.</i>
<i>Conoce si abandono</i>	75.86%	<i>Del total de los encuestados coinciden en que conocen a alguien que ha abandonado sus estudios por la pandemia.</i>

Una vez obtenido el análisis descriptivo se procede a realizar un análisis más profundo y se utiliza la técnica inferencial estadística como es la aplicación del Modelo de Regresión Múltiple para identificar las variables que tienen mayor incidencia en el rendimiento académico.

Modelo de Regresión Lineal Múltiple

La regresión lineal múltiple emplea más de una variable explicativa; esto nos permite utilizar más información en la construcción de un modelo, consecuentemente, realizar estimaciones más precisas.

Los valores de la variable dependiente Y han sido generados por una combinación lineal de los valores de una o más variables explicativas y un término aleatorio, (Rojo, 2007).

$$Y = \beta_0 + \beta_1 X_1 + \beta_2 X_2 + \dots + \beta_k X_k + \varepsilon$$

En referencia al modelo de regresión lineal simple, se ha construido el modelo lineal múltiple considerando dieciséis (16) posibles variables explicativas, el cual se lo ha denominado como modelo largo (Ver Anexo 2).

Ecuación del Modelo de Regresión Lineal Múltiple

$$y = \alpha + \beta_1 x_1 + \beta_2 x_2 + \beta_3 x_3 + \beta_4 x_4 + \beta_5 x_5 + \beta_6 x_6 + \beta_7 x_7 + \beta_8 x_8 + \beta_9 x_9 \\ + \beta_{10} x_{10} + \beta_{11} x_{11} + \beta_{12} x_{12} + \beta_{13} x_{13} + \beta_{14} x_{14} + \beta_{15} x_{15} \\ + \beta_{16} x_{16} + \varepsilon_i$$

Siendo:

- x_1 = *Tiempo de estudio, variable cuantitativa correspondiente al número de horas que el estudiante le dedica a los estudios.*
- x_2 = *Motivación: Valoración del aprendizaje, variable cualitativa correspondiente a si el estudiante Mejor sería trabajar dejando de estudiar por el momento, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.*
- x_3 = *Motivación: Valoración del aprendizaje, variable cualitativa correspondiente a si el estudiante creería que estudiar ahora es lo más importante para tener éxito en mi profesión futura, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.*
- x_4 = *Motivación: Valoración del aprendizaje, variable cualitativa correspondiente a si el estudiante cree que asistir virtualmente a la mayoría de las clases suele ser una pérdida de tiempo, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.*
- x_5 = *Motivación: Autoeficacia, variable cualitativa que corresponde a que si estudia porque le gusta aprender cosas nuevas, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.*

- x_6 = Motivación: Autoeficacia, variable cualitativa, correspondiente a que si el estudiante cree que la mayoría de los temas vistos en clase consiguen captar mi atención, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_7 = Motivación: Autoeficacia, variable cualitativa, correspondiente a que si el estudiante cree que sólo estudia cuando tiene un examen, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_8 = Motivación: Atribución Interna; variable cualitativa, que corresponde a que si el estudiante le gustan las tareas que le permiten relacionarse con los demás, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_9 = Motivación: Atribución Interna; variable cualitativa, que corresponde a que si al estudiante le gusta ayudar a los demás a hacer las tareas porque así aprende mejor, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_{10} = Motivación: Intrínseca; variable cualitativa, que corresponde a que si al estudiante cree que Los padres le exigen demasiado en lo que se refiere a notas, lo cual se establece el siguiente formato: 5 “Mucho”, 4 “Bastante”, 3 “Algo indiferente”, 2 “Poco”, 1 “Nada”.
- x_{11} = Motivación: Intrínseca; variable cualitativa, que corresponde a que si al estudiante cree que los profesores me exigen demasiado para aprobar el curso, lo cual se establece el siguiente formato: 5 “Mucho”, 4 “Bastante”, 3 “Algo indiferente”, 2 “Poco”, 1 “Nada”.
- x_{12} = Motivación: Trabajo Individual, variable cualitativa, que corresponde a que si el estudiante indica que se pone nervios(a) antes de los exámenes, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_{13} = Motivación: Trabajo individual, variable cualitativa, que corresponde a que si el estudiante indica que se desanima fácilmente cuando le va mal en los estudios, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.
- x_{14} = Motivación: Trabajo individual, variable cualitativa, que corresponde a que si el estudiante indica que tiene la capacidad suficiente para realizar los trabajos del Instituto, lo cual se establece el siguiente formato: 5 “Siempre”, 4 “Muchas veces”, 3 “Algunas veces”, 2 “Pocas veces”, 1 “Nunca”.

- x_{15} = Motivación: Necesidad de reconocimiento, variable cualitativa, que corresponde a que si el estudiante considera que las notas dependen del esfuerzo y ganas que le ponga, lo cual se establece el siguiente formato: 5 “Muy de acuerdo”, 4 “Bastante de acuerdo”, 3 “Indiferente”, 2 “Poco en desacuerdo”, 1 “Muy en desacuerdo”.
- x_{16} = Motivación: Necesidad de reconocimiento, variable cualitativa, que corresponde a que si el estudiante considera que si salgo va mal en alguna asignatura que le gusta es porque el profesor es el malo, lo cual se establece el siguiente formato: 5 “Muy de acuerdo”, 4 “Bastante de acuerdo”, 3 “Indiferente”, 2 “Poco en desacuerdo”, 1 “Muy en desacuerdo”.
- x_{17} = Motivación: Necesidad de reconocimiento, variable cualitativa, que corresponde a que si el estudiante considera que si a alguien le va mal en los estudios es porque no atiende las explicaciones, lo cual se establece el siguiente formato: 5 “Muy de acuerdo”, 4 “Bastante de acuerdo”, 3 “Indiferente”, 2 “Poco en desacuerdo”, 1 “Muy en desacuerdo”.

Tabla 3. Modelo de Regresión Múltiple (Modelo Largo)

Modelo	Beta	Error Estándar	t	P_value.	Estadísticas de colinealidad	
					Tolerancia	VIF
(Constante)	7,408	,719	10,304	,000		
Tiempo de estudio	,180	,035	2,160	,033	,885	1,130
Motivación_VA_X1	-,012	,078	-,137	,891	,825	1,213
Motivación_VA_X2	,098	,083	1,113	,268	,780	1,282
Motivación_VA_X3	-,026	,078	-,279	,781	,721	1,387
Motivación_A_X1	-,125	,147	-1,148	,253	,513	1,948
Motivación_A_X2	-,138	,122	-1,320	,189	,560	1,784
Motivación_A_X3	,053	,068	,603	,548	,806	1,241
Motivación_AI_X1	-,209	,093	-2,073	,040	,601	1,663
Motivación_AI_X2	,166	,081	1,765	,080	,691	1,447
Motivación_I_X1	,105	,076	1,105	,271	,684	1,462
Motivación_I_X2	-,023	,079	-,240	,810	,692	1,445
Motivación_TI_X1	-,215	,074	-2,322	,022	,712	1,404
Motivación_TI_X2	,062	,072	,669	,504	,713	1,403
Motivación_TI_X3	,235	,109	2,445	,016	,664	1,506
Motivación_NR_X1	,140	,075	1,484	,140	,686	1,459
Motivación_NR_X2	,001	,080	,017	,987	,886	1,128
Motivación_NR_X3	,056	,074	,597	,552	,693	1,443

De acuerdo a la tabla 3, se observa que El valor p-value de la variable tiempo de estudio es menor que 0,05, por lo tanto, se rechaza la hipótesis nula, esto significa que las horas de estudio influye en el rendimiento académico. Por lo tanto el tiempo de estudio, Motivación como Atribución interna y la Motivación como Trabajo Individual son significativas, por lo tanto se

propone un modelo más corto para predecir la variable dependiente Rendimiento Académico.

Tabla 4. Modelo de Regresión Múltiple (Modelo corto)

Modelo corto	Beta	Error estándar	t	P_value	Estadísticas de colinealidad	
					Toleranci	VIF
(Constante)	7,696	,461	16,703	,000		
Tiempo de estudio	,204	,033	2,579	,011	,989	1,011
Motivación_AI_X1	-,212	,084	-2,307	,023	,730	1,371
Motivación_AI_X2	,187	,078	2,074	,040	,755	1,325
Motivación_TI_X1	-,188	,064	-2,329	,021	,949	1,054
Motivación_NR_X1	,156	,065	1,893	,060	,910	1,099

De acuerdo a la Tabla 4, se propone un modelo corto para mejorar la predicción de la variable dependiente (Rendimiento académico), del cual las variables que mejor explican al modelo son las siguientes variables independientes que tienen un p_value >0.05: Tiempo de estudio, Motivación sobre si el estudiante le gustan las tareas que le permiten relacionarse con los demás (Atribución Interna), Motivación sobre si al estudiante le gusta ayudar a los demás a hacer las tareas porque así aprende mejor (Atribución Interna), Motivación sobre si el estudiante indica que se pone nervios(a) antes de los exámenes (Trabajo Individual), Motivación sobre si el estudiante considera que las notas dependen del esfuerzo y ganas que le ponga (Necesidad de reconocimiento).

Ecuación del Modelo de Regresión Múltiple

$$y = 7.696 + 0.204x_1 - 0.212x_2 + 0.187x_3 - 0.188x_4 + 0.156x_5$$

Se interpreta que por cada hora de estudio adicional, la calificación se incrementaría en 0.204, si el estudiante no le gustare realizar tareas que le permitan relacionarse (Motivación: Atribución Interna) su calificación disminuiría en 0.212, si el estudiante no le gustase ayudar a los demás con hacer la tarea y aprender mejor (Motivación: Atribución Interna) su calificación incrementaría en 0.187, si al estudiante no se pusiere nervioso antes del examen (Motivación: Trabajo Individual) su calificación disminuiría en 0.188 y por ultimo si el estudiante no considera que las notas dependen del esfuerzo y ganas que le ponga (Motivación: Necesidad de Reconocimiento) su calificación incrementaría en un 0.156.

Correlación de las Variables

Tabla 5. Correlación de Pearson para el modelo corto

	<i>Rendimiento Académico</i>	<i>Tiempo de estudio</i>	<i>Motivación AI_X1</i>	<i>Motivación AI_X2</i>	<i>Motivación TI_X1</i>	<i>Motivación NR_X1</i>
<i>Rendimiento Académico</i>	1	,234**	-,087	,136	-,191*	,103
<i>Tiempo de estudio</i>	,234**	1	-,054	,025	-,052	,029
<i>Motivación AI_X1</i>	-,087	-,054	1	,479**	-,045	,245**
<i>Motivación AI_X2</i>	,136	,025	,479**	1	-,138	,119
<i>Motivación TI_X1</i>	-,191*	-,052	-,045	-,138	1	,153
<i>Motivación NR_X1</i>	,103	,029	,245**	,119	,153	1

En la Tabla 5 se observa las correlaciones de las variables motivación, tiempo de estudio con el rendimiento académico de los estudiante de un Instituto Superior Público, del cual la interpretación del coeficiente de correlación de Pearson se lo toma como índice para medir el grado de relación que existen entre las variables a analizar; del cual los coeficientes significativos y con efecto positivo son la variable tiempo de estudio siendo 0.234, motivación (Atribución Interna_X2) cuyo coeficiente es de 0.479, motivación (Necesidad de Reconocimiento_X1) cuyo coeficiente es de 0.245, estas variables tienen coeficientes de correlaciones que se encuentra entre el intervalo 0 y 1, aunque no sean altas las correlaciones tienen un efecto positivo, lo que significa que están directamente correlacionadas con la variable dependiente.

Tabla 6. Residuos

	<i>Mínimo</i>	<i>Máximo</i>	<i>Media</i>	<i>Desviación estándar</i>	<i>Shapiro wilk P_value</i>
<i>Valor pronosticado</i>	7,2235	9,1776	8,1157	,38126	0,2529
<i>Residuo</i>	-6,50542	1,41915	,00000	,93189	
<i>Valor pronosticado estándar</i>	-2,340	2,785	,000	1,000	
<i>Residuo estándar</i>	-6,859	1,496	,000	,982	

De acuerdo a la Tabla 6, se puede indicar que existe suficiente evidencia estadística para decir que los datos son normales ya que la media es 0. Además se corrobora los datos mediante una gráfica de los residuos, el cual se demuestra que existe normalidad en los datos.

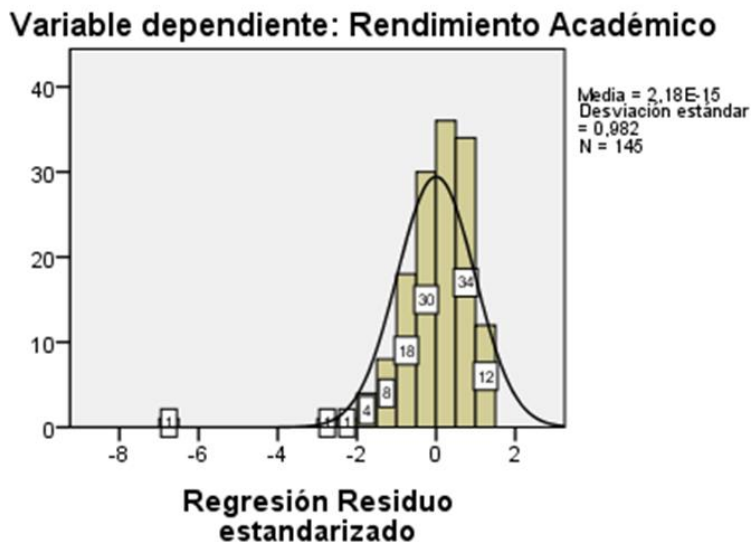


Figura 2. Normalidad de los residuos

5. Conclusiones y Recomendaciones

5.1. Conclusiones

La mayor parte de los estudiantes son de género femenino, que corresponde al 69.66%, esto quiere decir que existe mayor población de mujeres en la Institución de Educación Superior, además que la gran mayoría se encuentran domiciliados en el cantón Daule.

El 82.76% de los estudiantes de la Institución no trabaja, por lo cual se concluye que disponen una media de 6 horas de tiempo para dedicar a los estudios, además la media de ingresos del núcleo familiar es de aproximadamente 303.52 dólares mensuales.

La pandemia ha sido sinónimo de obstáculo para los estudiantes en tener una continuidad para los estudios ya que el 59.31% así lo afirma y que además la gran mayoría coinciden en conocer a alguien que haya abandonado los estudios.

Cuando se realiza un Modelo de Regresión Múltiple con todas las variables a analizar, existen muy pocas que expliquen la variable dependiente, sin embargo cuando se realiza un modelo con menos variables.

Las variables que explican a la variable dependiente (Rendimiento Académico) son Tiempo de estudio, Motivación sobre si el estudiante le gustan las tareas que le permiten relacionarse con los demás (Atribución Interna), Motivación sobre si al estudiante le gusta ayudar a los demás a hacer las tareas porque así aprende mejor (Atribución Interna), Motivación sobre si el estudiante indica que se pone nervios(a) antes de los exámenes (Trabajo Individual), Motivación sobre si el estudiante considera que las notas

dependen del esfuerzo y ganas que le ponga (Necesidad de reconocimiento), con una $\beta = 7.696$.

Hubo normalidad en los datos ya que se aplicó la estadística de residuos donde la $\mu = 0$ y que además se corroboró con la gráfica de los residuos.

Recomendaciones

Se recomienda incluir en la información sociodemográfica de los estudiantes sobre la escolaridad de los padres, así como también los créditos aprobados.

Mejorar los cuestionarios de indagación a los efectos de la pandemia ya que ha sido un obstáculo para muchos estudiantes en continuar con sus estudios y que medidas tomaran las Instituciones Educativas Publicas para esta situación tan alarmante.

Promover estrategias que sirvan para atraer nuevamente a los estudiantes de las Instituciones educativas y así influir a una educación de calidad donde todos tengan las mismas oportunidades de aprender.

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Anexos

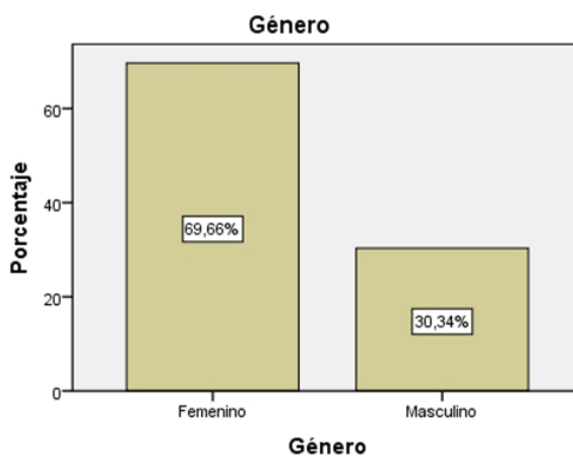
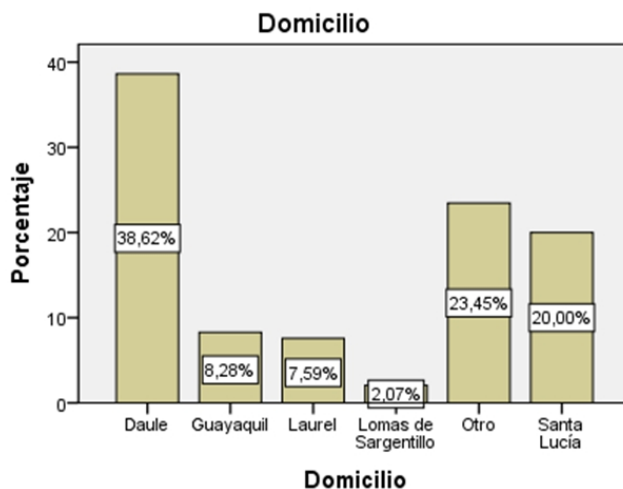
Anexo 1. Análisis de Confiabilidad

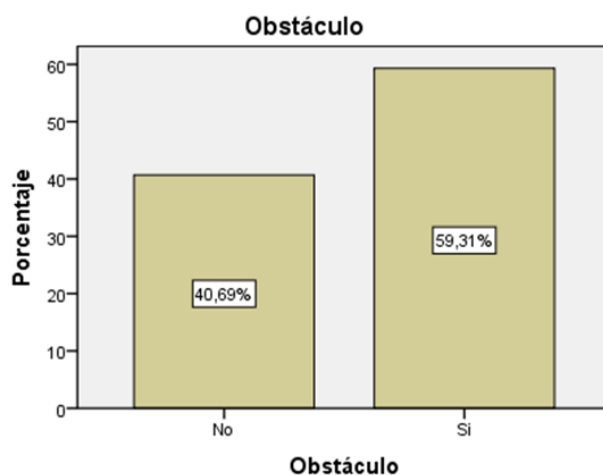
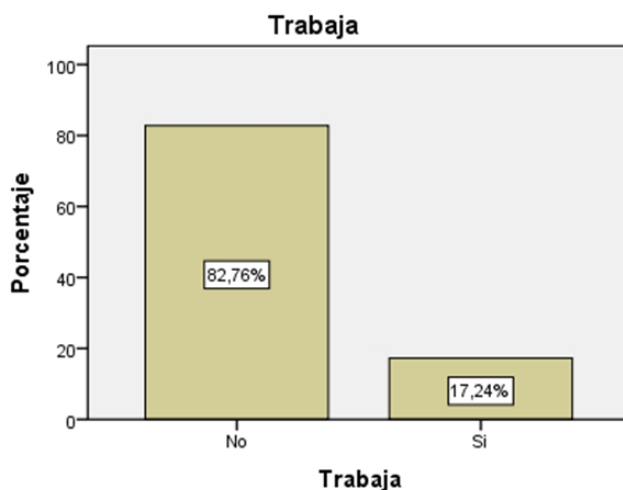
Estadísticas de fiabilidad

Alfa de Cronbach	N de elementos
,857	9

Estadísticos descriptivos

	N	Mínimo	Máximo	Media	Desviación estándar
Edad	145	17,0	40,0	21,152	3,7478
Ingresos	145	10,0	2500,0	303,517	266,8457
Tiempo de estudio	145	2,0	14,0	6,028	2,3745
N válido (por lista)	145				





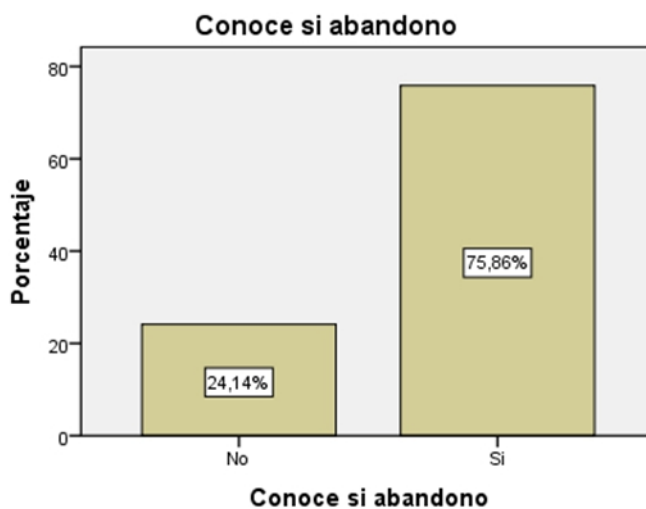
Coefficientes^a

Modelo	Coeficientes no estandarizados		Coeficientes estandarizados	t	Sig.	Estadísticas de colinealidad	
	B	Error estándar	Beta			Tolerancia	VIF
1 (Constante)	6,930	,472		14,692	,000		
Tiempo de estudio	,094	,035	,223	2,725	,007	,990	1,010
X1: Valoración de Aprendizaje	,025	,039	,052	1,639	,024	,997	1,003
X6: Necesidad de Reconocimiento	,045	,035	,107	1,314	,091	,987	1,013

a. Variable dependiente: Rendimiento Académico

Correlaciones

		Rendimiento Académico	Tiempo de estudio	Motivación _AI_X1	Motivación _AI_X2	Motivación _TI_X1	Motivación _NR_X1
Correlación de Pearson	Rendimiento Académico	1,000	,234	-,087	,136	-,191	,103
	Tiempo de estudio	,234	1,000	-,054	,025	-,052	,029
	Motivación_AI_X1	-,087	-,054	1,000	,479	-,045	,245
	Motivación_AI_X2	,136	,025	,479	1,000	-,138	,119
	Motivación_TI_X1	-,191	-,052	-,045	-,138	1,000	,153
	Motivación_NR_X1	,103	,029	,245	,119	,153	1,000
Sig. (unilateral)	Rendimiento Académico	.	,002	,150	,052	,011	,108
	Tiempo de estudio	,002	.	,258	,382	,266	,366
	Motivación_AI_X1	,150	,258	.	,000	,295	,001
	Motivación_AI_X2	,052	,382	,000	.	,048	,077
	Motivación_TI_X1	,011	,266	,295	,048	.	,033
	Motivación_NR_X1	,108	,366	,001	,077	,033	.
N	Rendimiento Académico	145	145	145	145	145	145
	Tiempo de estudio	145	145	145	145	145	145
	Motivación_AI_X1	145	145	145	145	145	145
	Motivación_AI_X2	145	145	145	145	145	145
	Motivación_TI_X1	145	145	145	145	145	145
	Motivación_NR_X1	145	145	145	145	145	145



Coefficientes^a

Modelo	Coeficientes no estandarizados		Coeficientes estandarizados	t	Sig.	Estadísticas de colinealidad	
	B	Error estándar	Beta			Tolerancia	VIF
1 (Constante)	7,408	,719		10,304	,000		
Tiempo de estudio	,076	,035	,180	2,160	,033	,885	1,130
Motivación_VA_X1	-,011	,078	-,012	-,137	,891	,825	1,213
Motivación_VA_X2	,092	,083	,098	1,113	,268	,780	1,282
Motivación_VA_X3	-,022	,078	-,026	-,279	,781	,721	1,387
Motivación_A_X1	-,169	,147	-,125	-1,148	,253	,513	1,948
Motivación_A_X2	-,162	,122	-,138	-1,320	,189	,560	1,784
Motivación_A_X3	,041	,068	,053	,603	,548	,806	1,241
Motivación_AI_X1	-,192	,093	-,209	-2,073	,040	,601	1,663
Motivación_AI_X2	,143	,081	,166	1,765	,080	,691	1,447
Motivación_I_X1	,084	,076	,105	1,105	,271	,684	1,462
Motivación_I_X2	-,019	,079	-,023	-,240	,810	,692	1,445
Motivación_TI_X1	-,172	,074	-,215	-2,322	,022	,712	1,404
Motivación_TI_X2	,049	,072	,062	,669	,504	,713	1,403
Motivación_TI_X3	,267	,109	,235	2,445	,016	,664	1,506
Motivación_NR_X1	,111	,075	,140	1,484	,140	,686	1,459
Motivación_NR_X2	,001	,080	,001	,017	,987	,886	1,128
Motivación_NR_X3	,044	,074	,056	,597	,552	,693	1,443

a. Variable dependiente: Rendimiento Académico

Coefficientes^a

Modelo	Coeficientes no estandarizados		Coeficientes estandarizados	t	Sig.	Estadísticas de colinealidad	
	B	Error estándar	Beta			Tolerancia	VIF
1 (Constante)	7,696	,461		16,703	,000		
Tiempo de estudio	,086	,033	,204	2,579	,011	,989	1,011
Motivación_AI_X1	-,195	,084	-,212	-2,307	,023	,730	1,371
Motivación_AI_X2	,161	,078	,187	2,074	,040	,755	1,325
Motivación_TI_X1	-,150	,064	-,188	-2,329	,021	,949	1,054
Motivación_NR_X1	,124	,065	,156	1,893	,060	,910	1,099

a. Variable dependiente: Rendimiento Académico



Stuck in Slums: A Case Study of Slums in Islamabad, Pakistan

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Abstract

This paper focuses on finding answers to the reasons why people keep living in the slums and why they cannot get out of their precarious conditions. This paper looks into different reasons for people being stuck in slums from a religious perspective. Reasons for different religious groups being stuck in slums are not explored fully in the literature. The analysis draws on qualitative research with a sample of 53 semi-structured interviews conducted in 8 katchi abadis in Islamabad, Pakistan. The study shows that slums are non-homogenous entities and are regarded as a living organism that provide safety, security, and a sense of belonging to some of the residents. The results revealed that both Christian and Muslim slum residents had different reasons for living in slums. There were not only inter-religious differences in the choice of living but intra religious differences had also been found. In the process, the paper highlights that most Christians lived in slums by choice due to strong social capital, with an exception of a few. On the other hand, Muslim slum residents lived in poverty which was a major reason most of the slum dwellers are stuck in slums. Policymakers should meet the needs of the people before implementing any policies. This is because relocation policies can bring misery to some of the slum dwellers. Finally, the paper demonstrated that slums play a pivotal role in the lives of the slum dwellers in keeping them

stuck in that place.

Keywords: Slum heterogeneity, social capital, social and environmental reasons, place attachment, poverty

1. Introduction

Slum formation is not a new phenomenon; they have existed for decades and have been studied for a long time. Today, more than half of the world's population lives in slums. These slums harbor most of the marginalized urban population. According to Osmani and Ergen (2019), slums are a negative product of urbanization. The dwellers residing in these slums are from the marginalized stratum of the society facing myriad challenges. There is a wide literature which discusses and targets those residing in decrepit housing units, where poverty and hunger prevail with no facilities and lack of human capital (Agarwal & Taneja, 2005; Engstrom et al., 2019; Marx et al., 2013; Salon & Gulyani, 2010). The slum dwellers spend all their lives in poor living conditions (Engstrom et al., 2015; Gulyani & Bassett, 2010). However, a rich body of micro literature has shed light on why people live in slums. The reasons include low socioeconomic status, poor service provisions, and marginalization of slum residents (Auyero, 1999; Nath, 2009; Omole, 2010; Sanderson, 2012). On the other hand, Bird et al. (2018) stated that despite poor conditions in slums, the slum residents face far better conditions than rural areas.

On the other end of the spectrum, macro studies examine global and national trends of urban poverty, weak governance, poor working conditions, and poor quality of life (El-Shorbagy & El-Shafie, 2014; Glaeser, 2014; Lucci et al., 2017; Sartori et al., n.d.; Turok & Borel-Saladin, 2016). All these factors, as discussed in the literature, tend to keep people stuck in slums. Despite poor living conditions, the number of residents are growing and a significant number of people continue to live in slums. It imposes a big question, which calls for an improvement in the living conditions of people through better policy design with the understanding of the commonalities and differences across slums within and between different groups residing in slums. These groups can include both religious and ethnic groups.

To understand the persistence and growing number of slum dwellers in these dwellings, this research investigates the following questions: Why are people stuck (live) in slums for a long time? And why can't they get out of slums? Thus, the studies discussed above clearly mentioned that slum dwellers spend their lives in great misery and poor conditions but continue to live there. Different factors for keeping people in slums have been discussed in the literature, but these studies fail to give a holistic picture of the situation of the slum dwellers. The literature fails to shed more light on the differences among

different religious groups but instead treats slums homogenously. Attention must be turned to how interventions shape the behavior of different people groups living in such places. Given the vulnerabilities that slum dwellers face, it is necessary to investigate along religious lines to know the reasons why the slum dwellers are living there and cannot get out of the precarious conditions. Therefore, this research found out some of the reasons people still continue living in slums from two religious' groups, Muslims and Christians. The novelty of this study lies in bringing a new perspective that all slum dwellers do not have the same reasons for living in slums. Even among the same religious groups, people tend to have different reasons for staying. Our results here elucidate that all slum households are not poor. Second, slum residents have heterogeneous living conditions, depending on their socio-economic conditions and other factors which contribute to keeping them in slums.

The study took place in 8 katchi abadis in Islamabad, Pakistan. Since the study was exploratory in nature, it uses a qualitative method by conducting 53 interviews in katchi abadis using a snowballing technique. Firstly, the study found out that slums are non-homogenous entities. Secondly, the study contributes to the existing literature by addressing the gaps in the literature, showing that different religious groups have different reasons for staying in slums. Thirdly, the study found that within religious groups, people have different reasons for staying in slums. Fourthly, the reason for staying also depends on the function of the slums which plays an important role in keeping people stuck there. Lastly, this study showed gaps in policy formation in slums which leads to the suffering of the people of katchi abadis.

The paper is structured as follows. The literature review is discussed in section 2; methodology in section 3; and ethical considerations in section 4. Section 5 shows the results of the study, section 6 focuses on the discussion part, and section 7 shows the conclusion.

2. Literature Review

2.1 Reasons for Being Stuck in Slums

Earlier studies shed light on the reasons that keep people stuck in slums. Although housing is a basic human right, yet millions of people do not have a roof over their heads. The provision of affordable housing has become a huge challenge for national authorities. The literature on affordable housing is divided into two major themes. Some studies talk about the lack of government policies and others shed light on the lack of interventions along with policies for unaffordable housing that keep people in slums. Addo (2014), Cerezo (2003), and Shams et al. (2014) noted the failure of government together with political bias in providing affordable housing to the poor strata of the society. More and more people end up in slums and informal settlements as low-income housing projects are taken away by the middle to high-income

groups. Baker (2007), Brueckner and Lall (2014), Gandhi (2012), and Rashid (2009) argued that housing conditions have not been improved for the poor due to policy implementation failure resulting in increasing contortion in the land and housing markets. Thus, this leads to failure in resolving the problems of affordable housing and slums, thereby increasing the vulnerability of the poor. On the other hand, Adabde and Chan (2014) acknowledged the fact that attention has been paid by the policymakers to interventions for sustainability in attaining affordable housing, but the potential and efficient interventions are being overlooked. Their study suggested some potential critical success factors (CSFs) for sustainable housing for the poor. Lucci et al. also suggested that interventions like land-use planning along with infrastructure development and city upgrading needs to be looked into along with twin-track approach as the housing market fails to accommodate the poor (Bah et al., 2018; Lucci et al., 2015). One response to the reason for people being stuck in informal settlements has gained significant attention. The rationale behind this comes from the idea that the soaring property prices and price of dwelling household income are not syncing. It has been argued that high prices have made owning a home a dream for the poor (Adabre & Chan, 2014; Gandhi, 2012). In this case, only 5-6% of the population in Mumbai can own a house in Mumbai (Gandhi, 2012). Thus, the notion of affordable housing needs exigent policy strengthening for housing markets to bring about a synchronizing between household income and house prices.

According to the Human capital theory, taking part in getting an education is regarded as an investment in human capital because of the expected returns later in life (Becker, 1965). So, it can be argued that as the level of education increases in a society, the productivity of its people also increases with that knowledge. There is a consensus in the literature that shows that slum dwellers, who are less educated, face severing human capital constraints as low incomes and informal jobs are taken up by this segment of the society due to the lack of education and employment training (Hossain, 2007; Zulu et al., 2011). This low income of the household leads to poverty and vulnerability of slum dwellers. It is hard for the poor to find jobs and even harder if the job lacks opportunities for advancement, offers low wages and limited employment security, social protection, and working conditions that present safety and health risk. Evidence from Peru shows that jobs generally require hard labour which leads to low productivity. Poor health is also a major factor that prevents people with low education from working, thereby lowering their income (Murrugarra & Valdivia, 1999; Östergren, 2018).

Ethnic discrimination and religious discrimination are the two most important reasons which the literature suggests for people being stuck in slums. While a plethora of evidence is available regarding racial discrimination in employment and its implications for the racial group's life

chances (Avery et al., 2008; Kain, 1968; Pager & Shepherd, 2008), the subject has been studied by Davis (2004) with a specific interest of looking at the discrimination faced by dark-skinned slum dwellers from Rio De Janeiro in securing employment for themselves. This phenomenon is not only prevalent in the developing world but has been reported in cities like Paris where Arabic sounding names and postcodes of areas where the Arab population lives are faced with discrimination when it comes to employment opportunities (Geary & Graff, 2005). In Rio de Janeiro's favelas, the residents earned 10-47 percent less than those in the neighbourhoods who work in the same occupation with the same education, age, and gender characteristics (Pero et al., 2003). Prolonged unemployment and unsafe jobs offer no hope to the poor to get out of their situation and to escape poverty. The effect of such discrimination leads to a reduction in the life chances available to the slum dwellers who are then forced into the vicious cycle of poverty due to such discrimination. With the employment opportunities drying up, these people are forced to either seek to engage in self-employment as a means to feed themselves and their families or suffer from disease and hunger due to underpaid employment or complete lack of employment opportunities for them. They might also resort to illicit activities for which the slums are notoriously famous for. The second effect discrimination brings about a slum is that it forces a demographic change of a slum through the selective provision of social mobility to certain groups based on race and religion while restricting it for others.

Studies showed that not only the earning members but also their children do not get an education. Multiple interwoven factors (family background, school-related factors, low income of family, etc.) which leads to low education of children usually result to early dropouts (Chug, n.d.; Hasan & Mohib, 2003; Sultana, 2019). Income and large family size are the factors that affect the educational achievements and the affordability of education among the poor. This is seen in Latin America and the Caribbean (Ferranti et al., 2004). Menon et al. (2013) discusses the barriers to parental involvement in early childhood education. On the other hand, Cameron (2009) acknowledges parents and children's involvement in valuing education, having high hopes for a good future, and considering education as a way of getting out of poverty, vulnerability, and poor living conditions. Nonetheless, the poor are unable to access relatively low-cost education due to the negligence of the government. According to J. Stokes (1962), the low level of income leads to poverty. Slum-dwellers may find themselves trapped in slums by having low income hindering their investment in human capital.

Social capital is also another factor responsible for keeping people in slums. Research on social capital sheds light on its importance on the economic wellbeing of individuals (Amirthalingam & Lakshman, 2009; Chimhowu & Hulme, 2006). The notion of social capital has been popularized

through the works of Bourdieu (2018). Portes and Putnam argued that social capital is a product of relationships that a person has and the ability of the individual to utilize these relations for the improvement of his economic well-being (Portes, 1998; Robert, 1999). Apart from the economic benefits that an individual accrues from his social group, there have been many reports of psychological benefits that are derived by an individual from his social group. Individualism, although a much-celebrated trait in the contemporary world, has been found to have a negative correlation with happiness in a society (Lee et al., 2018). The benefits that a person accrues from kinship networks and social support networks include enhanced immunity to psychological disorders including schizophrenia, psychotic disorder, and bipolar disorder (Sweet et al., 2018). Voluminous literature, therefore, has shown the importance of social capital in the psychological well-being of an individual, so much so that these individuals desire to seek the social connectedness and social locatedness in their lives (Lee et al., 2018; Newman et al., 2018; Steel et al., 2018; Sweet et al., 2018).

Subsequently, the measurement of this social capital among slum dwellers is thus important to be addressed. Cohen says that social networks enable the provision of psychological resources as well as material resources that help people cope with stress and loneliness (Cohen, 2004). Coleman functionalizes this definition by arguing that social capital is determined through the function it plays. The social capital, thus for Coleman, is that entity that has some aspects of social structure, and it somehow facilitates the wellbeing of individuals socially located within that structure (Coleman, 1990).

In the context of this study, it is sufficient to consider social capital to consist of indicators of social networks (structural: bonding), social support, and the diversity of friendship indicators (Tran, 2015). Thus it aims to facilitate social exchange according to Karen networks of trust developed under conditions of risk and uncertainty (Cook, 2005). According to Larsen et al. (2004) bonding, social capital is composed of association and trust between neighborhoods. The number of resources accessible through one's personal network can be expressed and measured as individual social capital (Lin, 2001). Therefore, this study will not only focus on one form of social network. In light of the above-cited literature, it can be argued that the social capital that the slum dwellers accumulate with their co-habitants of the slum is a major contributor to the lack of the desire of these dwellers to move or be removed from the slum. Them being moved to a different place outside the slum, even if objectively a better place, has negative consequences for the accumulated social capital of these dwellers. Hence, they keep on residing in the same place over the years even if they are presented with better alternatives. They can, therefore, be said to be stuck in slums.

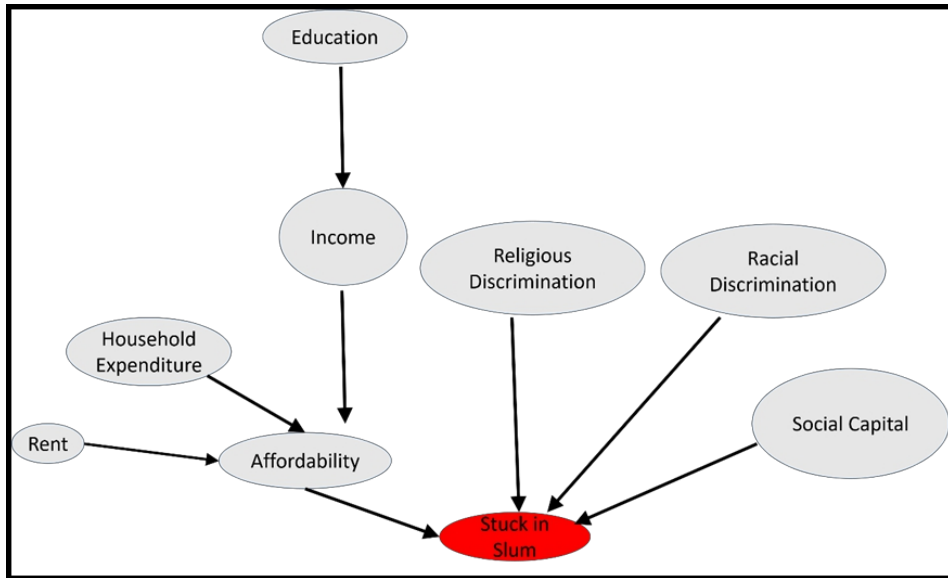


Figure 1. Factors for being stuck in slums

3. Methodology

3.1 Selection of Study Area

The study was carried out in Islamabad, the capital of Pakistan. The reason why Islamabad was chosen is that not many studies have been conducted there. There are more than 50 katchi abadis in Islamabad out of which 10 are regularized (Capital Development Authority - Planning Wing, 2019; Government of Pakistan, 2018). 8 regularized katchi abadis were chosen out of 10 because these katchi abadis are well demarcated by the government. People came to Islamabad as laborers at the time of the establishment of Islamabad in the early 1960s and have settled here since then.

Islamabad the capital territory in Pakistan is rapidly growing both economically and in terms of population. The city provides a good example of inequality. Here the number of gated communities is on the rise and the hands which build such communities have no place to go other than staying at the place they are allocated. This resulted to the kind of informal settlements (katchi abadis)/slums which are now sporadically spread around Islamabad. Built-in the 1960s, the city replaced Karachi as the capital of Pakistan. It is the only planned and designed city in the country. According to the Pakistan Bureau of Statistics, the population of the capital is around 2 million (Pakistan Bureau of Statistics, 2017). One of the issues of large cities, in general, and Islamabad in particular is katchi abadis (Temporary Housing Settlements/slums). Thus, the population of these slums exceeds 100,000 (Shah, 2016).

Table 1. Names and locations of Katchi Abadis in Islamabad, Pakistan

Name of Katchi Abadis	Location
1. Katchi Abadi G-7/1 (66 Quarters)	G-7/1
2. Katchi Abadi G-7/2	G-7/2
3. Katchi Abadi G-7/3 (48 Quarters)	G-7/3-2
4. Katchi Abadi F-6/2 (100 Quarters)	F-6/2
5. Katchi Abadi F-7/4 (France Colony)	F-7/4
6. Katchi Abadi G-8/1(Hansa Colony)	G-8/1
7. Muslim Colony (Nor Pur Shahan) Bari Imam	
8. Katchi Abadi Essa Nagri	I-9/1

3.2 Data Collection

Detailed qualitative data was collected. The data sources for this study were mostly primary data. However, along with primary data, secondary data was obtained to examine the situation in slums. The qualitative instruments of data collection were semi-structured interviews and observations. The secondary data was collected through news, media reports, books, and government documents to identify the reasons why some people live in the slums in Pakistan.

According to Oakley, a qualitative interview is a type of framework in which the practices and standards will not be only recorded but also achieved, challenged, and reinforced (Oakley, 1998). The in-depth interviews helped to gain an insight into what people think of their condition. It gave a thorough insight into the particular issues being raised in this research. The use of semi-structured interviews gave a voice to those individuals who were being marginalized within the society. Furthermore, many feminist researchers have advocated this method which enables the participants to describe their lives and experiences in their own words, i.e., to ‘tell it like it is’. Interviews are best suited for understanding people’s perceptions and experiences. Thus, they enable us to get the thoughts, feelings, and viewpoints of the interviewees on their situation.

3.3 Selection of Participants and Procedures

During the selection of participants, snowballing sampling technique was used. Initially, one to two potential subjects in the population were contacted who were willing to make use of their personal contacts and referred us to other people with the potentials to contribute to the study. The basic principle behind choosing this sampling technique was to reach the target population with some references as it was difficult to reach out and find the target population on our own. Some slum dwellers may not be willing if directly contacted for an interview. This strategy best suited the research as it was used as a reference strategy and also helped in saving time. The same step

was taken until the required sample size was achieved. This technique was deliberately designed to access the slum dwellers who know more about the people in their locale.

This technique helped in getting the views of all the religious groups in the slums regarding their conditions. Criteria like participants with different, religious, educational and income backgrounds were covered in this study. The overall picture of the situation was analyzed to find out why people continue to live in slums.

3.4 Instruments of Data Collection

3.4.1 Observations

Firsthand information was collected through observation in the field. This helped in better understanding and capturing the context within which people interact with their habits, norms, practices, and rituals. It was also a great way of exploring and learning about the things that people were not willing to discuss in the interviews. These observations also included field notes, photographing, and tape-recordings.

3.4.2 Semi-structured Interviews

Semi-structured interview tools were useful for this study as it helped in exploring new ideas and topics in this field. As this research design does not restrict the interview to follow a formalized pattern of questions, it will allow the interviewees to narrate to the maximum limit of their knowledge. This method offers a balance between open-ended interviews and structures ethnographic surveys. 53 interviews were conducted in this study. Each interview lasted for 50-60 minutes to get a better understanding of the conditions and reasons which keep them in slums.

Before starting the main study, a pilot study was conducted by interviewing 15 slum dwellers at their dwellings. This helped in rectifying any errors in the final study. During the exercise, all the interviews were audio-recorded to ensure the correct use of the device. Observations included body language and the non-verbal response of the interviewees. All the interview questions were translated into the local language.

3.5 Data Analysis

Thematic analysis was used to analyze the data. The goal of thematic analysis was to become familiar with the data, generate codes, identify and explain themes, and use these themes to address the research issues. A detailed description of this method is explained in the table below.

Table 2. Steps of thematic analysis (Maguire & Delahunt, 2017; Nowell et al., 2017)

Phase	Description of the Process
1. Familiarization with data.	Re-reading the transcripts, transcribing them and getting familiarized with the data, noting the initial ideas
2. Generating initial codes	Familiarization with data and generation of the initial set of ideas leads to collating data to relevant codes
3. Generation of themes	Organizing codes into potential themes
4. Reviewing of themes	This step involves reviewing, modifying, and developing the preliminary themes along with the data and the codes to verify that the themes generated are indeed accurate
5. Defining and naming themes involved	Final refinement of themes and the aim is to 'Identify the 'essence' of what each theme is about'.
6. Producing the report	The final step of analyzing and producing a coherent and engaging write up of the analysis is carried out

4. Ethical Considerations

The ethical principles of social science research were seriously followed in this research. Before starting the interviews and recording activities, the purpose of the interviews and how the information will be used were explained to the participants. They were informed about the purpose and objectives of the research, what was expected of a research participant, including the time duration. Participation was voluntary based and anyone could withdraw at any time with no negative repercussions. The participants were briefed and were assured about the protection of their confidentiality. After the participants agreed, the relevant data was collected.

5. Results

The participants in the study were from two religious' groups. Muslims are a majority religious group in the country and Christians are a minority group. The details of the population demographics are given below in Table 1 showing that the average size of households is larger among Christian households but with a larger deviation in the data. The same holds for the number of children per household where children per Christian household are slightly larger compared to Muslims. The income of Muslim households is less as compared to the Christian residents. Less number of Muslim children go to school whereas the education of earning members of Muslim household members is also low.

Table 3. Demographics of slum dwellers

		Christians	Muslims
Household size	Avg.	8.1	7.7
	Std.	4.6	4.4
Children per household	Avg.	4.1	3.8
	Std.	2.9	2.4
Household income	Avg.	39,423	28,600
	Std.	21,260.62	16,778.56
Children schooling	In School	71	65
	Out of School	13	5
Education level of earning members	Illiterate	20	27
	Primary	5	3
	Below 10 th Grade	14	11
	10 th Grade	13	6
	Above	2	2

5.1 Christian Participants

Basically, two themes emerged for being stuck in slums for Christian participants:

1. Social capital (stay)
2. Social and environmental reasons (stay/leave)

5.1.1 Social Capital

Social capital is an important factor for keeping Christian residents in the slums. It can be approached from a different point of view and different forms. Structural social capital is based on three levels of social networks: bonding, bridging and linking. “Bonding” social capital is observed in the Christian community. It is connected to people who are similar in terms of their demographic characteristics, such as family members, neighbors, close friends, and work colleagues (Gittell & Vidal, 1998). In addition, cognitive social capital (trust) operates and is very strong in the Christian community. Trust is an important factor in any social setting. Trust within the Christian community is very strong along with the duration of stay in slums which increases their Social capital. Most of the Christian residents explained the role of trust in keeping them in slums.

As the Christian residents explained:

“No, nobody will go. It’s not only me, everybody will give you the same answer. We feel safe here. We even keep our gates open till midnight, if anyone has a problem and makes noise, we at once gather together for help. If we go to a new place people will be different there, we cannot trust a new person, we

are living here for a long time.”

“People trust each other within families, friends and neighbors also trust each other. We have been living here for a long time we know each other quite well.”

The Christian residents further explained how trust has been developed over time and has helped them to keep it. The trustworthiness of other people has shaped their lives, and it has also helped them to work together to solve their problems.

“We will not go from here. We have all our relatives here; we know people around for a long time. We want the government to give us plots here.”

“This church has been built by the people of this slum. 70-80 families helped in building it. We have a church committee but it’s not financially strong to solve people’s problems. It has just started, we are planning that next year on Christmas we will help the poor, widows and orphans.”

“I will go with my neighbors; I won’t go alone. As the neighbours will say I will do the same. In Ali Pur faresh, 55 households have been shifted but the rest are here. I will not go alone. I have my Christian community here; I will move if they move.”

“I will not go alone. it’s hard for me. If we go, we will not even have anyone to put us in the grave. We have all our friend’s relatives and everybody is here. We cannot go alone. We will go with everyone.”

Consequently, people greatly emphasized the importance of their Christian community and how it keeps them together. Therefore, they were not willing to leave the slums without their community members.

“We have our community and the people we know here. We live together. We take care of each other here. If we go somewhere else, these people will go far from us. Our neighbors come to us in every happiness and sorrow.”

“It’s not possible if someone asks you to leave this place and you leave it, we have facilities here, we have our community here. If a person dies here there are a lot of people. 200-300 people are here.”

People of the katchi abadis had some demands which they also expressed during the interview. If these demands are fulfilled, the lives of these katchi abadis would have been easier and better.

“There is huge inequality regarding space in this slum; some have a lot of space others do not. We want the government to allot everybody the same size of plots. Our house is small but some people have big houses. In our street, there is a very big house.”

5.1.2 Social and Environmental Reasons (Stay/Leave)

People who want to stay or leave the slums were few. Jobs, schools, and market places were factors related to keeping them in slums. On the other hand, poor environmental and social factors were mentioned as a source of dissatisfaction and leaving the slums. Having facilities in slums was another factor for keeping a few people stuck in slums.

“Our neighborhood has some problem. I want the environment of our slum to change and become good. Our children do not take drugs and drink but people do these kinds of things that affect our kids. If the environment is better than here, we will leave this place if the government provides us. Although we feel safe here, there are also guards here from other religious groups. These people take drugs and drink and they are having a bad influence on our children.”

“This place is good as my husband’s job is in the nearby market; so one has to think of everything before moving to a new place. I sometimes become fed up with this place but then we have to think of other things like our kid’s schools are nearby; we can go to the market on foot. We think that if we leave this place, then we might have to face some problems. Then we think that this place is ok.”

The slum dwellers expressed a desire to leave but still hope to stay if the place becomes clean, drug-free, and garbage-free. Phrases like “we do not like any other place than this” and “this place is best for us” showed how content the slum dwellers are to live there as they have facilities like schools, markets, and jobs nearby. Despite the concerns that the slums are dirty and they have addicts, a strong liking for the place is felt as the slum residents said:

“We do not like any other place than this place. We have all the facilities here. Kid’s schools are near. But when I see garbage and dirt around, I want to shift. This place is best for us if it becomes clean, we would love to stay here.”

“We want to stay because we have jobs here. If drugs are no more in slums, then we will not go.”

5.2 Muslim Participants

Two themes emerged for being stuck in slums for the Muslim participants

1. Place attachment (stay)
2. Poverty (leave)

5.2.1 Place Attachment

Few Muslim respondents wanted to stay and didn't want to leave slums due to place attachment. Emotional and social attachment both exists in slums. Place attachment described by Pretty et al. (2003) is the (individual and community) connections and bonds that people develop with places. Hummon (1992) described place attachment as 'emotional involvement with places' while Low (1992) considers it as 'an individual's cognitive or emotional connection to a particular setting or milieu'. A Muslim resident responded to this question in a very emotional manner. He had an emotional connection with the place where he stayed.

Q1. If you are given a choice to live somewhere else or the government provides you with affordable housing, will you leave this place? If yes, why will you leave? If no, why, what are the reasons for not leaving this place? Probe.

"Even if the government provides affordable housing I do not want to move from here. I do not want to leave this place. This place gives me peace of mind and heart. I want the government to give me a house here."

Besides emotional attachment, social attachment to the neighborhood was also reported in a few cases. The respondents showed attachment to people who lived in their neighborhood.

"We do not want to move; it will be very difficult to move out of this place because we have been living here for a long time. We were born here, we grew up at this place; it won't be adjustable for us to go somewhere else."

Another resident said:

"We will not leave this place, we have spent all our lives here, we are living here and cannot leave this place. We do not want to leave and live without our neighbors."

However, it has been observed that besides emotional attachment, people felt attached to their neighborhood. Without a doubt, when these two components of place attachment generally come together, they become a general affective feeling toward the place of residence based on emotional and

social dimension.

5.2.2 Poverty (Leave)

Fear of being demolished, lack of facilities, ethnic segregation, garbage, and longing to live within one's own community were the factors that contribute to them leaving the slums. Despite all these issues, people were unable to get out of the slums due to poverty. The residents lived in constant terror of being demolished. Upon asking would you like to move from here, the Muslim respondents responded.

“Yes, we will leave if the government provides us a house, it will be ours, we will build it according to our needs. Yesterday, CDA came and they demolished walls here, I will go alone even if I have to go alone.”

“If the place is good, I will leave this place. We are living here because we do not have a choice. There are no facilities here and most of the people here are Kashmiri and we do not have good terms with them. There are 6 to 7 halkas here; every sector has people of the same ethnicity.”

The slum dwellers had a strong will to leave the slums. This reason includes not having basic facilities, less space, money for housing schemes, and lack of faith in the government for getting houses for which the government has promised.

“I will definitely leave this place because we do not have facilities here. Electricity is given to a few houses here only. Those who do not have one can go to hell—this is what the ones with electricity think. They have the right to supply electricity to whom they want to.”

“I didn't apply for the housing scheme initiated by our PM because for that scheme I had to pay 5000 monthly that I couldn't afford. And secondly, I wasn't sure whether I'll get anything out of it or not.”

“Dirt and garbage are the reasons we will leave this place if the government provides us with a new place. Our space is also less as we cannot accommodate guests at our place.”

Subsequently, a few residents were living within Christian community slums. Thus, they had a different answer for moving to another place.

“Yes, we will shift, we want to live in Muslim slums, what else can we want. We heard that the political party Xyz will build houses. We gave votes to party Xyz but all Christians gave to party aaa. We have spent our lives but now we want a better

future for our kids. The Christians here are good. Our kids want to play outside but we cannot let them play outside. The environment is not good here.”

“My father came here alone when he came here 40 years ago and decided not to bring his family from the village. This place was enough for him when he brought us here. Now we have less space, our families got large. We are not getting enough money and we plan to sell this house but the money is not enough.”

Therefore, this means that addressing the needs of the slum dwellers is very necessary. Income alone cannot improve the conditions of these people. Other factors like clean streets, a good environment, adequate facilities, and enough living space need to be provided to the slum dwellers.

6. Discussion

The results showed that the reasons for being stuck in the slums are different across the religious divide. According to the literature, people tend to be stuck in slums due to their existing social networks which act as an agent to keep them in one place (Archer, 2009). As for Christian residents, social capital is the main factor for keeping them to stay in the slums. These people do not want to leave even if the government provides them with housing. This indicates how strong the networks are which supports them and help them survive in the hostile city life. Engstrom et al. (2017) have suggested that relocation is not the best option and it may not be a sensible policy. Similarly, these people want to stay together and do not want to move out of the slums. The Christian residents of the slums are stuck because of a different set of reasons. The major reason for the Christian residents not to move out of the slum is their social capital. These residents, having lived together in the slum for an extended period of time, have developed friendships and kinship bonds with their neighbours. These developed bonds are the bonding and cognitive social capital of these residents, which makes a move to a different location difficult. In the context of Pakistan, where Christians form a minority group, living at this location does also mean that they are among their co-religious community. Nevertheless, if they move to a separate location, the new location may not be such a co-religious community which would harm their communitarian interests. The second reason for the Christians not to move out of the slums is that these slums are located at the center of the city and thus their jobs, hospitals, and the schools of their kids are in the vicinity. Therefore, moving from here to another location would be troublesome for these residents.

On the other hand, most of the Muslim residents want to leave the slum. The major reason for their inability to leave the slum is poverty. Thus, these slum dwellers, because of poverty, are unable to afford buying a residential property in Islamabad. This forces them to live in the deplorable conditions of the slums. For many of them, if they are given a reasonable opportunity to move to a better location, they will be more than willing to move. The second reason for some of the Muslim residents is what we call “place attachment”. These people have gotten used to living in that location and thus have gotten attached to it, making the move a difficult task. The attachment that these residents report can be categorized into two categories. The first category is that of those people who are “habitually attached” to their place of living. These are the people who have been living here for an extended period. As a result, they have become so attached to the place that they do not want to move to another location even if it is a far better one. This is the place they call “home”. The second category is those who are “conditionally attached” to their place of living. These residents are in a certain “condition” that they think that moving to another location would be troublesome or disadvantageous. The condition can be because they have their job in the vicinity of their present accommodation or because the school of their kids is in the vicinity of their present accommodation. Thus, these conditionally attached residents of the slums, due to their present conditions, is of the view that moving is not in their best interest.

The novelty of this paper lies in bringing fore results that show that the reasons slum dwellers are stuck in slums differ based on their religion. Even among the same religious groups, different reasons make people stay in slums. While for most of the Muslim residents, it merely provides a location for cheaper accommodation as reported elsewhere in the literature, for the Christian residents the slums perform a form of functional role because they have formed bonding social capital with the rest of the neighbouring residents. This result is in accordance with Ho’s theory (Ho, 2014) which states that slums persist because they perform a certain function. Therefore, the Christian residents consider the slums to be a credible location because they are living in a community of their own. This is the first study conducted in Pakistan to reach such a conclusion based on our knowledge.

Conclusion

This paper has shown different reasons why people from different religious groups are stuck in the slums. The study demonstrates that while Muslim residents want to leave the slums but are stuck due to poverty, Christian residents do not want to leave. The behaviour of Christians can be explained by the credible proposition of Ho. Since Christians find the environment of the slums to be credible, slums perform a certain form of

functional role. The findings, therefore, show that different religious groups have different reasons for being “stuck” in the slums. Thus, this brings the idea that the slums are not homogenous settlements but is rather a heterogeneous construct. Moreover, the experience of the Christian dwellers shows that slums are not necessarily a location of misery and suffering. Hence, they can rather be a place of security and credibility for some of the residents as well.

Heterogeneity of the slums is an important area of study that has long been overlooked in the literature as most of the literature tends to treat slums as homogenous constructs. This paper brings forth two important ideas. The first idea is that the slums are heterogeneous constructs and the second idea is that the slums are living organisms that provide safety, security, and a sense of belonging to some of the residents. The second idea is that relocation of slum dwellers may be of importance for the policymakers and they may deem it necessary from a certain point of view. However, policymaker must also understand that the reason all slum dwellers lives in the slum is not the same and that some may not want to relocate. This reason must, therefore, be kept in consideration when the policies are being drafted. A lack of such understanding would lead to the failure of the policies.

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Analyse de l'étendue des privilèges et immunités diplomatiques

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Resume

La restriction de liberté de voyager d'un pays à l'autre pour les hautes autorités des Etats à cause de la pandémie de Covid-19 a diminué les échanges relationnels entre les Etats d'une part, et d'autre part a beaucoup ravivé les activités des diplomates qui deviennent intense et incontournable pendant ces moments où les pays se ferment sur eux-mêmes. Les pays du monde entier mènent des relations internationales au moyen de la diplomatie. Ils envoient des agents dans des missions diplomatiques pour bien accomplir leur tâche. Pour mener bien leur mission, ils ont besoin d'un environnement favorable que leur offre le pays d'accréditation. Cette réalité se définit en termes de privilèges et immunités diplomatiques. La question de la pratique s'impose dans cette réflexion de manière suivante : la pratique de ces privilèges et immunités est-elle absolue? C'est dans ce contexte que s'inscrit cette étude qui vise à analyser les fondements des privilèges et immunités octroyés au corps diplomatique par la convention de Vienne de 1961 et leur mis en application au quotidien. Cette réflexion a démontré qu'il existe des limites liées à la pratique des privilèges et immunités. Pour y parvenir, une méthode documentaire est privilégiée. La recherche documentaire choisie pour cette étude a permis d'exploiter les livres, les articles, les rapports ainsi que divers documents disponibles sur Internet pour y tirer des informations nécessaires relatives à ce sujet. Cette étude a terminé sa réflexion par une conclusion qui

dégage des approches de solutions pour les limites identifiées.

Mots clés : Diplomatie, Privilèges et Immunités, Convention de Vienne de 1961

Analysis of the Scope of Diplomatic Privileges and Immunities

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Abstract

The restriction of the movement of the authorities of different countries due to the Covid-19 pandemic has both reduced the relationships between these States and has revived the activities of diplomats which become intense and unavoidable during these times since countries are being confined. While many Countries conduct international diplomatic relations, they send agents to diplomatic missions to achieve their targets. In order to carry out their mission successfully, they need a favorable environment offered by their receiving countries. This reality is defined in terms of diplomatic privileges and immunities. The question of practice arises in this reflection as follows: Is the practice of these privileges and immunities totally absolute? Therefore, it is in this context that this study takes place and it is meant to analyze the foundations of the privileges and immunities which are granted to the diplomatic corps in accordance with the 1961 Vienna Convention. This reflection has shown that there are limits linked to the practice of privileges and immunities. To achieve this, a documentary method is preferred. The documentary research chosen for this study made it possible to use the books, articles, reports and various documents available on the Internet to extract the necessary information on this subject. This study ended its reflection with a conclusion which proposed the approaches of possible solutions towards the identified limitations.

Keywords: Diplomacy, Privileges and immunities, Vienna convention 1961

1. Introduction

Le monde traverse des moments difficiles où la pandémie du Covid-19 a réduit sensiblement la liberté de voyager surtout d'un pays à l'autre. Jusqu'alors, les relations interétatiques étaient menées d'une part par les hautes autorités des pays et d'autre part par leurs représentants se trouvant

dans des pays accréditaires. Les exigences de lutte contre la propagation du Covid-19 ont introduit de nouvelles façons de faire. Actuellement, par contrainte, beaucoup de réunions s'organisent par le biais de vidéoconférences tant au niveau bilatéral qu'au multilatéral, régional et international. Le virtuel a pris le devant sur le travail en présentiel. Néanmoins, le métier de diplomatie a toujours témoigné et témoigne encore l'importance de la présence physique comme exigence du métier. À titre d'exemple, les négociations se feraient mieux en présentiel que par vidéoconférence. C'est pour cette raison que l'activité diplomatique recouvre toute son importance en cette période de pandémie. Les diplomates étant sur place dans les pays accréditaires, ils sont appelés, par les exigences du contexte pandémique, à jouer un rôle plus prépondérant dans leur art de représentativité. Cela permet de combler les absences éventuelles des déplacements de leurs chefs hiérarchiques et démontre l'actualité et l'intérêt de la présente discussion qui porte sur l'analyse de l'étendue des privilèges et immunités des agents diplomatiques. Les relations diplomatiques et consulaires entre les peuples existent depuis longtemps. Le droit international les a adoptées, organisées, mais non instituées. Après apparition du phénomène étatique, la pratique révèle que le critère le plus sûr de la souveraineté d'un État est le fait qu'il entre effectivement, par l'intermédiaire de ses propres agents et sur un pied d'égalité, dans les relations diplomatiques et consulaires avec d'autres États souverains et qu'il soit représenté auprès des organisations internationales et participe à leurs activités (Nguyen, Daillier et al., 1999). Les agents diplomatiques assurent les relations officielles entre les États. Ils représentent leurs pays et exécutent la politique étrangère de leurs pays d'origine. Ce sont les organes officiels du système moderne des relations internationales. Il est admis également aujourd'hui un droit de légation au profit des Organisations Internationales à l'instar des États. Dans son exercice, le droit de légation comporte deux aspects : d'un côté le droit de légation active qui est celui d'envoyer des représentants auprès d'États tiers ou d'organisations internationales et de l'autre côté, le droit de légation passive consistant à recevoir les représentants diplomatiques des pays étrangers. D'après cette conception, le droit de légation serait un droit naturel alors que les privilèges et immunités découleraient de celui-ci. Gentili affirmait notamment que le droit d'ambassade était « en vertu de la Divine Providence, immuable, d'application universelle, et admis et reconnu même par les peuples barbares » (Gentili, 1954).

Cette théorie n'est guère satisfaisante dans la mesure où le droit de légation diplomatique est un droit positif et il n'apparaît point nécessaire de recourir à un droit naturel que les internationalistes contemporains rejettent (Philippe, 1954).

La mission des représentants des États est d'informer leur propre gouvernement et celui auprès duquel ils sont accrédités sur la vie politique, économique et sociale de l'État accréditaire ainsi que leur pays d'origine. Ils tâchent d'éliminer les obstacles et les incompréhensions, de développer la coopération entre les peuples au niveau culturel, scientifique, commercial, de préparer et parfois de signer des conventions internationales (Papini et Cortese, 1972). Les agents et la mission diplomatique se trouvent dans une situation très particulière. Ils constituent des moyens pour l'État accréditant d'exercer une mission de service public sur le territoire de l'État accréditaire. Cette position spéciale conduit à reconnaître aux uns et aux autres des garanties exceptionnelles permettant au moins ou facilitant l'accomplissement de cette mission. On désigne ces facilités par l'expression « privilèges et immunités » (Nguyen, Daillier et al. 1999).

Pour faciliter et rendre efficace leur travail, la Convention de Vienne sur les relations diplomatique et consulaire a étendu les privilèges et immunités aux membres de leur famille. Cela dans le but de tranquilliser les diplomates pendant leur séjour sachant que ces membres de famille ne peuvent être objet de fouilles ou d'arrêts par la police ou la justice du pays hôte (Convention de Vienne, 1961).

Tous les États qui accueillent des représentations étrangères et des organisations internationales leur accordent des privilèges, immunités et facilités. Ceux-ci sont étendus aux membres de leur personnel. Ce statut découle des dispositions de la Convention de Vienne de 1961 et de 1963 et des accords subséquents en matière de privilèges, immunités et facilités. Les privilèges et immunités accordés aux membres du personnel ne sont toutefois pas établis en vue de conférer à ceux qui en bénéficient des avantages personnels. Ils sont institués uniquement afin d'assurer, en toute circonstance, le fonctionnement de la mission ou de l'organisation et l'indépendance des personnes concernées dans l'exercice de leurs fonctions. Sans préjudice de leurs privilèges et immunités, les bénéficiaires de ce statut ont le devoir de respecter les lois et règlements de l'État hôte.

Au-delà des agents diplomatiques, les privilèges et immunités s'étendent à une autre catégorie de hautes autorités des États en déplacement en dehors de leur territoire. En l'occurrence, il s'agit des chefs d'État, des chefs de gouvernements, ainsi que les ministres des Affaires étrangères. Cette catégorie des bénéficiaires des immunités n'étant pas couverte par la Convention de Vienne, ne concerne pas l'objet de cette étude.

Ainsi, l'octroi des privilèges et immunités aux agents diplomatiques comme prévu dans la Convention de Vienne sur les relations diplomatiques de 1961 vise à garantir que les missions diplomatiques et de représentation des États puissent exercer leur fonction avec efficacité. Les privilèges et immunités visent à assurer la prédominance de l'intérêt de la fonction des

diplomates. Lesdits privilèges et immunités n'ont pas pour objet d'avantager leurs titulaires, mais d'assurer l'accomplissement efficace des fonctions des missions diplomatiques en tant que représentant des États (Convention de Vienne 1961).

À cet effet, l'immunité diplomatique porte sur un ensemble de privilèges accordés par le pays hôte aux membres du corps diplomatique d'un pays tiers et à leur famille durant leur séjour en poste. Cependant, à côté de ce qui est prévu par la Convention de Vienne, la jurisprudence consécutive à certains cas d'incidents diplomatiques a montré que la mise en pratique des privilèges et immunités diplomatiques est très délicate. En témoigne le cas du journaliste Saoudien Jamal Khashoggi qui s'est réfugié le 2 octobre 2018 dans le consulat d'Arabie Saoudite accrédité en Turquie et il est retrouvé mort le même jour. Cela témoigne que malgré l'existence des conventions internationales sur l'inviolabilité des locaux, la pratique sur terrain prouve le contraire dans le cas d'espèce. Pourtant la Convention de Vienne de 1961 sur les relations diplomatiques précise en son article 22.1 qu'une intervention des forces de l'ordre du pays hôte est possible « avec le consentement du chef de la mission », ce qui n'a pas été le cas dans l'affaire de Jamal Khashoggi.

En dépit des incidents et des difficultés qui caractérisent, la mise en œuvre de ces privilèges et immunités, le constat est aussi que ces derniers ne sont pas absolus. Les pratiques des États démontrent des manquements au niveau de l'effectivité de l'application des textes. D'où cette étude a pour objectif d'analyser en profondeur ces privilèges et immunités en vue d'en dégager des limites à partir desquelles des solutions seront proposées.

Les analyses permettront de répondre à la question de savoir l'étendue des privilèges et immunités garantis aux diplomates en mission. Pour mener cette réflexion centrée sur l'analyse de l'étendue des privilèges et immunités diplomatiques, cinq points sont abordés. L'étude traite d'abord l'introduction (I). Le point suivant exploite les fondements des privilèges et immunités (II) en mettant l'accent sur l'incarnation du souverain à l'étatisation de la mission diplomatique (II.1), prééminence de l'intérêt de la fonction sur le prestige personnel du diplomate (II.2), de la présence physique à l'absence juridique du diplomate dans l'État accréditaire (II.3). Ensuite suit le point sur la relativité des privilèges et immunités diplomatiques (III) que les développements déclinent en six points suivants : prépondérance de la sécurité et de l'ordre public sur l'inviolabilité (III.1), étendue des privilèges et immunités en cas de possession de résidence ou de nationalité du pays accréditaire (III.2), la temporalité des privilèges et immunités diplomatiques (III.3), circonscription spatiale des privilèges et immunités diplomatiques (III.4), les contrôles sur la personne et des fouilles de bagages de diplomates dans les aéroports (III.5) et protection incidente des correspondances et valises diplomatiques (III.6). Enfin, l'étude analyse le particularisme de la protection

des locaux des missions diplomatiques et de l'imposition (IV) avant de clore par une conclusion (V).

II. Fondement des privilèges et immunités diplomatiques

Les privilèges et immunités diplomatiques incarnent l'existence d'un souverain conduisant à l'étatisation de la mission diplomatique. La question de fondement des privilèges et immunités a pu susciter quelques grandes théories qu'il semble très indispensable d'analyser. Ce sont des instruments qui consacrent la prééminence des intérêts de l'État sur le privilège personnel du diplomate. Celui-ci est certes présent physiquement sur le territoire de l'État accréditaire mais juridiquement, il en dépend moins pour certains aspects.

II. 1 De l'incarnation du souverain à l'étatisation de la mission diplomatique

Le diplomate incarne le souverain et ceci remonte du moyen âge où les rapports internationaux étaient considérés comme des rapports personnels entre princes et rois. Les délégués de ces rois étaient considérés comme leurs représentants personnels et toute violence ou offense à leur dignité était estimée comme offense au souverain lui-même. Bien plus, étant donné l'idée de l'égalité des États et des princes, qui à l'époque personnifiait l'État, il en résultait qu'une loi édictée par un souverain ne pouvait s'appliquer à un autre souverain et conséquemment à son représentant direct (Burlamaqui, 1766). La convention de Vienne de 1961 sur les relations diplomatiques a matérialisé cette pratique de jadis en octroyant les privilèges et immunités aux agents diplomatiques dans l'État accréditaire.

Cette idée soutenue par Burlamaqui fut particulièrement bien exprimée par Montesquieu. Celui-ci déclare : « Le droit des gens a voulu que les princes s'envoyassent des ambassadeurs, et la raison, tirée de la nature de la chose, n'a pas permis que ces ambassadeurs dépendissent du souverain chez qui ils sont envoyés ni de ses tribunaux. Ils sont la parole du prince qui les envoie et cette parole doit être libre. Que s'ils abusent de leur côté représentatif on le fait cesser en les envoyant chez eux. » (Montesquieu, 1748 cités par Philippe, 1964). C'est de cette idée que toute offense faite à l'ambassadeur est considérée comme une atteinte à la dignité personnelle du souverain dont il est l'envoyé. Cette conception a inspiré le statut de 1708 de la reine Anne sur les immunités diplomatiques qui est peut-être une des premières lois internes promulguées en la matière (Bély, 2012).

Une telle théorie devait être abandonnée par la suite, car elle ne correspondait plus à la réalité. En premier lieu, à cause du changement des caractéristiques des souverains, les États ne sont plus considérés comme la propriété des princes, mais de la population tout entière. Cette nouvelle

conception a fait évoluer le caractère représentatif des diplomates en le détachant de la personne du roi ou du prince. De plus, si cette théorie était correcte, les chefs d'État devraient jouir des mêmes immunités que leurs représentants, ce qui n'est pas toujours le cas. En outre, si c'est seulement en sa qualité personnelle de représentant d'un État que le diplomate jouit de ce statut privilégié, pour quelle raison sa famille, qui n'a aucun caractère représentatif, bénéficie-t-elle de ce même statut ? Les immunités et privilèges diplomatiques doivent être considérés comme des instruments d'action de l'État dans sa quête des relations avec les autres États ou organisations internationales. Comme l'écrit Fauchille, « [L] es immunités diplomatiques ayant pour raison d'être le caractère représentatif des agents, c'est-à-dire la nécessité de leur assurer l'indépendance nécessaire à l'exercice de leurs fonctions ». (Fauchille, 1922). Cette étude en conclut que ce sont des moyens conférés aux diplomates dans l'intérêt de sa fonction étatique qu'il exerce à l'étranger (Philippe, 1964).

II. 2 Prééminence de l'intérêt de la fonction sur le prestige personnel des diplomates

L'immunité n'est pas rattachée à un homme, mais à une fonction : on ne parle pas de l'immunité de X ou de Y, mais de l'immunité du représentant d'un État. « C'est en leur qualité d'organes de l'État que différentes catégories d'agents sont au bénéfice d'immunités diverses, dont il a été maintes fois souligné qu'elles ne sont pas instituées pour avantager des individus, mais pour assurer l'accomplissement efficace des fonctions officielles de la mission ». (Convention de Vienne, art. 25). L'immunité fonctionnelle porte parfois aussi le nom d'immunité *rationae materiae* (immunité matérielle), que l'on oppose à l'immunité personnelle (*rationae personae*). Casseses et Delmas-Marly distinguent ces deux immunités comme suit : « Les premières s'appliquent à toute personne agissant en sa qualité officielle de représentant d'un État : limitées aux actes liés aux fonctions (compétence *rationae materiae*), elles ont un caractère permanent et font obstacle aux poursuites même après que les fonctions eurent pris fin alors que les secondes sont plus larges en ce qu'elles peuvent couvrir des comportements à caractère privé, protègent la personne (compétence *rationae personae*), notamment lors de ses déplacements à l'étranger, mais elles sont temporaires et prennent fin avec la cessation des fonctions ». (Casseses et Delmas-Marly, 2002). Vattel explique le rôle de ces immunités en ces termes : « [...] les ambassadeurs et autres ministères publics sont des instruments nécessaires à l'entretien de cette Société Générale, de cette correspondance mutuelle des nations. Mais leur ministère ne peut atteindre la fin à laquelle il est destiné, s'il n'est muni de toutes les prérogatives capables d'en assurer le succès légitime, de le faire exercer en toute sécurité librement et fidèlement. Le même droit des gens qui

oblige les nations à admettre les ministères étrangers, les oblige donc aussi manifestement à recevoir ces ministères avec tous les droits qui leur sont nécessaires, tous les privilèges qui assurent l'exercice de leurs fonctions ». (Vattel, 1830). De ce passage, on en déduit qu'un représentant diplomatique ne pourra exercer ses fonctions que s'il est pleinement indépendant de l'État qui le reçoit. Cette théorie est aujourd'hui largement admise dans la doctrine (Philippe, 1964). Ces fonctions renvoient à des tâches aussi diverses que celles d'entretenir des relations privilégiées avec les élites du pays, de choisir des personnes-ressources à inviter lors des réceptions et événements organisés par l'ambassade, ou encore d'honorer des invitations à des manifestations officielles du pays d'accréditation.

Loin du prestige personnel du fonctionnaire étatique, l'intérêt de l'accomplissement des fonctions de la mission et n'appartient pas seulement à l'État accréditant, mais aussi à l'État accréditaire qu'à toute la communauté des États. Pour ceux-ci, il est nécessaire que leurs relations diplomatiques soient assurées, mais il est bon aussi que les rapports diplomatiques s'effectuent pacifiquement (Philippe, 1964).

Cette idée est exprimée de manière particulièrement heureuse par Guggenheim quand il déclare que « [c] » est dans l'intérêt collectif des relations internationales que les représentants diplomatiques jouissent de certains privilèges et immunités ». (Guggenheim, 1953).

Cette théorie de l'intérêt de la fonction explique la raison pour laquelle la famille du diplomate jouit aussi d'un statut privilégié. En effet celui-ci ne pourrait accomplir librement sa mission si sa famille pouvait faire l'objet de mesures de contrainte.

Au regard de cette théorie de l'intérêt, les immunités appartiennent à l'État accréditant qui peut les lever s'il estime que leur disparition dans un cas donné n'est pas de nature à nuire à l'accomplissement de la mission de l'agent. (Philippe, 1964). Cette idée est sans doute exacte et se trouve probablement à la base de la disparition de certains privilèges tels que la franchise des quartiers, le droit d'asile, le droit pour le chef de mission de juger le personnel de l'ambassade, etc. D'autres privilèges pourraient encore à l'heure actuelle disparaître sans inconvénient majeur. Certes, ils peuvent subsister sur la base du statut privilégié des diplomates (Philippe, 1964).

Le domaine des relations internationales, du fait de son absence d'organisation et d'une autorité supérieure, a toujours été un domaine où la réciprocité a joué un rôle. Le comportement irrégulier d'un Etat entraîne le plus souvent des représailles semblables de la part de l'État victime de ces actes irréguliers. Cela est particulièrement vrai dans le domaine du droit diplomatique, car si un État accorde un traitement favorable aux diplomates d'un autre, c'est qu'il s'attend à ce que ses propres diplomates jouissent d'un même traitement. Inversement, tout traitement défavorable entraînera une

réaction de la part de l'État dont les diplomates sont amenés à le subir. C'est une des raisons pour lesquelles les atteintes aux privilèges et immunités des diplomates sont assez rares. Cette théorie de la réciprocité est importante et semble constituer le pilier de la pratique diplomatique (Philippe, 1964). Les règles relatives aux privilèges sont des normes réciproques, c'est-à-dire que leur application est conditionnée par l'existence d'une règle semblable dans l'ordre juridique interne de l'autre État, mais cela est applicable uniquement pour les privilèges de courtoisie, c'est-à-dire ceux qui ne sont pas nécessaires à l'accomplissement des fonctions du diplomate.

L'application de cette règle de réciprocité conduit à des pratiques discriminatoires assez déplorables. Les diplomates accrédités dans un pays jouiront, selon l'État auquel ils appartiennent, de statuts privilégiés différents. Cette conséquence qui découle du principe de la réciprocité est assez grave. De représailles en représailles, on peut aboutir à rescinder les privilèges au minimum. Bien plus, certains États pourraient acquérir une tendance à décider unilatéralement quels sont les privilèges qu'ils accordent aux diplomates étrangers et quels sont ceux qu'ils leur refusent. Une telle attitude, et il faut y insister avec force, est tout à fait contraire au droit diplomatique. Dans ce cas, les États sont obligés, par l'ordre juridique international, d'accorder ces privilèges et immunités indépendamment de la manière dont un autre État les accorde. Si ce dernier agit de manière illicite, l'État pourra recourir aux sanctions prévues par le droit international et notamment à la rupture des relations diplomatiques (Philippe, 1964).

II. 3 De la présence physique à l'absence juridique du diplomate dans l'État accréditaire

Selon la théorie dite d'exterritorialité, le diplomate échappe au pouvoir de commandement du souverain territorial par une fiction, en vertu de laquelle l'agent est censé n'avoir jamais quitté son territoire national. En d'autres termes, il exerce ses fonctions de diplomate accrédité auprès d'un État en restant dans son propre pays. Physiquement présent sur le territoire de l'État accréditaire, il en est juridiquement absent. De cette théorie de l'exterritorialité fictive, on est passé à la théorie de l'exterritorialité réelle en disant que l'ambassade devait être considérée comme une portion du territoire national (Philippe, 1964). Grotius exprime bien cette théorie en opinant que « [...] comme un ambassadeur représente, par une espèce de fiction, la personne même de son Maître, il est aussi regardé, par une fiction semblable, comme étant hors des terres de la puissance auprès de qui il exerce ses fonctions et de là vient qu'il n'est point tenu d'observer les lois civiles du pays étranger où il demeure en ambassade ». (Grotius, 1724).

La faiblesse de cette conception de Grotius est qu'elle peut faire croire que l'ambassadeur est au-dessus des lois du pays, ce qui est faux et contraire

à la pratique internationale en la matière. L'emploi de ce terme d'exterritorialité est fort regrettable, car il risque de créer des confusions et faire croire à certains diplomates qu'ils sont au-dessus des lois ou, au profane, qu'un territoire extraterritorial est un territoire qui appartient à un autre État que celui où il se trouve. Ainsi, il serait souhaitable de la voir disparaître une fois pour toutes du langage diplomatique et juridique. À ce point de vue, la conférence de la convention de Vienne de 1961 a fait œuvre utile en supprimant dans la rédaction de la Convention tout emploi de ce terme (Philippe, 1964).

Hurst (1926) avait développé une théorie semblable à celle de Philippe en partant de l'idée que les agents diplomatiques étrangers sont reçus par l'État à la condition qu'ils ne seront pas soumis à sa juridiction. Bien plus, ils ne doivent aucune allégeance au souverain du pays où ils sont accrédités. L'auteur ajoute qu'« ils seront hors de sa juridiction, ils sont à l'abri de ses lois ». Mais là aussi, cette affirmation manque de logique et ne correspond pas à la réalité. Elle manque de logique, car si le diplomate n'est pas soumis aux lois, il n'a pas besoin d'immunités, et il est évident qu'il ne saurait être poursuivi devant les tribunaux pour violation d'une loi qui ne s'appliquerait pas à lui. La notion d'immunité devient dans ce cas inutile. Elle est fautive, car comme il a été déjà dit et répété, le diplomate est soumis à la législation locale, l'immunité n'a pour effet que de paralyser la sanction. Si l'immunité est levée, la loi reprendra toute sa vigueur et le diplomate peut être poursuivi devant les tribunaux locaux, ce qui ne serait pas possible si le diplomate n'était pas soumis à la loi au moment où il accomplissait l'acte illicite. Comme la doctrine de l'exterritorialité, cette théorie est dangereuse, car elle donne l'impression aux agents diplomatiques de n'être soumis à aucune loi (Philippe, 1964).

La doctrine de l'accord tacite fut soutenue par le duc d'Aiguillon considère que « [l] » immunité des ambassadeurs et autres ministres est fondée sur deux principes à savoir la dignité du caractère représentatif auquel ils participent plus au moins et sur la convention tacite qui résulte de ce qu'en admettant un ministre étranger, on reconnaît les droits de l'usage que le droit des gens, lui accorde ». (Duc d'Aiguillon, ministre des Affaires étrangères de Louis XV en 1772).

Il en résulte que cette convention, étant bilatérale, disparaît dès que le diplomate abuse de ces privilèges, car en agissant ainsi il va évidemment à l'encontre des intentions des deux souverains. Une telle théorie n'est évidemment pas soutenable et ne s'explique que parce que le duc d'Aiguillon cherchait à justifier une violation des privilèges et immunités diplomatiques. Si, à la base des relations diplomatiques, on trouve un accord qui n'est d'ailleurs pas toujours tacite, cet accord porte sur la création de ces relations diplomatiques, voire sur la personne de l'agent à envoyer, mais absolument pas sur le statut privilégié à lui accorder. Celui-ci est imposé aux États par des

règles de droit. Si on acceptait la version du duc d'Aiguillon, l'agent diplomatique serait à la merci du gouvernement de l'État accréditaire qui pourrait facilement, sous un prétexte quelconque, déclarer la convention violée et donc poursuivre le diplomate par mesure de représailles. En outre, un État pourrait refuser d'accorder des privilèges et immunités aux diplomates, ce qui n'est guère concevable (Philippe, 1954).

III. Relativité des privilèges et immunités diplomatiques

Les développements sous cette rubrique examinent les limites des privilèges et immunités octroyés au corps diplomatique par la Convention de Vienne de 1961 que la pratique diplomatique a permis de révéler. C'est ainsi que devant les préoccupations souverainistes ou d'ordre public, les privilèges et immunités tombent.

III. 1 Prépondérance de la sécurité et de l'ordre public sur l'inviolabilité

Le dictionnaire Larousse donne la définition de l'inviolabilité comme étant la protection spéciale accordée à certaines personnes (représentants diplomatiques) et à certains biens (ambassade, archives diplomatiques et consulaires, etc.). Les avantages reconnus aux diplomates par le droit international ne les exonèrent pas de l'obligation de se conformer à la législation nationale de l'État d'accueil (art.41). Si l'inviolabilité est reconnue par le droit international, encore ne l'est-elle que dans certaines limites. À ce sujet, le courant doctrinal majoritaire soutient que l'inviolabilité ne peut empêcher l'État accréditaire d'adopter les mesures indispensables pour la sauvegarde de sa sécurité et de son ordre public si la conduite des agents diplomatiques est susceptible de les mettre en danger (Salmon, 1977). Au regard de l'importance de ces privilèges d'inviolabilité dans l'exécution des missions diplomatiques, le droit international pose des principes pour légaliser les limitations qui lui seraient apportées. À cet effet, l'inviolabilité peut être invoquée :

- En cas de légitime défense de la part des particuliers contre des actes commis par les personnes mêmes qui jouissent du privilège ;
- En cas de risques courus par l'une des dites personnes volontairement ou sans nécessité ;
- En cas d'actes répréhensibles, commis par elles, et provoquant de la part de l'État accréditaire des mesures de défense et de précaution. Hormis les cas d'urgence extrême, l'État accréditaire doit se borner à signaler les faits au gouvernement du diplomate, à demander sa punition ou son rappel et à faire, s'il y a lieu, cerner son hôtel pour empêcher des communications ou manifestations illicites (Annuel de l'institut du droit international, 1895). En somme, exception faite des

cas d'extrême urgence, aucune contrainte directe ne peut être exercée contre la personne.

Les cas d'arrestation suivis d'expulsion sont fréquents dans la pratique contemporaine à la suite de prise en flagrant délit d'espionnage. Mais aussi, des arrestations temporaires ont été observées à propos de crimes et délits divers. Il va de soi que les voies de fait commis par les diplomates peuvent justifier leur arrestation temporaire, voire leur expulsion, le tout devant s'effectuer sans violences. Toutefois, on peut toujours craindre que l'arrestation ou l'expulsion de l'agent diplomatique soit purement injustifiée. Craignant des restrictions injustifiées qui aboutiraient à excès de cette nature, les auteurs de la Convention de Vienne ont délibérément omis de mentionner les limites de l'inviolabilité et l'ont plutôt présentée comme absolue (Salmon, 1977).

La pratique diplomatique confirme que le respect des règles du pays accréditant prime sur l'inviolabilité. Lorsque Julian Assange, de nationalité australienne et fondateur de Wikileaks, a fait l'objet d'inculpation de piratage informatique par le gouvernement américain et s'est réfugié à l'Ambassade de l'Équateur accréditée à Londres où il a vécu plus de 6 ans et a fini par se naturaliser équatorien, il bénéficiait de l'inviolabilité diplomatique dont les locaux de l'ambassade étaient couverts. Mais lorsque les autorités équatoriennes ont mis fin à son statut d'asile pour violations répétées aux règles régissant les conditions d'asile, la police britannique a pénétré dans l'ambassade d'Équateur à Londres, car ce pays ayant déjà mis fin au statut d'asile dont bénéficiait le fondateur de Wikileaks. Pour qu'il y ait une intervention des forces de l'ordre du pays d'accueil, il faut au préalable un consentement avec le chef de la mission (Convention de Vienne de 1961, art. 22.1). Ce cas illustratif confirme que les immunités dont jouit l'agent diplomatique ne lui garantissent pas l'impunité. Qui plus est, la communauté internationale a prévu la renonciation à ces immunités par l'État d'envoi. (Convention de Vienne de 1961, art. 32.1).

III.2. Étendue des privilèges et immunités en cas de possession de résidence permanente et/ou de nationalité du pays accréditaire

Ces privilèges et immunités diplomatiques, qualifiés de *ratione personae*, connaissent des limites quant à la personne de l'agent diplomatique. Leur étendue peut être restreinte si l'agent diplomatique a la nationalité de l'État accréditaire ou possède sa résidence permanente sur le territoire de l'État accréditaire. Toutefois, la pratique n'est pas uniforme et l'opinion des auteurs diffère. Pour certains, un tel agent doit bénéficier de la plénitude des privilèges et immunité à moins que l'État accréditaire n'ait fait des réserves au moment de l'agrément. Pour d'autres, il ne doit bénéficier que des privilèges et

immunités qui lui ont été expressément attribués par l'État accréditaire. Mais, la Commission de droit international et, à la suite, la Conférence de Vienne se sont prononcées en faveur d'une solution intermédiaire. Elles ont estimé qu'un minimum d'immunités était nécessaire pour remplir utilement la fonction et que le minimum devait être constitué par l'inviolabilité et l'immunité de juridiction pour les actes officiels accomplis dans l'exercice de ses fonctions (Salmon, 1977). Ce raisonnement emboîte le pas à la Convention de Vienne qui stipule : «A moins que des privilèges et immunités supplémentaires n'aient été accordés par l'État accréditaire, l'agent diplomatique qui a la nationalité de l'État accréditaire ou y a sa résidence permanente ne bénéficie de l'immunité de juridiction et de l'inviolabilité que pour les actes officiels accomplis dans l'exercice de ses fonctions » (art. 38 alinéa 1).

Pour les membres du personnel de la mission diplomatique et les domestiques privés ayant la nationalité de l'État accréditaire ou possédant leur résidence permanente sur le territoire de cet État, ils ne bénéficient de privilèges et immunités que dans la mesure où l'État accréditaire leur en reconnaît. (Salmon, 1977).

Se référant toujours à la Convention de Vienne, les membres de la famille de l'agent diplomatique n'auront de privilèges et immunités que dans la mesure où l'Etat accréditaire les leur reconnaitra (art. 38 alinéa 2). Mais il s'agit bien là d'un minimum et il est toujours loisible à l'État accréditaire d'offrir plus.

III. 3. La temporalité des privilèges et immunités diplomatiques

Les privilèges et immunités diplomatiques sont aussi marqués par le caractère *ratione temporis*, qui explique leurs limites dans le temps. La question est alors de savoir à partir de quel moment les privilèges et immunités peuvent-ils être revendiqués et à quel moment cessent-ils de porter leurs effets ? Relativement au point de départ de ces privilèges et immunités, l'État accréditaire en est débiteur aussitôt que le bénéficiaire apparaît sur son territoire en sa qualité officielle. Ce sera donc au moment où il pénètre sur le territoire de l'État accréditaire pour regagner son poste qu'il sera revêtu de sa qualité officielle. C'est la connaissance, par les autorités locales, de la qualité de diplomate qui compte et non la formalité de remise des lettres de créance. L'arrivée étant toujours notifiée auparavant, si le diplomate arrive de l'étranger, il aura été annoncé ou sera porteur de visas diplomatiques du pays accréditaire dont un représentant du Ministère des Affaires étrangères l'attendra éventuellement à la gare ou à l'aérodrome ou au port d'arrivée. Il n'est, bien entendu, pas nécessaire d'attendre pour cela la remise des lettres de créance. Pour jouir des privilèges et immunités diplomatiques, l'audience solennelle de remise des lettres de créance n'est pas une formalité essentielle. Elle peut avoir lieu après plusieurs semaines. Il en est ainsi, car, si la remise

des lettres de créance était une exigence fondamentale, seuls les chefs de mission qui remettent, les lettres jouiraient des privilèges et immunités ; ce qui n'est pas le cas (Salmon, 1977).

Au cas où le diplomate se trouve déjà sur le territoire de l'État accréditaire, la Convention de Vienne de 1961 prévoit que les privilèges et immunités lui sont accordés au moment où la nomination aura été officiellement notifiée au Ministre des Affaires étrangères (Salmon, 1977 ; Art. 39 de la convention de Vienne). S'agissant du moment où les privilèges et immunités des agents diplomatiques cessent de produire leurs effets, c'est en principe à l'expiration de la mission. Mais, les agents en fin de mission continuent d'en bénéficier pour une période de temps raisonnable nécessaire à l'agent pour liquider ses affaires et quitter le territoire de l'État accréditaire. Par ailleurs, les privilèges et immunités subsistent en ce qui concerne les actes accomplis dans l'exercice de ses fonctions comme membre de la mission diplomatique. (Salmon, 1977).

III. 4. Circonscription spatiale des privilèges et immunités diplomatiques

Les privilèges et immunités diplomatiques dans leur dimension *ratione loci* connaissent des limites dans l'espace. Sur le territoire de l'État accréditant, l'agent diplomatique est un citoyen ordinaire comme les autres. Par conséquent, ces privilèges et immunités ne produisent aucun effet. Il peut même y être assigné. Sur le territoire de l'État tiers, les privilèges et immunités produisent des effets à condition que le passage de l'agent diplomatique trouve son fondement dans l'accomplissement de fonctions officielles. On parle souvent de l'agent diplomatique en transit. (Salmon, 1977). L'Institut de droit international a pris position en ce sens en affirmant que les privilèges et immunités s'exercent, tant à l'aller qu'au retour dans les pays que l'agent doit traverser, soit pour gagner son poste ou quitter son poste, soit pour rentrer temporairement dans son pays d'origine. (Art. 5 de la Résolution de l'Institut de droit international sur les immunités diplomatiques, New York, 1929). La même solution est admise de façon très large par la Convention de Vienne.

Les États tiers ne doivent pas entraver le passage sur leur territoire des membres du personnel administratif, technique et de service de la mission. Il en est de même pour les membres de leur famille notamment ceux bénéficiant des privilèges et immunités lorsqu'ils accompagnent l'agent diplomatique ou lorsqu'ils voyagent séparément pour le rejoindre ou pour rentrer dans leur pays.

III. 5. Les contrôles sur la personne et les fouilles de bagages de diplomates dans les aéroports

Les fouilles des diplomates ainsi que le contrôle de leurs bagages dans les aéroports ont soulevé au cours des dernières décennies plusieurs différends

entre les États concernés. La question de fond porte en ce domaine sur l'interprétation des dispositions de la convention de Vienne sur les relations internationales du 18 avril 1961 qui ont trait à la question de la fouille des bagages personnels de l'ambassadeur et des membres de sa famille.

La difficulté naît de ce que les États admettent désormais que la sécurité des aéroports et des passagers des avions de ligne passe par un « *modus vivendi* » entraînant une certaine relativisation des dispositions de la convention de Vienne et qu'il puisse y avoir un contrôle des bagages des personnes concernées, voir même une fouille au corps.

Pourtant, les dispositions de la Convention de Vienne sur les relations diplomatiques prévoient que l'agent diplomatique ainsi que les membres de sa famille sont exemptés de l'inspection de leurs bagages personnels, « à moins qu'il n'existe des motifs sérieux de croire » qu'ils contiennent des objets autres que ceux destinés à l'usage officiel de la mission ou à l'usage personnel de l'agent et des membres de sa famille, ainsi que des objets dont l'importation ou l'exportation est interdite par la législation de l'État accréditaire ou soumise à ses règlements de quarantaine. (art 36 al.2 et 37 al. 1).

Les agents diplomatiques et les membres de leur famille peuvent donc, en principe, exiger que leurs bagages ne soient pas inspectés. Toutefois, prévention contre les attaques terroristes oblige, la pratique peut s'avérer tout autre selon les États, mais aussi le degré de réaction autant que le manque de discernement manifestés par les agents de sécurité des aéroports dans l'application des instructions qui leur sont données. Elle est donc devenue assez diversifiée dans ce domaine. Dans les aéroports de certains États, la fouille des bagages personnels des agents diplomatiques et des membres de leur famille aux passagers des portiques de sécurité est systématique et entraîne régulièrement des plaintes auprès des services du Protocol local. À titre d'exemple, en mars 2014, M. Salaheddine Mezouar, ministre des Affaires étrangères du Maroc, lors du transit à Roissy - Charles - de - Gaulle, a dû, comme d'autres passagers, enlever veste, ceinture, chaussettes et chaussures, ce qui a contraint ensuite le ministre français des Affaires étrangères M. Laurent Fabius, à présenter au Maroc les excuses officielles de la France (Annuaire français de relations internationales, 2015, volume XVI). Cela étant, il est bien difficile dans le contexte international actuel de s'y opposer. Et ce sont également les compagnies aériennes qui peuvent demander à ce que tous les passagers soient fouillés : la personne elle-même et ses bagages. Ils restent aux agents de la sécurité à agir avec discernement.

III. 6. Protection incidente des correspondances et valises diplomatiques

La valise diplomatique désigne un moyen de transport utilisé pour échanger différents objets sous couvert de l'immunité diplomatique (Bezud, 2018). Aux termes de la Convention de Vienne, les valises diplomatiques ou

consulaires doivent permettre aux gouvernements de correspondre avec les missions et, à celles-ci, de correspondre entre elles par des envois scellés. Les valises qui ne peuvent contenir que la correspondance, des documents ou objets de caractère officiel, doivent porter des marques extérieures visibles permettant leur identification, être revêtues du sceau de l'État d'envoi (ou de la mission), lequel doit en assurer une fermeture inviolable. La valise ou la correspondance ne peut être ni ouverte, ni retenue, ni soumise à des contrôles électroniques ou par rayons X. Toutefois, « [si] les autorités compétentes de l'État de résidence ont de sérieux motifs de croire que la valise consulaire contient d'autres objets que la correspondance, les documents et les objets visés [par la convention de Vienne de 1963], elles peuvent demander que la valise soit ouverte en leur présence par un représentant autorisé de l'État d'envoi » (Convention de Vienne de 1963, art. 35,3).

Les États tiers accordent à la correspondance et aux autres communications officielles en transit, y compris les messages en code ou en chiffre, la même liberté et protection que l'État accréditaire.

Ils accordent aux courriers diplomatiques, auxquels un visa de passeport a été accordé si ce visa était requis, et aux valises diplomatiques en transit la même inviolabilité et la même protection que l'État accréditaire est tenu de leur accorder. Les mêmes obligations restent inchangées lorsque leur présence sur le territoire de l'État tiers est due à la force majeure (Convention de Vienne de 1961, art. 40,1).

IV. Particularisme de la protection des locaux des missions diplomatiques et de l'imposition

La logique qui guide l'octroi des privilèges et immunités au corps diplomatique, à savoir offrir les conditions nécessaires aux agents diplomatiques pour leur permettre d'accomplir efficacement leurs fonctions en tant que représentants des États, constitue le fondement de l'inviolabilité des locaux de la mission diplomatique. Il n'est pas permis aux agents de l'État accréditaire d'y pénétrer, sauf avec le consentement du chef de la mission même si la Convention de Vienne de 1961 sur les relations diplomatiques reste muette sur la façon dont le consentement doit être donné.

Conclusion

Au vu des analyses précédentes, les privilèges et immunités diplomatiques constituent des outils mis à la disposition des agents diplomatiques pour leur permettre d'exécuter des fonctions à eux confiées par les gouvernements accréditant. Le diplomate n'en tire avantage qu'en sa qualité de représentant officiel de l'État accréditant. C'est ce but d'intérêt général qui guide l'octroi de ces privilèges et immunités. Puisque le but est d'accomplir en toute quiétude les missions de la République, la pratique

étatique et même conventionnelle garantit ces privilèges et immunités aux membres de la famille de l'agent diplomatique vivant ou se déplaçant avec lui. Ils permettent aux diplomates de mieux servir et protéger les intérêts de l'État qu'ils représentent sans se soucier de leurs intérêts personnels. Étant donné qu'aussitôt relevés de leurs fonctions, ils en perdent le bénéfice, il s'en suit qu'ils sont détachés de la personne de l'agent diplomatique et que leurs motivations fondamentales et de faciliter l'accomplissement de leurs missions diplomatiques ou du moins leurs fonctions et non pour leur conférer des avantages personnels.

La prédominance de l'attachement des privilèges et immunité à la fonction ou mission du diplomate n'exonère pas ce dernier des comportements illégaux dont il pourrait être coupable. C'est la raison de l'existence de leurs limites. En cas d'abus de ces privilèges et immunités diplomatiques, l'agent qui s'en est rendu coupable risque d'être déclaré *persona non grata*, d'expulsion ou de rappel.

Ainsi, les privilèges et immunités reconnus au corps diplomatique sont loin d'être absolus. Des limites s'observent sur différentes dimensions. Il y a des limites admises coutumièrement, des limites liées à la personne de l'agent diplomatique, des limites dans le temps et dans l'espace. De telles limites permettent d'éviter les abus que peuvent commettre les agents diplomatiques volontairement ou involontairement quoique présentant parfois des risques d'entraver la mission ou les fonctions des agents diplomatiques.

Les États fonctionnent en concurrence, c'est la raison pour laquelle les privilèges et immunités diplomatiques sont octroyés selon le principe de la réciprocité. Chaque État les accorde dans un but de faciliter les fonctions des missions diplomatiques et dans le désir de voir bénéficier une situation identique. Cela permet à chaque État de se sentir protégé dans ses intérêts lorsqu'il s'engage dans les relations diplomatiques.

Les états accordent ces privilèges et immunités diplomatiques sur base des dispositions de la Convention de Vienne sur les relations diplomatiques de 1961. Ce texte a subi l'usure du temps et certaines de ses dispositions ne correspondent plus à la réalité actuelle. Cela est le cas notamment de l'interdiction d'installer et d'utiliser un poste émetteur de radio qu'avec l'assentiment de l'État accréditaire (Convention de Vienne de 1961 art. 27.1). Cette interdiction trouvait son fondement dans le fait que l'existence des techniques d'installation et de transmission a posé à l'époque le problème de coût. Les petits États ne se sont pas montrés enthousiastes, l'égalité réelle des moyens étant en cause, car seules les grandes puissances sont en mesure de procéder à une telle installation. Mais cela n'est pas le cas aujourd'hui. Également, la liberté de passage que l'État tiers accorde à l'agent diplomatique en transit (art. 40) importe peu. Aujourd'hui ces agents se déplacent en avion lorsqu'ils veulent quitter un territoire vers un autre.

Par ailleurs, en mettant en application la règle de la réciprocité, les États risquent d'acquiescer à une tendance à décider unilatéralement quels sont les privilèges qu'ils accordent aux diplomates étrangers et quels sont ceux qu'ils leur refusent. Une telle attitude serait contraire au droit diplomatique. Ce risque tient au fait que les règles relatives aux privilèges sont des normes réciproques en ce qui concerne les privilèges de courtoisie, c'est-à-dire les privilèges qui ne sont pas nécessaires à l'accomplissement des fonctions du diplomate. Par contre pour les privilèges qui sont essentiels à cet accomplissement, comme pour l'inviolabilité, les États devraient accorder ces privilèges et immunités indépendamment de la manière dont un autre État les accorde. Si ce dernier agit de manière illicite, l'État pourra recourir aux sanctions prévues par le droit international et notamment à la rupture des relations diplomatiques. Le respect mutuel des engagements envers les diplomates permet aux pays d'éviter les incidents diplomatiques.

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Role of Military From Counter Insurgency to Peace Building: Paradigm Shift in the Sri Lankan Nation-State's Security

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Abstract

Historically, Sri Lanka (Ceylon) used to be considered as one of the more stable and secure countries in the South Asian region. In the years after independence it gradually dawned on the government that maintaining national security was a crucial and most challenging contemporary issue faced by the country. At the global level, the role of the Military was understood as being vital for ensuring the safety, security and dignity of the nation-state. And, when national security is threatened on any ground, the military is expected to play a key role in safeguarding it. However, after the military victory was won by defeating the Liberation Tigers of Tamil Eelam (LTTE) in Sri Lanka in 2009 it was expected that a deep sense of peace and tranquility would be restored in the country. Contrary to this expectation, Sri Lankan national security was breached very badly, leading to an unstable situation as a result of a series of bomb blasts set off by certain extremist elements on the 21st of April 2019. In this backdrop, it would be a timely exercise to explore and analyze the Sri Lankan nation state's security, peace building initiatives, and the role of the military. Taking this a step further, this study sought to analyze the role played by the military in the post-conflict peace building process as well. The study used qualitative methodology to conduct the investigation. Secondary data sources including books, articles and official reports were utilized to collect information for this study. This research found that in Sri Lanka the military was actively engaged in maintaining national security by using its soft and hard power as appropriate. This Study also found that lack of a coherent National Security Policy in Sri Lanka has been a key

problem that needs to be addressed and corrected soon to ensure the safety and security of the country.

Keywords: 5Rs, Military, Nation State, Peace Building, Security, Sri Lanka

Introduction

Sri Lanka is an island nation that is situated off the southern tip of India. Geographically, this country is surrounded by the Indian Ocean, and separated from India by the Gulf of Mannar and Palk Strait (Global Edge, 2020). The country is home to many ethnic groups, mainly the Sinhalese, Tamils, and Muslims who live in different parts of the country. Sinhalese are settled on the southern, western and central part of the country, while Jaffna Tamils who mainly occupy the northern parts of the country are considered to be descendants of Indian tribes who arrived in the island over 1500 years ago (Upali, 2017, p. 01). Indian Tamils are the plantation workers brought to the island by the British tea planters during the 19th and 20th centuries (Migration profile, 2013, p. 02). “Sri Lanka is considered as a country with a multicultural, plural society wherein all groups live with mutual respect with regard to differing ethnicities and cultural heritages” (Upali, 2017, p. 02). According to the World Bank, Sri Lanka is presently categorized as a lower-middle-income country with GDP per capita of \$3,852 (2019) and a total population of 21.8 million.

Sri Lanka is today considered as one of the most peaceful and secure countries in South Asia. This harmony was achieved after eliminating by military means a most powerful and brutal terrorist group, namely the LTTE. This was one of the most serious and protracted conflicts in the world in recent times, lasting 26 years (Lindberg & Orjuela, 2011, p. 201). Hence, this war was ended but without reaching an agreement regarding the national problem that gave rise to it. Finally, the government became the supreme victor in this war in 2009 (Kilavuz, 2017, p. 8). However, it is important to consider the root causes that gave rise to this protracted conflict.

Sri Lanka was able to get independence from the British Empire in 1948. Independence led to further disagreements among the different ethnic groups. Several legislations passed by parliament created a lack of unity that led to calls for separation by the Tamils. The British “divide and rule” policy was used tactically, being based primarily on factors such as religion and ethnicity, to discourage unity among the different communities to prevent a unified national uprising. “Ethnicity was considerably politicized during the British period” (Lindberg & Orjuela, 2011, p. 211). In 1956 Sinhala was made the sole official language, supplanting English. Tamil was not given a rightful place. In 1972 there was another turning point when Buddhism was officially given the foremost place in the new Constitution. “Civil disobedience

campaigns conducted by the Tamils gradually transformed into rebellious acts of militancy against the state” (Orjuela, 2010, p. 15). As a response to the periodic acts of communal violence, northern people began to demand a separate state of their own on their traditional lands and further, they believed that a military approach was the only solution to resolve the issue. “The root causes of the conflict originated as a result of the failure of the state to deal with minority aspirations” (Orjuela, 2010, p. 15).

“The military is an institution established by the state for the purpose of defending the country from external threats and internal conflicts” (Geneva Centre for the Democratic Control of Armed Forces). The military’s main role is to maintain national security. This includes guarding against threats from both within and without and ensuring the safety of the people, which are the key duties of the military (Ministry of Defence, Sri Lanka). The Sri Lankan military intervened on many occasions to maintain peace and security in the country when acts of terrorism were committed. “The Sri Lankan military forces crushed the deadliest military group and used all their hard power to defeat the LTTE” (Karunaratne, 2014, P. 99).

After the Sri Lankan civil war ended many social and economic problems arose, which continue to prevail. These problems must be seriously addressed by policymakers. After the elimination of terrorism (LTTE) in Sri Lanka, ordinary people had the opportunity to enjoy peace and security. A realistic school of thought argues that national security in any country is seen as the most important requirement for preserving peace. If the state is secure then those who live within it are secure (Bajpai, 2002, p. 45). Traditionally, the military is a special institution that has played an indispensable role in maintaining national security.

Despite all that, the role of the military has been much debated in the post-war scenario. Following the end of World War II, the concept of national security underwent significant changes. In this case, the role of the military and its relevance to the maintenance of security in Sri Lanka can be analyzed by using diverse approaches as well. Given the importance and the sensitivity of the issue, this paper highlights how attention is paid to the role played by the military and how they become involved in national problems while engaged in the maintenance of national unity/security. For instance, when the ethnic tensions heightened, the Sri Lankan government had to provide adequate security to particular areas by way of counter insurgency measures. After independence, successive governments have applied various strategies such as deploying intelligence services and introducing modern warfare techniques to maintain national security in Sri Lanka.

National security has been challenged on multiple occasions due to violent actions based on extremist ideologies being perpetrated in post-independence Sri Lanka. Each and every time, the military confronted these

problems head on and brought positive outcomes to the nation. In fact, the role of the military has proved significant and crucial after the end of the civil war in 2009. In this context, military support was enlisted by the successive governments to rebuild both the northern and eastern provinces. The military has been actively engaged in the nation building process in fields such as reconstruction, resettlement, rehabilitation, reintegration and reconciliation as these are considered collectively as primary duties that will contribute to strengthening national security. During this long-term process, the military has proved itself as one of the state's leading institutions working to ensure national stability in Sri Lanka.

The implications of big power rivalries and emerging multidimensional challenges relating to national security in the post-Cold War era have widened and broadened the scope of national security. In our case, the emergence of the LTTE and the unsuccessful mediation resulted in chaos in the Island even long after Independence. "Failed peace talks and the collapse of the ceasefire agreement signed in 2002 saw the continuation of isolated battles, resulting in heavy casualties on both sides" (Upali, 2017, p. 14). There had been two different arguments in society regarding the ethnic issue. On the one hand, foreign countries believed that ethnic issues can be settled by negotiation; yet, national leaders believed that the military approach was necessary to bring peace. In this sense, military engagement must be understood in the context of two contentious perceptions regarding it both in Sri Lanka and abroad.

State security does not have a universally accepted definition. Scholars like Barry Buzan claim that national security is an important and sensitive issue that is directly related to protecting the national unity, territorial integrity and sovereignty of the nation-state (Buzan, 1991, p. 35). National security takes a prime position in the list of priorities of most nation-states. Essentially, Security is understood as follows – "In a world of self-help, all states are under at least potential threat from all other states, and as such each state must possess the capacity for self-defense" (Heywood, 2011, p. 45). According to Nabilo, national security can be defined as an intricate interaction between political, economic, military, ideological, legal, social and other internal and external factors through which individual states attempt to ensure acceptable provisions to maintain their sovereignty, territorial integrity, political independence, physical survival of their population, and possibilities for a balanced and rapid social development on an equal footing (Grizold, 1994, p. 40). Thus, national security can in more general terms be defined as the state of security of a nation-state (Bhandari & Sharma, 2020, p. 21). It involves security of the country's territory, protection of the lives and property of its population, existence and maintenance of national sovereignty, and exercise of the basic functions of its society, such as economic, social, political,

cultural, ecological, etc. (UNDP, 1994). Therefore, national security has become immensely important to the national interest of all countries, whether big or small.

In the case of Sri Lanka, security concern is a little bit different from the global norm. Rajapakshe (2013) noted that “national security is entirely dependent on the achievement of national cohesion, elimination of terrorism and formulation of effective responses against external attacks” (Rajapakshe, 2013, p. 145). Some authors have arguably stated that national security is the psychological freedom from fear whether coming from inside or outside (Kegley & Wittkope, 2006, p. 449). Security concept was further challenged by the development of a new world order. In the name of national security, “all things can be threatened, all risks can be taken, and all sacrifices can be demanded” (Spiegel & Williams, 2004, p. 123). The idea of national security was defined in terms of the state and military-centric approach rather than from the people’s perspective, so it acquired a heavy military emphasis and character in the past. From a realistic standpoint, Heywood stated that national security is primarily based on responsibility for military power and that its capacity is critical for security.

Therefore, the military must be strong enough to deal with threats of any kind (Heywood, 2011, p. 322). Recently, the national security apparatus has paid attention to human security as well, and recognized that it must be protected through anti-terrorism laws, higher taxation and conscription (Chandra & Bhonsle, 2015). The Human Development Report of 1994 prepared by Mahbub Ul Haq urged that the definition of security should be changed from being state-centric to human-centric (The Human Development Report [UNDP], 1994). Furthermore, it proposes that, “economic security, food security, health security, environmental security, personal security, community security and political security” should be the aim of a humanistic national security.

Literature Review

Several research studies have been conducted before this on the role of the military in post-war Sri Lanka. Although many of these studies focused on national security very few have focused on human security and on how the military can assist to promote human security in Sri Lanka. The main purpose of a Literature Review is to identify a research gap, formulate a theoretical framework and understand the concepts related to the research. The term “military role” is defined by many scholars and institutions.

Williams, P. (2008) presented several ideas as to what constitutes national security and its basic principles. This author considered theories on national security including realism, liberalism, game theory and constructivism. Further, this study paid attention to very important current

issues such as peace studies, war, terrorism, genocide and mass killings, ethnic conflict, human security, alliances, regional institutions, contemporary challenges, the international arms trade, counter-terrorism, counter-insurgency, peace operations, private security, transnational organized crime, and energy security.

Heywood, A. (2011) presented his thoughts on National Security and its theoretical basis with practical perspectives. He has paid much attention to the current situation regarding military approaches, especially the military involvement of the USA and NATO in areas where they have conducted operations. Furthermore, this study deals with happenings relating to war and peace, human rights, humanitarian intervention, terrorism and about many other matters in global politics. This study provides several examples of military approaches to national security and human security at different levels.

A study by Soltani, F. and Yusoff, M. (2012) investigated extensively the approaches adopted by countries on national security and the theoretical basis of the national security concept. Thus, this study explains the main approaches of rationalism, relativism, and constructivism on the concept of security. In this study, researchers have paid considerable attention to comparative studies on national security concepts. Thus, this article's clarified rationalism is based on positivism, which argues that social and political phenomena can be explained in the same way that scientists explain the natural world.

Höglund, K. and Orjuela, K. (2010). This study was based on examining the practical difficulties involved in working towards conflict prevention. This study also focuses on international influences brought to bear on the domestic affairs of other countries. It discusses conflict prevention measures such as demilitarization, political power-sharing, justice and reconciliation, post-war reconstruction, economic development, etc. In Sri Lanka, though the conflict was over after three decades of bloodshed, the country is still unable to completely ensure human security by adopting the military approach. This study can assist scholars to understand the situation prevailing in Sri Lanka during war time and after it was brought to an end.

Karunaratne, A. (2014). This study focused on the role of the military in the post-war period by discussing how the military can be deployed to stimulate development in Sri Lanka. The study further touched on areas such as rehabilitation, reconciliation and nation-building concepts. There is a discussion of how the Sri Lankan armed forces functioned and how they were able to defeat the LTTE by military means.

Goldstein, J.S. (2003) explained the peace building processes that followed military intervention in many trouble spots around the world. That study provides a description of several international conflicts. The author has emphasized that "Conflict between states is not an unusual condition but a

common one” (Goldstein, 2003, p. 183). This included a description of conflict classification. Further, this study showed that “states are increasingly using military muscle for purposes other than fighting.” This book gives some instances of military involvement in humanitarian assistance after disasters, busting drug trafficking, and peacekeeping operations. Thus, this study makes it easier to understand the role of the military and national security on the global stage.

Webeland, C. and Galtung, J. (Ed) (2007). This work provides a basic introduction to conflict and peace studies. Also, the reconciliation process is explained analytically. The authors have given practical examples of reconciliation and peace building around the world. This study will prove highly relevant to those who wish to study the role of the military in different countries with emphasis on national security and the peace building concept.

Research Problem

National security is presently treated as a major topic in every nation state in the world. Generally, national security depends to a great extent on the military strength of a particular country. Therefore, the military has an unwavering responsibility to guard against threats and ensure the safety and security of the country from internal or external attacks. In Sri Lanka, national security and the role of the military have become widely discussed topics after the end of the civil war in 2009. Therefore, this research focuses on why the military is involved in civil administration, human security and peace building activities after the end of the civil war.

Research Objectives

The core objective of this research is to explore the role of the military in the post-war period in maintaining national security and conducting peace building activities in Sri Lanka. To some extent, this study expects to propose a sustainable solution for national security-based issues in Sri Lanka.

Methodology

The research design used in this article is qualitative in nature. The study used secondary sources such as books, articles, journals, relevant reports and websites in the data collecting process. This research analyzed the government initiatives that were undertaken to bolster national security after studying the strategies employed by the Sri Lankan military to uphold national security in the post-war scenario. This research conducted case studies on the role of the military in maintaining national security and peace building. This study also conducted an in-depth analysis of the Sri Lankan security imperatives. Some examples of the military’s work are highlighted to demonstrate the broad capabilities of the Sri Lankan military during and after

the conflict. Further, this study will draw attention to some basic principles that are commonly applied in national security related matters. The nature of the data presented is descriptive.

Results and Discussions

The Military is most important to the defense of any country. The main purpose of the military establishment is to protect and ensure the safety of the state and its peoples. Heywood noted in his book entitled “Politics” that the armed forces are often only seen and are generally above politics – “they guarantee the security and integrity of the state” (Heywood, 2004, p. 379).

According to the Ministry of Defence of Sri Lanka, the key role of the military is to ensure national security; nevertheless, the military must be ready to face other challenges too, such as disasters (Rajapakshe, 2013, p. 140). Military has not only provided security but has also been involved in other activities, including UN peacekeeping, disaster management, relief distribution and rescue operations, etc. (Ministry of Defence Report, 2018, p. 01). At the global level, the military has been performing a credible role in resolving international disputes as well. The international community invests enormous resources in international peace operations. Multiple UN peace missions are regularly deployed with the aim of establishing, keeping, and building global peace (Ruffa, 2017, p. 395).

In the context of Sri Lanka, the military was actively involved in safeguarding national security after the emergence of the LTTE in the Northern and Eastern provinces, densely inhabited by Sri Lankan Tamils. Most of them may have concluded that violent ideology was the only way to achieve their objectives. As a result of this belief, violent activities escalated after the rapid rise of the LTTE organization and the state’s military response followed by repression of the Tamils. This war between the state forces and LTTE is considered as a historical event in the context of serious threats to the state (Höglund & Svensson, 2007, p. 20). As a representative case, which shows the state’s attitude towards LTTE insurgency and the intensity of the hostility, “during ceasefires the LTTE committed crimes and endangered our national security by attacking economic targets in Sri Lanka” (Rajapakshe, 2013, p. 139).

After these critical setbacks, the military had to come forward to eradicate terrorism in Sri Lanka. Silva (2007) explained how the military in Sri Lanka had to be ready to respond to threats effectively during that time. This was the first time after getting independence that national security was threatened so gravely. When faced with this problematic situation the government had to be seriously concerned about national security (Silva, 2007, p. 14). According to Karunaratne, the Sri Lankan military had to use its

hard power and soft power to eliminate terrorism and establish normalcy in Sri Lanka (Karunaratne, 2014, p. 96).

The long festering internal conflict had directly affected the economic and political stability of Sri Lanka over many years. But, this brutality came to a peak with the forced closure of the Maavilaru sluice gate in the Northern Province. This was the main act that provoked the full scale military response against the militants. Senaratne (2017) noted that, “This rebellion also continued to threaten the human security of all Sri Lankans, especially their food security. This threat led to the government launching its military operation, which concluded with the defeat of the terrorist group” (Senaratne, 2017 & Rajapakse, 2013, p. 140). According to Höglund and Orjuela (2011), “winning the war prevented further conflict as the government imposed a victor's peace on the vanquished.” In Sri Lanka, the government won the war after defeating the LTTE in May 2009. However, winning the peace has remained a much greater challenge (Höglund & Orjuela, 2011, p. 20).

As a consequence of the civil war, a huge price was paid in the economic, psychological, social and cultural spheres. Nearly 80,000 civilians lost their lives during the final stage of the war, and approximately 6,261 military personnel were killed, while 29,551 were disabled (Karunaratne, 2014, p. 97; Rajapakse, 2013, p. 143). Though it is not possible to say how many people died as a result of the war, it is estimated by some that approximately 100,000 civilians were killed, most of whom were Tamils (Kilavuz, 2017, p. 712). Besides that, there were thousands of internally displaced people, migrants, victims, child soldiers, and former LTTE combatants, etc. who needed immediate attention. “In the immediate aftermath of the war, there were a number of issues that needed prompt attention. First was the problem of the nearly 300,000 internally displaced people who had been used as the LTTE’s human shield during the last phases of the war (Rajapakse, 2013, p. 07), which shows the severity of the war during the end stages.

Military and Government faced a number of challenges during the post-war period. In order to respond to these challenges, the government effectively recognized the priority areas and collaborated with other stakeholders to address them. Further, it was recommended that the following major activities be undertaken first – 1) “Return/ resettlement of displaced people, 2) rehabilitation of LTTE combatants including child soldiers, and 3) rebuilding of ravaged physical and human assets (Kulatunga & Lakshman, 2013, p. 37). All in all, the initiatives that were launched by the government (5Rs) through mobilization of the military can be discussed under several sub-headings as mentioned below.

Reconstruction

After the conflict was brought to an end, the military made contributions that can be seen in several areas. The reconstruction of war-ravaged areas was one of the key government initiatives that was taken with the support of the military. “The military has accumulated considerable social trust in the post-war scenario” (Karunaratne, 2014, p. 98) due to fact that the military, apart from battlefield operations, helped to rebuild devastated areas where heavy fighting had taken place.

It was estimated that the number of people who were displaced and became refugees was very high. “As the final stage of the war came to a close in Sri Lanka, the northern and eastern provinces recorded the highest number of migrants, some of whom went abroad” (Amnesty International, 2009). Figures have not been estimated accurately for the civil war, yet it is believed that around 80,000–100,000 Sri Lankan lives were lost, with at least half the victims being civilians. Another 1.6 million of them were displaced or ended up as refugees (Dickwella, Ihjas, & Navarathnam, 2013, p. 01). According to the Ministry of Defence (2013), 294,000 people were pushed out of their homes because of the war, and the Government initiated a quick recovery project to assist those people (A program like Northern Spring and *deyata kirula*, aimed at the revival of national spring in the devastated areas of northern and eastern Sri Lanka).

The intervention made by the military after 2009 includes not only the development of infrastructure but also uplifting of the socio-economic status of citizens living in the north and east of Sri Lanka (Karunaratne, 2014, p. 103). In addition, the government had to address other issues like restoring the transportation network, power supply, telecommunication services and irrigation canals.

Nevertheless, the building of houses in towns and villages were major challenges the government faced, and in this undertaking the military alone constructed nearly 6000 houses (Rajapakse, 2014, p. 146). 43,000 houses were completed under the grants made by the Indian Government (Indian High Commission in Sri Lanka, 2018). The Military was also recently involved in rebuilding houses that were destroyed in a clash between two religious groups in Aluthgama and Beruwala areas (Karunaratne, 2014, p. 102).

Resettlement

Resettlement was another major challenge faced by the Sri Lankan government after the end of the civil war. Government had to confront huge damages not only of physical infrastructure but also human lives. After the war concluded, a lot of people had to find asylum either abroad or resettle in some other area. Resettling people in their former villages was another challenge faced by the Government, which then provided aid to those who

lived in the temporary camps and encouraged them to join the economic mainstream.

Samarasinghe (2009) argued that despite substantial donor aid for reconstruction, the hoped for recovery of the post-war economy, especially in the north and east, will suffer a serious setback (Samarasinghe, 2009, p. 456). In this regard the government took several steps to revitalize the production sectors, including crop agriculture, livestock, fisheries and tourism in this region within a remarkably short period (Defence Ministry, 2012). After a few years, a boom in the tourist industry and foreign direct investment revived Sri Lanka's economy, which helped expedite the resettlement of people in the war affected areas. All these primary support measures were also implemented with the assistance of the military. Economic sectors like cultivation, marketing, business, and industry are presently thriving in the previously war-torn areas through assistance provided by the government (Rajapakse, 2014).

Rehabilitation and Reintegration

It was reported that during the final stage of the war, about a thousand LTTE cadres surrendered to the security forces. In this connection it is important to know about the government's plan in terms of rehabilitation. Rajapakse noted that "One of the most important issues concerning the nearly twelve thousand surrendered LTTE cadres and four thousand detained cadres is that the government took the bold step of trying to rehabilitate nearly all of them so they could become productive citizens in the future. The vast majority of them have already been reintegrated into society" (Rajapakse, 2013, p. 07).

Karunaratne (2014) observed that "the intervention made by the military after 2009 included not only development of infrastructure but also uplifting of the socio-economic status of those who were living in the north and east of Sri Lanka. It included community services such as rehabilitation and vocational training for ex-LTTE combatants" (Karunaratne, 2014, p. 100). The measures undertaken by the government in respect of rehabilitation were impressive in comparison with the post-war measures conducted in other parts of the world. In this process, special support was given by the United Nations to rehabilitate former child soldiers, as the data showed that 595 of them surrendered to the government (Rajapakse, 2013, p. 145). As part of the program the government conducted lessons on spiritual theory, psychological care and vocational training for those who were interested in rejoining their families. As a result of the assistance provided by the government, 169 trainees from among the child soldiers managed to qualify to enter the University (Karunaratne, 2014, p. 97).

Likewise, other child combatants were given formal education with the support of the Ministry of Education. According to a source from the Ministry of Defence, formal education was given to 2000 students from primary level while 65 students were given advanced education, which included a six-month long vocational program. The child soldiers were allowed to rejoin their families within one year (Rajapakse, 2013, p. 142). During the rehabilitation period, the military and government helped children to obtain basic education and provided support to continue their education by donating equipment. They conducted seminars for school children and sponsored educational tours, provided special programs on leadership training, self-employment and entrepreneurship (Karunaratne, 2014, p. 98). For this whole process, the United Nations and several other UN based international organizations provided immense support so the children could resume a normal life. The United Nations on this occasion delivered its contribution to the people (Goodhand, 1999, p. 08). In addition to the local NGOs, a number of international NGOs began working in the East, including Save the Children Fund (SCF), Oxfam and the International Committee of the Red Cross (ICRC). Most of these organizations started working as relief agencies in the north and east, but later some like SCF and Oxfam have shifted increasingly to rehabilitation and development activities (Goodhand, 1999, p. 07). Reintegration programs were also carried out for the former combatants who fought for the LTTE. Since the end of the conflict, trained suicide bombers have been rehabilitated and released to rejoin their communities. By April 2014, 11,935 LTTE ex-combatants had been reintegrated into society this way (Karunaratne, 2014, p. 104).

Reconciliation

This is the final and significantly important role undertaken by the government and the military after the conflict. Every civil war, after its ending, poses a challenge on how to reunite the entire nation. Sri Lanka is no exception to this process and so it faces the same problem, which is difficult to solve. Successive governments have tried to play their role effectively by making every necessary effort to reunite the communities that have been at loggerheads with each other.

In this regard, the government first identified the key priority areas that must be examined to provide relief to the war-affected people, and implement suitable programs to normalize their livelihood. Secondly, the government has been attempting to continue with the post-war peace building initiatives. While engaged in this whole process, the government has gradually realized that peace is difficult to establish unless reconciliation is brought about between the different communities. Reconciliation can be thought of as the restoration of a state of peace to a relationship, in which the conflicting

communities are at least not harming each other, and can be trusted not to do so in future either; this means revenge is forgone as an option (Galtung & Webeland, 2007, p. 174). In short, reconciliation means coming back together despite bad old memories.

To bring about reconciliation after the end of the civil war, the government organized several programs with the help of the military. As the military was no longer engaged in the battleground the government redirected its energies towards the post-war needs. As such, the military was directed to turn its attention towards aspects like rehabilitation, reconciliation and nation building (Karunaratne, 2014, p. 103). However, the current reconciliation process has been criticized by some western countries, as it was not in line with their recommendations. “Western nations are in touch with the Sri Lankan peace process and have recommended to the government that international guidelines should be followed in the reconciliation process” (Samarasinghe, 2009, p. 438). Similarly, the government’s handling of other matters, including human rights, devolution of power, constitutional amendments, political reform, land distribution, and civil administration have also been highly criticized by the European countries (Rajapakse, 2013, p. 139).

The Government established the Ministry of National Integration and Reconciliation under the direct guidance of the President. This Ministry has made great contributions to the nation building process. As a responsible Ministry it has implemented numerous programs including the Integration Friendly Schools program, Integration and Reconciliation Friendly Sunday Religious Schools Program, Integration Friendly Media Program (Peace Journalism), Reconciliation Focused Youth Program, and Reconciliation Focused Economic Empowerment Program (Ministry of National Integration and Reconciliation, Performance Report, 2017, p. 06). Furthermore, in a move to promote reconciliation, the government launched programs to strengthen the economy, political plurality and social integrity projects in the north and east to provide relief and create a favorable environment for the war-affected people. Even after the termination of terrorism, the significance of the military has not been reduced yet. For instance, the military’s peacetime roles during events such as a national calamity, natural disasters or any other security-related issues have justified the rationale for maintaining a national army. Therefore, it must be fully understood that the military not only secures the country in times of danger but also contributes towards the nation building process during peacetime.

Conclusion

National security is more widely discussed by the global community at present than ever before with the emergence of newly arising conflicts and

global terrorism. Syria, Libya, Iraq and Yemen are some of the current battlegrounds in the world. Due to the emerging unexpected threats to national security, almost all countries are attempting to strengthen their national security by means of sophisticated weapons and highly trained armies. Sri Lanka is one such country where terrorism was militarily eliminated in 2009. Therefore, the majority of Sri Lankans acknowledge that the military played a key role in making Sri Lanka free from all forms of violence. After the end of the conflict and elimination of the LTTE, the government had to face many challenges in building a sustainable peace and achieving reconciliation. To address those challenges several primary initiatives have been carried out with the full support of the military.

In this regard, it is important to analyze the overall duty performed by military personnel apart from their conventional role. Military is currently engaged in many roles they have to perform for the country. Under the guidance of the military, the areas where fighting had taken place are now being transformed into peaceful settlements for the people, and those who worked with the LTTE have now been rehabilitated. Rajapakse (2013) said that during the keynote address he delivered at an event organized by the Sri Lanka Institute of Fundamental Studies and held at the Sri Lanka Foundation Institute. He was speaking on the topic of national security and future challenges. Further, he said that more military support was needed to rebuild the war-affected areas. During the process of establishing peace and security, the military relied on a concept known as “one family” – which means trust, zero weapons, honesty and dedication.

On Easter Sunday in April 2019, several blasts occurred in some churches and hotels in Sri Lanka, and this again opened the discourse on national security and the role of the military in peacetime. Growing extremism throughout Sri Lanka may be a significant threat to national security. Even though the military has managed to overcome religious fundamentalism, there is still a grave threat to national security from the offshoots of global terrorism. To sum up, the role of the military is of vital importance to a country to protect the state and the people from internal and external threats.

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Dissensions internes du peuple n'zima kotoko et pratique de l'abissa a grand-bassam dans le sud de la Côte d'Ivoire

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Résumé

Institution traditionnelle de cohésion sociale, l'Abissa représente pour la société N'Zima le socle des valeurs. Il marque le début du nouvel an consacré à la critique sociale, à la purification et au renforcement des liens communautaires et sociaux. Cependant, fort des dissensions internes qui apparaissent en 2018, une rupture dans sa pratique s'est observée. Le présent article se propose alors de comprendre comment les dissensions internes du peuple N'zima affectent la pratique de l'Abissa ainsi que les conséquences qui en découlent. Pour ce faire, l'entretien et l'observation ont été mobilisés comme techniques. L'enquête a mis en lumière l'intrusion des tiers dans la pratique de l'Abissa et les dissensions politiques comme facteurs de rupture. En effet, l'interventionnisme des pouvoirs dans la fixation des dates des festivités de l'Abissa sont interprétées par une frange ultra-conservatrice de la population comme un acte de désacralisation. A ce facteur, s'ajoute la position politique jugée partisane du souverain N'zima qui a exacerbé des tensions sociales et communautaires déjà assez fortes dans un contexte électoral cristallisé par la violence. Comme conséquences de cette situation confligène, la profanation de l'Abissa avec son corollaire la perturbation des énergies cosmiques en faveur du peuple, de même que la fragilisation des relations sociales se soldant par la récurrence des conflits intercommunautaires. La compréhension du phénomène s'est faite à partir la théorie des parties prenantes (J.D. Rendtoff, M. Bonnafous-Boucher, 2014) qui permet à partir

de leur positionnement dans les actions d'identifier les acteurs en confrontation et les logiques de leurs actions.

Mots clés : Abissa, contestation, dissension, désacralisation, Grand-Bassam

Internal Dissensions of the N'zima Kotoko People and the Practice of Abissa in Grand-Bassam in the South of Côte d'Ivoire

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Abstract

As a traditional institution of social cohesion, Abissa represents the foundation of N'Zima society's values. It marks the beginning of the new year devoted to social criticism, purification and the strengthening of community and social ties. However, with the internal dissensions that will appear in 2018, a break in its practice has been observed. This article therefore sets out to understand how the internal dissensions of the N'zima people affect the practice of Abissa and the consequences that follow. In order to do so, interviewing and observation were used as techniques. The investigation highlighted the intrusion of third parties in the practice of Abissa and political dissension as factors of rupture. Indeed, the interventionism of the powers that be in setting the dates of Abissa festivities is interpreted by an ultra-conservative fringe of the population as an act of desacralization. In addition to this factor, the political position of the sovereign N'zima, considered to be partisan, has exacerbated social and community tensions which are already quite high in an electoral context crystallised by violence. The consequences of this conflict situation are the desecration of Abissa with its corollary, the disruption of cosmic energies in favour of the people, as well as the weakening of social relations resulting in the recurrence of inter-community conflicts. The understanding of the phenomenon is based on the theory of stakeholders (J.D. Rendtoff, M. Bonnafous-Boucher, 2014), which makes it possible to identify the actors in confrontation and the logics of their actions on the basis of their positioning in the actions.

Keywords: Abissa, protest, dissension, desacralization, Grand-Bassam

Introduction

S'interroger sur la relation entre la politique et les institutions traditionnelles notamment de cohésion sociale suppose que l'on prenne en compte l'articulation très étroite entre les modes de construction et de codification des dernières citées dans un contexte sociopolitique surtout africain en perpétuelle mutation. Les enjeux nouveaux dans les échéances électorales affectent très souvent la stabilité sociopolitique des sociétés (E. Benn et *al.*, 2010, p 502). La régulation des pratiques et la distribution des ressources matérielles et de l'autorité s'en trouvent alors fortement perturbées (G. Balandier, 1960, p 10). Ainsi, la problématique de la survivance des institutions stables par nature et par fonction (D. Paulme, 1960, p 21) se pose avec acuité dans les sociétés africaines modernes. Il en va ainsi de la société N'zima, creuset de la pratique de l'Abissa, une institution sociale traditionnelle de cohésion sociale. Caractérisée comme l'une des institutions traditionnelles fortes en Côte d'Ivoire à l'instar du Dipri du peuple Abidji (R. K. Allou, 2013, p. 178), celle-ci connaîtra dans son processus de pérennisation une rupture mettant ainsi en mal sa notoriété jusqu'alors « inviolable. » à Grand-Bassam, la métropole médiévale N'zima (D. N'doli, 2014, p. 18 ; L. A. Kouamé, Sdnl, p. 5).

Les dernières échéances électorales couplées des conseillers régionaux et des conseillers municipaux du 13 octobre 2018 (CEI, 2018) ont vu en effet apparaître dans l'arène sociale N'zima un antagonisme. Il met aux prises les tenants du pouvoir traditionnel incarné par le souverain à qui il est reproché son immiscion dans le jeu électoral et son soutien ouvert au candidat du RHDP. Ce grief est porté par une frange de la population essentiellement composée des jeunes qui s'identifient au candidat adverse à celui soutenu par le roi¹ qui lui reproche sa partialité. Il s'en est suivi des affrontements à la proclamation des résultats à l'issue du premier et du second tour qui donnaient vainqueur le candidat du RHDP et ce, suite aux contestations du candidat du PDCI et de ses partisans.

Les velléités contre le roi et autres contestations qui s'en suivirent vont révéler l'équilibre précaire constamment menacé par le surgissement de contradictions nouvelles qui provoquent des crises plus ou moins profondes (M. Gueye, 1983, p. 1). Les plus en verve dans ce contexte N'zima précaire sont les jeunes qui s'en prirent aux symboles les plus sacrés de leur communauté. La coïncidence des élections notamment le second tour à la

¹ A Grand Bassam, deux candidats étaient déclarés : il s'agit de monsieur Jean Louis MOULO, Candidat représentant le parti au pouvoir, le Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP), par ailleurs proche collaborateur du Président de la République, SEM Alassane OUATTARA, fortement soutenu par le Vice-président, Monsieur Kablan Duncan, Député de Grand-Bassam. Le second est Monsieur Jean Philippes EZALE, maire sortant et candidat du Parti Démocratique de Côte d'Ivoire (PDCI), parti d'opposition.

période de tenue de l'Abissa qui devait consacrer le nouvel an N'zima avec la possibilité de l'exercice de la critique sociale ; occasion d'épuration des tares dans la gestion sociopolitique de la communauté par le roi (J.D. Agbroffi, 1996, p 79) verra un soulèvement social des composantes de la société N'zima qui se soldera par la « profanation » de la place de l'Abissa ainsi que de tous les symboles (T. K. Melèdje, 2018, p. 2). L'un des tenants anthropologiques et historiques des symboles demeure la procession des sept matriclans² et leurs symboles alimentaires qui doivent être bénies par des prêtresses pour garantir l'abondance dans le royaume, le cas échéant, la famine sévirait. Quoique avertie des incidences de la rupture dans la pratique de l'Abissa sur la société N'zima, les jeunes en ont empêché les manifestations. Cette rupture flagrante (L. Baeck, 1958, p. 736) dans la tenue de l'élément culturel vital dans l'ordre multisectoriel du système N'zima sous la pression du corps social juvénile N'zima ouvre la réflexion sur son degré d'appropriation des valeurs communautaires et de légitimation de leurs actes (J. F. Guillaume, 2000, p. 115). Dès lors, il convient de s'interroger comme suit : comment les dissensions internes du peuple N'zima affectent-elles la pratique de l'Abissa et quelles en sont les conséquences ? Pour ce faire, l'objectif de cette recherche est d'analyser les incidences des dissensions internes du peuple N'zima sur la pratique de l'Abissa, ainsi que les conséquences qui en découlent.

1. Matériels et Méthodes

1.1. Matériels

1.1.1 Champ géographique

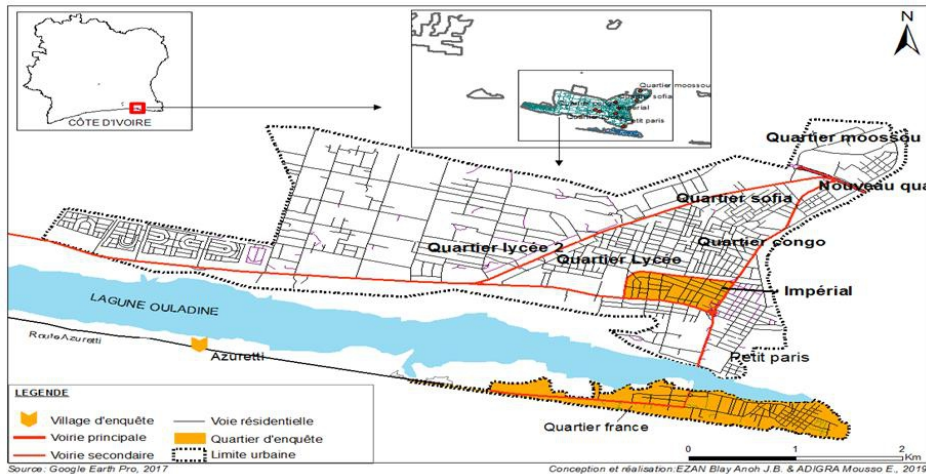
Située à 43 kilomètres à l'est d'Abidjan, la localité de Grand-Bassam est le chef-lieu du département de Grand-Bassam dans la région du Sud-Comoé. Il est situé entre le 9°32 de latitude nord limité par les Aowin, les Wassa et 6°29 de longitude ouest limitée par les Ehotilé et les Essouma. Le sud de la ville est limité par l'Océan Atlantique et l'Est par les Fanti. La population de la ville de Grand-Bassam est estimée en 2000 à 73.772 d'habitants et 83576 habitants en 2010 vivant sur une superficie de 940,5 km², soit une densité moyenne de 79 habitants par Km².

La ville est essentiellement touristique même si elle bénéficie d'un climat de type attéen, avec une pluviométrie abondante favorisant quelques activités agricoles caractérisées par le vivrier et les cocoteraies. Le commerce du fait de son attractivité touristique surtout avec la présence du cordon littoral et de la lagune Ebrié, la lagune Ouladine qui est un bras de lagune ébrié et du fleuve Comoé est dominé par la vente (bijou, pagne-kita, or, sel) ainsi que d'autres activités.

² Les sept matriclans N'zima sont : les Ndweafo, les Ezohile, les Nvavilè, les Adahonlè, les Alonwoba, les Azanwulè et les mafôlè

Cette étude a eu lieu dans les espaces suivants : le quartier Impérial, le quartier France et enfin le village d'Azuretti. Le choix de ces sites d'étude ne s'est pas fait de façon fortuite mais obéit au principe d'objectivité. En effet, le choix de ces sites d'étude s'est opéré sous la base de l'enquête exploratoire du mois de Novembre 2018 qui a permis de constater la réticence des autochtones suite aux élections municipales observées à Grand-Bassam créant ainsi des discordes entre les acteurs et aux différents effets observés en termes de destruction surtout de profanation du site de l'Abissa.

Figure 1 : Localisation des zones d'étude avec les localités cibles de l'étude



1.1.2 Les techniques et outils d'enquête

Pour la collecte des données, les techniques de l'entretien et de l'observation ont été utilisées. Ainsi, comme outils un guide d'entretien individuel, une grille d'observation, un dictaphone, un bloc-notes et un appareil photo ont servi à la collecte. La nature qualitative des informations à rechercher a conduit à s'orienter vers les informateurs clés dans la société N'zima susceptibles de renseigner sur les fondements de l'Abissa, ses principes mais également sur les motifs de la rupture observée dans sa pratique pour l'année 2018 ainsi que les incidences sur la société N'zima. Ces informations ont pu être livrées par les chefs traditionnels dont le secrétaire adjoint de la cour royale, le porte-canne du roi, les chefs des sept (7) familles qui compose la société N'zima notamment la famille *N'avilé* (détentrice des us et coutumes N'zima Kotoko), le responsable des chansonniers (*Ablamon*³ et *Anazè*⁴) de l'Abissa ainsi que la délégation des Komians du royaume. Pour plus de précisions sur les violations observées dans la pratique de l'Abissa, le responsable communautaire de la tradition de l'Abissa fut également

³ Nom des chansonniers de quartier France

⁴ Nom des chansonniers du village d'Azuretti

interviewé. Ainsi douze (12) leaders traditionnels ont-ils été interviewés. Dans la mesure où les jeunes ont été très actifs dans l'exacerbation de ces différends, les leaders de la jeunesse N'zima et des autres communautés, ainsi que les responsables communautaires, au nombre de dix (10) personnes ont pris part aux entretiens. Pour comprendre les tenants politiques de ces différends, le responsable local de la Commission Electorale Indépendante (CEI) et les directeurs de campagne des deux candidats aux prises lors des élections municipales ont pu être interrogés. Les échanges avec eux ont permis de comprendre les enjeux autour des résultats et les conflits communautaires qui en ont résulté. Au fur et à mesure des investigations de terrain, le constat du seuil de saturation d'informations a permis de mettre fin aux enquêtes qui se sont déroulées de Juin 2018 à Avril 2019. Ainsi, vingt-cinq (26) personnes ont été enquêtées.

1.2 Méthodes d'analyse

La lecture du contexte social étudié met en évidence une série d'acteurs que l'on peut qualifier de parties prenantes. Ainsi, la compréhension des actions de ces derniers à la suite du dépouillement fait des entretiens réalisés a mis à contribution la théorie des parties prenantes, la théorie des conflits de culture et de déviance des jeunes. L'approche ethnographique a aussi été mobilisée pour la description des situations rencontrées lors des enquêtes.

A la lumière de la théorie des parties prenantes (stakholder theory), les intérêts des différents acteurs notamment les jeunes, la notabilité voire la royauté, les Komian⁵ ainsi que les différentes familles constitutives de la société N'zima sont mises en corrélation. Ainsi, la mise en scène de chaque groupe d'acteur traduit une motivation (J.D. Rendtoff, M. Bonnafous-Boucher, 2014, p.58) qui sous-tend sa position dans l'arène des revendications pour les jeunes, le soutien au roi manifesté par certains notables, la frustration des chefs des matriclans et l'intrusion des tiers parties dans les manifestations observées. Dans cette même perspective « tout groupe ou individu qui peut affecter ou qui peut être affecté par la réalisation des objectifs d'une organisation », (*op cit.*, p. 76) entendu ici comme effets de la position politique du roi se retrouve partie prenante. De cette sorte, la théorie des parties prenantes révèle des actions anticonformistes des locaux au sujet de leur tradition mise en mal.

⁵ Les Komian sont les prêtresses traditionnelles en charge de la préparation spirituelle de l'Abissa. Leur rôle s'apparente à celui de gardiennes du temple, ici dans la circonscription de l'espace-temps et de l'espace géographique de la cérémonie à travers les rituels d'exorcisme effectués avant le démarrage, lors des festivités, la conjuration des sorts à la sortie de l'Adonvêlê (tambour sacré) qui marque le temps de parade du roi sur la place de la l'Abissa. Leur sortie est gage de sûreté.

La situation à travers la théorie des conflits de culture est comprise dans un sens de généralisation voire d'intervention de groupes ethnolinguistiques non n'zima dans les manifestations menées en l'encontre du roi dont la résultante a été la violation du sacré avec la profanation de l'Abissa. Il se perçoit des germes de délinquance liés aux confrontations culturelles des acteurs en situation (F. Brion, F. Tulkens, 1998, p. 243). Celles-ci s'illustrent dans le cas d'espèce par l'implication de communautés non autochtones notamment malinké dans un différend communautaire lié à la pratique de l'Abissa. Cette intrusion extérieure a entraîné le mécontentement et la réaction des autochtones n'zima. Outre cette externalité, peut être relevée celle d'une mainmise des pouvoirs publics de plus en plus fréquente sur cette valeur traditionnelle du peuple N'zima. Ainsi, cette ingérence du politique dans le culturel donne libre cours au conflit idéologique situant un écart entre les décisions émanant du politique et les modes de pensées et pratiques traditionnelles.

2- Résultats

Ces résultats relèvent les données empiriques de terrain émanant des enquêtes.

2.1 Facteurs d'émergence des dissensions internes dans la société N'Zima

Plusieurs facteurs ont fait leur apparition dans l'arène sociale N'zima et ont conduit à des dissensions internes.

2.1.1 L'intrusion de tiers dans la pratique de l'Abissa comme acte de sa désacralisation

L'Abissa se présente comme une institution sacrée héritée des ancêtres et qui doit garder ce caractère comme l'attestent les propos d'un notable.

« Les gens voient l'Abissa comme quelque chose de trop simple. Or, quand nos parents recevaient l'Abissa de l'ancêtre « *Afoantchè* », c'était dans le secret. Donc tout ce qui concerne l'Abissa est sacré, ce n'est pas tout le monde qui fait et qui voit, cette valeur doit au moins demeurer pour être transmise à nos enfants »

L'Abissa en effet est une pratique culturelle et culturelle célébrée par les ancêtres depuis le Ghana et ne concernait en réalité que les acteurs clés issus de la configuration communautaire N'Zima. La valeur, ainsi que le respect au bon fonctionnement de ce forum traditionnel lui conférait son caractère ésotérique. Les géniteurs de cette pratique limitaient en effet cette danse aux individus ayant le droit d'y participer puisqu'elle se faisait selon

une convention spirituelle. C'est ce que nous révèle la responsable des prêtresses (*Kômian*) :

« Dans le temps, il fallait être un sorcier, un clairvoyant, un revenant, un féticheur pour danser l'Abissa. C'est comme le Dipri chez nos frères Abidji de Sikensi ou le Fokoué des Abouré. Est-ce que tu vois les dioulas, les mossies et autres ethnies venir danser aussi ? C'est comme ça qu'on dansait l'Abissa ; ce n'est pas l'Abissa de maintenant qui est dans la main des dioula, les politiciens qui viennent acheter ce qui appartient aux N'Zima. » N.B, responsable des Kômian de Grand Bassam.

L'allusion faite au Fokoué⁶ chez les abouré et le Dipri des abidji traduit le caractère sacré et ésotérique de l'Abissa qui n'était réservé à la pratique qu'aux seuls initiés mais bien plus aux initiés N'zima qui seuls en comprennent le langage, les sens et les symboles.

L'intrusion des allochtones dans la gestion des pratiques coutumières des N'zima est perçue par une frange de la population N'zima comme une déchéance, une profanation du sacré et crée un désaccord au sein de ladite communauté entre conservateurs et réformistes. Il s'observe un désordre comme le traduit le chef de la famille N'avilé :

« Ces allochtones ne disposant d'aucune valeur éthique mettent en mal la célébration de l'Abissa dans la mesure où certains acteurs se font appelés dioula Kôtôkô se réclamant des mêmes droits que les autochtones. On pourrait bien se poser cette question de savoir si cette pratique est pour les dioula ou le peuple N'Zima ? De plus, il y a beaucoup d'interdits autour de la pratique de l'Abissa que tout le monde ne connaît. C'est pour cela que toutes les phases de l'Abissa ne sont pas portées au regard de tous »,

Il poursuit en indiquant les sensibilités et autres spécificités de l'Abissa qui semblent aujourd'hui foulées au pied par le regain de modernisation de cette institution

« Les étapes de l'Abissa étaient strictes car en plus de l'organisation qui concernait uniquement deux entités à savoir l'Ablamon et l'Anazè, il y avait aussi des formalités communautaires qui étaient exigées, notamment la provenance de l'individu qui vient prendre part à la fête, son appartenance familiale etc. Cependant, les étrangers se contentaient de

⁶ Le Fokoué chez les abouré est une danse ésotérique réservée qu'aux initiés membres d'une classe d'âge mieux d'une génération. Il est avec le chef guerrier « Sanflan » les symboles réservés qu'à ceux qui en comprennent le langage et sont habilités à en danser.

l'observation de la danse qu'à la sortie officielle de l'Abissa suivie de la parade du roi devant le peuple »

Lui emboitant le pas, l'un des acteurs clés des chansonniers de la critique sociale pendant la sortie de l'Abissa devant le roi s'exprime comme suit :

« L'Abissa perd sa valeur culturelle car elle est influencée par l'évolution de la modernité. Si aujourd'hui le calendrier N'zima doit tenir compte du regard de l'Etat avant de célébrer sa fête annuelle, c'est que les institutions traditionnelles perdent leur valeur. On ne peut mélanger la tradition avec la politique ni la modernité et c'est ce qui provoque les conflits d'ailleurs. Parce que le fait qu'on entraîne les leaders communautaires à vocation apolitique à la politique créé nécessairement des points de divergences. » E.A, membre à la notabilité de Grand Bassam.

De son point de vue, il y a des attributs qui doivent impérativement demeurer dans l'ordre du sacré, de l'interdit quelle que soit l'évolution de la société.

« Il est vrai que Grand-bassam est patrimoine historique de l'Unesco mais ça doit rester juste sur le plan politique afin que nos valeurs traditionnelles ne soient pas bafouées »

Cette lecture est partagée par le chef de la famille Ezohilé, l'une des sept familles claniques N'zima.

L'on dénote de tout ce qui précède que l'ouverture faite et qui autorise une intrusion des non N'zima dans la sphère de la pratique de l'Abissa est de nature à créer des incompréhensions internes. Une frange des natifs N'zima conçoit la participation à toutes les étapes de l'Abissa par des populations non N'zima comme un acte de violation de la sacralité de l'institution. C'est par ailleurs une source de fragilisation des fondamentaux même de la société n'zima.

Par ailleurs, à l'analyse des propos plus haut, une explication permet de comprendre ces griefs émis. L'Abissa depuis son origine se pratique dans le mois de septembre (mois qui marque le nouvel an dans le calendrier N'zima) et qui requiert une purification du peuple, une critique de la gouvernance des tenants du pouvoir notamment le roi et la conjuration des mauvais sorts par les Komians. Celles-ci constituent la garde spirituelle du peuple. Par leurs actions, et la définition des actions futures de développement communautaire, la société dans une perspective progressiste. Cependant, cette année 2018, du fait des élections, le gouvernement a instruit le ministre de la culture de reporter

la célébration après les élections, au mois de novembre. Toutes choses qui ne rencontrent pas l'assentiment de tous comme l'attestent les propos du secrétaire adjoint du roi et ceux de la prêtresse principale :

« C'est trop difficile avec le gouvernement qui veut tout décider maintenant dans la célébration de l'Abissa, parce qu'on voit maintenant comment gagner l'argent avec. Hors, les génies qui nous conduisent ne sont pas à vendre. En plus, il y a le calendrier spirituel à respecter. Agir hors du temps marqué par les génies pour accepter les offrandes qu'on leur fait est un sacrilège »

A ce facteur déjà source de clivages sociaux internes s'adjoint celui qui suit et qui est en rapport aux échanges des élections municipales du 13 octobre 2018.

2.1.2 Dissensions internes liées aux résultats des municipales d'octobre 2018

Les dissensions internes liées aux résultats des élections municipales d'octobre 2018 trouvent leur fondement dans ce qu'il convient d'appeler selon le regard des enquêteurs « la trahison du roi » comme relevés dans les propos qui suivent.

« Un roi doit savoir dissimuler sa position politique quand il gère un peuple avec plusieurs sensibilités politiques (...). Ce que le roi a fait est une trahison de son peuple. Comment face à deux candidats, il choisit de soutenir ouvertement jusqu'à affirmer avant même les conclusions des délibérations des moyens de recours saisis par un des candidats la victoire de l'adversaire du candidat n'zima » O. A, responsable de jeunesse N'zima du quartier France

Abondant dans le même sens, l'un des notables influent de la cour royale estime :

« Nous sommes tous restés perplexes face à la sortie du roi sans consulter les sages qui l'entourent. Il est certes le Président de la Chambre des Rois et Chefs traditionnels de la Côte d'Ivoire, on sait comment il y est parvenu⁷, mais quand il se retrouve dans la société n'zima, il doit comprendre qu'il est le reflet du peuple et le modèle qui crée la cohésion et non le représentant et le porte-voix des ambitions politiques au point de décider et

⁷ Ce sous-entendu fait allusion aux tractations politiques pour que le roi n'zima soit nommé par le Président Alassane Ouattara à ce poste et les implications en termes d'exécution de la volonté de ce dernier surtout au plan politique.

de proclamer des résultats (.....). C'est un manquement criant à son devoir de chef de surcroit traditionnel incarnant les valeurs d'impartialité mais surtout de maintien de la cohésion de sa communauté. Il a réussi à créer la scission même parmi les notables que nous sommes. Il y a toujours des bénis oui-oui qui le soutiennent dans ces démarches hasardeuses. » M.O, Porte-parole adjoint de la cour royale

Ces deux interventions traduisent le désaccord entre le roi et une frange de sa population sur son intervention lors de la proclamation des résultats de l'élection municipale à Grand-Bassam. En effet, à l'issue du premier tour, les résultats ont été contestés par le candidat du parti démocratique de Côte d'Ivoire (PDCI) déclaré perdant au profit du candidat du Rassemblement des Houphouëtistes pour la Démocratie et la Paix (RHDP) au pouvoir depuis 2011 en Côte d'Ivoire. Par ailleurs, le premier cité est ressortissant de la communauté N'zima tandis que le second est natif Abouré. Ces deux groupes ethniques qui partagent la localité de Grand-Bassam s'en disputent la propriété terrienne, ainsi que l'hégémonie politique. Dès lors, l'on observe un glissement de ce qui était un différend entre N'zima sur le terrain politique comme le relève le président local de la CEI en ces termes :

« A regarder la situation de près, ce n'est pas vraiment les résultats des élections qui sont contestés par les parents N'zima, c'est une lutte d'hégémonie entre abouré et N'zima pour le contrôle de Grand-Bassam en tout cas du point de vue politique. Le roi a joué tout simplement de raison, pour selon moi maintenir un équilibre en appelant à la cohésion et s'en tenir aux résultats proclamés par nos services »

Cette lecture est confortée par cette récrimination émise par le chef du quartier France de Grand-Bassam :

« Comme le roi s'associe à des imposteurs pour nous voler notre victoire alors qu'il parte où qu'il démissionne afin que notre digne fils Ezaley soit notre roi. Et s'il ne veut pas perdre cette position qu'il restaure la justice afin qu'Ezaley soit blanchi⁸ » (K.A, chef de quartier France de Grand-Bassam).

La même lecture est faite par le président des jeunes N'zima :
« On nous a volé notre victoire et ça, c'est la faute au roi qui a soutenu cette forfaiture. Il est vendu et avec ça, il veut venir

⁸ Implicitement, qu'Ezalé soit déclaré vainqueur au détriment de son adversaire.

faire Abissa de nos ancêtres. Ce n'est ni aujourd'hui, ni demain » H.M, président des jeunes N'zima

Ces velléités de suspicion s'intensifient à en croire ce qui suit : « Depuis quand un roi livre sa communauté pour de l'argent ? Il bafoue les valeurs de notre tradition, il n'est pas digne d'être notre leader. Et comme il nous impose un candidat, on ne dansera pas l'Abissa. Que lui et son candidat à viennent danser ! ». A. K, Adjoint des chansonniers de Grand-Bassam (*Ablamon*)

Ces propos traduisent le malaise social qui est survenu dans la société N'zima à l'issue des élections municipales et qui entachent la pratique de l'Abissa. Ainsi le contexte politique devient-il l'un des facteurs des controverses qui ont eu un impact négatif sur la tenue de l'Abissa l'année 2018, avec une rupture de la confiance du peuple N'zima en son souverain au point de demander sa destitution.

2.2 Incidences des dissensions sur les principes fondamentaux l'Abissa et la société N'Zima

Les différents facteurs ont induit des incidences sur les principes fondamentaux de l'Abissa et la société N'zima.

2.2.1 La profanation de l'institution Abissa et ses incidences

L'une des incidences majeures se traduit par la destruction des tribunes de l'Abissa, la profanation de l'espace public qui représente la forêt sacrée du peuple, la destruction des bâches et les dégâts sur l'habitat du garant communautaire comme le traduisent les images ci-dessous :

Figure 2 : Destruction des installations pour les festivités de l'Abissa



Source : Images d'enquêtes, avril 2019

Figure 3 : Désacralisation des tambours sacrés (Adonvlê) de l'Abissa



Source : Images d'enquêtes, avril 2019

A ces images, s'adjoignent les propos d'un des membres du comité d'organisation :

« C'est parce qu'il voit qu'on a monté les bâches, le podium et la place pour les tambours qu'ils espèrent qu'on va danser l'Abissa ; donc on a tout brûlé, tout démonté pour montrer aux yeux de tout le monde que l'Abissa est pour nous les N'Zima pas pour d'autres ethnies et tant que la vérité n'est pas prise en compte, on manifesterà toujours cette colère. On ne fête pas dans l'injustice, dans la tricherie, dans l'hypocrisie. » (K.M, membre comité d'organisation de l'Abissa).

Ces images et ses propos traduisent d'une part le mécontentement du peuple N'zima et induisent les incidences sur la société N'zima. Ce péril occasionne du point de vue des tenants des dimensions magico-religieuses de l'Abissa une irritation des génies tutélaires et une perturbation des énergies cosmiques en faveur du peuple N'zima comme relevés ci-dessous :

« L'Abissa pour ne pas dire, la sortie de l'Abissa symbolise le nouvel an en pays N'zima. C'est en cette occasion que les mannes des ancêtres fondateurs y sont invoquées. C'est également en cette occasion que la société toute entière procède à faire sa mue par la critique sociale, les rituels de purification et de conjuration des mauvais sorts, l'aplanissement des différends et autres crises en vue de la réconciliation sociale entre tous les fils et filles du peuple N'zima. Ces actions augurent de meilleurs lendemains pour tous. Cette année sera terrible même parce que ce qui constitue le socle de la société N'zima est bafouée. L'une des conséquences peut surtout être les inondations parce que le peuple N'zima est très attaché à l'eau et les rituels servent aussi à rendre les génies

cléments et éloigner ce type de fléau. Nous sommes en danger mon frère et tout ça à cause de la soif des gens mêmes qui nous gouvernent. Le plus grave, c'est le fait que si l'Abissa ne fait pas sa sortie cette année, nous sommes interdits pour cinq ans sans pratique. Les conséquences seront incalculables. On est donc obligé de procéder au moins à la purification de la terre » Y.M, chef de la famille N'avilé (détentrice des us et coutumes N'zima)

Ces propos de l'acteur clé des pratiques ancestrales traduisent tout le malaise auquel s'expose la communauté N'zima du fait des crises internes et de la non tenue de l'Abissa en cette année 2018. Pour le responsable communautaire la tradition de l'Abissa, il faut palier au plus urgent et au plus vital :

« Il est vrai que compte tenu de tout ce qui s'est passé, cette année, l'Abissa ne se pratiquera pas comme les autres années. Il y a eu tellement de sacrilèges. D'un commun accord avec les prêtresses qui ont consulté les mannes des ancêtres et nos génies tutélaires, elles vont juste procéder à la purification de la place de l'Abissa pour ne pas freiner la célébration pendant cinq (5) ans. Les conséquences seront incalculables. Cette cérémonie tiendra sur une journée voire même deux (2) heures de temps. Cela adoucira les génies et préservera notre société ». B. N, Responsable communautaire de la tradition de l'Abissa

Ces dispositions prévenantes n'occultent nullement la forte fragilisation des rapports sociaux et l'émergence des conflits communautaires.

2.2.2 Fragilisation des rapports sociaux communautaires et émergence des conflits

Ce qui au départ n'était qu'un conflit communautaire N'zima va basculer dans l'intercommunautaire comme le soulignent certains enquêtés :

« C'est tellement étonnant la tournure que les choses ont prises. Nous avons tous observé surtout au quartier France le saccage de la place de l'Abissa qui est notre bois sacré à nous, comment les jeunes surtout sont allés huer le roi au palais au cours d'une de ses réceptions, mais quand les affrontements ont commencé à se généraliser entre jeunes N'zima et les autres jeunes notamment malinké que l'on appelle communément Dioula du quartier Phare, vraiment on a rien compris. » A.J, Conseiller Municipal à la mairie de Grand-Bassam.

La compréhension de cet étonnement se trouve dans les explications du Président des Jeunes de Grand-Bassam :

« Pendant que nous N’zima cherchons à régler nos problèmes entre nous, nos parents Dioula, on ne sait trop pourquoi se lèvent et exigent eux aussi que l’Abissa se tienne. Ils font même manifestation de soutien au ministre de la Culture qui lui également tient forcément à ce que l’Abissa ait lieu cette année parce qu’il y aurait des engagements pris par nous ne savons qui. Mais l’Abissa, c’est une affaire de N’zima, seuls les N’zima peuvent décider de le faire ou pas. C’est surtout ce qui a énervé les jeunes qui ont fait une riposte avec même des blessés et l’incendie de la mairie» K.S, Président des jeunes N’zima de Grand-Bassam

Ces propos sont corroborés par les images ci-dessous qui traduisent les violences communautaires :

Figure 3 : Incendie de la mairie de Grd-Bassam pendant les manifestations



Source : Images d’enquêtes, Avril 2019

Figure 4 : Marche de protestation des femmes et des jeunes



Source : Images d’enquêtes, Avril 2018

Figure 5 : Un jeune blessé lors des manifestations communautaires



Source : Images d'enquêtes, Avril 2019

Les images traduisent l'ampleur des violences intercommunautaires qui mettent aux prises les différentes parties prenantes et leur logique d'action. A cet effet, l'un des responsables de la communauté malinké interrogé soutient :

« Je ne sais pas trop ce qui pousse nos jeunes à aller même s'immiscer dans cette affaire. Ils voient une affaire de RHDP et ça crée des tensions interethniques, parce qu'on voit en RHDP dioula. Au fond, c'est politique tout ça là, on met tout au compte de la politique et ça n'arrange personne sinon que des destructions »

La question politique comme point d'ancrage des violences observées se confirme avec cet enquêté et met les jeunes au cœur des violences observées.

4- Analyse et discussion

Les résultats de cette recherche mettent en évidence l'intrusion des acteurs exogènes à la communauté N'zima qui viennent perturber l'organisation sociale existante. Il s'agit notamment des pouvoirs publics dont les intérêts surpassent ceux du peuple N'zima pour qui la pratique de l'Abissa reste et demeure de l'ordre traditionnel. Pour les autorités politiques et administratives par contre, l'institution est une vitrine de promotion nationale. Ces logiques divergentes plongent au cœur d'une instabilité institutionnelle dans laquelle l'influence des cadres politiques et leurs courses au positionnement et au leadership local, l'intrusion des luttes pour le pouvoir à l'échelle nationale dans l'arène villageoise et des questions générationnelles sont dépeintes. Cette situation au regard de (L. Baeck, 1958, p.734) fait perdre

l'autonomie politique des sociétés traditionnelles ainsi que leur influence sur le système social. Abordant la question de cette même perte d'autonomie dans le sens contraire, (J-F. Bayard, 1989, p. 296) note dans son ouvrage « *L'Etat en Afrique. La politique du ventre* » que :

« *la responsabilité de la déstructuration des micros états traditionnels relève de l'avidité des gouvernants même traditionnels qui se laissent phagocytés par la machine politique d'Etat* ».

Toutes choses donc qui mettent en relief les aventures ambiguës du pouvoir traditionnel à la politique (V. Foucher, E. Smith, 2011, p. 36) dans la mesure où les registres d'expression et de gestion ici en œuvre dans le contexte moderne contrastent à bien des égards avec les cadres traditionnels (G. Balandier, 1967, p. 42). Cette lecture se justifie au regard des griefs portés par le peuple N'zima contre le roi à qui il est reproché un parti pris dans une élection. Certains dans son peuple le qualifient de « vendu », tandis que d'autres voient en son choix un symbole de conciliation dans un climat morose.

Dans cet environnement, les griefs portés par une frange de la communauté N'zima contre le roi jusqu'à créer une rupture dans la pratique annuelle de l'Abissa est assez évocateur. Et pour cause, cette célébration est l'occasion annuelle unique de retrouvailles des sept matriclans (*Aboussouan*) afin de faire un bilan global d'exercice des pouvoirs et des actions communautaires au regard de la constitution locale. Par ailleurs, le rôle joué par les jeunes dans la contestation des résultats des élections et les manifestations allant des destructions voire à la profanation de l'Abissa aux affrontements dépasse ce que (F. Brion et F. Tulkens, 1998, p. 248) interrogeant les conflits de culture et délinquance qualifient « d'incompatibilité de perceptions liées à une lutte de reconnaissance et de positionnement social dans une arène tenue par les aînés sociaux ». Dans le cadre de cette étude, le glissement des dissensions internes au peuple N'zima sur le terrain politique a été le terreau de développement de nombreuses controverses internes et des conflits intercommunautaires traduisant ainsi la fragilité des mécanismes traditionnels de transformations des conflits. Cette situation au regard de (B. M. Rukakiza et al., 2015) dans leur ouvrage « *L'État africain et les mécanismes culturels traditionnels de transformation des conflits* » abordent les dissensions culturelles sous une approche qui montre que les controverses liées à la culture des acteurs sont parfois provoquées par l'Etat qui s'ingère dans les rapports socio-culturels de ces derniers. Aussi montrent-ils à travers l'exemple du peuple congolais, l'échec des réformes de l'Etat visant à créer l'entente entre les acteurs. Cet échec est lié à l'importation

des méthodes de transformation des conflits nationaux qui ne tiennent pas compte des particularités provinciales et locales.

Ce contexte qui laisse entrevoir des compétitions et pour le pouvoir et pour l'hégémonie générationnelle au détriment de l'Abissa a des conséquences sur l'équilibre de la société N'zima. Les données recueillies établissent deux ordres ; les conséquences magico-religieuses et les conséquences sociales. A ce propos, la violation des interdits prônés dans l'Abissa notamment la violence matérialisée par l'absence de la critique sociale et la purification du tambour sacré constitue selon (D.J Agbroffi, 1996, p. ; R.K. Allou, 2011, p. 112) un vecteur d'assombrissement de l'année pour le peuple N'zima tandis que pour (F.B. Eboussou, 1976, p. 186), c'est un marqueur de renoncement à son identité, notamment ethnique. A la différence de ces deux auteurs, l'Abbé (A. Bazié, 2007) pense que la pénétration des religions révélées notamment la religion chrétienne dans les sociétés traditionnelles devient le catalyseur à une défiance de plus en plus fréquente des croyances et autres rites traditionnels qui en perdent leur valeur de vie. En fin de compte l'hétérogénéisation de la société N'zima semble favoriser une dislocation de la culture de base qu'est l'Abissa.

Conclusion

En définitive, nous retenons à l'analyse et à la discussion des résultats de cette étude que la pratique de l'Abissa au cours de l'année 2018 a connu une rupture du fait de facteurs exogènes à la société N'zima. Parmi ceux-ci, l'on peut retenir comme premier facteur l'immixtion de tierces parties dans la pratique de l'Abissa foulant ainsi au pied les principes culturels de base de l'institution. Lesquels principes réservent les seuls droits aux N'zima dans l'ordre des valeurs d'indiquer les périodes propices aux manifestations de l'Abissa. Toute intervention de quelque nature que ce soit constitue une violation des prérogatives ancestrales du peuple. Le second est lié à la position ambiguë des leaders communautaires notamment du garant de la tradition dans le jeu politique en l'occurrence les élections municipales. Le roi des N'zima a effet pris position en faveur de l'un des candidats notamment celui du Rassemblement des Huophouétistes pour la Démocratie et la Paix (RHDP). Toute chose qui n'a pas été approuvé autant par certains membres de la cour royale et une frange importante de la société N'zima en l'occurrence la jeunesse. Ces mécontentements ont conduit à des manifestations de contestation contre d'une part les intrusions exogènes dans l'ordre décisionnel de la pratique de l'Abissa et le parti pris du roi. Ces manifestations ont occasionné des affrontements intercommunautaires sur fond de politique et ont concouru à la rupture constatée dans la pratique de l'Abissa.

Cette rupture, la première du genre, non liée à une contingence naturelle n'est pas sans conséquence pour le peuple N'zima. La valeur magico-

religieuse de l'institution et sa portée spirituelle bafouée, le peuple s'expose au courroux des génies tutélaires. Peuples lacustres, l'un des dangers majeurs reste les inondations qui sont dans la perception traditionnelle, une punition des dieux pour non observance de leurs principes. Ainsi, le processus d'apparition des dissensions internes dans la société N'Zima révélé par les données de la recherche ont montré que la désacralisation de l'Abissa et l'ingérence du politique dans la gestion traditionnelle ont été des facteurs clés de déclenchement des clivages dans la société N'Zima. Il se pose ainsi la problématique de la survivance des institutions rationnelles dans un contexte moderne à multiples enjeux.

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Election Violence and Voter Turnout in 2019 General Elections: What Role for Political Parties?

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Abstract

This study examines the incidence of electoral violence and its resultant effects on voter turnout in the 2019 general elections in Nigeria, with the role of political parties as the focal point of discussion. A review of election data shows; voter turnout has been on the decline from 69% in 2003 to 35% in 2019. While a handful of factors could be responsible, the study ascribes its prevalence to the antic's political parties (incumbent and opposition) and politicians who deliberately deploy violence as an electoral strategy. To account for the relationship between, political parties, electoral violence and voter turn-out, the study builds on theories of voter mobilization in and advanced and emerging democracies. Against this, it concludes in the absence of enduring party-voter relations in Nigeria, political parties and politicians alike, resort to vote buying, mobilization of political thugs and in other times deployment of state coercive apparatus to intimidate opponents all of which culminates into electoral irregularities which has the potency to instigate electoral violence. This in turn has in amongst others adversely affected voter turn-out as rightly observed over five electoral cycles.

Keywords: Political Parties, Voter Mobilization, Electoral Violence, Voter Turnout and 2019 General Elections

Introduction

Election violence are soon becoming reoccurring decimals in Nigeria's troubled electoral history. The deployment of violence as a strategy is sacrosanct to the conduct of election in Africa's most populous democracy. Predominantly, electoral violence in Nigeria is more than often perpetuated by political actors (politicians, political parties and voters), against opposition supporters, electoral officials, electoral observers, and civil society, media and security agencies. Similarly, violence can also be perpetuated by non-party elements or stakeholders that may have other ends. Nevertheless, it is a peculiar type of political violence, distinguished by its timing, targets and ultimately ends for which it is deployed (Hoglund et al, 2009). They are premeditated acts which includes but not limited to intimidation, discrimination and other forms of irregularities deployed with the aim of truncating electoral process or swaying electoral outcomes (Dexecker, 2019; John, 2019; Onapajo, 2014).

Dominant forms of electoral violence include intimidation, assassination, kidnapping, arson, ballot snatching and attacks on voting and collation with the aim of truncating electoral outcomes (John, 2019; Onapajo, 2014; Omotola 2010; Okoye, 2013). Survey-based evidence shows that, one in five Nigerians is exposed to electoral irregularities such as vote buying, and almost one in ten is exposed to electoral violence (Bratton, 2008). In addition, it is imperative to clarify that electoral violence goes beyond the eruption of violence during and after the participatory act of voting, it can manifest at intra and inter party levels during conventions, campaigns and rallies. Owing to the multidimensional nature of electoral violence, the study limits its analysis to violent outbreak during and after the electoral act of voting.

Given the above discussion, the study examines the fondness for electoral violence in Nigeria, and its implications on voter turn-out. Focusing on the 2019 general elections, the study seeks to ascertain which parties (incumbent or opposition) deployed violence as a strategy, and attempt to theoretically establish a cause and effect relationship between political parties, electoral violence and voter turn-out. The proposition guiding the study states that;

I. More often than not, electoral violence are not spontaneous acts of violence, they are premeditated acts of violence deployed by political parties (incumbent and opposition) if it increases their chances at the polls. And that overtime, electoral violence has adversely affected voter turn-out in Nigeria's Fourth Republic.

Methodology

Materials for analysis are sourced from Afrobarometer (AB) database. AB is a non-partisan organization which publishes results of nationwide

sample surveys on attitudes on citizens towards democracy, civil society, economy and other aspects of development in selected African countries. Specifically, time-series datasets from AB will cover the period 1999-2018, the data which will be analyzed using the AB online analysis tool, is done with a view to ascertain trends in party-voter relations. This is particularly important as it offers insight into the mechanism through which voters are mobilized in Nigeria. In addition, other secondary sources such as credible electoral reports of reputable observer missions (international and domestic), periodic and academic articles, and official publication from INEC will serve as main sources of literature. Although the neutrality of electoral observers has been subjected to criticism (Kelly, 2010), their reports remain the most reliable. Newspapers are susceptible and can be compromised. Nonetheless, some media reports in Nigeria have become increasingly popular.

Theories of Voter Mobilization

By virtue of party systems, political parties are central and compelling structures in the constitution of governments, more so with electoral democracies. They ordinate and control the human component, dictate the course of a public affairs and serve as intermediaries between the state and society (Ellanantranda, 2018; Adigwe, 1974). Political parties are important in many ways, however, it is important to highlight their utility in the electoral process, particularly, their role in informing voter preference at the ballot. In their capacities as institutionalized podia for political conscription and interest articulation, in ideal sense they assume the responsibility of purveyors through which the policy or ideological preferences of the voters find expression in governance (Animashaun, 2010; Chidi, 2015). Beyond fielding candidates, the significance and survival of a political party is sacrosanct on its ability to win elections.

In the context of consolidated democracies, Hagopain (2007) claims that, political parties either present themselves as competent administrators who share similar identity or ideology with voters or deploy other conventional means within the ambient of rule of law. Owing to institutionalization of partisan politics, voter mobilization is informed by sociological determinants (especially, socioeconomic) either organically (Lipset and Rokkan, 1967) or encouraged by party agency (Satori, 1969). Relatedly, Wren and Mcelwain (2009) claim, party organizational strategies play key roles in strengthening the relations between parties and voters.

In emerging democracies such as Nigeria, where political partisanship is thought to be vehemently weak, programme or ideology-based parties are momentary and party systems in exemplary terms barely exist. More than often, political parties and voters in Nigeria lack established long-term pacts which might inform voting behavior (Dalton and Klingemann, 2009). In the

absence of consistent party ideology, weak economic voter determinant, clearly defined programmes and manifestos, it is assumed that parties engage in the undemocratic act of vote buying, patronage or pork barrel projects for their communities (Hagopian, 2007, p. 583). In doing so, emerging democracies continue to be faced with the challenge of establishing a stable and institutionalized basis for party competition (Dalton et al, 2009). More than often, parties in emerging democracies engage in the commodification of elections, which obtains in vote peddling.

It is thought that many democracies in Africa are “patronage democracies” (Chandra, 2007). Under such institutional arrangements, resources are rarely redistributed transparently or equitably, but instead on partisan, ethnic, or other political lines. That the distribution of resources has been guided by patronage concerns, and ethnicity in particular, has long been assumed in the literature on African politics (e.g. Barkan and Chege, 1989) and recently a number of empirical studies have used new sources of data to validate these hypothesis (Franck and Rainer, 2012; Kramon and Posner, 2013). For Kramon (2013) politicians hand out cash because more often than not it conveys information to voters about their performance in the future, with emphasis on sustaining the patron-client relations. Put another way, he argues, cash for votes are effective because they affirm a politician's status as a dependable patron who can deliver resources to supporters even after the elections. The clientelism and patronage approach presupposes that patronage parties rarely establish formal links with voters, nonetheless they are assumed to have far more effects than program and ideology based parties (Hagopian, 2007; Lemerchand, 1971).

As rightly observed Cash handouts are extremely costly to political campaigns, encompassing a substantial fraction of campaign expenditures in Kenya and elsewhere. Taken that state and political party financing of political campaigns is minimal or non-existent, especially for local elections, political candidates often shoulder the bulk of the financial burden personally (Kramon, 2013). Many take out loans and go into substantial personal debt. It is therefore not surprising that the very politicians engaged in the distribution of money to voters are also those who complain about the system (Lindberg, 2003). The financial burden of cash hand out has been observed to foster corruption (Kramon, 2013), similarly politicians are more likely to protest their investments (votes) through rented muscle, political thugs, party agents or even state officials. Often than not, violence tends to erupt where votes are exchanged for cash handouts.

Findings of a study conducted by Bratton (2008) reveals that in the period leading to 2007 general elections, 12 percent of Nigerians interviewed confirm that party agents or candidates had offered “something” in return for votes. In the presence of financial or material inducement, the probability of

political parties and their supporters to procure violence as a strategy, if it increases their chances of electoral success should not be altogether dismissed. Survey-based evidence shows that, one in five Nigerians is exposed to vote peddling, and almost four in ten is exposed to electoral violence (Bratton, 2008). Similarly, the results of AB time-series data Round 2 (R2) 2002/03, R3 2005/06, R4 2008/09, R5 2011/12, R6 2014/15 and R7 2017/18 which nationally representative shows that 38.4 percent of respondent claim party competition often leads to violence, 31.8 percent always and 5. 21 per cent never leads to violence respectively (Afrobarometer, 2020). The data overwhelmingly shows a significant proportion of Nigerians are convinced the antics of political parties and unhealthy nature of competition for voters leads to violence. While other studies such as that of Babayo et al (2018) have identified money or material benefits, religion and ethnicity as the strategies employed by parties to mobilise voters. The act of commodification the electoral act of voting, located within the larger practice of clientelism and patronage as obtains in Nigeria.

The absence of a universal framework underlying the dynamics of party/voters relations in emerging democracies, the study relies on empirical evidence from Afrobarometer Datasets. The Time Series Datasets collected over the period 1999-2018 seeks to ascertain if Nigerians felt close to political parties and if they attended any political campaign rallies. The results of the data analyzed will help address the issue of party-voters relations in Nigeria's Fourth Republic.

Do you feel close to any Political Party?

Category	Total	Round						
		R1 1999/2001	R2 2002/2003	R3 2005/2006	R4 2008/2009	R5 2011/2012	R6 2014/2015	R7 2017/2018
No, not close to any party	50.2%	63.2%	48.4%	52.1%	47.2%	53.9%	28.2%	51.7%
	48.8%	36.8%	49.6%	46.8%	50.8%	45.6%	70.4%	48.2%
Yes, feels close to a party	1.0%	-	1.9%	1.1%	2.0%	0.5%	1.4%	0.1%
Don't know (N)	16,662 (100%)	3,603 (100%)	2,365 (100%)	2,178 (100%)	2,242 (100%)	2,372 (100%)	2,319 (100%)	1,583 (100%)

Data Source: Afrobarometer, 2020

Table 1 shows, of the 16,662 participants who were administered questionnaires over the period 1999-2018, 50.2 percent of the respondents claim they are not close to any political party, 48.8 percent feel close to a political party and 1.0 percent claim not to know. Based on insights from AB datasets, it is evident that a little over half the population do not have ties with parties. However, the 48.8 percent who claim to have ties with political parties

refutes the claims that parties in emerging democracies lack enduring party-voter relations. It is also worthy to note that the datasets did not specify the nature of the closeness between parties-voters in Nigeria. However, there seems to be a consensus within the literature (INEC, 2019; Babayo et al, 2018; Okoye, 2013; Bratton, 2008) that party induce voters materially or invoke their ethnic consciousness. Hence, it is imperative to examine related datasets, which seek to ascertain the extent to which respondents participate in party functions (campaign rallies) as measure for gauging their closeness to political parties.

Thinking of the last National Elections, did you attend the Campaign Rally?

Category	Total	Round (R)	
		R5 2011/2012	R7 2017/2018
No	76.2%	77.7%	74.0%
Yes	23.7%	22.2%	26.0%
Don't know	0.1%	0.1%	0.0%
(N)	4,000 (100%)	2,400 (100%)	1,600 (100%)

Data Source; Afrobarometer, 2020.

AB R5 2011/12 and R7 2017/18 seeks to ascertain the degree to which respondents N 4000, attended campaign rallies in the build up to the 2013 and 2019 general elections. Result shows a total of 76. 2 percent did not attend, 23. 7 percent attended during the period under review. In contrast to table 1, table 2 measures active participant in parties activity (campaign rallies). The implication of data analyzed shows that; although a host of participants identify with political parties but they do not attend party functions. This results goes a long way in confirming theories (Hagopian, 2007; Lemerchand, 1971) which claims parties in emerging democracies lack enduring party-voters relations.

Based on above empirical evidence, it will suffice to claim that while nearly half of the respondents surveyed claim to feel close to political parties, more than a third claim not to have attended campaign rallies which are avenues for voter conscription and interest articulation. The implications of above data is the affirmation of claims that political parties are more often than not involved in unconventional voter mobilization strategies such as vote buying and the use of violence to intimidate opposition.

Trends in Electoral Violence and Voter Turnout Prior to 2019

Nigeria's the Electoral Act 2010 (as amended) empowers political parties to hold conventions, either directly or indirectly, to enable them field candidates to compete for votes (European Union Electoral Observer Mission, 2019; PLAC, 2019). Section 229 of the 1999 constitution as amended, maintains that, "political parties' ' as formal organizations preoccupies itself

with soliciting for votes during elections into various executive and legislative positions as designated in the constitution. As far as the electoral act of voting is concerned in Nigeria, it rests with the political parties and their aspirants to identify and deploy strategies that will increase their chances of success at the polls. The absence of constitutional backing for individual candidacy in Nigeria's electoral laws enforces the central role of political parties in the electoral process. Resultantly, the statutory act of voter mobilization remains a principal function of political parties and their supporters, though the mechanisms through which such function is pursued remains particularly relative. As immediate benefactors of electoral outcomes, the influence of political parties and their supporters in the electoral process is seemingly pronounced.

Given these high stakes of elections in Nigeria, politicians resort to a variety of means whether fair or foul to get public office (Bratton, 2008), if it is to increase their chances of electoral victories. The predisposition to appropriate and depend on violence as a strategy of electoral competition is partly attributed to the do-or-die nature of multi-party politics in Nigerian (Agbu, 2016: 92). As opposed to avenues for voter conscription and policy articulation, elections in Nigeria are usually keenly contested where the winner takes all as stipulated by the electoral laws (Animashaun, 2010: 14; Chidi, 2015).

In Nigeria, political actors are all too willing to exploit ethnic, religious, and ideological identities to perpetuate violence if it increases their chances of victory at the polls (Paul, 2019; International Crisis Group, 2018). In sum, multi-party democracy in Nigeria has been predominantly characterised by manipulations, maneuvering and re-alignment (Nwachukwu, 2015: 53). Impunity is endemic as perpetrators of electoral violence are hardly ever prosecuted. Electoral violence affects voter apathy. Systematic studies of the impact of electoral violence on electoral participation show a negative association between the two. A cross-sectional study revealed that voters who have experienced threats of election violence at the polls were less likely to vote in Nigeria (Bratton, 2013, p. 129). A cross-national study also found the same globally (Norris, 2014, p. 143).

Voter turnout represents the total number of persons who actively participate in the electoral act of voting. Blais (2007) proffered the individual and aggregate framework for measuring voter turnout. The former measures turnout by studying elections over a given period, while the latter is preoccupied with the descriptive question of who votes and why they vote? Hence, voter turnout is assumed to be relative to a number of factors ranging from conviction and trust in institutions to socio-economic determinants, they however can be located in prevailing political behaviour. The long term (1999 – 2015) trends over five electoral cycles show that voter turnout has been in

decline. The data reveals that voter turnout dropped from 30.2 million or 52.3% of registered voters in 1999 to 29.4 million or 43.7% of registered voters in 2015. Although there was a sharp increase in voter turnout in 2003, this declined again in 2007. The decline of voter turnout in 2007, could be attributed to widespread violence of 2003 general elections.

Violence during the 2003 election cycle was more flagrant and prevalent. Intra-party clashes, political assassinations, and civil unrest in already volatile areas such as Nigeria's oil-producing Niger Delta, characterized these elections. This cycle also marked the unchecked proliferation of another worrisome development: the recruitment and deployment of armed militias to serve narrow political ends. One concerned nongovernmental organization (NGO) monitoring the elections characterized them as "a low intensity armed struggle. Politicians and party bosses found a ready supply of unemployed men, frequently youths, willing to perpetrate violence in exchange for pay and firepower (Ebere et al., 2010). In 2003, 42 million voted as against the 60.8 million that registered (European Union Electoral Observer Mission, 2012; Centre for Democratic Development, 2018). Figures presented above represent the total number of eligible voters in the build-up to 2003 general elections and the actual number of vote casted.

The 2007 general elections saw the similar forms of violence and intimidation from earlier elections. In fact, by 2007, electoral violence had become such a credible risk despite Nigeria's return to democracy that the mere threat of it was enough to keep large swaths of voters away from the polls, as in Rivers state, where absentee ballot materials and violent threats contributed to low voter turnout (Ebere et al, 2010). In light of the violence unleashed during the 2007 and other past elections, Action- Aid Nigeria released a report in 2010 that classified Nigerian electoral violence squarely within the category of protracted social conflict, "characterized by civil strife, heightened social and political tension, and the sporadic use of violence, but in which armed conflict is not formally declared (Gbenro, 2010). In 2007, 61.6 million registered nationwide but 35.3 million voted (European Union Electoral Observer Mission, 2012; Centre for Democratic Development, 2018). Be it a coincidence or otherwise, the prevalence of violence in 2003 general elections was accompanied by low voter turn-out in the 2007 general elections. Keeping in mind the findings of two systematic studies of the impact of electoral violence on electoral participation show a negative association between the two. A cross-sectional study shows that voters who have experienced threats of election violence at the polls were less likely to vote in Nigeria (Bratton, 2013, p. 129). A cross-national study also found the same globally (Norris, 2014, p. 143).

The 2011 elections recorded one of the worst cases of election violence in the country. According to Human Right Watch (2012), 800 people were

killed in deadly election-related violence in northern Nigeria. In 2011, a total 69.3 million people registered to vote but only 40.7 million voted. The post electoral violence in Kaduna state in 2011 was perpetrated predominantly by supporters of the opposition party (Congress for Progressive Change – CPC), supporting the claim that it is the weaker party that orchestrates violence. A close examination of the region in which electoral violence was more pronounced shows the rejection of voting outcome by supporters of the opposing CPC which has its stronghold in the north central states of Kaduna and Kano supports Collier and Vincente (2008) claim that weaker parties (opposition) facing electoral loss are more likely to resort to violence.

In 2015, a total number of 73.5 million people registered but only 29.7 million voted. Adjudged one of the most peaceful elections since the commencement of the Fourth Republic, the 2015 election saw the defeat of an incumbent. With the relative success achieved in the 2015 general elections, the Nigerian electorate was hopeful that a standard had been set, below which future elections should not fall (Civil Society Situation Room, 2019). . It is, however, important to stress that the keenly contested 2015 elections in which the opposition emerged victorious did not witness much violence. This has been partly credited to the incumbent President Goodluck Jonathan, who accepted the outcome of the election (CDD, 2018: 29).

The decline between 2011 and 2015 electoral cycles as earlier observed derives from, amongst other factors, the failure of INEC to prosecute perpetrators of electoral violence. For instance, in a study conducted by the Human Rights Monitor (HRM) on the prosecution and conviction of electoral offenders from January 2007 to March 2012 across 18 states, 294 cases were tracked out of which 24 have been tried, 78 struck out for incoherent prosecution and two electoral cycles later 181 cases are still in court (HRM, 2013). The accentuated fears of voters in the backdrop of institutional incapacity fed into voter apathy or poor turnout. Other security issues like the Boko Haram insurgency in the north east may have equally contributed to the decline in voter turnout (CDD, 2018: 14). It may therefore be argued that, amongst other structural factors, fear of violence has partly accounted for the consistent decline in voter turnout in Nigeria's Fourth Republic. As Sesan (2012) argued, electoral violence has a significant effect on citizen's participation in the political process. Beyond bearing the brunt of electoral violence, the persistence of violence negates the probability of guaranteeing citizens the right to representation, in instances where the fear of violent outbreaks deters eligible voters from casting their votes. Buttressing the above argument, INEC's Director for Voter Education, Festus Okoye claims electoral violence and malpractice is a muted issue, as the electoral umpire does not possess the capacity to prosecute electoral offenders as stipulated in the Electoral Act 2010 (Okoye, 2013). According to Adeniyi (2018), weak

institutional capacity and inability to efficiently conduct and regulate elections have contributed to the prevalence of violence in Nigeria.

Against the backdrop of the foregoing, it will suffice to claim that successive general elections (presidential elections) from 2003 to 2011 all witnessed widespread violence in both opposition and incumbent strongholds and they were characterized by a steady decline in voter turnout. In 2003, 42 million voted as against the 60.8 million that registered. In 2007, 61.6 million registered nationwide but 35.3 million voted. In 2011, a total 69.3 million people registered to vote but only 40.7 million voted. In 2015, a total number of 73.5 million people registered but only 29.7 million voted. (European Union Electoral Observer Mission, 2012; Centre for Democratic Development, 2018). Figures presented above represent the total number of eligible voters in the build-up to each election period, which points to the fact that while voter registration is on the increase, the number of people who actually turn out to vote is declining.

Electoral Violence and Voter Turnout During 2019 General Elections

In the build-up to the 2019 general elections, about 80 million Nigerians registered to vote but the voter turnout was 34.75 per cent, the lowest since Nigeria's return to democracy in 1999 (ICIR, 2019). In 2019, INEC tracked a total of 482 electoral offenders across 36 states in Nigeria, out of which 167 were struck out for lacking merit, 24 persons convicted and 315 awaiting trial (INEC, 2019). According to Okoye (2013), most electoral offenders are also not prosecuted because INEC has less than 100 Legal Officers serving the Headquarters and the 36 State Offices including the Federal Capital Territory, Abuja and do not have the capacity and resources to prosecute offences committed in 119, 973 polling units, 8,809 wards, 360 Federal Constituencies, 109 Senatorial Districts and 774 Local Governments in Nigeria. In light of the available empirical evidence, it remains to be refuted that predisposition and violent antics of political actors over the years has not adversely affected turnout.

One of the perspective states that incumbent parties are the prime perpetrators of violence. Meyler (2007) in his study on electoral violence has argued that electoral violence are usually orchestrated by ruling parties, more so in multi-party states that do not meet minimum threshold for a democracy. While on the opposing end, Collier and Vincente (2008) argued that weaker parties (opposition) facing electoral loss are more likely to resort to violence as no violence shall manifest if the challenger was stronger. The evident decline in voter population between 2011 and 2015 election cycle can be attributed largely to the extant and deadly outcomes of post electoral violence that rocked the North part of Nigeria.

While a myriad of factors can adversely affect voter turnout, civil society groups monitoring the 2019 general election under the auspices of Situation Room 2019 claim that postponing voting about six hours to the start of polls diminished the nationwide enthusiasm that had built up for the elections, taking that eligible voters who had journeyed to cast their vote in their constituencies to make a second trip, exacerbating voter apathy (Nigerian Civil Society Situation Room, 2019). It has also observed that the inability to prosecute electoral offenders over time may have informed the perpetration of election related violence during the 2019 general elections. Another factor that has affected voter turnout in the elections was the militarization of the electoral process in some parts of the country, particularly in the opposition stronghold of the south-south and North West respectively (Adeniyi, 2019).

During the 2019 general elections, INEC tracked a total of 482 electoral offenders across the 36 states, out of which 167 were struck out for lacking merit, 24 persons convicted and 315 awaiting trial (INEC, 2019). While the aforementioned data substantiates the prevalence of election violence in Nigeria, it fails to state specifically the perpetrators of such violence and its beneficiaries. In a report published by International Crisis Group (ICG) in 2018, lists of six states were put on electoral watch lists owing to the potential for violence to erupt in these states. They include Rivers, Akwa-Ibom (opposition stronghold), Kaduna (incumbent stronghold), Kano (incumbent stronghold), Plateau (undecided prior to election) and Adamawa (home state of opposition contender Atiku Abubakar of the PDP) respectively (International Crisis Group, 2018). During the election period, an estimated 626 persons were recorded to have lost their lives in the six-month period between the commencement of electoral campaigns and the electoral act of voting itself in election-related violence in 2019 (Nigerian Civil Society Situation Room, 2019). According to the report, the North Western region (an opposition stronghold) had the highest number of recorded deaths at 172, while the conflict-ridden North East followed with 146 fatalities. Furthermore, the South-South Region (opposition stronghold) recorded 120 fatalities while 111 were recorded in the North Central region (Kunle, 2019).

Upon review of aforementioned distribution of fatalities in the 2019 general elections shows that most fatalities were recorded in regions considered to be opposition strongholds on the basis that the opposition controls the state house of assembly and the government. Furthermore, the militarization of the South-South and institutional ineptitude on the side of the electoral umpire, INEC tends to support Meyler (2007) theory which claims that; electoral violence are often orchestrated by ruling parties, more so in multi-party states. Against this backdrop, therefore, it may be argued that, by deploying military personnel to opposition strongholds in the absence of civil

unrest or insurgency, the incumbent APC employed coercive state apparatus to intimidate opposition voters.

Conclusion

Given the above discussion, it is fair to argue that the influence of political parties and their supporters on electoral violence and by extension voter turnout remains a dominant feature in Nigeria. Nonetheless, it is important to keep in mind the capacity of the average post-colonial state as well as the ability of the state to monopolize the legitimate use of force. The broad picture on the state of affairs in Nigeria can be located within the post-colonial theory and the inability to regulate the electoral process. It is against this backdrop that this study recommends strengthening of state institutions such as INEC, especially in the area of fiscal autonomy and independence from political actors. Any attempt at eradicating electoral violence, vote buying and other electoral malpractices will be insignificant if the socio-economic plight of the average Nigerian is not elevated. In conclusion, there is a need for social reorientation of the Nigerian society at large, should elections be intended to serve as a media for policy articulation.

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The Sea Power of Small States: A Case Study of Sri Lanka

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Abstract

The geo-strategic location of Sri Lanka in the Indian Ocean, which is a part of global and regional power competition, is close to the key and busy naval routes between the East and the West. Particularly, the marine area of Sri Lanka has critical geopolitical importance due to its location between the Strait of Hormuz and the Strait of Malacca, which are essential transit zones in the world. The marine area of Sri Lanka has gained much attention from the industrial and newly industrial nations due to the living and non-living natural resources contained in the surrounding sea. With this background note, this paper focuses on discussing the sea power dimension of national security, focusing on the case of Sri Lanka, which has been neglected by contemporary academia of small powers' studies. For this purpose, Alfred Thayer Mahan's theory on sea power has been employed to theoretically and practically examine the feasibility of its application for enhancing the sea power of Sri Lanka in the context of changing global order. The research was drawn from a wide range of secondary sources and a descriptive analysis was made. The paper concludes with implications for some realistic policies for enhancing the sea power capacity of Sri Lanka as it allows the free flow of people and goods as well as the projection of naval power of Sri Lanka.

Keywords: Marine area, Sea Power, Close proximity, Small power, Living resource, Non-living resources

Introduction

The sea power of a state and its use and control of the sea is associated with the strength of navigation, oceanic currents, maritime transportation,

coastal society, development of ports and port-towns, sea-borne trade and commerce, port-hinterland relations, armed shipping and so on (Mathew, 1990: XI). Throughout human history, civilizations and economies depended on sea-based commerce, production, and naval capacity for their security, growth as well as prosperity. Therefore, the concept of sea power is probably one of the single most important and contested concepts in security study.

In the typologies of small power' sea power, the definition of sea power can be analyzed in both quantitative and qualitative terms. The quantitative definitions of the sea power of small power deal with 'geopolitical factors'. On the other hand, the qualitative definitions focus on the sea power of small power regarding their differing capabilities or patterns of interaction. However, small power' sea power differs based on several features, including greater vulnerability to external powers in terms of maritime significance. Therefore, most small power in the contemporary world have always faced either balancing or bandwagon dilemma, often with lasting consequences for their existence. Sri Lanka (formerly Ceylon), which is situated in the Indian Ocean Region and surrounded by seawater with strategical significance in term of shipping (unarmed and armed), commerce and production for the global power rivalry, is a classic example of such states which fall in the category of small power being vulnerable to the external powers in terms of maritime significance.

Being a small power in the Indian Ocean with strategical significance, Sri Lanka is vulnerable to both regional and extra-regional power competition. With the changing nature of the global power hierarchy in general and those conditions particular to the Indian Ocean, the geo-strategical significance of Sri Lanka has been one of the central concerns in fields of international politics and international relations. Therefore, Sri Lanka, in recent years, has come up with a new geographic identity. Specifically, ongoing debates regarding China's 99-year lease on the Hambantota Port indicates the recognition of the centrality of the new geographic identity of Sri Lanka with regards to maritime strategy. Historically, the maritime area of Sri Lanka has become a more valuable terrestrial line for energy and goods across the Western part to Eastern part of the world because the country is located between the Strait of Hormuz and the Strait of Malacca, which are vital maritime chokepoints in the world.

Given the above considerations, Sri Lanka occupies an exceptionally crucial location in the world. Annually, more than 60,000 ships pass through sea lanes just six to ten nautical miles away from the country, carrying half of all container shipments and two-thirds of the world's oil transport (Wijesinha, 2016). In addition to this, the marine area of Sri Lanka is rich with living and non-living natural resources. Nevertheless, it makes a minimum contribution to the economy of Sri Lanka. However, it is essential to note that being a

strategically significant small power in the Indian Ocean, Sri Lanka has given less attention to the development of sea power, which is considered a significant element of national power.

The present study's aims to theoretically examine the feasibility of Alfred Thayer Mahan's theory of sea power for enhancing the maritime capacity/autonomy of Sri Lanka in the context of the changing global order. The second objective is to seek the possible management of traditional and non-traditional maritime security challenges of Sri Lanka. Finally, this study also aims to provide a roadmap to the Maritime Direction to establish maritime commercial diplomatic relations with potential nations to enhance the sea power of Sri Lanka.

The research has been drawn from a wide range of secondary sources. The secondary sources involve various book, articles, newspapers, and internet for the present research. This data will be analyzed with the use of standard research tools, including descriptive and analytical methods. Moreover, the research will involve qualitative research methods as well to find out the perspectives, problems, and challenges of the sea power of small powers that are vulnerable to the global power rivalry like Sri Lanka.

A Conceptualization of the Existing Literature

Power at sea or sea power has a well-documented history. Therefore, in contemporary academia, there is no lack of theory-oriented studies on states' sea power in general. However, there is a lack of theory oriented scholarly works on the sea power of small power in particular. Thus, the current literature on the sea power of states in general and sea power of small power in particular can be analyzed in traditional and non-traditional paradigms.

The traditional paradigm of sea power is a predominant creation of armed naval power. Therefore, the traditional paradigm of sea power does not offer general theories of sea power. Instead, it has focused its attention on the nature of maritime strategy and the purpose of naval warfare (Gray & Barnett, 1989, p.39). It is obvious that the sea's command is the central theme of the traditional paradigm of sea power (Hunt, 1989, p.110-135). Moreover, the traditional paradigm of sea power deals with the capability to use sea communications for armed and civic purposes such as protection of territorial sea and fishery industry and to refuse such use to the opponents in general. The maritime dominance and supremacy of powerful nations in particular have become another aspect of the traditional paradigm of sea power. In the Cold-War and Post-Cold War era, sea power has been discussed in academia through strategic studies' prism (Grtmond, 2015, p.5). Therefore, during this period, the sea power was mainly focused on the naval forces as instruments of states rather than the sea as a milieu (Grtmond, 2015, p.6).

The non-traditional paradigm at sea is more than that. As per the non-traditional paradigm, a nation's sea power depends on several interrelated elements, both inside and outside the navy. Non-traditionalists articulated that the actual strength of a navy is heavily dependent upon finance, the capability of central administration, the quality and quantity of real maritime resources, the ships, seamen and officer corps, the maritime infrastructure, and the quality of political and naval decision-making (Harding, 1999, p.121). Moreover, some of the non-traditionalists have argued that sea power is about geography, geopolitics, geostrategy, geo-economics, and geo-culture. And also, sea power is about the state's sea-based capacity to determine or influence events, currents, and developments both *at sea* and *on land* (Corbett, 1988, p.67).

In a broader context, the non-traditional paradigm highlights that the sea power of a state is a system characterized not only by the presence of links between its components like military, merchant shipping, fishing and scientific research fleet, etc., but also by the inseparable union with the environment, i.e., the ocean (Gorshkov, 1979, p.1-3). In short, the non-traditional paradigm of sea power deals with armed naval power and the managing, controlling, and absorbing of maritime natural resources, namely food, hydrocarbons, energy and minerals, and defenses connected to the commercial purposes at sea.

It is noteworthy to mention here that there is a shortage of theory oriented scholarly works on the sea power of Sri Lanka. Most of the existing literature has analyzed the maritime security of Sri Lanka by focusing the attention on the superpower rivalry of the Indian Ocean Region in the context of the cold war politics, either balancing or bandwagon. Therefore, the positive and negative parameters on sea power of Sri Lanka have been neglected. It is clear that most scholars have prioritized analyzing the positive and negative impacts of Sri Lanka's geo-political location in the Indian Ocean Region rather than developing theory-oriented scholarly works that can be applied to enhance the sea power of Sri Lanka. This scenario highlights the impact of the colonial legacy and cold war politics (Jayasekera, 1992). In the post-cold war era, the existing literatures on maritime security in Sri Lanka tends to consider issues like maritime piracy, power struggle, port security, illegal fishing, human trafficking, and drug trafficking. Moreover, matters related to managing the sea power of Sri Lanka, namely environmental crime, protection of natural resources, maintaining the economic value of maritime routes and managing the power struggle over the marine area, have received less attention. With the emergence of the triangular balancing power system in the Indian Ocean Region and the domination of China in Sri Lanka's marine area, some academic works investigate its positive and negative impacts on the maritime security of Sri Lanka.

The Theoretical Background

Existing literature reveals that nations have employed sea power to safeguard their national interests throughout human history. In the field of contemporary international politics, the concept of sea power, as an intellectual field, usually analyzes the connection between political power, national interests, armed and unarmed shipping, commerce, production, strategic decision-making, and geographical space. This concept also observes strategic prescription based on the relative significance of sea power. International scholars, apart from the two classical western theorists of sea power, Alfred Thayer Mahan and Julian Corbett, have developed different theories of sea power which have become an integral part of the elements of national power and national security. Till stated that sea power can be understood as a means or as an end (Till, 2004, p.4). Among them, 'Theory of Sea Power' a classical work, *The Influence of Sea Power Upon History 1660-1783*, done by Alfred Thayer Mahan, a naval scholar and a historian, in 1890 can be applied in analyzing the contemporary significance of sea power not only for superpowers, great powers as well as regional powers in general but also small powers or small power like Sri Lanka in particular. It is essential to mention here that considering sea power as the most important factor in the formation of world domination, A. T. Mahan concluded that 'the one who owns the sea possesses all' (Mahan, 1890, p.11).

Mahan explains how sea power is part of his theoretical analysis, but he has not clearly defined the term 'sea power'. He remarked that it is 'at once an abstraction and a concrete fact'. Moreover, Mahan has not clearly distinguished sea power from ideas of 'command of the sea' and 'sea control' (Gray & Barnett, 1989, p.33). As per the observation of Antonio Ruy de Almeida Silva, to Alfred T. Mahan, the sea is a great path, open to all, which allows the free flow of people and goods. He points out that the history of sea power shows an enormous influence of maritime transportation on commerce, wealth and power of nations, and, at the same time, reveals how disputes and economic competition involving the sea often culminated in armed conflicts. Furthermore, he stated that 'the control of the sea is and has been a great factor in the world's history' (Silva, 2017, p.238). For Phillip A. Crowl, he sometimes refers to it as the ability of the military power in its naval expression to control the sea; he also uses it concerning a set of commercial maritime activities, access to markets, and the possession of colonies contributing to a nation's wealth and power (Crowl, 1986). In his analysis, Sam J. Tangredi highlighted that sea power can be defined as the sum of the abilities to conduct international maritime business, utilize marine resources, project military force, and exert influence on onshore affairs from the sea through the navy (Tangredi, 2002, p.3-4).

However, for Mahan, as he has highlighted in the first chapter of his classical work, the principal conditions affecting the sea power of nations may be enumerated as follows: I. Geographical Position; II. Physical Conformation, including, as connected to natural productions and climate; III. Extent of Territory; IV. Number of Population; V. Character of the People; VI. Character of the Government, including the national institutions (Mahan, 1890, p.29). In short, Mahan is convinced that sea power is based on three interlocking factors namely, shipping (unarmed and armed), production, and colonies (Mahan, 1890, p.28, 43). These three interlocking factors incorporate with the six principal conditions that are affecting the sea power of nations.

Mahan examined the sea power in the broadest context in his analysis of six principal conditions of sea power. Going through visible factors, he highlighted that British supremacy of the sea was a key factor that allowed it to challenge its rivals (Till, 1984, p.31). Moreover, Mahan has identified that sea power is a dynamic capacity of states to use the oceans for achieving their national interests. Therefore, he argues that nations seek sea power as ‘a great highway’ that provides a means of cheap transportation. His fundamental argument is that no nation could be powerful in the world unless it effectively utilized the maritime area. In addition to this, another objective of his argument was to provide long term stability for the capitalist system in the United States of America.

Since sea power is one of the major elements of national power in contemporary international politics, international relations and naval science, Mahan’s three interlocking factors, in the contemporary context of neo economic expansionism, and six principal conditions of sea power were valid for analyzing the elements of national power in the late 19th century. In addition, they were also valid for examining the elements of national power in the 21st century which affects interaction between sea power and globalization.

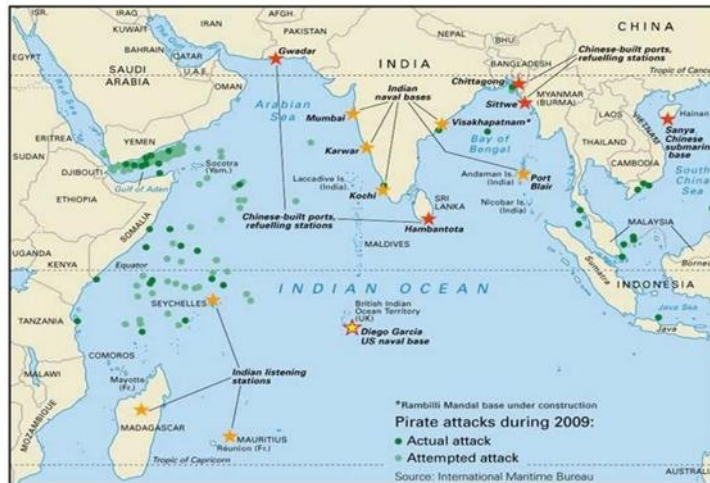
Implications of Geographic position

In his analysis of geographical position, Mahan has clearly identified that geographic position's strategic importance is useful not only when the country has access to the main ocean roads or has a long coastline, but also harbors appropriate for building reliable ports. For Mahan, a country's geographical position may not only favor the concentration of its armed forces. It gives a central position further strategic advantage and a good base for hostile operations against its probable enemies (Wescott, 1999, p.23).

The geopolitical position of Sri Lanka as a small power is traditionally significant for the global and regional power rivalry and competition. Sri Lanka is an island of the South Asian sub-continent. It is located centrally in the Indian Ocean and the Southern part of the Asian continent on the world’s

busiest shipping lane and the world's second busiest oil transit chokepoint. Sri Lanka does not have common borders but is separated from India, South Asia's regional power, by the narrow Palk Strait of about 32 kilometers wide.¹

Figure 1. Geographical Position of Sri Lanka



Source: International Maritime Bureau

Moreover, the geographical position of Sri Lanka became the center of the global geostrategic agenda of both superpowers in the Cold War period. Similarly, at a regional level, K.M Parrikar, closely associated with Mr. Nehru, was the first to emphasize an extensive ‘Ocean policy’ to ensure Indian defense through strategic togetherness between India and the Indian oceanic countries, including Ceylon (Sri Lanka) (Subrahmyam, 1970, p.139). After the collapse of the Soviet Union and with the emergence of regional actors like India and China, the competition is growing between various parties in terms of the geographical position of Sri Lanka. In addition to the United States of America, China and India, other powers are involved in considering Sri Lanka as a location of interest. Therefore, the geographical position of Sri Lanka undoubtedly makes it a naval hub in the Indian Ocean Region (Carrai, 2019, p.1061-1099).

Physical Conformation

The physical conformation of a country, the second condition of Mahan's theory of sea power, highlights how the country's physical geography either enriches or prevents its capacity to interact with other nations who are concentrating on the sea (Mahan, 1890, p.35-42). For Mahan, numerous and deep harbors are a source of strength and wealth, and doubly so if they are the

¹Some border issues between Sri Lanka and India were resolved by signing India–Sri Lanka Maritime Boundary Agreements in 1974.

outlets of navigable streams, which facilitate in them the concentration of a country's internal trade (Mahan, 1890, p.36). Moreover, some physical conditions which separate a country into two or more parts, depending wholly upon external sources and unique borders, either give birth and strength to sea power, or makes the country powerless (Mahan, 1890, p.40).

Since the ancient period, preserving sea power has become a significant factor for Sri Lanka as it is a small power because of its proximity to India and the main sea route connecting the West and East. Since Sri Lanka is placed at the center of the Indian Ocean with natural ports, it has historically facilitated cross-border trade such as the maritime silk route between China and Europe. The distance from Sri Lanka to the Strait of Homuz and the Strait of Malacca is approximately 2,000 miles, which are the world's most strategic maritime transit points (Singh, 1994, p.84-85). Therefore, the physical setting of Sri Lanka facilitates Sri Lankans to cooperate with other nations in terms of trade and commerce.

Figure 2. Sri Lanka's Position of Strait of Homuz and the Strait of Malacca



Source: Hostage Foundation Research

There are some positive and negative impacts of the physical conformation of Sri Lanka. The Trincomalee port is one of the most strategically important ports in the world (Jayasekera, 1992). In addition to the Portuguese and Dutch, the Trincomalee port was used by the English to effectively control their colonial empire. Furthermore, it was precisely due to its geographical position, in terms of sea power in the Indian Ocean, that the Japanese air force attacked Sri Lanka targeting Colombo and Trincomalee ports in 1942 (The Battle of Ceylon or The Easter Sunday Raid). In short, the British Defense Agreement of 1947, the Maritime Agreement with USSR of 1962, and the Sino-Ceylon commercial maritime agreement in 1963 are some

examples of the Western and non-Western interest on the physical conformation of Sri Lanka. Therefore, the physical conformation of Sri Lanka's marine area is significant for developing interaction with other nations in terms of shipping, commerce, and production.

Figure 3. Sri Lanka's Position on Major Shipping Routes



Source: <https://www.pslship.com/>

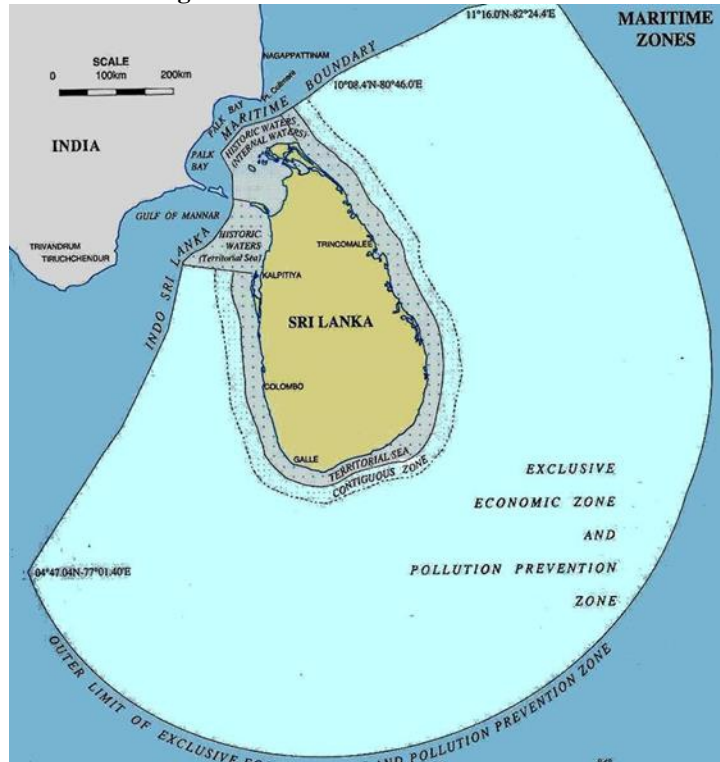
Extent of Territory

In his third condition on sea power, Mahan considered that the extent of territory does not reflect the country's total area. In his analysis, Mahan highlighted that the length of its coastline is relative to the country's size and the strategical importance of harbors (Mahan, 1890, p.43). As per Mahan's conception, even if the country is small in size, the length of the coastline and the harbor's nature determine the country's wellbeing. Further, he has argued that the extent of the sea-coast is a source of strength or weakness according to whether the population is large or small (Mahan, 1890, p.43-44).

Sri Lanka is an island that comprises of a 65,610 km² land area, and its coastal belt is 1,770 km (Pernetta, 1993, p.1). Moreover, Sri Lanka is authorized to use the territorial sea up to 12nms, which is a Contiguous Zone up to 24nms and an exclusive economic zone of up to 200nms. The coastal belt and coastal zone of Sri Lanka consist of natural resources such as land, minerals, surface and ground water, flora, fauna, ilmenite, monazite bearing beach sands, silica sands, miocene limestone, kaolin, china clay, copper, magnetite, peat, etc. Moreover, the fishery sector provides direct employment of up to 150,000 in fishing and to another 100,000 in fishery-related industries, while sustaining nearly 1.25 million persons. In addition, fish contributes to nearly 70% of the population's animal protein intake and 2.7% to the national GDP (MFOR, 2002). It has also emerged as an important foreign exchange

earner, with current annual exports worth Rs.9000 million. It is estimated that around 100,000 fishermen are directly engaged in coastal fishing, including those fishing in lagoons/estuaries. Approximately 500,000 fisherfolk are dependent on coastal fisheries for their livelihood. The majority of the fishermen are low to moderate-income earners with annual incomes between Rs.30, 000 to 63,000 (Joseph, N/Y, p.19). Besides, authority has been established under the provision of act passed by parliament in April 2002 for oil and gas exploration in the national maritime jurisdiction area of Sri Lanka.

Figure 4. Protected Waters of Sri Lanka



Source: <https://www.slam.lk/>

Dealing with the coastline, Sri Lanka has four ports in Colombo, Hambantota, Trincomalee and Galle and two minor harbours at Kankesanthurai and Oluvil. The Colombo harbor, which is among the major harbors in Sri Lanka, is the largest port in Sri Lanka as well as in South Asia (Garver 2001, p.300). The Trincomalee port is considered as the second top natural harbor in the world. Due to its strategic location in the Indian Ocean in terms of armed and unarmed shipping, it serves as an important terminal in Asia. Some of the more economically significant ports of Sri Lanka, namely Galle and Kankesanthurai, were comprehensively damaged during the tsunami in 2004 and Cyclone Nisha in 2008. Nevertheless, Trincomalee,

Colombo, Hambantota, and Galle are four of the best ports existing in the whole of the South Asian Region in terms of economic and military strategy.

Figure 5. Major Ports of Sri Lanka



Source: <https://www.studyiq.com/>

In addition to the Colombo and Trincomalee ports, the Hambantota port, located ten nautical miles off the world's busiest east-west shipping route and one of the controversial ports built by China in the southern part of Sri Lanka, plays a strategic role for the Maritime Silk Road in the Indo-Pacific region. It provides shipbuilding, bunkering, ship repair, and crew change facilities. In comparison to other ports in the South Asian Region, the ports of Sri Lanka are very close to the major maritime routes between the East and the West. Due to its unique physical setting/placement conformation, Sri Lanka has undoubtedly become an attractive trading hub in terms of terminal productivity and the successful handling of mega-ships. Mahan mentioned 'numerous and deep harbors are a source of strength and wealth' (Mahan, 1890, p.36). Thus, the ports of Sri Lanka are very important not only for military purposes but also for commercial purposes. Those ports facilitate internal trade as well as external trade in Sri Lanka. It is clear that even though Sri Lanka is a small power, the ports of Sri Lanka also uphold a channel of communication between Sri Lanka and the rest of the nations.

Numbers of Population

The fourth condition of Mahan is ‘numbers of population’. When Mahan considered numbers of the population, he argued that the influence of the population should not only be considered with the numbers of inhabitants, but more specifically with the ‘number following the sea, or at least enthusiastically available for employment ship-board and for the creation of naval material’ (Mahan, 1890, p.45).

According to the Department of Census and Statistics, in 2018 the total population of Sri Lanka is 21.67 million. The labour force, which is the economically active population, rose by 204,252 to 8.592 million in 2019 from 8.388 million as reported in 2018, recording a growth of 2.4 percent (Central Bank, 2019, p.150). Approximately 33 percent of Sri Lanka’s population lives in coastal areas that support diverse livelihoods, from fishing to tourism to manufacturing and modern urban services (World Bank, 2017, p.2). The majority of the coastal population depends on coastal natural resources for food, livelihood, and shelter. The coastal zone accounts for 24 percent of the total land area and is home to 33 percent of the population of Sri Lanka. Sixty-five percent of the country’s urbanized areas are situated in the coastal zone, and these built-up areas are home to 45 percent of the coastal population. Overall, in Sri Lanka, the coastal zone contributes 40 percent of GDP, holds half of the built infrastructure, and is the source of 90 percent of manufacturing and fish production (World Bank, 2017, p.15).

The coastline of Sri Lanka plays a significant role in the economy of the country. In particular, the coastline contains about 70 percent of the tourist infrastructure facilities, 65 percent of the marine fish production and 62 percent of the industrial units. It is estimated that more than 44% of the National Gross Production is generated in the coastal regions of Sri Lanka (Koralagama, 2008, p.1-11).

National Character

When considering “national character”, Mahan has analyzed how a nation promotes industry, trades, and whether it is willing to invest in those endeavors. As Mahan analyzes, the nation's tendency towards maritime trade influences the prioritization of state authorities in favor of the development of the navy. As per the theoretical context of Mahan, the tendency towards trade, involving necessity or the production of something to trade with, is the national characteristic most important for the development of sea power (Mahan, 1890, p.54). In a broader context, the national character as defined by Mahan is a collective term referring to the attitude and aptitude of a nation’s peoples towards economic development through industrial and agricultural processes, which is inseparable from the sea.

Among the small developing states in the world, Sri Lanka has a long history of industrialization. However, the economy of Sri Lanka is primarily one dominated by agriculture. The potential for the industrial and agricultural capacity of Sri Lanka is substantial because of its location as well as human resource management and low-cost labor force.

As a national policy, over the last two decades, the government has taken several steps to decentralize manufacturing activities from Colombo to the peripheral regions to encourage import and export trade (Dias, 1987, p.71). Moreover, the Government of Sri Lanka promotes industrialization in keeping with export and import liberalization policy. In addition to the urban level production for export expansion, Sri Lanka has introduced several policies for increasing the rural level for export purposes. It is important to mention here that commercial banks and other Sri Lanka financial institutions are financing the medium and small scale industrial and non-industrial projects. Unfortunately, since independence in 1948, some factors such as the lack of external sources and technology, imbalance/inconsistencies in foreign policy behavior, civil war, global level issues, political instability, and other domestic problems have caused significant fluctuations in the development of industrial and agricultural sectors in Sri Lanka. When compared with the other developed and developing countries in the South Asian Region, Sri Lanka has taken various steps to develop small and medium enterprises. Nonetheless, their contribution to the national economy in Sri Lanka is still low (Gamage, 2003, p.133-150). Being an island that lies near the main sea route connecting the West to the East, Sri Lanka is better placed to conduct trade interactions with other nations. However, the prevailing national character negatively affects developing sea power in Sri Lanka.

The Character of the Government

In his book, Mahan argues that the character of the government and the accompanying institutions are vital factors in determining the sea power of a state. For Mohan, the government provides direction for the growth of maritime enterprise as well as causing its success or failure in a man's life or a nation's history. Moreover, he has highlighted that a government without popular support would not be able to create a great naval power and improve sea commerce. In this context, he has suggested that the government's policy should be considered as effective, especially when it is counted with the natural inclination of citizens. Finally, he encourages the government to conform to democratic principles.

Among colonial territories which gained independence following World War II, Sri Lanka, as a 'model colony' and standard-bearer for democracy, was widely considered to have a good chance of succeeding democratically (Devotta, 2014, p.139). Since independence in 1948, Sri Lanka

has experienced three constitutions having unusually severe political and constitutional turbulence.

The present Constitution, adopted in 1978 and amended 19 times thereafter, established the Second Democratic Republic government featuring proportional representation. Notably, the contemporary debates on constitutionalism in Sri Lanka highlights that Sri Lanka is challenged under the 1978 constitution. Therefore, there is a demand in Sri Lanka for constitutional reforms. However, the majority of conventional and modern political elite groups in Sri Lanka are more interested in gaining political power rather than democratic political reforms. Moreover, the emergence of the Tamil separatists terrorism and the JVP insurrections still remain as the main forces of mass resistance to the character of the government after its independence. It is important that the political maturity of Sri Lankan society and the long tradition of democracy in Sri Lanka are not underestimated (Amarasuriya, 2006, p.23). In a broader context, the constitutional turbulence, elite politics as well as violent resistance against the Sri Lankan state by the LTTE and the JVP has resulted in shaping the existing character of the government. As discussed above, the existing character of the government has brought up more serious challenges and obstacles for developing the sea power of Sri Lanka.

Conclusion

Historically, the marine area of Sri Lanka makes important contributions to the economic development and well-being of Sri Lankans. Similarly, the geo-political location of Sri Lanka provides a usual protection for its survival. Even though Sri Lanka is a small power, its geo-strategic location at the centre of the Indian Ocean and the maritime silk route between China and Europe facilitate cross-border trade and commerce. Further, it provides a home to major sea routes connecting Africa, the Middle East and East Asia with Europe and the Americas. Specifically, the marine area of Sri Lanka has particular geopolitical importance due to its location in between the Strait of Hormuz and the Strait of Malacca which are the most important transit zones in the world.

In addition, the marine area of Sri Lanka is supposed to hold the world's oil reserves and natural gas reserves. Thus the present comprehensive analysis have shown that the existing triangular strategic competition in term of geo-strategical importance of the marine are of Sri Lanka in the Indian Ocean has created significant implications for Sri Lanka. With China's emergence as the most important trading partner of the marine area of Sri Lanka since 2009, Sri Lanka faces numerous maritime security challenges after the Cold War. In addition to traditional security issues, further, the marine area of Sri Lanka has become a source of non-traditional security issues such

as piracy, climate change, illegal maritime terrorism, unreported and unregulated (IUU) fishing, illegal immigration, and smuggling of arms and drugs as well.

Being a small power and a geo-strategically significant island, the safety defensive of the marine area of Sri Lanka is essential for enhancing both aspects of national security, namely state security as well as human security. In this regard, protecting, controlling, and managing living and non-living natural resources, coastal erosion, trade routes, commerce, safety traveling, and physical and visual access to the ocean of Sri Lanka have become significant approaches to address the prevailing traditional and non-traditional maritime security issues and challenges. As per the following diagram, mapping the sea power of Sri Lanka very closely interacts with different elements.

Diagram 1. Mapping Sea Power of Sri Lanka



Even big or small power, the maritime doctrine, as Mahan pointed out, is also an integral component of national power in general and sea power in particular. Since its independence, Sri Lanka has not focused much attention on developing a proper maritime doctrine that covers its geo-strategical significance. In his analysis, Mahan highlights that a powerful navy is significant not only for protection in the time of war but also for the continuation of peaceful shipping (Mahan, 1890, p.27). Some of his arguments are fundamental because generating armed naval power is essential for minimizing the prevailing and emerging traditional and non-traditional maritime security issues and challenges faced by Sri Lanka.

Policy Recommendations

Since Sri Lanka is a geo-strategical location and an emerging hub of the Indian Ocean, a very sophisticated naval power is needed to safeguard the sovereignty of its marine area, including the provision of security and safety for nearly 900 commercial ships crossing its marine area daily peacefully. In this regard, Dubai and Singapore are typical examples. Therefore, the Government of Sri Lanka should develop the strength of ports by providing more attention to naval expansion, including the navy and Sri Lanka Coastal Guard in order to enhance both the national security interest and objectives of Sri Lanka.

In addition to the navy's strength, Sri Lanka needs a much better focus for developing a trade and commerce hub on the Indian Ocean between Singapore, Mumbai, Aden, and Dubai. It will provide an opportunity for Sri Lanka's ports to enhance the accommodation of nearly 50 percent of global container traffic and nearly 70 percent of the seaborne oil that passes through the Indian Ocean. At the same time, Sri Lanka should develop its industrial capacity, scientific knowledge, and human resource management. Furthermore, improving Sri Lanka's maritime diplomatic relations with other potential nations is another important aspect for enhancing the national interests from its geo-strategical significance. Furthermore, it is essential to note that the maritime diplomatic practices of Sri Lanka, combining safety and security community developments, can be an approach to minimize the maritime challenges of the 21st century. Broadly, the Government of Sri Lanka should have a long-term and short-term agenda for the protection, conservation, extraction, and consumption of sea-born living and non-living natural resources for enhancing its sea power.

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Selecting Indicators for Assessing Neighbourhood Sustainability: The Metropolitan Lagos Workflow

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Abstract

Neighbourhood Sustainability Assessment Frameworks (NSAFs) are increasingly touted as crucial in planning and designing sustainable urban neighbourhoods. Ostensibly, NSAFs ensure that sustainability concerns are duly addressed following the recognition that neighbourhoods are key building blocks of urban areas. While the NSAF discourse has largely involved developed countries, the selection of appropriate indicators to use in an NSAF has remained a problem often because of little robust evidence to support the selected indicators. Also, as developing countries are largely absent in this discourse, this paper presents an exemplar approach and workflow for selecting NSAF indicators for a Sub-Saharan Africa (SSA) context. Positivist techniques (weighted average, co-efficiency of variation, and content validity in ratio) are used to rank the significance of the stakeholders' indicated perceptions and preferences collected using questionnaire surveys from metropolitan Lagos. This paper's significance lies in showcasing the robust methodological approach and sound evidence-base for selecting the indicators based on input from disparate stakeholders: including data requirements and workflow that SSA countries can easily adopt.

Keywords: Neighbourhood Sustainability Assessment Framework, Indicators, Metropolitan Lagos, Sub-Saharan Africa

1. Introduction

Urban sustainability is the idea that a city can be organised to create the smallest possible ecological footprint: producing the lowest quantity of pollution, efficiently using resources, contributing minimally to climate change whilst providing a high quality of welfare and wellbeing for its people (Tetteh and Amponsah, 2020; Gehl and Svarre, 2013). Despite considerable rhetoric from built environment professionals and policy-makers, the progress in achieving urban sustainability has remained static and slow. However, a recent turn in the quest for urban sustainability is the recognition that the neighbourhood level of planning is crucial for delivering transformative measures towards urban sustainability (UNEP, 2020; Ferwati et al., 2019; Moroke et al., 2019; Bullock et al., 2017; Dawodu et al., 2017).

This means conceptualising the neighbourhood as a building block for an urban area (Wangel et al., 2016): implying that urban sustainability will be unattainable if its component parts such as neighbourhoods are themselves unsustainable (Stanislav and Chin, 2019; Bahadure and Kotharkar, 2018). Thus, if the delivery frameworks e.g. design, planning and decision-making for neighbourhoods are themselves imbued with the visions, principles, targets and indicators of sustainability, then the resultant urban places will be more sustainable (UNEP, 2020). This is best illustrated in the development of Neighbourhood Sustainability Assessment Frameworks (NSAFs) to assist designing and planning for new neighbourhoods. As NSAFs gain increasing attention (Ameen and Mourshed, 2019; Bahadure and Kotharkar, 2018), this paper is concerned with the fact that most Sub-Saharan African countries (SSA) are yet to develop NSAFs suitable to their own needs and contexts (Yigitcanlar et al., 2015; Berardi, 2013).

The lack of NSAFs in SSA presents several challenges. Firstly, given SSA's high rate of urbanization and the potentially adverse impacts associated with it (UNDESA, 2019), how can urban sustainability be assured? Urbanization in SSA has grown rapidly from 15% in 1960 to 40% in 2010 (Awumbila, 2017): with cities like Lagos, Cairo, Kinshasa, Addis Ababa growing into megacities of over 10 million inhabitants (UN-Habitat, 2015). Experiencing an annual urban population growth rate of 4.1% compared with a global rate of 2.0% (Saghir and Santoro, 2018), urban sustainability in SSA cannot therefore be ignored (Olvera et al., 2016; La Porta and Shleifer, 2014).

Secondly, the literature acknowledges that NSAFs are 'tailor-made' and 'context specific' (USGBC, 2018; Komeily and Srinivasan, 2015), making direct and wholesale importation of NSAFs to SSA problematic. As the vast discourse in NSAFs is largely western country oriented, it is not clear what the parameters for a SSA-context NSAF would be. Yet the SSA context is different in terms of socio-economic development, culture, political visions and aspirations, demography, the environment and climate etc. (Du Plessis,

2005). Thirdly, experience from countries already ahead in using NSAFs have identified the issue of selecting appropriate context-specific indicators (Joss et al., 2015; Conte and Monno, 2012), as a key challenge (section 2.2). Therefore, what evidence and approach will guide the selection of robust indicators for use in SSA-specific NSAFs?

This paper aims to contribute to the development of SSA-context relevant NSAFs by focusing on how appropriate indicators may be selected. It presents a methodology and workflow, underpinned by the need to showcase a practical and robust process with valid outcomes. Three objectives are pursued:

- To show how a variety of values, perceptions and aspirations of different stakeholders are captured and aggregated, towards identifying appropriate indicators;
- To show deployment of several techniques to reliably support the selection of fit-for-purpose indicators, driven by clear criteria;
- To show how viability and feasibility of the selected indicators are assured.

This paper's strength lies in addressing the complex task of capturing the wide spectrum of stakeholder perspectives, which can be subjective, and analysing them within more objective techniques. This addresses the common problem of indicators being developed by experts and with little input from local communities who are key stakeholders in the neighbourhoods (USGBC, 2018; GBCA, 2012). Great attention is paid to the transparency and repeatability of the work, with aspects that enhance validity and reliability, signposted.

2. The challenge

Indicators are 'a representation of the characteristics of a given system, by a quantitative or qualitative variable'; 'a parameter, or a value derived from parameters, which serves to provide information about the state of a phenomenon/area' (Science for Environment Policy, 2015:8). Indicators are used in certification and accreditation schemes as standardised references to assess and monitor performance and progress (Cowley et al., 2013). Therefore, indicators help to communicate information in a structured manner in the decision-making process, making the concept of sustainability observable and demonstrable (Dahl, 2012). Bell and Morse (2004) also argue that indicators facilitate social learning as those involved can use indicators to better understand the key components and criteria that constitute what is considered 'sustainable' under various contexts.

Indicators can also be used for strategic visioning to define city-level strategies for urban sustainability; or used as parts of toolkits to guide step-by-

step analysis, designing and implementing of urban sustainability projects against baseline measures and future targets. However, the vast literature on NSAFs have identified some key challenges and critical questions which require careful attention when selecting indicators to use. For example: acknowledging and balancing between globally and locally relevant indicators (Joss et al., 2015); deciding who is involved in indicator selection and deciding whose interests are reflected in the indicators (Bond et al., 2012). It has also been noted that frequent over-reliance on experts-led approaches has led to democratic and legitimacy deficits (Berardi, 2013).

Therefore, a fit-for-purpose indicator set requires a delicate judgement across the various stakeholders and sustainability aspects, within a transparent and robust approach. This will serve to integrate the indicators in a way that truly reflects the key themes, the sensitivity of interests, and balances the relative roles and significance of the indicators. Empirically, this should meet thresholds of validity and reliability, as well precision and accuracy in the indicators as measurements (Komeily and Srinivasan, 2015), in a way that aligns with the aspirations of the users.

3. Materials and methods

To ameliorate experts-led approaches local stakeholders were targeted as key sources of information. This aligns with the critical realism philosophical stance which advocates an explanatory linkage that integrates people's understanding in relation to their contextual realities e.g. environmental, socio-economic, cultural, ethnic, political (Salama, 2019; Fletcher, 2017). A case study approach, based on metropolitan Lagos, was therefore considered most appropriate to contextualise the data and analysis, and provide insight that is likely to resonate with a majority of other urban areas in SSA.

3.1 Methods and data collection

Qualitative information on perceptions and relative preferences for the suitability of various indicators was collected from relevant stakeholders involved in delivering and using neighbourhoods. This was complemented by quantitative methods to statistically analyse and help explain the relative importances associated with each indicator. Table 1 showcases the workflow and the sequence of interconnected methods and techniques as the work progressively unfolded in three main phases.

Table 1: The sequence of methods and data collection as applied in the study.

Phase / purpose	Method / technique	Data sources; analysis	Output
1. Identifying generic indicators	Literature review	Published urban sustainability reports; literature review	Candidate indicators
2. Selecting appropriate indicator set	Questionnaire	Stakeholders in planning; neighbourhood residents; Analytical Hierarchy Process	Indicator weighting and ranking
3. Validating indicator set	Questionnaire	Stakeholders in planning; Analytical Hierarchy Process	Selected indicators.

3.1.1 Identifying generic indicators

Instead of considering indicators from scratch it was reasonable and cost-effective to start with what already exists in the wider literature, linking to already established knowledge and practice. Prominent international and local reports were targeted, including the New Urban Agenda adopted at United Nations Conference on Housing and Sustainable Urban Development (Habitat III) (UN-Habitat, 2016), which provided eight key commitments that define a sustainable urban area. The Sustainable Development Goal 11, aimed at delivering sustainable communities, which adopts ten targets and twenty indicators. At the continental level, the Africa Union Agenda 2063 proposed in 2014 adopts 7 key aspirations to enhance sustainable development. The Nigerian National Urban Development Policy’s vision for sustainable urban planning and design, adopts five sustainability agenda.

More locally, the Lagos State Development Plan (2012-2025) identifies four key issues of the plan (economic growth; infrastructure development; social development and security; and sustainable environment) (LASG, 2013), to which indicators can be subscribed. From these policy documents twenty-six sustainability themes applicable to planning at the neighbourhood level were identified and then clustered under 10 overarching themes. Fifty indicators were identified albeit with some overlap: and regrouped into twenty five ‘headline indicators’ which could be used in the decision-making process for a sustainable neighbourhood.

3.1.2 Selecting appropriate indicator set

The 25 indicators were used as a starting point, and to be revised and/or refined by stakeholders, in the quest for the most appropriate indicators for Lagos. This involved a hybrid two-step approach (Hak et al., 2012; Bell and Morse, 2008), applying a bottom-up approach to capture local perspectives;

and then a top-down approach to capture experts' perspectives. To do this, questionnaires were sent to both residents of the neighbourhoods and experts in urban neighbourhoods (Table 2). The relevant institutions were approached and asked to nominate the experts to participate. The aim here was not to be representative of the institutions, but to ensure that views from each category was captured. Where more than one participant was required, the snowballing technique was used. A participant was asked to nominate other appropriate institutions or experts who were then invited to participate. Academics who have written extensively on neighbourhood planning in metropolitan Lagos were also invited to participate.

Table 2: Institutional stakeholders: questionnaires sent and received.

Stakeholders	Institutions (abbreviation)	Questionnaires sent (retrieved)
Regulators	Ministry of Physical Planning and Urban Development (MPPUD)	1
	Lagos State Building Control Agency (LASBCA)	1
	Lagos State Physical Planning and Development Authority (LASPPDA)	1
	New Town Development Authority (NTDA)	1
Developers	Ministry of Housing (MoH)	1
	Lagos State Development and Property corporation (LSDPC)	1
	Lagos Building Investment Company (LBIC)	1
	Private Developer (PDEV)	2(2)
Built environment professionals		
Town Planners	New Town Development Authority	3 (3)
	Lagos State Building Control Agency	3 (2)
Builder	Ministry of Housing Architecture and Building	3 (2)
Civil Engineer	Engineering	3 (1)
Quantity Surveyor	Quantity Surveying	3 (1)
Academics	Obafemi Awolowo University, Nigeria	2(2)
	University of New South Wales, Australia	1

Residents of three neighbourhoods were purposively selected to represent the common types of neighbourhoods in Lagos: i.e. built by Federal Government (neighbourhood A), State Government (neighbourhood B), and Private developers (neighbourhood C). A questionnaire survey was sent to the neighbourhoods as presented in Table 3.

Table 3: Questionnaire distribution in the three selected neighbourhoods

Neighbourhood	Design typologies / sectors / blocks	Questionnaires sent (retrieved)
A	4-storey block of 16 units of 2 bedroom flat	65 (57)
	4-storey block of 8 units of 3 bedroom flat	51 (43)
	A row of 2-bedroom bungalow with courtyard	35 (25)
	A row of 3-bedroom flat duplexes	32 (25)
B	Sectors	
	1-25	150 (100)
	26-30	30 (30)
	31-33	18 (9)
C	Blocks	
	A-N	28 (20)

In neighbourhood A, a stratified and systematic sampling led to one questionnaire being administered in every 5th block in each neighbourhood typology. The ‘4-storey block of 16 units of 2-bedroom flats’ was the dominant typology and therefore had the highest number of questionnaires administered. This was followed by the ‘4-storey block of 8 units of 3-bedroom flats’. The questionnaires in neighbourhood B were administered using the ‘sector’ divisions of the neighbourhood. A sector usually comprises 15 to 22 blocks (a 2-storey building of 6 units of 3-bedroom flats), and each was represented in the sample. 6 questionnaires were administered in each sector. In sectors 1 to 25, with an average of 18 blocks per sector, a questionnaire was administered in every 3rd block. In sectors 26 to 30, with an average of about 24 blocks per sector, a questionnaire was administered in every 4th block. In sectors 31 to 33 with an average of 12 blocks per sector, a questionnaire was administered in every 2nd block.

Two questionnaires were administered in each of the 14 blocks in neighbourhood C, consisting of 4 flats. The sampling aimed at giving the different types of neighbourhoods an equal chance to be included in the survey. In the questionnaires participants were asked to consider the 25 indicators and delete, revise or add others as they felt necessary. Participants were asked to indicate their perceptions on the importance of an indicator for urban sustainability using a 5-point Likert scale (1- Not important and dispensable; 2- Little importance but contribute insignificantly; 3- Important but only contributes slightly; 4- Important and contributes significantly; 5- Highly important and indispensable).

To rank the indicator preferences a pair-wise comparison Analytical Hierarchy Process (AHP), a widely used technique to determine the relative weight of multiple criteria or options against a given parameter (Saaty and Peniwati, 2008), was applied. Participants were asked to first compare in pairs the sustainability dimensions (environmental, socio-cultural, and economic)

with each other; followed by comparing the indicators under each sustainability dimension. This two-step allowed the researchers to deconstruct the complexity in understanding the relative preferences, by first dealing with the broader sustainability dimensions on their own, before addressing the indicators on their own. The preference ranking used a 9-point scale (Figure 1). A minimum of 5 respondents were targeted for each group of stakeholders, to generate enough data for statistical analysis.

1- Equal importance of both elements 3- Moderate importance of first element over the second; 1/3 (0.33) - Moderate importance of second element over the first 5- Strong importance of first element over the second; 1/5 (0.20) - Strong importance of second element over the first 7- Very strong importance of first element over the second; 1/7 (0.14) - Very strong importance of second element over the first 9- Extreme importance of first element over the second; 1/9 (0.11) - Extreme importance of second element over the first The intermediate values 2,4,6,8 were similarly treated.

Figure 1: The 9-point Likert scale for pairwise comparison.

50 AHP questionnaires were sent out and 21 valid ones were retrieved giving a response rate of 58% (Table 4). The highest numbers of questionnaires were administered in the category of public developers (that is, Ministry of Housing; Lagos State Development and Property Corporation; and Lagos Building Investment Company) because they are the main channels for neighbourhood development in metropolitan Lagos.

Table 4: Participants in the AHP Questionnaire.

Category of respondents	Questionnaires sent (received)
Residents:	
Neighbourhood A	5 (1)
Neighbourhood B	5 (2)
Neighbourhood C	5 (1)
Private developers	5 (3)
Architecture and Building services	5 (4)
Quantity Surveying	5 (1)
Engineering	5 (2)
Town Planning	5 (4)
Lagos State Property Development Corporation	5 (2)
Lagos State Building Investment Company	5 (1)

The AHP analysis was done using the BPMSG (Business Performance Management Singapore) AHP Online system, to elicit relative weights to the indicators, acting as a support tool for decision-making on the indicators. It must be noted that the AHP technique does not rely on a large sample size (unlike the traditional survey) for validity (Schmidt et al., 2015). Cheng et al. (2002) further argued that the AHP technique may be impossible and

impracticable for a survey with a large sample size as uninterested participants have a great tendency to provide arbitrary answers resulting to a high degree of inconsistency. For example, Dangana (2015) and Akadiri (2011) used 19 and 9 participants, respectively.

3.1.3 Validating the indicator set

This aimed to validate the selected indicators by using participants who were likely to use them e.g. regulators and planning authorities in metropolitan Lagos. Questionnaires were sent to an independent group from those that suggested the indicators (Table 5) were recruited for the validation exercise. The questionnaire was structured into four parts: (i) background information of participant; (ii) levels of agreement on comprehensiveness of indicator set; (iii) ranking, and; (iv) usability of the indicators. The benefit of this phase is to enhance the likely appropriateness of the selected indicators as fit for purpose e.g. in an NSAF.

Table 5: A validation questionnaire was sent and retrieved from each of the listed institutions including two private developers.

Institutions
Ministry of Physical Planning and Urban Development (MPPUD)
Ministry of Works (MoW)
Lagos State Building Control Agency (LASBCA)
Lagos State Physical Planning and Development Authority (LASPPDA)
New Town Development Authority (NTDA)
Ministry of Housing (MoH)
Lagos State Development and Property Corporation (LSDPC)
Lagos Building Investment Company (LBIC)
Private Developer (PDEV1)
Private Developer (PDEV2)

3.2 Data analysis

The data from pair-wise rankings were analysed using Microsoft Excel function's descriptive statistics. The weighted average (WA) value showed the level of importance attached to an indicator by the stakeholders. The coefficient of variation (CV), also the relative standard deviation, showed the extent of variability to the mean. The advantage is that the value of CV is independent of the unit in which the measurement has been taken, so it is a dimensionless number, allowing for comparison between data sets with different units or means. According to Wilson et al. (2012) and Lawshe (1975), an indicator with a CV value less than 0.5 can be said to be consensually agreed upon by the stakeholders.

Content validity ratio (CVR) was calculated to determine the degree to which the items on the measurement instrument represent the entire content domain: providing a numeric value indicating the degree of validity determined from expert's ratings. CVR values ranged from -1

(perfect disagreement) to +1 (perfect agreement), with values above zero indicating that over half of the respondents agreed that a variable was essential (Ayre and Scally, 2013). From other studies an indicator with a CVR value equal to or greater than 0.29 was considered ‘essential’ based on stakeholders’ perception (Wilson et al., 2012).

4 Results and findings

4.1 Selecting the indicators

The frequency distribution for each indicator, based on the institutional stakeholders’ perceptions is presented in Figure 2, showing the extent to which participants thought indicators were important.

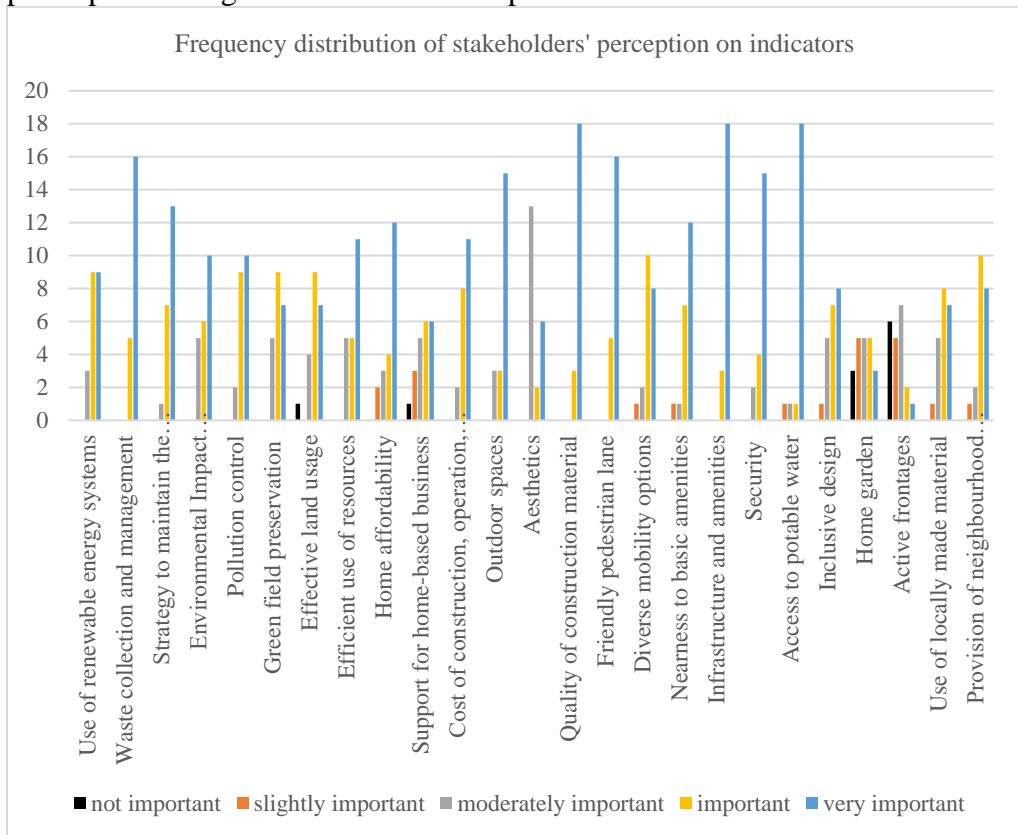


Figure 2: Frequency distribution for each indicator on a 5-point rating scale (n=21).

The institutional stakeholders’ perceptions revealed three levels of popularity to which the importance of an indicator could be viewed. Firstly, only four (16%) of the indicators (‘Quality of construction material’; ‘Friendly pedestrian lane’; Waste collection and management; and ‘Infrastructure and amenities’) were considered important by all the respondents. Secondly, 16 (64%) of the indicators were considered important by about 75% of the

respondents. Thirdly, two (8%) of the indicators (‘Aesthetics’; and ‘Inclusive design’) were considered important by more than 60% of the respondents.

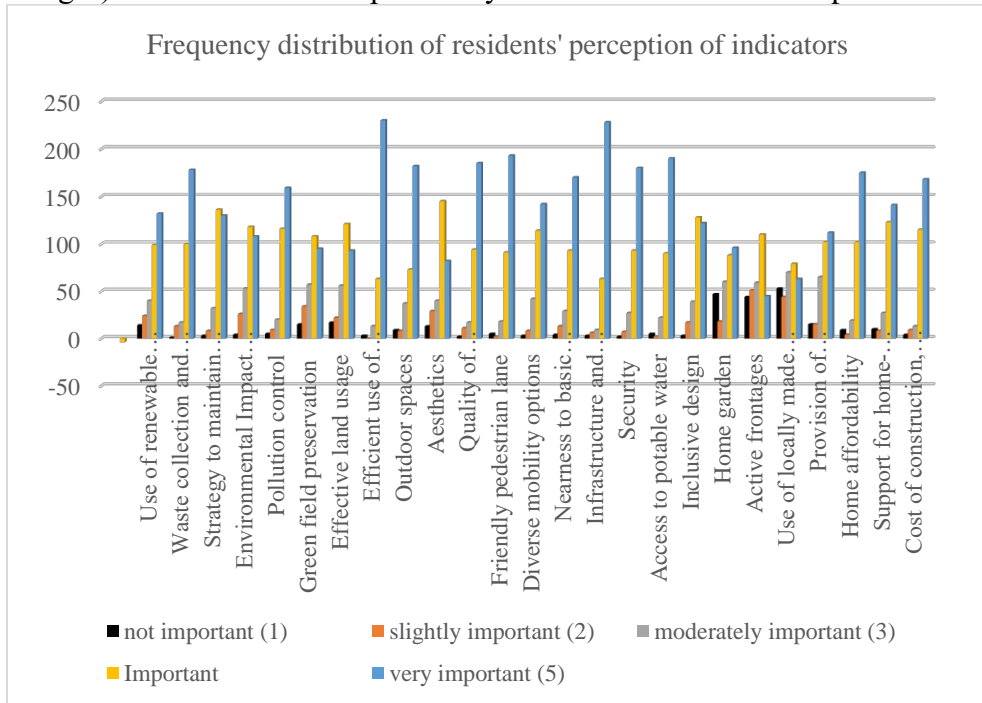


Figure 3: The frequency distribution of perceptions of residents on the importance of the indicators on a 5-point rating scale (n=309).

Unlike the institutional stakeholders, none of the indicators was considered important by all the residents surveyed. About 80% of the residents perceived 15 (60%) of the indicators as at least important. About 31% of the residents perceived the indicator ‘Home garden’ as not important in planning for a sustainable neighbourhood. The co-efficient of variation (CV) and the content validity ratio (CVR) of the indicators (Table 6) helped determine which of the indicators reached consensus on their importance according to stakeholders, and could subsequently be selected.

Table 6: The CV and CVR values of the indicators. Bold and italic font for emphasis.

Indicators	CV		CVR	
	Institutions	Residents	Institutions	Residents
Use of renewable energy	0.34	0.33	0.71	0.50
Waste collection & management	0.36	0.34	1.00	0.80
Facility management	0.35	0.34	0.90	0.72
Environmental Impact Assessment	0.34	0.33	0.52	0.46
Pollution control	0.34	0.34	0.81	0.78
Green field preservation	0.33	0.34	0.52	0.31

Effective land usage	0.33	0.34	0.52	0.39
Efficient use of resources	0.34	0.35	0.52	0.90
Outdoor spaces	0.35	0.34	0.71	0.65
Aesthetics	0.35	0.34	0.24	0.47
Quality of construction material	0.37	0.34	1.00	0.81
Good pedestrian lane	0.36	0.35	1.00	0.84
Diverse mobility option	0.33	0.34	0.71	0.66
Nearness to amenities & infrastructures	0.34	0.34	0.81	0.70
Availability of infrastructure & amenities	0.37	0.35	1.00	0.88
Security	0.35	0.34	0.81	0.77
Access to reliable and potable water	0.36	0.34	0.81	0.81
Inclusive design	0.33	0.33	0.43	0.62
<i>Use of locally made material</i>	<i>0.33</i>	<i>0.44</i>	<i>0.43</i>	<i>-0.08</i>
Provision of neighbourhood square	0.33	0.34	0.71	0.39
Home affordability	0.34	0.34	0.52	0.79
Support for home-based business	0.36	0.33	0.34	0.71
Cost of construction, operation, & maintenance	0.34	0.34	0.81	0.83
<i>Home garden for local food production</i>	<i>0.53</i>	<i>0.37</i>	<i>-0.24</i>	<i>0.19</i>
<i>Active frontages to encourage shops</i>	<i>0.78</i>	<i>0.43</i>	<i>-0.71</i>	<i>0.00</i>

The CV values based on the institutional stakeholders' perceptions implied a high degree of consensus in their perceptions. However, 'active frontages' and 'home garden to support food' with a CV of 0.78 and 0.53 respectively, indicated that stakeholders' perceptions on their importance varied substantially. Therefore, the two indicators will not be selected because they have CVs greater than 0.5. On how essential an indicator is, there was considerable disagreement on 'home garden to support food', and 'active frontage for shops' with a CVR of -0.24 and -0.71 respectively. In contrast, 'waste collection and management'; 'good pedestrian lane'; 'availability of infrastructure and amenities' had a CVR of 1.00 indicating perfect agreement among stakeholders about how essential they are in planning for a sustainable neighbourhood. There was a similar result based on residents' perception. While no indicator had a CV below 0.5, three indicators had a CVR below 0.29: resulting in 23 indicators being selected as suitable for assessing a new neighbourhood development in metropolitan Lagos. Two were dropped as there was no consensus based on stakeholder perception on their importance in planning for a sustainable neighbourhood in metropolitan Lagos.

4.2 Ranking the Indicators

A two-step process was used, combining two factors to arrive at a product that could be used to rank the indicators, as explained below.

4.2.1 Sustainability dimensions

Six out of the twenty-one institutional respondents (28.57%) indicated equal preference for each of the sustainability dimensions i.e. economic, social, and environmental, while others had various combinations of preferences across the dimensions (Figure 4). This is the global priority value for each of the sustainability dimensions.

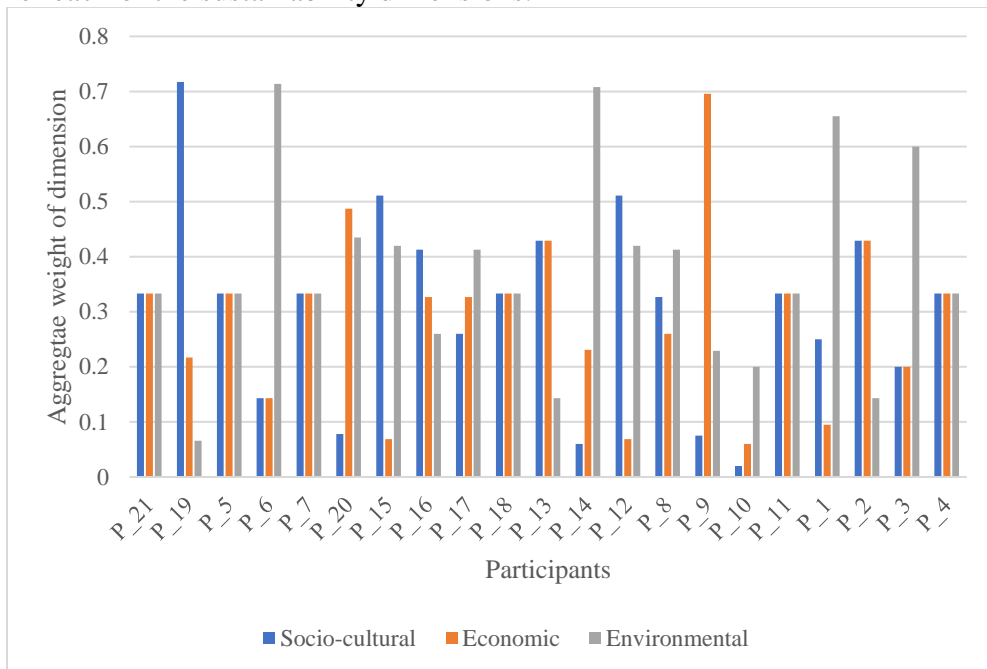


Figure 4: Aggregate of participant’s preferences for sustainability dimensions.

However, the aggregate result from the stakeholders’ preferences showed that the environmental dimension was ranked first with a weight of 0.379, followed by economic (0.311) and socio-cultural (0.310).

4.2.2 Individual indicators

Table 10 shows stakeholders having varying perceptions of the importance of indicators within each sustainability dimension. The aggregate values for each indicator, known as the local priority value, shows the weight of the indicator when compared to other indicators under their respective dimensions. However, to establish the overall weight of an indicator (when compared with others within and outside its dimension), a global priority value (Shahin and Mahbod, 2007), showing the weight of an indicator when

compared with all the other indicators, was calculated. This was done by multiplying the local priority value and the global priority value of the sustainability dimension to which it belongs (Table 7). For example, renewable energy with a local priority value of 0.89 has a global priority value of 0.037 (0.098 x 0.379).

Table 7: Ranking of the 23 indicators based on Global Priority values.

Sustainability dimensions (global priority)	Indicators	Weight		Rank
		Local priority	Global priority	
Environmental (0.379)	Environmental Impact Assessment	0.169	0.064	4
	Efficient use of resources	0.158	0.060	5
	Pollution control	0.135	0.051	6
	Waste collection and management	0.128	0.049	7
	Strategy to maintain infrastructure	0.116	0.044	8
	Effective land usage	0.107	0.040	9
	Use of renewable energy	0.098	0.037	10
	Greenfield preservation	0.090	0.034	11
Social-cultural (0.310)	Access to potable water	0.116	0.036	12
	Availability of infrastructure / amenities	0.113	0.035	13
	Quality of construction material	0.110	0.034	14
	Security	0.100	0.031	15
	Nearness to basic amenities	0.094	0.029	16
	Use of locally made material	0.081	0.025	17
	Outdoor spaces	0.071	0.022	18
	Diverse mobility option	0.071	0.022	18
	Inclusive design	0.065	0.020	20
	Use of public arts / landscape elements	0.061	0.019	21
	Good pedestrian lane	0.061	0.019	21
	Neighbourhood squares	0.058	0.018	23
Economic (0.311)	Cost of construction / operation	0.398	0.124	1
	Home affordability	0.324	0.100	2
	Support for home-based business	0.278	0.087	3

The reliability of the values was obtained by calculating the consistency ratios (CRs) for the environmental, social-cultural, and economic indicators which were 0.004, 0.003, and 0.002 suggesting that the data was sufficiently reliable. This is because, Saaty and Vargas (2013) suggests that if the CR exceeds 0.1, then the set of judgments may be too inconsistent to be reliable.

Based on the global priorities, there were some similarities in stakeholders' preferences across the various neighbourhoods. The preference for 'waste collection and management' over 'use of renewable energy' and 'strategy to maintain infrastructure'; and 'pollution control' over 'green field preservation' was the same with stakeholders (i) across the three neighbourhoods; (ii) among the institutional stakeholders; and the combined results of all residents. The residents' preference for 'quality of construction material' over 'provision of outdoor spaces'; and 'home affordability' over support for 'home-based businesses' was like that of institutional stakeholders.

4.3 Validating the indicators

A total of 9 participants from various backgrounds (Table 8) participated in testing the validity of the selected indicators. 77.7% of the respondents had more than 11 years of experience making their judgement as experts reliable.

Table 8: Respondents' level of agreement on comprehensiveness, ranking, and usability of the indicators on a 5 scale (1- strongly disagree; 2- disagree; 3- neutral; 4- agree; 5- strongly agree).

Participants	Role	Experience (Years)	Neighbourhoods involved	Levels of agreement
				Comprehensiveness (Importance) Usability
Ministry of Works (MoW)	Developer (Govt)	Above 20	0-5	5 (4) 4
Ministry of Housing (MoH)	Developer (Govt)	Above 20	11-20	5 (5) 5
Lagos State Property and Development Corporation (LSDPC)	Developer (Govt)	6-10	0-5	5 (5) 5
Private Developer (PDEV_1)	Developer	11-20	0-5	4 (4) 4
Private Developer (PDEV_2)	Developer	11-20	11-20	4 (4) 4
New Town Development Authority (NTDA)	Regulator	0-5	0-5	5 (4) 5
Ministry of Physical Planning and Urban Development (MPPUD)	Regulator	11-20	11-20	5 (5) (4)
Lagos Building Investment Company (LBIC)	Regulator	11-20	11-20	4 (4) 4
Lagos Building Control Agency (LABCA)	Regulator	11-20	Above 20	5 (5) (4)
Average				4.67 (4.44) 4.33

All the institutions, on average, strongly agreed on the comprehensiveness, and agreed on both the ranking and usability of the selected indicators. Their numerical scores (Table 8) on the criteria of comprehensiveness, importance and usability of the indicators, were equivalent to at least agree. This acted as a demonstration of validity that the selected indicators would likely be found useful in practice. Explaining their judgments, the MoH noted that *“the development of sustainable cities and communities is one of the sustainable development goals (SDGs) to which Nigeria is a signatory.”* The MoW stated that *“using the indicators in decision-making would ensure the delivery of quality housing to the end-users”*.

NTDA noted that *“the indicators are strongly essential in decision-making for a new neighbourhood because they help to better design a functional neighbourhood and livelihood enhancing factors”*. PDEV_1 stated that they were *“receptive to whatever will enhance the goal of affordable housing delivery both in quantity and quality which the indicator epitomises”*. LBIC posited that *“if the aforesaid indicators are successfully put to use, a sustainable neighbourhood would be built, which would enhance the lives and properties of people”*

Discussion

This section discusses the validity, reliability, and context specificity of the indicator set: allowing the researchers to tease out implications of the findings within a broader context. Validity is the property of a research instrument that measures its relevance, precision and accuracy (Dangana, 2015). This was enhanced by applying statistical techniques which tested hypotheses and showed levels of statistical confidence. The tests were used in a confirmatory approach so that CV, CVR and AHP results were considered together, akin to triangulation, to reach a more robust decision about which indicators carried what levels of importance among stakeholders. External validity, referring to the generalizability of the findings was enhanced by the research design being grounded in the Lagos context, which is representative of several SSA urban areas. The deference to critical realism as a philosophical lens provided insight that was more grounded in the contextual reality of metropolitan Lagos.

Reliability assures that the same result would be obtained if the research is repeated in a similar context. This was enhanced through the transparency of the research design and process, from the research assumptions to the identification of the research participants, to data collection and analysis.

While several approaches can be applied to selecting indicators, this paper offers one that robustly demonstrates its evidence and reliability. It showcases justified, repeatable and auditable steps, with opportunities for

flexibility in the choice of stakeholders, methods and techniques. While certain techniques like Analytical Hierarchy Process (AHP) were used, others could have been applied. As long as they are justifiably and transparently used to deliver robust results and achieve the intended purposes. The techniques used provided clear evidence as to the reliability about the collective ranking and importance of an indicator; as well as level of trust in the choice; a problem that has beset the selection of most indicators in existing NSAFs. As the indicators are supposed to serve local and contextual needs, internal rather than external validity and reliability, should be prioritised. Overall, a key advantage in the methodology and workflow presented herein is that there are no onerous technological, methodological, data or resource requirements, making it feasible across many SSA cities.

A workflow consists of an orchestrated and repeatable pattern of activity, enabled by the systematic organization of resources into processes that transform materials, provide services, or process information. It can be depicted as an abstract or higher-level perspective, as a sequence of operations or mechanisms to achieve a purpose or deliver an outcome. Simply put, workflows are the way people get work done, illustrated as series of steps or instructions to be completed sequentially (Table 1), showing work flowing from one stage to the next, whether through a colleague, tool, or another process. Originated by Henry Gantt who invented the ubiquitous Gantt charts, workflows can be considered as efficient ways of organizing work. They help us see (i) the exact jobs to be done, (ii) by whom and (iii) time needed, so tasks can be managed and executed optimally.

Conclusion

This paper has shown a robust methodology and workflow that can objectively be used to select an indicator set for NSAFs in SSA, based on data from metropolitan Lagos, Nigeria. By detailing the rationale and steps of application, it enhances transparency, repeatability, and adoptability to other SSA contexts. The paper has value in showing how challenging issues around the ranking and prioritising of a wide range of indicators, amongst a broad spectrum of stakeholders, can be more objectively undertaken. Planning practitioners and policymakers should find this an easy canvass / template upon which to reflect and even work from: instead of investing time and resources to cover ground already done in this paper.

However, some methodological limitations in this study can be identified. Reliance on stakeholders' opinions could introduce bias and subjective influences which the study could not control for. Also, some of the respondents may have understood the same questions and terms differently. The fact that there was statistical significance in a finding does not necessarily mean this translates into significance based on people's real lives. Finally,

while the study is contemporary and offers a snapshot in time, it is possible to assume that preferences are transient and not immutable.

As the research design was driven by critical realism, the observed data largely reflected the influence of the existing reality of metropolitan Lagos stakeholders' perceptions and preferences of a sustainable neighbourhood. However, it cannot be denied that there is some porosity as the professional stakeholders, to a degree, appeared to be imbued with notions of sustainability aligned to a more international discourse. Brundtland's more globalised definition of sustainability could be identified in mostly the institutional perceptions, but not in the local residents'. This shows the complexity in locating what can be demarcated as exclusively global or local in nature, and where and how they should be balanced.

It is only by combining a top-down and a bottom-up approach in this study, was it possible to capture such nuanced and/or complex views. This is further credit to critical realism, which helped to account for the effects existing reality in metropolitan Lagos. For example, affordability of a neighbourhood or waste management, and pollution control, strongly emerged amongst the resident's perceptions. For the regulators and policy-makers, the notion that sustainable neighbourhood should be concerned with inter-generational and intra-generational equity, and costs of construction and maintenance, were highly rated. In terms of future research, ways of better integrating aspects of costs and data availability, in the indicators selection, is required, as they influence whether indicators are used or not.

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Dynamiques foncières et encastrement des marchés en Côte d'Ivoire : la fin du dogme du « Baoulé travailleur et non vendeur de terre » ?

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Résumé

En Afrique, et singulièrement en Côte d'Ivoire, les peuples sont unanimes que la terre est un bien commun, sacré. Elle ne peut être cédée qu'à titre temporaire. En dépit de cette idéologie, il est apparu un marché foncier dans toutes les zones forestières et de transition. Cette étude part de l'hypothèse qu'une terre qui est favorable à une spéculation en « vogue » fait apparaître un marché foncier, qui subit les normes des autres marchés préexistants, et les normes traditionnelles de gestion foncière s'en trouvent déconstruites, dépassées. L'étude de type ethnographique a eu pour terrain empirique les villages des sous-préfectures de Kpouebo et de Kpacobo situés, respectivement dans les départements de Toumodi et Taabo (Centre-sud ivoirien), avec le village d'Adahou (dans la sous-préfecture de Kpouebo) comme cas de marché foncier. Les données ont été produites par une recherche documentaire couplée d'observations directes dans les villages desdites sous-préfectures. De plus, des entretiens semi-directifs ont été faits auprès du Sous-préfet de Kpouebo, du chef de village d'Adahou et sa notabilité, du président des jeunes et des membres de la mutuelle de développement d'Adahou, des chefs de ménages dudit village ayant accepté ou refusé de vendre leurs biens fonciers familiaux, enfin auprès des intermédiaires de vente de terre d'Adahou et de Kpouebo. Cette étude se fixe pour objectif d'appréhender tous les marchés fonciers comme des marchés encastrés, enchevêtrés dans des relations sociales locales et nationales. L'analyse des résultats montre que, tout

comme les peuples forestiers qui n'ont pu s'abstenir de céder leurs terres, sous la ruée de migrants pour la cacaoculture ou l'urbanisation, les Baoulé du Centre-sud de la Côte d'Ivoire sont devenus « vendeurs » de terres rurales, sous la pression des élites politiques favorables à l'hévéaculture. Dès lors, l'apparition du marché foncier dans la zone d'étude doit être perçue comme les effets de l'encastrement des marchés fonciers d'autres régions forestières ivoiriennes, et non comme de la paresse caractérielle. En outre, il est à retenir que le marché foncier d'Adahou est spécifique, car la population a choisi de vendre des portions de terres familiales afin d'édifier un nouveau village et améliorer son cadre de vie. En somme, le marché foncier d'Adahou a engendré un nouveau village moderne. Cependant, ce marché n'a permis à la population de se créer des vergers d'hévéa. Il a plutôt entraîné le transfert de manteaux forestiers arables au profit des élites, rendant les propriétaires coutumiers des paysans sans terre.

Mots-clés : Dynamiques foncières, vente de terre, marché foncier, encastrement, Baoulé, Côte d'Ivoire

Land Dynamics and Market Building in Côte d'Ivoire: The End of the Dogma of "Worker Bulk and not Seller of Land"

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Abstract

In Africa and particularly in Ivory Coast, people are of the view that land is a common and sacred property. It can only be transferred temporarily. Despite this ideology, there is a land market in all the forest or transitional areas. This study starts from the hypothesis that a land which is favorable to a speculation in "vogue" gives rise to a land market, which is subject to the norms of other pre-existing markets, and the traditional norms of land management are thereby deconstructed and exceeded. The ethnographic study took place in empirical land in the villages of Kpouebo and Kpacobo located respectively in the department of Toumodi and Taabo (in the middle-south of Ivory Coast) with the village of Adahou (in the sub region of Kpouebo) as an example of land market. The data was produced by a documentary research coupled with direct observations in the villages of the said sub-prefectures. Moreover, semi-structured interviews have been carried out with the sub prefect of Kpouebo, the chief of the village of Adahou and its leading members, the youth representative and the members of the association for the

development of the village of Adahou, the Chief of the family of the village who have accepted or refused to sell their family lands, and finally with middlemen who use to sell Adahou and Kpouebo's land. This paper focuses on understanding all markets land as embedded one, entangled in local and national social relationships. The analysis of the results show that like other people living in forest who could not give up their lands under the pressure of migrants for cocoa or urbanization, the Baoule people located in the middle South of Ivory Coast are becoming the "sellers" of rural lands under the pressure of political leaders in favor of rubber. The emergence of the land market in the study area should be seen as the effects of the embedding of land markets in other Ivorian forest regions, and not as laziness. In addition, it should be remembered that the Adahou land market is specific, as the population has chosen to sell portions of family land in order to build a new village and improve its living environment. In short, the Adahu land market has spawned a new modern village. However, this market did not allow the population to create orchards of rubber trees. Rather, it resulted in the transfer of arable forest coats for the benefit of the elites, making the customary owners of the landless peasants.

Keywords: Lands dynamics, land selling, land market, embedding, Baoule, Ivory Coast

Introduction

Plus que les décennies passées, la question foncière prend davantage d'importance dans l'espace politique nationale et dans les stratégies locales de développement (Lavigne, 2002, 1998).

Le foncier représente « l'ensemble des règles, de représentations et des pratiques qui organisent la façon dont une société utilise et contrôle la terre et les ressources afférentes » (Le Bris et al. & , 1991). En d'autres termes, c'est l'ensemble des relations qui se nouent entre les individus et la terre, ainsi que les ressources renouvelables dont la terre est le support. Pour Stamm (1998), le foncier peut se concevoir comme un « fait social total », constitué à la fois par la terre et par l'ensemble des relations entre les individus et les groupes sur l'appropriation et l'utilisation des ressources. Selon lui, le support, le sol, facteur principal de production s'incruste dans une forte dimension religieuse, culturelle et affective. En Afrique, la terre est une « divinité, une génitrice nourricière » qui favorise le développement des hommes (Kouassigan, 1966). Elle occupe une place importante chez les différents peuples. La terre est donc sacrée, et de ce fait inaliénable pour les peuples comme pour les ancêtres ; elle est l'objet d'une appropriation collective (Mlan, 2013 ; Blanc-Pamard, 1981). En Côte d'Ivoire, les peuples sont unanimes : la terre est un bien commun ; elle est indivise, et ne saurait être cédée ou vendue définitivement (Tarrouth

& Colin, 2016 ; Mlan, 2013 ; Dijon & Ndongmo, 2011 ; Kouassigan, 1966). Selon Dijon et al. (2011) « Les traditions africaines savent ce qu'est le bien commun : la terre des ancêtres, l'hospitalité envers l'étranger, la solidarité du village ». En effet, chez les groupes ethno-linguistiques de la Côte d'Ivoire (Gur, Mandé, Krou Akan), la terre est sacrée, incessible (Le Meur, 2008). Sur cette base, la vente d'une portion de terre est donc perçue chez tous les peuples de la Côte d'Ivoire comme une transgression de la coutume, la cession d'un bien commun. Selon Copagen et al. (2015), dans la culture africaine, la terre constitue le ciment de la spiritualité des peuples. Elle est le gage de leur existence. Elle fait partie du patrimoine incessible et inaliénable des communautés. En in fine, la terre « est intrinsèquement liée à leurs modes de vie, à leurs pratiques séculaires et à leur histoire. Elle porte en elle la promesse de leur avenir. Ainsi, la terre ne se vend pas. La terre est sacrée » (op cit).

De ce fait, dans la dynamique des mutations sociétales, les peuples chez lesquels des spéculations ont suscité la vente de terre sont vus comme des « gens paresseux », c'est-à-dire n'ayant pas de culture, aimant trop l'argent, la facilité. En clair, dans la littérature sur le foncier rural en Côte d'Ivoire, le peuple Baoulé, qui qualifiait tous les peuples de l'Ouest de « paresseux », n'est précédé que d'éloges perçus comme suit: (i) relativement à sa force d'intégration et de réussite, comme le mentionne Ibo (1995), avec le cas de Yao Appela, qu'il présente comme le modèle de migrant Baoulé ayant connu la réussite dans la zone d'immigration de Sassandra ; (ii) au regard de sa capacité à coloniser la forêt (Mlan, 2004 ; Lena 1979 ; Schwartz, 1979), (iii) relativement à sa dynamise cultural (Zamblé, 2019 ; Kouadio & Aloko-Nguessan, 2015 ; Babo & Droz, 2008 ; Koffi, 1991 ; Lesourd, 1988¹) ; et (iv) vu leur mobilisation généralisée pour une forte émigration dans la zone forestière ivoirienne (Lesourd, 1982 ; Etienne et al., 1968).

Cependant, depuis le milieu des années 2000, les élites politiques et les hauts cadres de l'administration publique et privée ont commencé à percevoir la terre comme le meilleur investissement, en raison de la hausse du prix du latex d'hévéa (Mlan, 2015a ; Ruf, 2013, 2012). Alors, les Baoulé de la zone de contact forêt-savane des sous-préfectures de Taabo, Kpacobo, Kpouebo sont devenus des vendeurs de terres rurales (Tarrouth & Colin, 2016 ; Mlan, 2015a, 2015b). L'indexation du Baoulé vendeur de terre apparaît alors comme un paradoxe, une nouvelle réalité. De fait, le marché foncier ivoirien est encadré : de l'Est à l'Ouest en passant par le Sud, tout comme dans le Centre (Sud du département de Toumodi), l'exemple d'un encastrement des acteurs et pratiques est plus que prégnant (Colin et al., 2017). Vu sous cet angle, l'adage suivant lequel « les Baoulé sont travailleurs, et ne vendent pas de

¹ Lesourd (1988), dans le résumé de son travail affirmera que « Le système de production baoulé dans les zones de colonisation agricole de Côte d'ivoire forestière, et particulièrement du Sud-Ouest, est remarquablement efficace ».

terre » tient difficilement, au regard de la naissance d'un marché foncier chez les Baoulé, au Sud de Toumodi.

L'hypothèse, c'est que, quand une terre ou une zone est favorable à une spéculation en « vogue », au plan national comme international, alors le marché qui apparaît, semble-t-il presque spontanément, subit les normes des autres marchés préexistants ailleurs, et les normes traditionnelles de gestion foncière s'en trouvent déconstruites, dépassées. Tel est l'exemple des nouveaux marchés fonciers des années 2000 dans le Sud du « V Baoulé », notamment dans les sous-préfectures de Kpacobo et Kpouebo et département de Taabo.

L'objectif de cette étude est d'appréhender tous les marchés fonciers comme des marchés encadrés, enchevêtrés dans des relations sociales locales et nationales.

L'étude part de la thèse de Le Velly (2002), pour qui, « tous les marchés sont encadrés. Les échanges marchands se réalisent dans un contexte enchevêtré de relations interpersonnelles, de règles formelles, d'outils et de représentations collectives ». Chez Le Velly, tous les peuples vivent dans un système global d'encastrement. Les pratiques marchandes dans une zone donnée ne peuvent pas être circonscrites que dans cette seule zone. Selon Le Velly, les conditions d'encastrement à la fois contraignent et engendrent en aval les transactions marchandes. Pour Le Velly, les conditions d'encastrement² « ne constituent donc pas seulement le décor normatif où est prise la décision mais le socle, les ressources mobilisées continuellement lors de l'action ».

Par ailleurs, si dans l'ensemble des marchés fonciers ivoiriens, les cédants des terres utilisent l'argument de besoins financiers pour faire face à des obsèques de parents, à la scolarisation de progénitures, etc. (Colin & Kakou, 2009), au niveau du village d'Adahou-Ngban ou Adahou plus simplement (sous-préfecture de Kpouebo), la création d'un nouveau village avec un habitat moderne se présente comme le motif majeur avancé par les cédants de parcelles de terre.

La méthodologie a privilégié une démarche qualitative axée sur l'approche ethnographique. Les données ont été produites par une documentation numérique et physique (au Centre de documentation de l'Institut de Recherche pour le Développement-IRD à Abidjan) mais également par des observations directes à Adahou, dans les villages des sous-préfectures de Kpouebo et Kpacobo, appartenant respectivement aux départements de Toumodi et de Taabo, en Mars 2017 et en Décembre 2018.

² Karl Polanyi, Granovetter, Swedberd, et bien d'autres « ont en commun de considérer que l'économie n'est pas indépendante du reste de la société mais que, justement, l'économique est encadré dans le social » (Le Velly, 2002).

En plus, 67 entretiens semi-directifs (par des guides d'entretien) ont eu lieu auprès du Sous-préfet et Chef du village de Kpouebo, du Chef du village d'Adahou et sa notabilité (10 membres), des chefs de ménages (gestionnaires de terres familiales d'Adahou) dont 38 et 7, respectivement, ont accepté et refusé de vendre leurs biens fonciers familiaux, et de 5 intermédiaires ou démarcheurs de vente de terre d'Adahou et de Kpouebo. En plus, le président des jeunes et 3 membres de la mutuelle de développement du village d'Adahou ont été interrogés.

L'étude s'articule autour de trois (3) parties : la première décrit le contexte écologique pré-forestier dans les sous-préfectures de Kpouebo et de Kpacobo favorisant la mise en place d'un marché foncier dans le « V Baoulé ». La seconde invite à une anthropologie de la marchandisation de la terre, et la troisième présente un cas d'émergence d'un marché à l'achat/vente et l'édification du nouveau village d'Adahou.

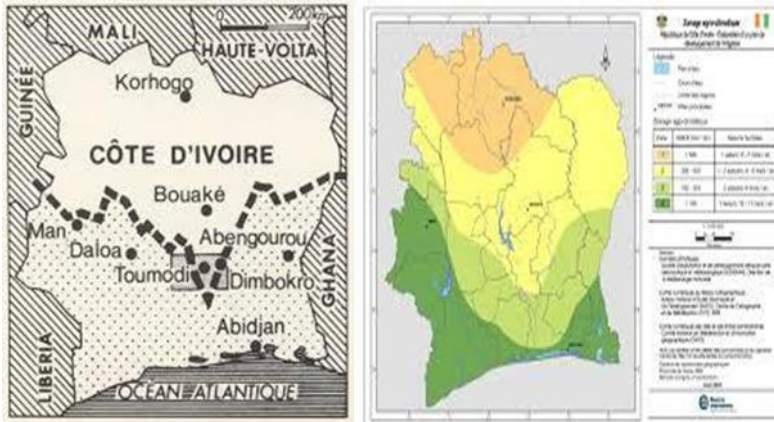
1. Contexte écologique pré-forestier dans les sous-préfectures de Kpouebo et de Kpacobo

La zone d'étude contient le creux du « V Baoulé », couvert de forêt au Sud-est, Sud et Ouest et la savane dans l'échancrure (Centre) (Mlan, 2015a ; Peltre, 1977 ; Adjanooun, 1964). Dans son ouvrage « Le "BAOULÉ" (Côte d'Ivoire centrale) héritage géomorphologique et paléoclimatique dans le tracé du contact forêt-savane », Peltre (1977) situe l'aspect significatif du « V Baoulé » :

« Les savanes préforestières de Côte d'ivoire centrale qui pénètrent profondément sur près de deux cents kilomètres dans le massif forestier guinéen jusqu'à une centaine de kilomètres de la côte [mer], constituent avec le couloir des savanes du Togo-Dahomey l'un des accidents majeurs dans le tracé du contact forêt- savane en Afrique de l'Ouest ».

Aussi le territoire de Kpouebo et de Kpacobo, dans le creux du « V Baoulé » contient-il de vastes manteaux de forêt qu'encerclent une savane très boisée de ligneux. Cette zone est très humide, car baignant dans deux bassins fluviaux, adossés à la forêt : le bassin du fleuve Bandama à l'Ouest, et celui de son affluent le Nzi, au Sud-Est. A partir de ces deux fleuves, on a le commencement de la forêt dense du Sud, de l'Est et de l'Ouest ivoirien. Les images ci-dessous indiquent le « V Baoulé ».

Cartes n°1, 2 et 3: Présentation du « V Baoulé » dans le Centre-sud de la Côte d'Ivoire



P Peltre

LE 'V BAOULÉ'
 (Côte-d'Ivoire centrale)



HERITAGE GEOMORPHOLOGIQUE ET PALÉOCLIMATIQUE
 DANS LE TRACÉ DU CONTACT FORÊT-SAVANE

Source : Google, consulté le 10 Avril 2019

Selon Wikipedia (2019), (Baoulé [bawle] est un peuple Akan et l'un des plus grands groupes en Côte d'Ivoire qui a migré du Ghana. Les Baoulé sont traditionnellement des agriculteurs qui vivent au Centre de la Côte d'Ivoire, dans une région en forme de triangle (le «V» Baoulé) entre les rivières Bandama et N'Zi ». Ancienne zone de production de café et de cacao, les sécheresses des années 1980 ont été à la base de deux phénomènes : il s'agit d'une forte émigration vers les zones forestières de Soubré, Duékoué, Guiglo, et d'une reconversion de la population résidente en producteur de riz pluvial. Jusqu'au début des années 2000, la sous-préfecture de Kpouebo étaient connue comme le grenier du bon riz paddy et autres cultures saisonnières des départements de Toumodi et de Taabo.

L'attrait du boom de l'hévéa (atteignant 1000 francs le kilogramme de latex en 2009-2010) (Ruf, 2012), à la même période, crée chez les cadres et élites (politiques et économiques) un effet d'encastrement du marché foncier : les tentatives de grands investissements pour cette spéculation se heurtant à la

raréfaction foncière, les cadres et élites se tournent vers les zones de transition où la disponibilité foncière incite à la convoitise. A preuve, en 2007, un dirigeant politique ayant pour nom Z. K, originaire de Soubré (Sud-ouest), promoteur de grands investissements dans l'hévéaculture dans cette zone, obtient environ 1000 hectares à Dida-kouadiokro, à l'Est de Kpouebo (Mlan, 2015a). Son acte forge alors l'apparition d'un marché foncier en pays Baoulé (Colin & Tarrouth, 2016 ; Tarrouth., 2016 ; Mlan, 2015a). Cela appelle une anthropologie politique de la marchandisation de la terre sur les Baoulé du Centre ivoirien.

2. Anthropologie politique du « travail et vente » de la terre dans le « V Baoulé »

2.1 " Le Baoulé ne vend pas la terre ?"

Selon l'adage ivoirien, le « peuple Baoulé est grand travailleur ». Le principal facteur du développement prodigieux de la cacaoculture en Côte d'Ivoire est son adoption par les Baoulé. Ceux-ci représentent plus de 23% de la population nationale (Etienne et al., 1971). Selon Adjanohoun (1964), « Le territoire de peuplement originel des Baoulé couvre 35 000 km² (de Katiola à N'douci, autour du 6e degré de latitude nord). Evalués environ à 800 000 habitants à la fin des années 1960 (Etienne et al., 1971), les Baoulé entament alors une migration économique dite « de colonisation » de la forêt de l'Ouest depuis les années 1950 (Lesourd, 1988). Ainsi, le Recensement Général de la Population et de l'Habitat de la Côte d'Ivoire de 1975 fixe la population Baoulé à 1 302 055 habitants, soit 18,7% de la population nationale (Lesourd, 1985), dont les immigrés sont dispersés dans plus de 50 villes du territoire national ». Ils se distinguent particulièrement par un dynamisme pour la migration (Viti, 1991 ; Lesourd, 1982).

Depuis les années 40, période de la création de villages Baoulé dans le Sud-est (Nzikro, Koffikro, Bénianklé, etc), ce peuple se présente comme le bras séculier de la politique de mise en valeur des terres prônées par le colon, devenue « slogan-loi » dans les années 1960 avec le Président Houphouët Boigny (Verdeaux, 2011).

En outre, au milieu des années 80, les Baoulé sont vus comme de gros travailleurs, en raison de leur capacité à occuper la forêt, et à créer de grandes plantations de cacaoyers (Koffi, 1991 ; Schwartz, 1979 ; Lesourd, 1982). Cette « colonisation agricole » est facilitée par une main-d'œuvre disponible dans les zones d'émigration (au sein de laquelle, on trouve une forte population voltaïque ou Burkinabé actuellement). Dans cette dynamique de travail, les aides-familiaux travaillent comme manœuvre, et par la suite, ils acquièrent leurs propres parcelles, et créent leurs propres vergers (Kouakou & Mlan, 2019).

Ainsi, sur la base des entretiens, relativement à leur capacité à « anthropiser » la forêt, et à la cultiver, les Baoulé considèrent les peuples d'accueil (Gban, Bété, Gouro, Bakwé, Kroumen, Neyo, Dida, Guéré, Wobé, Yacouba, etc.) comme des paresseux, ceux qui ne connaissent pas la valeur de la forêt. Mieux, ils s'appuient sur le marché foncier desdits peuples, qui a pu leur faciliter l'accès aux terres de forêts, pour affirmer qu'ils ne peuvent pas vendre les terres dans leurs zones d'origine. Pour eux, les peuples d'accueil allient « paresse » à l'esprit mercantiliste, faisant d'eux des irresponsables, des vendeurs à tout vent de terre, au regard des données empiriques.

Cependant, lorsque Z. K., le cadre politique de Soubré est arrivé à Dida-kouadiokro avec son « double jeu de pouvoir » politique et financier (Mlan, 2015c), les Baoulé ont fait fondre le dogme faisant d'eux des peuples travailleurs qui ne peuvent pas vendre leur terre.

Aussi dès 2008, la ruée des élites politiques et cadres dans la sous-préfecture de Kpouebo donne-t-elle lieu à un véritable marché foncier, avec incomplétude selon Colin et Tarrouth (2016), dans une rare compétition d'acteurs (demandeurs de terre, démarcheurs ruraux, propriétaires fonciers coutumiers), autour de l'achat/vente. Egalement, l'on observe que l'apparition d'un marché foncier est plus l'apanage de spéculation sur la terre d'une zone donnée que des « castes à bravoure » ou une quelconque tradition s'offusquant et s'opposant depuis originellement aux cessions de terre.

A priori, dans l'intersection du fleuve Ban dama et son principal affluent Nzi, plus forestière, là où le café, le cacao et l'hévéa trouvent des terreaux fertiles, la terre s'échange avec du numéraire, dans un contexte d'antagonismes et de conflits violents entre villages, avec affaiblissement des instances de règlement des litiges fonciers (Tarrouth & Colin, 2016 ; Mlan, 2015a, 2015c). Quelle est la particularité du marché foncier dans le Centre-sud Baoulé ?

2.2 Spécificité du marché foncier dans le « V Baoulé »

De 2007 à 2018, le marché foncier dans les sous-préfectures de Kpouebo et de Kpacobo n'a donné lieu qu'à des vergers d'hévéa, appartenant tous aux élites politiques et cadres³. A fortiori, les Baoulé travailleurs, autochtones, sont également devenus « paresseux », oisifs. Les démarcheurs ruraux, pierre angulaire de ce marché, également Baoulé, deviennent par la suite manœuvres des élites et cadres politiques sur les terres arables nouvellement acquises.

Qu'est-ce qui différencie le marché foncier du « V Baoulé » de celui de l'Ouest ivoirien ? Si chez l'ensemble des peuples de l'Ouest ivoirien (Bété, Dida, Neyo, Kroumen, Bakwé, Wê, Gouro, Yacouba, Gban, etc.), les résidents

³ Selon Tarrouth (2016) : ils sont considérés comme des entrepreneurs ruraux.

ont quelques vergers de cacaoyers, parsemés d'essences ligneuses (iroko, fromager, Spondia) et autres arbres fruitiers (oranger, manguiers, avocatier, goyavier, mandarinier), chez les Baoulé de Kpouebo et Kpacobo, les résidents n'ont pu jusque-là cultiver le moindre verger d'hévéa. Pire, ayant vendu les terres arables leur servant de facteur pour la riziculture pluviale, les Baoulé de Kpouebo et de Kpacobo ne deviennent que de simples paysans sans terres. C'est le cas de N. K. qui l'exprime en ces termes :

« Je suis démarcheur si quelqu'un veut payer ou vendre la terre. Mon grand-frère et moi avons vendu 36 hectares de la famille à un Mr qui est grand cadre au port d'Abidjan. Après, on ne sait plus où cultiver. Je suis allé voir Yao B, mon preneur de terre, pour être manœuvre dans sa plantation ».

Si sur le marché foncier de l'Ouest de la Côte d'Ivoire les cédants de terre s'accrochent à leur « caste » de tuteur, attendant une assistance sociale (aide financière en cas de difficultés, habits, huile, etc.), en raison des cessions de terre qui n'étaient parfaites comme l'entrevoient l'essentiel des écrits sur les transactions foncières en Côte d'Ivoire (Tarrouth & Colin, 2016), chez les Baoulé de Kpouebo et de Kpacobo, les élites et cadres politiques, accueillis parce que considérés comme partenaires, se détournent de ces valeurs sociales ivoiriennes. Ces « partenaires » n'assistent ni leurs tuteurs ni les villages. Ces cédants-Baoulé ne se contentent que de petits champs d'igname, de banane sur des sols de plus en plus pauvres. A la suite de la présentation du marché foncier du « V Baoulé », le marché de la terre du village d'Adahou se présente comme un exemple.

3 Emergence d'un marché à l'achat/vente et édification du nouveau village d'Adahou

3.1 Idée de marchander la terre, le « bien commun divin »

Adahou est situé à l'Ouest de Kpouebo, son chef-lieu de sous-préfecture (département de Toumodi). Adahou est situé sur l'axe Moronou-Akakro-Kalékoi à 12 km de Moronou au Nord-ouest, à 06 km de Kpouebo au Nord-Est et à 13 km de Kalékoi au Sud. Adahou compte 14 campements, peuplés essentiellement d'allochtones Baoulé (venus d'autres régions Baoulé) et de Burkinabé.

Or, la terre est un support sacré, divin, chez les Baoulé, de même que chez les Baoulé Nghan d'Adahou (Blanc-pamard, 1981). Pour N'Gouamidou (2000), la terre revêt d'un caractère très capital dans les sociétés rurales africaines. Les différentes croyances africaines présentent la terre comme un bien hautement sacré. C'est le trait d'union entre le monde des vivants et celui des morts selon certaines croyances. Ainsi perçue, la terre acquiert-elle un droit inaliénable, et est considérée comme un bien collectif. Pour les africains, la terre est une « *divinité, une génitrice nourricière* » qui répond aux besoins

des hommes (Kouassigan, 1966). Elle occupe une place importante dans les sociétés, car étant leur principal moyen de production et leur première source de revenu. Cette ressource foncière est de ce fait inaliénable pour ceux-ci, car appartenant aux ancêtres et à la progéniture d'où son appropriation collective, dans les relations de parenté qui représentent une institution centrale (Colin, 2004).

Aussi la mise en marché de la terre à Adahou pour le développement d'un nouveau village sur un autre site a-t-elle été le fruit de la mutuelle « EBOHEKOUN », qui signifie « unissons-nous » regroupant des cadres, travailleurs, élèves et étudiants d'Adahou. Selon le chef de ce village, la motivation de la création de cette mutuelle est la suivante: « *nous avons mis en place une mutuelle pour développer notre village, et cette association, on l'appelle ' EBOHEKOUN' . Y'a une caisse pour ça où chacun doit cotiser chaque fin du mois trois mille franc CFA* ». En effet, tout a commencé vers les années 2000. Lors d'une réunion, les membres de la mutuelle ont fait l'amer constat que l'ancien village est encerclé par le cimetière, et que le sol est détruit par l'érosion, avec des cases accolées dont certaines sont presque en inclinaison, offrant le risque d'écroulement. Comme solution, le lotissement d'un nouveau site pour le nouveau village a été décidé.

Mais, les populations devraient faire face à la mobilisation du facteur financier. Alors, lorsque les élites politiques et économiques ont commencé à sillonner la zone, à partir de Dida-yaokro et Dida-kouadiokro, la chefferie du village et la mutuelle ont convenu que chaque famille vende une partie de son patrimoine foncier, en vue de l'édification d'un habitat moderne sur le nouveau site loti.

Comme prévu, et par les intermédiaires issus des villages de Kpouebo et d'Adahou, les propriétaires terriens seront sollicités, dès l'année 2008 par une ruée de ministres, militaires gradés, directeurs d'administrations centrales et privées, fonctionnaires de toutes catégories, etc. (Mlan, 2015c). Selon K. K. (Douanier du village d'Adahou), sans toujours recourir à tous les membres de chaque famille, des individus, désireux de bâtir leurs concessions ont cédé entre 100.000 et 120.000 francs CFA l'hectare de terre. Par 50 à plus de 1000 hectares en un seul tenant, sur les patrimoines de plusieurs familles, le marché foncier a dépassé les attentes de la population (Tarrouth, 2016 ; Mlan, 2015a).

Comment le chef du village d'Adahou perçoit le marché foncier en cours dans son village ? Il ressort des entretiens les propos suivants : « *Aujourd'hui, c'est grâce à ça qu'on a construit notre école primaire que tu vois là mais c'est le gouvernement qui nous envoie les enseignants ; et puis on a fait venir deux pompes [HV] nous-mêmes d'abord et puis le gouvernement a donné un* ».

Quels sont les matériaux et les types d'habitat que le marché foncier d'Adahou a suscité ? Ci-dessous, les images sont de l'habitat du nouveau village d'Adahou.

Photos 1 et 2 . Maisons modernes et semi-modernes



Source : Enquête décembre 2018, à Adahou, (photos MLAN)

La marchandisation de la terre à Adahou a engendré trois types d'acteurs et d'habitat :

- la construction de maisons en dur (briques, fer, avivés d'iroko, sciés le plus souvent sur place, etc.) est le fait de personnes qui ont vendu l'essentiel des patrimoines familiaux et lignagers;
- l'édification de maisons qualifiées de semi-modernes, comportant un mur en banco crépi et la tôle à la toiture, par l'utilisation d'avivés (planches) de tronc sec de rônier (voir photo 1 et 2), est initiée par des cadres moyens, des paysans migrants ou résidents qui ont vendu des superficies pas trop grandes (entre 10 à 25 hectares) ;
- la construction de cases (avec un mur en banco crépi ou non, et la toiture en paille) qui est faite par les personnes ayant vendu la terre, en superficie moindre (moins de 10 ha) ou ayant refusé de céder ou « brader » leurs biens fonciers.

L'existence de ces maisons modernes justifie la vente des terres à Adahou. Elles ont permis de transformer le rêve d'édification de concessions modernes en réalité, grâce à la vente de la terre. Le tableau ci-dessous présente la proportion des maisons dans ce nouveau village.

Tableau 1 . Niveau de modernisation de l'habitat d'Adahou par le fait du marché foncier.

Type de maison	Maisons traditionnelles	Maisons semi-modernes	Maisons modernes	Total
Nombre	40	105	95	240
Pourcentage	17 %	44 %	40 %	100 %

Source : Données d'enquête, Décembre 2018 (MLAN)

Au regard du tableau, l'on note que les maisons modernes et semi-modernes sont beaucoup plus présents par rapport aux maisons en case. Elles représentent respectivement 44% et 40% tandis que les cases sont estimées à 16%. Cela traduit en quelque sorte la généralisation de la marchandisation de la terre. En plus de la modernisation des bâtisses, d'autres équipements sont réalisés à l'initiative de la mutuelle du village. L'image ci-dessous, montre l'école primaire publique et une pompe à motricité humaine au sein de celle-ci.

Photo 3 . Ecole primaire avec une pompe à motricité humaine sur le site du nouveau village d'Adahou



Source : Enquête décembre 2018, Adahou, (Photo MLAN)

Et alors, quels problèmes soulève l'émergence du marché foncier du village d'Adahou ?

3.2 Situation des terres rurales suite au marché foncier

Selon les enquêtes de terrain, trois situations sont implacables sur le territoire villageois d'Adahou. La première, c'est l'épuisement total des réserves foncières familiales. Pour le Sous-préfet de Kpouebo, « *la terre à Adahou, c'est du vieux souvenir. Si quelqu'un veut faire un champ, peut-être, c'est dans les forêts sacrées, qui existent autour du village. C'est un*

désastre ! ». Alors, le président des jeunes regrette presque le phénomène de la vente des terres, en ces termes : « *alors qu'on se moquait des gens de l'Ouest de la Côte d'Ivoire, aujourd'hui, je ne sais pas où nous allons trouver de la terre pour faire les champs pour nourrir nos familles : tout a été vendu* ».

Lors de l'étude, le Sous-préfet s'est finalement montré très alarmant. Selon lui, lorsque tous ceux qui ont acquis de la terre à Adahou la mettent en valeur, tout le monde sera « paysans sans terre ».

La deuxième concerne l'apparition de conflits fonciers sur toutes les cessions de terre (Mlan, 2015a). Les ventes de terre étant presque cachées, l'essentiel des membres des familles n'a pas été associé lors des contrats. Lorsque les gens sont informés de la cession de tous leurs patrimoines fonciers, le geste qui suit, c'est la plainte à la sous-préfecture de Kpouebo ou à la gendarmerie de Toumodi. Les propos K. K (capitaine de la Douane, fils d'Adahou) confirme cette situation: « *j'ai appris qu'un ancien premier ministre a payé ma terre. Le jour où il va entamer la demande de titres fonciers, il me trouvera sur son chemin. Je l'attends !* ».

Et la troisième situation révèle le Baoulé comme vendeur de la terre, comme chez les peuples forestiers (Sud, Sud-ouest, Ouest). Peut-être même que les Baoulé vendent beaucoup plus la terre que tout autre peuple. Des années 20 jusqu'à ce jour, on note toujours quelques réserves forestières familiales chez les Agni (Mbatto, Bongouanou, Abengourou, Agnibilékrou, Aboisso, notamment), les Avikam (Grand-Lahou), les Néyo (Fresco, Sassandra), les Dida (Divo, Iré, Lakota), les Bété (Gagno, Daloa, Issia), les Kroumen (San Pédro, Tabou), les Guéré (Duékoué, Guiglo, Toulepleu), les Yacouba (Man, Danané), etc. Chez ces peuples, des migrants ont pu obtenir des terres par la force de travail sur deux à trois ans, sans salaire, pour la production de cultures de subsistance à leurs tuteurs, avant que ces derniers leur concèdent des parcelles de forêt. Mais, dans le « V Baoulé », en l'espace de douze ans (depuis 2007), la zone de Taabo, Nzianouan, Singrobo, Kpacobo, Awakro, Moronou, et le reste de la sous-préfecture de Kpouebo ne contient que quelques interstices de savane, toutes les terres arables de forêt ayant été vendues.

Conclusion

Le paradigme « orthodoxe » ou standard est formel : en cas de pression sur une terre, la tenure foncière tend vers une individualisation. A priori, on ne saurait dénier au peuple Baoulé sa capacité à anthropiser la terre et à la mettre en culture. L'essor de la cacao-culture tient en grande partie de la bravoure de ce peuple.

Cependant, au regard de la dynamique du marché foncier dans le Sud du département de Toumodi, en pays Baoulé, il serait plus approprié de parler

de « mauvais » jugement sur les peuples que les Baoulé considèrent comme paresseux et vendeurs de terre.

A fortiori, lorsque la terre d'une zone donnée se trouve favorable à une spéculation, le peuple concerné par cette zone subira, le double « jeux de pouvoirs politique et financier », inéluctablement. Ce n'est donc pas parce que certains peuples sont paresseux. Les demandeurs de terre utilisent des atouts asymétriques redoutables :

- La force de travail, au service du propriétaire foncier, rendant ce dernier dépendant, mais également reconnaissant (certains donnent leurs filles afin que cette force de travail reste et enrichisse la famille par la création de vergers de la part du migrant) ;
- Le double « jeux de pouvoirs politique et financier » hypnotise, déconstruit et désarme les propriétaires coutumiers, en ce que l'homme politique mobilise son influence sur les cadres, transformant ces derniers en guides, démarcheurs, partenaires, courtisant par endroit ; les moyens financiers façonnent puisque les populations rurales pensent qu'accepter un haut cadre, cela peut ouvrir des portes : équipements de base du village, insertion des diplômés, force de protection en cas de problème avec la justice...

Selon T.Z., anciennement patriarche Bakwé de Gnamagui (Soubré), l'accueil et l'installation de l'étranger, comme en parle Jacob chez les Gwendégué du Burkina Faso (2004), est un trait culturel africain ; ce n'est pas parce que les peuples ne connaissent pas la valeur des ressources naturelles dont ils en dépendent d'ailleurs. En in fine, les arguments qu'utilisent les populations, lors des cessions foncières, ne sont que de façade, puisqu'ils sont les mêmes partout. Oui, les Baoulé sont de grands travailleurs mais également peuvent être des vendeurs de terre si des spéculations les contraignent. L'absence de vergers d'hévéa chez les paysans autochtones du « V Baoulé » est la preuve qu'être agent de vente de terre rurale n'est pas le symbole de la « paresse » ; c'est une mutation sociale.

En somme, même si le marché foncier d'Adahou a permis l'édification effective d'un nouveau village moderne, il est subséquemment à la base de la disparition des manteaux forestiers familiaux et de la riziculture, de l'apparition de paysans sans terre, de la paupérisation des paysans locaux. Le marché foncier n'a pas fait des Baoulé de la zone d'étude des planteurs d'hévéa. Si le Baoulé immigré est dynamique, ce n'est pas de même pour celui qui n'a pas connu de migration. En regard, les stéréotypes sur les peuples sont à proscrire pour une cohésion sociale.

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