



JUSTRAC

JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

Youth and the Rule of Law in Sub-Saharan Africa

A Justice Sector Training, Research and Coordination (JUSTRAC)
Symposium

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Executive Summary

Sub-Saharan Africa (“the region”) is the youngest region in the world, and its youth population is growing rapidly. A common narrative depicts Africa’s youth as a destabilizing force that threatens the region’s security—a concept sometimes referred to as the “youth bulge and instability thesis”—often focusing on concerns about unemployment, unrest, and violence. An alternative to this narrative is that the potential of Sub-Saharan Africa’s youth can be unlocked to create peace and prosperity for the region, a narrative found in regional frameworks—such as the African Youth Charter—and global frameworks—such as United Nations Security Council Resolution 2250. Youth have the potential to be a great asset for Sub-Saharan Africa’s development, but only if the state engages with and invests in youth. A variety of obstacles related to rule of law stand in the way of constructive engagement between youth and the state, however, including but not limited to widespread exclusion of youth from decision-making processes, a lack of confidence among youth in formal institutions of the state, and criminal justice systems in the region that fail to meet the needs of youth. Robust rule of law depends on active citizen engagement in both civic life and the economy, but Sub-Saharan Africa’s youth face barriers in the form of inequality, marginalization, and unemployment. In addition, the marginalization of youth in civil society and the private sector appears to contribute to youth involvement in violent extremist organizations. As the region’s youth population grows, skill and familiarity with technology will become an increasingly important factor in the region’s future prosperity. In many countries in the region, however, public policy regarding technology is weak or nonexistent, and technology—particularly social media—has transformed the landscape for civic and social engagement by youth. The environment also plays an important role in the challenges that Sub-Saharan African youth face with regard to participation in decision-making processes, public health, and employment. Problems in environmental governance, including enforcement, corruption, public-private sector collusion, and land compensation, and particular challenges in extractive industries and the wildlife sector, prevent the region’s youth from participating fully in and enjoying the full benefits of the use of natural resources.

Symposium participants were divided into three Working Groups, each of which engaged in discussions focused on a different thematic area (“Youth and Justice,” “Youth and the Security Sector,” and “Youth and the Economy”). A set of recommendations based on the discussions of the Working Groups—59 recommendations total—appears at the end of this report. The recommendations cover a wide range of topics, such as youth participation in decision-making processes, youth economic engagement, issues of trust between youth and the state, technology, environmental governance, and others.

Background

From March 6 to 8, 2017, the Rule of Law Collaborative (ROLC) at the University of South Carolina, and the Bureau of International Narcotics and Law Enforcement Affairs (INL), U.S. Department of State, held the seventh Justice Sector Training, Research, and Coordination Program (JUSTRAC) symposium and the fourth JUSTRAC symposium outside of the United States, at the Taj Cape Town hotel, Cape Town, South Africa. The symposium, “Youth and the Rule of Law in Sub-Saharan Africa,” brought together U.S. and foreign government officials, academics, rule of law practitioners, and representatives of a range of NGOs—all leading experts in their fields—to discuss the nexus between youth and the rule of law in Sub-Saharan Africa in a series of closed-door sessions. ROLC Director Joel Samuels and Consul General Teddy B. Taylor of the U.S. Consulate General in Cape Town delivered opening remarks. In thematic panels and plenary sessions, participants discussed the following topics:

- Why youth are a particularly important demographic in Sub-Saharan Africa
- Opportunities and challenges for engagement between youth and institutions of the state
- The role of actors outside the public sector, such as private enterprise and non-governmental organizations
- The role of technology, including social media and mobile money
- Ways in which rule of law and the environment influence prospects for the region’s youth

This report highlights selected points of discussion from the symposium and details the recommendations from symposium Working Groups, which appear at the end of the report. Participants were divided into Working Groups that focused on specific issues in smaller breakout sessions, and the recommendations are based on the discussions of those Working Groups. The recommendations are grouped broadly around the themes of justice, security, and the economy as they relate to the region’s youth, and recommendations are further divided into sub-topics.

All remarks are off the record and appear without attribution. See the Appendix for a copy of the program.

This report was prepared by ROLC Research Coordinator Kiel Downey.

Why Youth?

Sub-Saharan Africa (“the region”) is the youngest region in the world, and its youth¹ population is growing rapidly. According to United Nations estimates, as of 2015, the median age in Sub-Saharan Africa was 18.3 years, lower than that of any other major region of the world.² While every other region has experienced a plateau or decrease in its youth population, Africa’s youth population is increasing, and it is increasing at a striking rate.³ For example, the United Nations estimates that Africa’s youth population will more than double between 2015 and 2055.⁴ Africa’s youth population also makes up a large share of the world’s entire youth population. As of 2015, Africa’s youth accounted for approximately 19% of the world’s youth population.⁵ The United Nations estimates that, by 2030, Africa will contain one fourth of the world’s youth between the ages of 15 and 24.⁶

A common narrative depicts Africa’s youth as a destabilizing force that threatens the region’s security—a concept that scholar Marc Sommers refers to as the “youth bulge and instability thesis”⁷—often focusing on concerns about unemployment, unrest, and violence. For example, a Brookings Africa Growth Initiative report describes Sub-Saharan Africa’s youth as a “potential destabilizing factor,” due in large part to high levels of unemployment among youth.⁸ A 2015 World Bank report echoes this narrative in the West African context: “...the prospect of a youth bulge and the combination of economic growth with high levels of unemployment (exclusive growth) combine to produce a ‘panic’ narrative in which a mass of unemployed, dissatisfied/angry youth pose a collective threat to peace and security.”⁹ A 2014 United Nations University World Institute for Development Economics Research paper notes that when the agency of African youth is acknowledged, “it is often associated with anti-social or politically disruptive behavior.”¹⁰ As urbanization and violent crime have increased across the region, policymakers have often cast youth either as perpetrators or victims of violent crime.¹¹ A similar narrative exists surrounding the role of youth in armed conflict. In addition, policymakers and experts are paying increasing attention to youth radicalization and the relationship between youth and violent extremism.

An alternative narrative to the youth bulge and instability thesis is that the potential of Sub-Saharan Africa’s youth can be unlocked to create peace and prosperity for the region. Given the sheer size of the region’s youth population, young people are uniquely positioned to play an important role in ensuring a prosperous future. A number of important international documents reflect this understanding. For example, the African Youth Charter states, “convinced that Africa’s greatest resource is its youthful population and that through their active and full participation, Africans can surmount the difficulties that lie ahead...”¹² The African Union’s African Youth Decade 2009-2018 Plan of Action argues that, “If the Vision and Mission of the African Union are to be realized, Africa needs deliberate efforts to accelerate social development that give high priority to youth empowerment and development.”¹³

Such articulations of the region’s youth, as an asset rather than a liability, echo themes from global frameworks for youth, beyond just the region itself. For example, the Amman Youth Declaration states:

We[, young people,] implore policy makers to develop meaningful mechanisms for youth participation and leadership in decision and policy-making from the local to national and international levels. We must also foster young people’s leadership skills, creating an interdependent virtuous cycle to shift the negative perceptions and discourse on young people to that of partners in building peaceful and sustainable communities.¹⁴

To take another example, United Nations Security Council Resolution 2250 highlights the unique potential of youth in contributing to justice, peace, security, and prosperity:

Recognizing that youth should actively be engaged in shaping lasting peace and contributing to justice and reconciliation, and that a large youth population presents a unique demographic dividend that can contribute to lasting peace and economic prosperity if inclusive policies are in place....¹⁵

Indeed, there are initiatives that seek to place Sub-Saharan Africa’s youth in greater leadership roles and harness their potential to strengthen peace, justice, and security for the region. For example, the U.S. Department of State’s Young African Leaders Initiative (YALI) seeks to create a network of promising young leaders from the region and invest in their skills and knowledge. To take another example, the Youth Action Agenda to Prevent Violent Extremism and Promote Peace, a product of the 2015 Global Youth Summit against Violent Extremism, places youth in an active role in helping to curb violent extremism and its effects on youth.

Relations between Youth and the State

Youth have the potential to be a great asset for Sub-Saharan Africa’s development, but only if the state engages with and invests in youth. A variety of obstacles related to rule of law stand in the way of constructive engagement between youth and the state, however, including but not limited to widespread exclusion of youth from decision-making processes, a lack of confidence among youth in formal institutions of the state, and criminal justice systems in the region that fail to meet the needs of youth. If governments in the region fail to address the vulnerabilities and challenges that young people face, such as these, there is potential for instability.

Despite their prominent place in the region’s demographics, youth are largely excluded from the decision-making processes that shape their future. Symposium participants noted repeatedly that youth voices are often not heard—or are suppressed—by policymakers. Perhaps the most iconic example of a key decision-making realm in which youth are unrepresented is Africa’s aging political leadership—the oldest in the world on average¹⁶—but opportunities for youth to engage in the policy process are scant in general.¹⁷ As symposium participants remarked, many government officials do not appreciate the value of or need for youth engagement in the policy process, and a lack of adequate training and educational opportunities also hinders the ability of youth to engage effectively.¹⁸ Sommers notes that governments and donors often do not engage youth, both because of mutual distrust and because governments and donors fear that youth will question their motives and methods.¹⁹ One symposium participant said that there is a “lingering sense of distrust between older people and younger people in some countries [in the region]” and described an “aging political class” in the region “at war with its own young people.”

Countries in the region face significant challenges in improving youth confidence in formal institutions of the state. One symposium participant noted that youth often want quick results from state institutions, but they perceive interacting with state institutions as a “time-consuming, demoralizing process.” Such perceptions are linked to institutional quality: a 2015 Rabobank report, for example, finds that institutional quality in Sub-Saharan Africa trails behind the world average along a variety of dimensions, including the prevalence of corruption, effectiveness, voice and accountability, and rule of law.²⁰ One symposium participant noted that many young people view the judiciary in particular as a mysterious and intimidating institution. Corruption, a lack of transparency and accountability, and a lack of basic awareness regarding judicial functions and the law contribute to these perceptions and

serve as barriers hindering access to justice. The same participant also noted that gender inequality compounds institutional weakness, creating additional barriers for girls and young women who want to access state services.

Failures of criminal justice systems to meet the needs of the region’s youth are another factor contributing to poor relations between youth and the state. Multiple participants noted that inefficiency deters young people from accessing the criminal justice system, as it often lacks the resources necessary to handle a high volume of cases. As a result, young people often turn to informal justice systems, in which older generations hold power. To take an example from Sierra Leone, one study describes informal justice as “gerontocratic, [tending] to favor the disputant who is older, which greatly alienates youths from its adjudicating processes.”²¹ Customary justice can put girls and young women at a disadvantage, as well.²² Access to redress for victims also presents problems. For example, one participant explained that in some cases legal aid is only available to the accused, preventing victims from taking advantage of legal aid when bringing cases against perpetrators. This is a problem for girls and young women who seek to accuse male perpetrators of abuse.

Multiple symposium participants noted that a strong emphasis on punitive measures—as opposed to rehabilitative measures—leads to harsh punishments for youth in many cases, including for minor offenses. Lengthy incarceration also denies youth access to education, which has long-term implications for their personal growth and employment prospects. Incarceration also exposes youth to problematic prison conditions. For example, youth are often imprisoned together with adults, placing them at greater risk of sexual abuse.²³ Girls and young women are at even greater risk and in some cases are not separated from male prison populations.²⁴ Moreover, HIV/AIDS is particularly prevalent within prisons in the region.²⁵

The Role of the Private Sector, Civil Society, and other Non-Governmental Actors

Article 11 of the African Youth Charter states, “every young person shall have the right to participate in all spheres of society.”²⁶ Robust rule of law depends on active citizen engagement in both civic life and the economy, but Sub-Saharan Africa’s youth face barriers in the form of inequality, marginalization, and unemployment.²⁷ In addition, the marginalization of youth in civil society and the private sector appears to be contributing to youth involvement in a particular type of non-state organization: violent extremist organizations.

Youth in the region continue to struggle to integrate themselves into the economy, and youth unemployment remains high. Even those individuals with tertiary education routinely struggle to find employment.²⁸ Long-term unemployment among the region’s youth reached 48.1% in 2014,²⁹ for example, despite high rates of GDP growth from the mid-2000s to the mid-2010s.³⁰

As one symposium participant pointed out, it takes an entire ecosystem of actors to produce healthy, functioning, and productive youth, and the private sector is a key actor in creating such an environment. The private sector in Sub-Saharan Africa has recently put less emphasis on recruiting and hiring youth, as young applicants do not have the skills employers seek.³¹ A variety of factors inhibit youth employment in the private sector, including low access to labor market information, lack of work experience, low aspirations for employment, a disconnect between available skills and the needs of the labor market, poor support for starting and sustaining businesses through entrepreneurship, and the slow creation of new jobs.³² Other reasons for youth unemployment exist, including discrimination by employers against young people and lack of access to various forms of capital.³³

One factor noted repeatedly by symposium participants is the disparity between education and the skills needed in the labor market.³⁴ Youth face low access to education, especially among low-income individuals; teachers who are not equipped for the job, as most teachers in the region are at the bottom 40 percent of their graduating class; and a lack of relevant skills taught through formal education.³⁵ One participant added that in many cases specialized training opportunities are open only to youth with political connections.

High rates of unemployment have economic and social ramifications, and the 2011 Decisions Adopted during the 17th African Union Summit declared that African heads of state and government were “deeply concerned about the rise in unemployment and under-employment in Africa, particularly among the youth and the serious threat they pose to social cohesion, political stability and the future socio-economic development prospects of our various countries.”³⁶ Such effects include high rates of poverty among young people. According to a 2014 World Bank report, economic growth in Sub-Saharan Africa has translated into relatively weak poverty reduction, and youth, who already face significant difficulty finding employment, “are therefore doubly disadvantaged.”³⁷ Another effect is the diversion of youth employment from the formal economy to the informal economy. According to 2013 estimates from the African Development Bank, informal employment accounts for 55 percent of Sub-Saharan Africa’s combined GDP and 80 percent of its labor force.³⁸ Nine out of every 10 workers have jobs in the informal sector, and most of them are women and youth.³⁹ The African Development Bank notes that high taxes; burdensome requirements for registration, licensing, and inspection; limited access to technology; and poor infrastructure are all barriers to the formalization of informal economic activity.⁴⁰ Symposium participants also noted that youth with few job opportunities in some cases have turned to criminal activities.

Several symposium participants mentioned that effective democracy that respects rule of law cannot function without a robust civil society, but that youth engagement in civil society is low. For example, the 2015 Lesotho National Human Development Report notes that there is low youth participation in civil society organizations, community development, associational life, and charity work.⁴¹ Moreover, youth who are involved in civil society tend to be well-educated, elite males, calling into question whom civil society in the region actually represents.⁴²

Youth are especially vulnerable to the effects of violent extremism. According to the United Nations, “many children and young people are themselves the targets and victims of violent extremist acts.... Regrettably, however, millions of other children and young people are also vulnerable to radicalization and to becoming violent extremists themselves....”⁴³ Young people are often susceptible to feeling disengaged and marginalized from the rest of the population, leaving them vulnerable to recruitment by violent extremist groups. Some youth join such groups as an outlet to “pursue exclusionary ideologies, to rectify real and/or perceived injustice, or to feel part of something larger than themselves,” while others feel coerced because of manipulation or fear.⁴⁴

Violent extremist groups are deliberately targeting youth with propaganda, particularly in cyberspace, with recruiting videos and persuasive calls to action. Investigations by the U.S. Federal Bureau of Investigation show that these efforts tend to be successful.⁴⁵ The messages are disseminated using traditional and modern media platforms, and narratives are often short, powerful, emotional, patriotic, and ideologically appealing. A 2015 study determined that the principal drivers of political violence are rooted in injustice, and extremist groups target the widespread frustrations over injustice, impunity and corruption, and a lack of basic infrastructure and community support.⁴⁶

Social Media, Mobile Money, and the Spread of Technology

As the region’s youth population grows, skill and familiarity with technology will become an increasingly important factor in the region’s future prosperity. Today’s youth are particularly adept at learning and using digital technology, including multiple social media platforms.⁴⁷ Mobile phone use and mobile technology, including mobile money, have surged in Sub-Saharan Africa in recent years,⁴⁸ and youth are particularly quick to adopt mobile technology.⁴⁹ With low startup costs and a concentration of tech-savvy youth to draw from, technology startups have provided employment opportunities for youth in the region.⁵⁰ Article 13 of the African Youth Charter obliges state parties to “strengthening participation in and quality of training in science and technology” and highlights the connection to youth by placing that obligation in the context of training and education.⁵¹ In many countries in the region, however, public policy regarding technology is weak or nonexistent, and technology—particularly social media—has transformed the landscape for civic and social engagement by youth.

Public policy regarding technology in the region often lags behind the development of technology itself, due in part to ignorance about technology and in part to tension between youth who use technology and officials who view that technology as a threat. Multiple symposium participants remarked that legal frameworks for technology remain largely weak or nonexistent throughout Sub-Saharan Africa. For example, one symposium participant explained that Malawi lacks any policy concerning the Internet and social media. Others noted that many governments in the region simply do not have data regarding the impact of technology on society, preventing the formulation of any sort of evidence-based policy or legislation. The lack of a policy framework hinders youth from using technology to its full potential for employment, civic engagement, and other pursuits. Some governments have become wary of the freedom that certain forms of technology give to youth. One symposium participant mentioned that young individuals on government watch lists in the region tend to have very visible social media presences.

The large presence of Sub-Saharan African youth on social media has transformed civic and social engagement in different ways. For example, social media is linked to greater civic engagement in general. A 2015 Konrad-Adenauer-Stiftung report, for example, found that youth active on social media were more engaged in political conversations and more likely to vote in elections.⁵² The same report found that 47% of young people in Kenya who use Facebook have communicated with a politician via a social network.⁵³ Social media has also given youth an important platform for voicing collective grievances. For example, social media played an important role in youth protests in the region regarding governments’ reactions to the 2008 financial crisis.⁵⁴ It is important to note, however, that along with this improved capacity for collective action comes an increased risk for violent collective action. A 2013 study found that increased mobile phone availability in Africa has increased the potential for violent collective action.⁵⁵ In some cases, social media can improve accountability by deterring governments from restricting space for free and open discussion. For example, one symposium participant recalled that, in 2016, widespread social media coverage of Ghana’s plans to shut down the Internet during an election led the Ghanaian government to backtrack, fearing the potential backlash.⁵⁶ In the words of one symposium participant, “When people are ranting on social media, people who care about democracy and accountability *have* to listen.”

While social media presents a range of benefits for youth, however, it also poses certain threats. For example, in some cases governments in the region—which often view youth with suspicion—have used social media to spread propaganda and one-sided messages, distorting political discourse or inciting hatred among different groups in society.⁵⁷ To take another example, the anonymous nature

of many social media communications allows for some harmful or criminal actions to take place. One in three South African school children, for example, have been victims of cyberbullying, and 13% of Kenyan women in university have been victims of cyber harassment.⁵⁸ In addition, violent extremist organizations have utilized social media in recruiting youth. Many documented cases reveal how ISIS, Al-Shabaab, and Boko Haram have spread radical viewpoints through social media, indoctrinating youth.⁵⁹ As mentioned by one symposium participant, for some youth, technology serves as the only connection to the world. In this manner, modern violent extremist organizations participate in child grooming, whereby they use social media to build connections with children by appealing to their unmet emotional needs. Through this recruitment process, manipulation of children causes greater isolation from friends and family, and this isolation allows for greater recruiting efforts.⁶⁰

Youth and the Environment

The environment plays an important role in the challenges that Sub-Saharan African youth face with regard to participation in decision-making processes, public health, and employment. Article 19 of the African Youth Charter obliges state parties to “ensure the use of sustainable methods to improve the lives of young people such that measures instituted do not jeopardise opportunities for future generations,”⁶¹ and there is room for improvement in such areas as environmental governance issues affecting youth, youth employment in the extractive industries, and youth engagement in wildlife conservation.

Problems in environmental governance, including enforcement, corruption, public-private sector collusion, and land compensation, prevent the region’s youth from participating fully in and enjoying the full benefits of the use of natural resources. These issues are especially important for youth, because deficiencies in environmental governance impact youth particularly acutely, as youth are more vulnerable to environmental hazards than adults are.⁶² One symposium participant, speaking in the context of Nigeria, noted that while environmental legislation is comprehensive, enforcement of pollution problems is unreliable. The primary reasons this person cited were corruption among regulatory agencies, strong connections between polluting companies and government, and the fact that people are more concerned about poverty and basic needs than the environment. This participant also added that pollution in the Niger Delta has led youth who previously made a living fishing to turn to crime. As Yale University’s 2016 Environmental Performance Index (EPI) notes:

The 2016 EPI’s poor performers are a familiar group to the Index’s low end.... The Index’s bottom third, comprised mostly of African countries with a smattering of South and East Asian nations, is a list of troubled states whose problems extend beyond their inability to sustain environmental and human health. These nations show that environmental performance is an issue of governance—only well-functioning governments are able to manage the environment for the benefit of all.⁶³

The presence of corruption, in particular, is strongly linked to weak environmental protection,⁶⁴ and Sub-Saharan African countries fare poorly in corruption rankings.⁶⁵

The extractive industries present a unique set of challenges for youth, including a lack of employment opportunities in the formal sector, health and safety risks, and a disproportionately small share of the economic benefits reaching youth. As one symposium participant explained, youth’s chances of finding jobs in a multinational mining corporation—except for very menial work—are poor, and youth thus often turn to small-scale, unregulated mining. Speaking of the Ghanaian context, this same participant estimated that only 30% of small-scale mining is regulated. Another participant noted that

mines also generate a host of health and safety hazards, including higher incidence of tuberculosis,⁶⁶ toxic chemicals that pollute water and fish,⁶⁷ and large holes in the ground that can breed mosquitos⁶⁸ or create risk of injury by falling. Multiple symposium participants expressed concern that many mining communities, despite having been exposed to this form of economic activity for decades in some cases, have seen relatively little development. Participants noted that mines often occupy land that would otherwise be used for agriculture, and that government authorities or local community leaders often receive the majority of compensation for land, leaving youth with little to show.

Wildlife conservation is an important part of the environment that does not receive adequate attention, and youth remain largely unengaged in this area. As one symposium participant explained, many societies in the region depend on wildlife, either for farming and food, or for wildlife tourism, but youth do not appreciate the importance of wildlife. Those who are environmentally conscious tend to focus on pollution rather than wildlife, and development appears to be creating a separation between youth and wildlife. For example, a 2015 study of youth in Kenya found that as youth increasingly attended school and left behind a pastoral lifestyle, their attitudes toward local wildlife became increasingly negative.⁶⁹ One symposium participant noted that youth employment in the wildlife conservation industry is low, in part because professionals in the wildlife conservation industry are not taking sufficient steps to engage youth. At the same, this participant noted, a significant number of youth poach wildlife to sell to middlemen in the wildlife trafficking industry.

Recommendations

Symposium participants were divided into Working Groups that focused on issues of justice, security, and the economy as they relate to the region’s youth. A set of recommendations based on the Working Group’s discussions follows, grouped broadly into those three issue areas, as well as by sub-topics as identified by symposium participants. The recommendations are numbered for reference only; they do not necessarily reflect an order of priority.

Justice

Data:

1. **Governments in the region should develop and implement systems to capture and analyze data in a transparent and collaborative way across ministries, agencies, and sectors, as well as share findings with the public regularly.** There is a need for disaggregated, multi-sectoral data focusing on juveniles⁷⁰ and youth, to guide and shape policies and programming related to partnerships; participation; protection; prevention; and disengagement and reintegration.
2. **Donors should support and build the capacity of recipient institutions and infrastructure dedicated to capturing and analyzing data.** A lack of capacity and resources can be a significant challenge to data collection and analysis.
3. **Civil society should advocate for data collection, analysis and dissemination, and holding authorities to account in their obligations.** While governments have a responsibility to collect and analyze data for policymaking purposes, civil society should help ensure that governments are transparent and impartial with data collection and analysis.

Partnerships:

4. **Governments and regional and sub-regional organizations, for example the African Union and ECOWAS, should make a political and budgetary commitment to funding youth initiatives.** The lack of political will in many cases inhibits the prioritization of youth initiatives.
5. **Governments and regional and sub-regional organizations should develop transparent, actionable implementation frameworks in relation to new and existing obligations to youth.** Such frameworks can help translate data collection, as discussed above, into policy and impact on society.
6. **Governments should back their obligations to implement United Nations Security Council Resolution 2250 and the African Union Youth Charter through specific budget commitments and allocations.** UNSCR 2250 and the AU Youth Charter address issues at the heart of rule of law and development as they relate to youth in the region. Both documents provide useful frameworks for addressing these issues.

- 7. Donors should ensure that money given to governments is specifically earmarked and spent on youth development.** The size and unique role of the youth population in the region demand priority attention from donors. As part of this process, donors should create more opportunities specifically for organizations led by youth to receive funding designated for youth development, thus increasing the role of youth in leading the development of solutions for the problems they face in the region.

Participation:

- 8. Governments should develop, in consultation with civil society and youth, platforms and spaces for regular and sustained interaction and engagement with youth, beyond election and campaign cycles, at local and national levels.** One of the key challenges for youth in the region is inclusion in public decision-making processes, at all levels of government. Structured interaction between youth and government is therefore a critical step towards ensuring solutions to rule of law problems for youth in the region.
- 9. Civil society should help establish and strengthen youth-led platforms to organize, develop, and share messages, as well as interact with local and national governments on issues of mutual concern.** The region’s youth have the potential to take a leading role in shaping policy on youth issues, and it is crucial that they have civil society channels through which to do so.
- 10. Governments should ensure that national education policies include public-private partnerships (PPPs) that provide youth with the use of technology.** Governments and donors should develop milestones and learning outcomes for PPPs and annually implement a data-driven report card on implementation to improve delivery and financing of education.
- 11. Governments should ensure that national curricula include education on constitutional rights.** Rights education can help youth overcome institutional barriers that prevent access to justice, and governments should ensure that education on constitutional rights is included beginning from primary school curricula.
- 12. Governments should draft all new laws, publications, policies, and forms in clear, concise, comprehensible language, with accommodations made for people with disabilities.** Publicly accessible, clear laws are a core component of rule of law, and a robust rule of law requires that those laws be accessible to all.
- 13. Governments should institute a gender quota system for judges, lawyers, and police officers in all hiring initiatives.** A justice sector that is more representative of the population it serves can help improve protections for fundamental rights, and it carries increased legitimacy in the eyes of the public.

Protection:

- 14. Governments and customary authorities should establish juvenile- and youth-specific gender-sensitive policies and mechanisms within the justice sector, based on assessment of needs and gaps in provision of assistance, protection, redress, and rehabilitation, such as specialized courts or youth programs.** Youth are not a homogeneous group, and just as youth have their own unique needs in the context of the justice sector, so do youth of different genders.
- 15. Donors should give support to build the capacity of formal and customary officials and frontline workers within the justice sector in conflict mediation and resolution practices.** Those in the justice sector with whom youth most often interact—in many cases customary authorities—play a critical role in influencing youth’s perceptions of the justice sector as a whole.
- 16. Governments and civil society actors should develop age-appropriate curricula and frameworks for informal, community-based civics education and information sharing for juveniles and youth on dispute mechanisms, options, and access.** Such initiatives would form an important part of the effort to increase access to justice for youth.

Prevention:

- 17. Governments should develop alternatives to pre-trial detention and post-trial incarceration for youth under 18 years of age, as well as for older youth.** Detention should be used “only as a last resort, and for the shortest possible period”—per the Convention on the Rights of the Child—given the many demonstrated risks of detention to the safety and well-being of youth and children. Pre-trial detention should be used cautiously, and only if necessary to protect public safety and secure the young person’s return to the court. A rehabilitative approach to criminal justice would give youth an opportunity to use their time and effort more productively and would prevent youth offenders from missing opportunities for education or employment.
- 18. Governments should adopt a warning-and-release rule for petty, minor, non-violent offenses committed by juveniles and youth.** Youth in the region are in many cases incarcerated for minor, non-violent offenses, and a rehabilitative approach toward such cases would both give those youth an opportunity to correct their behavior and help build trust between youth and police.
- 19. Governments should decriminalize such offenses and not arrest first-time offenders who commit such offenses.** As explained above, such a rehabilitative approach to minor, first-time offenses would give youth the opportunity to correct their behavior, rather than denying them access to education or employment by incarcerating them.

- 20. Governments should ensure that legal aid, appointed counsel, or a public defender is at every initial court appearance for youth to argue bail and sufficiency of evidence, as well as to make recommendations to the judge.** Youth are particularly vulnerable to rights abuses in the criminal justice process, and the state should provide appropriate safeguards at all stages of the process, including pre-trial release options with family or other appropriate parties.
- 21. Governments should use restorative justice, wherever possible and as early in the process as possible, in cases involving youth.** Pre-trial diversion should be considered in all cases. Victims should be included and consulted in all stages of the process, including sentencing. Funding should be provided to victims who need to travel distances in order to participate in the process.

Disengagement and Reintegration:

- 22. Governments should balance the need to re-integrate youth ex-combatants with strong reparations programs for victims of human rights abuses and incentives for youth who do not participate in violence.** The participation of youth in violent conflict is a complex issue in which youth straddle the line between perpetrator and victim. States should ensure a balanced, restorative process in reintegrating these youth back into society and compensating those affected by such conflict.
- 23. Donors should prioritize support to those national strategies which meet these criteria.** Donors should support responsible youth programming and are in a unique position to hold states accountable for their youth initiatives. To take an example from the region, Sierra Leone’s disarmament, demobilization, and reintegration process for youth ex-combatants was largely successful, but a lack of donor support hindered implementation of the reintegration component.

Security

The formal security sector:

- 24. Governments should invest more resources in providing police officers with information and skills to interact effectively with youth in communities, prioritizing early stages of interaction.** Youth are more likely to interact with police than with any other actor in the security sector, and early stages of interaction have a significant influence on youth perceptions of police. Existing evidence-based good practices in this area should be consulted whenever possible.
- 25. Governments should develop specific programs, such as school-based programs, that reduce miscommunication, mistrust, and stereotypes between police and youth.** Police often shape youth’s impressions of the security sector as a whole, and trust between youth and the police is a fundamental building block of meaningful security sector reform.

- 26. Governments should develop implementing standards regarding detention of youth in order to reduce or prevent harm.** For example, implementing standards should require that youth be completely separated from adult offenders, that youth be screened before being detained, that designated officers be notified with 24 hours of the detention of a child or youth, that such officers have unrestricted access to youth in detention at all times and on an unannounced basis, that such officers have access to all documents related to detained youth, and that those officers have the authority to issue binding orders when violations are detected. Useful international standards exist, for example the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.
- 27. Governments should create and strengthen existing specialized units in law enforcement and criminal justice institutions to serve victims of sexual and gender-based violence (SGBV)—with special attention to the needs of youth victims—and effectively train investigators, prosecutors, and judges interfacing with youth.** Additionally, NGOs should sensitize youth to issues relating to SGBV and redress mechanisms.
- 28. Governments should develop specific protocols and guidelines to make security institutions more protective of and responsive to the needs of marginalized and vulnerable groups, such as victims of gender-based violence, the disabled, the LGBTI community, and others.** A robust rule of law requires protections for the rights of all sectors of society, including the most vulnerable. Such protocols and guidelines would also reaffirm the understanding that youth are not a homogeneous group.
- 29. Governments should create or strengthen effective, independent oversight and complaint mechanisms that can investigate alleged offenders for each security sector apparatus that interfaces with youth.** Often, there is little or no accountability, even when such oversight bodies make strong findings and issue comprehensive reports. This tends to happen when prosecution authorities are overburdened, unskilled, or corrupt. In order to ensure accountability for violations, especially against youth and children, these bodies should be empowered to prosecute their own cases. Where necessary, constitutions should be amended to grant prosecutorial authority to such bodies. Enforceable codes of conduct for security sector actors should be developed, and these actors should be held accountable. The participation of youth and civil society in monitoring and engaging in oversight mechanisms is crucial.
- 30. Governments should develop, or strengthen implementation and oversight of existing training and sensitization programs for security sector institutions, in particular police and correctional officers, to ensure that they effectively interface with youth.** Specific areas of training include: use of force and policing of youth on the street; building trust with members of the community, especially youth; public order policing; and how to effectively communicate with youth. These trainings should also be reflected in the curricula of police academies. Regular and updated training should be provided to ensure effectiveness and sustainability of efforts.
- 31. Governments should diversify the police to ensure that the composition of the police reflects the population they serve.** Governments should make every effort to recruit, invest in, and empower women, youth, and minority groups to join the police force.

32. **Governments should develop legislation and policy guidelines to ensure that only civilian agencies police communities and youth.** The military should not engage in policing of youth.
33. **Governments should develop clear guidelines as to what “community policing” means and how police should interact with local communities and youth.** Those engaged in community policing should also be effectively trained.
34. **Governments should implement community policing forums and train both police and youth on rules of engagement.** A lack of trust between youth and police is an impediment to meaningful reform efforts, and such forums and training would help begin to build trust in this context.
35. **Wherever possible, criminal justice personnel should exercise discretion in favor of child or youth offenders to ensure sentencing is in the best interest of the young person.** Judicial personnel should use principles similar to those in the “best interest of the child” standard used in U.S. law.
36. **Governments should incorporate mechanisms into their criminal justice systems to expunge criminal records for non-serious offences to encourage youth employment after incarceration.** Given the region’s high levels of youth unemployment, underemployment, and informal employment, such rehabilitative mechanisms would both serve to increase confidence in the security sector and encourage the economic well-being of the region’s youth.
37. **Governments in countries that face violent extremist and terrorist threats should develop relevant legislation that takes into account juvenile justice principles for child suspects.** Terrorist groups often recruit youth, particularly marginalized youth, and effective counter-terrorism measures must account for the specific role that youth play in this complex context.
38. **Governments should use a case-by-case approach with respect to demobilization, de-radicalization, and reintegration of children and youth.** Governments should adopt a holistic approach to reintegration and should avoid reintegration into formal security forces.

The intersection of the formal and informal security sectors:

39. **Governments, donors, and NGOs should consult youth in designing, funding, and implementing rule of law programs that relate to how youth interact with security institutions in both the informal and formal systems.** Recognizing that youth are not a homogenous group, such stakeholders must make efforts to engage youth of all backgrounds, particularly youth who belong to marginalized and vulnerable groups.

- 40. Governments should define protocols and policies to articulate how informal systems should interface with formal systems and which cases should be dealt with by each.** There should be clarity as to which cases are dealt with by each. Government authorities should develop case management systems to receive and track cases that are transferred between the formal and informal systems.
- 41. Governments should empower their citizens to choose between formal and informal systems.** As some cases may be more suitably handled by one system than the other, governments should develop clear rules and guidelines and effectively communicate them to the population at large. Traditional and religious leaders should consider having a set of rules that regulate how sentences are dealt with in the informal sector.
- 42. Children and young people should benefit from the information and services offered by a multi-sectoral group of actors.** Recognizing that a multitude of sectors are involved when interfacing with children and youth, such as social welfare, health, education, criminal justice institutions, and informal systems, there should be guidelines and rules to ensure that security sector institutions are effectively interfacing with these other sectors. Holding these sectors accountable is imperative. Additionally, there needs to be effective coordination among government agencies looking after the various needs of youth and children, as well as the donors funding these programs.
- 43. All relevant stakeholders should consider the safety, well-being, and future opportunities of incarcerated youth a high priority.** Stakeholders should make efforts to rehabilitate youth and build their work skills in order to empower them economically once they leave prison. In this regard, there should be stronger public-private partnerships that seek to achieve this objective without exploiting youth in the process. While imprisoned, youth should retain contact with their families and be located in close proximity to their families.

The Economy

Education, research, and technology:

- 44. Governments, the private sector, and academia should increase youth access to vocational training and technological advances through capacity-building initiatives to enhance youth employability, and donors should support such initiatives.** “Employability” implies a focus on the knowledge and skills of youth, as opposed simply to job placement. Employable youth will be well suited to adapt to a changing economy over time. Sample capacity-building initiatives could include building more technical schools, enforcing skills transfer programs by corporations, and enhancing computing and cognitive skills.

45. Governments, the private sector, and academia should enhance youth engagement in research programs by fostering an environment that is conducive to innovation, entrepreneurship (such as incubators and social entrepreneurship), business, innovation, business sustainability, and collaborative partnerships. The region’s youth need enhanced training in innovation and other forms of creative thinking in order to ensure a long-term ability to participate in a changing economy and adapt to evolving economic challenges.

Structural transformation of the economy:

- 46. Governments and the private sector should choose priority industries to develop internal production and value addition, and they must integrate professional training for youth into those industries.** The development or creation of priority industries must include training for youth, to ensure that youth can participate in and benefit from the growth these industries generate. Sample industries to consider include agriculture, maritime industries, and extractive industries.
- 47. Governments should create incentives for local producers, including industrial parks and hubs, to improve economies of scale, reduce tariffs on inputs for internal production, and grant tax holidays.** Greater investment in local producers, as opposed to reliance on an export model, would create a base of human capital among youth. Local producers can provide skills, knowledge, and networks to youth who might not otherwise have access.
- 48. Regional bodies and individual governments should promote strategic regional infrastructure development.** The region suffers from a lack of infrastructure appropriate for advanced, technology- and innovation-based industry. Youth stand to benefit uniquely in this context, as they are the most connected to information technology and will look to technology- and innovations-based sectors for future employment.
- 49. Regional bodies and individual governments should increase import tariffs on products in which Africans have a comparative advantage.** As explained above, increased investment in African producers would help provide youth with valuable skills, knowledge, and networks.

Regional integration, job creation, and labor mobility:

- 50. Central banks should create a common currency, initially within the regional economic communities.** A lack of economic integration, within the region as a whole and within regional economic communities, hinders the development of priority industries and the benefits they bring to youth, as discussed above.

- 51. All African Union member states, the private sector, schools, and the media—including independent, youth-led structures—should improve cross-border communication and understanding of economic challenges facing the region’s youth.** International news outlets form the primary source of information for Africans about other African countries. Enhanced cross-border communication within the region would facilitate a range of youth development initiatives.
- 52. Such cross-border communication should include a focus on working towards ensuring flexible and easily accessible travel visas on the continent.** It is more difficult for African youth to travel internationally within the region than it is for Americans or Europeans to travel to the region. A regional economic growth strategy that benefits youth must incorporate greater freedom of movement within the region, in order to give youth access to regional job markets.
- 53. Regional economic communities within Africa should improve land, air, and sea infrastructure.** To further facilitate economic integration and youth access to regional job markets, improved transportation infrastructure in the region is necessary.
- 54. Ministries of trade, embassies, the African Development Bank, and the UN Economic Commission on Africa should improve information about intra-African trade.** These organizations could bring a unique influence to the process of enhancing trade within the region, improving economic opportunities for youth by helping African countries invest in sectors in which they have comparative advantages.
- 55. Governments and the private sector should foster the development of core competencies in the economy or promote industrial specialization within economies.** Focused investment in core economic competencies would give youth opportunities to engage in areas with potential for high growth. If coupled with the recommendations detailed above, such investment would also allow youth to migrate and find economic opportunities in other African countries as appropriate.

Good governance and corporate social responsibility (CSR):

- 56. Governments should strengthen or adopt legal frameworks for whistleblowers and robust examples on the continent, such as South Africa’s Protected Disclosures Act, to support transparency and accountability, and the private sector should strengthen and ensure compliance with such frameworks.** Under those frameworks, they should establish communication strategies and have training of law enforcement and the judiciary on whistleblower laws. Corruption is a significant factor inhibiting greater youth participation in the economy, and clearer, stronger standards such as these could help reduce corruption.

57. Governments and the private sector should integrate corporate social responsibility requirements into various sectors, depending on individual country priorities, to support development inclusive of youth and to ensure that affected communities also benefit. Under this framework, they should consider models already in place in Africa, strengthen those models, and adopt them in other countries. They should ensure community involvement in the development and oversight of those models, and they should establish tripartite councils to provide guidance on the development and oversight process. They should ensure government resources are set aside to follow up with inspections and oversight.

Private Sector Development:

- 58. Private sector actors should create policies, systems, and structures that integrate youth into corporate decision-making.** A lack of participation in corporate decision-making processes is a core obstacle hindering youth participation in the economy. Private companies could, for example, instate quotas for youth participation on corporate boards.
- 59. Governments should create laws, policies, systems, and structures that support the integration of youth into corporate decision-making, and donors and civil society should support such efforts.** It is crucial that all relevant stakeholders work together to find ways to incorporate youth and youth perspectives in decision-making processes at all levels.

Endnotes

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JUSTRAC
JUSTICE SECTOR TRAINING, RESEARCH
& COORDINATION PROGRAM

Youth and the Rule of Law in Sub-Saharan Africa

A Justice Sector Training, Research and Coordination Symposium
The Rule of Law Collaborative at the University of South Carolina
Taj Hotel, Cape Town, South Africa
March 6-8, 2017

The shift toward younger populations is a global phenomenon, but nowhere is the phenomenon – and the accompanying youth bulge – more pronounced or has the growth been faster than in Sub-Saharan Africa. Recognizing this reality along with the role that youth played in shaping the Arab Spring, the African Union has made youth empowerment a top priority in its planning. With countries across Sub-Saharan Africa facing crises in their justice systems, security sectors, and economies, young people bring into focus the challenges to development and security that these countries face, such as high unemployment levels, increased urbanization, and strained relations with the state. Youth also offer the greatest opportunities in these areas: youth can drive economic growth, serve as a force for innovation, be partners in building a robust rule of law, and offer support for governance and for political reforms.

This three-day, invitation-only, roundtable symposium will examine the particular issues that relate to youth and the rule of law by bringing together thought leaders and stakeholders from within the U.S. Government, regional governments, multilateral organizations, NGOs, academia, and the private sector to focus on the specific nexus between youth and the rule of law in Sub-Saharan Africa. The symposium will organize participants into three thematic Working Groups: (a) Youth and Justice, (b) Youth and the Security Sector, and (c) Youth and the Economy. Working Group A will examine such issues as access to justice for youth and rights-based education. Working Group B will look at issues like policing and corrections, as well as youth engagement with security sector institutions. Working Group C will discuss economic opportunity for youth and the role of corruption, among other topics. Within its area of focus, each Working Group will consider ways in which youth can present opportunities and challenges for rule of law programs, as well as ways in which that area of focus interacts with those of the other two Working Groups.

At the end of the symposium, each Working Group will present to the plenary a set of recommendations addressed to governments in the region, international donors including U.S. Government agencies, multilateral organizations, and civil society organizations inside and outside the region. The recommendations will consider ways that rule of law programming can be shifted in light of the challenges and opportunities identified during the Working Group discussions. Those recommendations will be compiled in a symposium Final Report, which will be made publicly available on the JUSTRAC website.

Day I

08:00 **Registration**

08:45 **Welcoming Remarks**

09:15 **Plenary Session I: Why Youth?**

Rule of law deficiencies affect various segments of the population across Sub-Saharan Africa, but they affect youth disproportionately. In school, at home or on the job market, youth most acutely feel the effects of ineffective public service delivery, weak state institutions, corruption, a lack of security, and ineffective mechanisms for redress. Moreover, the region’s prosperity depends on the prosperity of its youth. The harmful effects of inadequate access to education and employment opportunities grow as the region’s youth bulge grows. This session will examine the unique circumstances that such problems present for the region’s youth. It will also address the deeper dynamics of this issue, including ways in which girls and young women are affected, as well as ways in which conflict affects youth. At the same time, this session will examine ways in which youth can be a force for positive change, through engagement with state actors, their schools, and their local communities, as well as across borders. Recognizing that there are many definitions of “youth,” this symposium will consider “youth” as those persons between 10 and 24 years of age, akin to the United Nations Population Fund definition of “young people.”

10:45 **Coffee Break**

11:00 **Plenary Session II: Relations Between Youth and the State**

This session will examine how youth and the state interact. It will also investigate the effects of urbanization and unemployment on youth and opportunities for state institutions to mitigate the risks that come from increased urbanization. Further, the session will consider the factors that facilitate or hinder access to justice for youth,, including ways in which state actors can provide increased access to state institutions for marginalized young people, and whether informal justice mechanisms can fill the void when youth lack access to formal institutions of the state.

12:30 **Lunch**

14:00 **Working Groups Convene**

Working Group A: Youth and Justice

This working group will focus on how youth access and engage the justice system as a whole, including physical, economic, social, cultural, and other barriers to access, as well as reconciliation in transitional and post-conflict states. This working group will also consider how youth and justice sector actors can both strengthen and undermine protections for the rights of youth, including how youth can be contributors to changing culture, as well as how a rights-focused education can cultivate a culture of lawfulness. Access to justice, particularly for girls and young women, and how youth can be partners in strengthening access to justice will be key areas of focus for this working group.

Working Group B: Youth and the Security Sector

This working group will focus on the intersection of youth and core institutions of the security sector, in particular police and corrections, with attention to issues of juvenile justice, alternative measures, and pre-arrest diversion programs. Taking account of issues such as gangs, radicalization, and child soldiers, this session will seek to identify innovative solutions to security sector engagement, including solutions driven by youth. This working group will also investigate ways in which a lack of trust among youth in these institutions both exacerbates problems in these areas and puts solutions further out of reach.

Working Group C: Youth and the Economy

This working group will focus attention on the intersection of youth and the economy. The group will consider ways in which youth have become disconnected from the economy in their countries and in the region. In addition, the group will consider how corruption and, in particular, a culture of corruption can affect youth, for example by diverting resources from investment in education and professional training. The session will explore ways in which youth and private sector actors from within and outside the region can incentivize positive change, partner with governments and civil society organizations, and invest in the prosperity of the region’s youth. It will also examine the influence that social and economic policies have on youth’s ability to engage in their economies.

17:00 **Working Groups Adjourn**

Day II

08:30 **Plenary Session III: The Role of the Private Sector, Civil Society, and other Non-Governmental Actors**

This session will look beyond state institutions to private sector, civil society, and other non-governmental actors, including youth themselves, for solutions to rule of law problems. It will devote attention to opportunities for non-governmental actors to combat corruption and cultures of corruption, as well as ways for non-governmental actors to empower girls and young women. The session will explore opportunities for cooperation among these various actors and between these actors and governments, for example how NGOs can partner with corporations or governments to provide rehabilitative services for youth.

10:00 **Plenary Session IV: Social Media, Mobile Money, and the Spread of Technology**

This session will take a critical look at ways in which technology – including social media and mobile money – and the ways in which youth use that technology can advance or hinder rule of law in the region. The revolution in social media presents unique opportunities and challenges in the context of a youth bulge, ranging from creating opportunities for young whistleblowers to providing avenues for youth radicalization. The session will also examine ways in which a lack of trust can hinder the adoption of technology that can bring positive change, such as mobile money technology, and how to overcome that challenge.

11:00 **Coffee Break**

11:15 **Plenary Session V: Youth and the Environment**

This session will focus on the environment and extractive industries as they relate to youth concerns. Corruption and other governance challenges contribute to environmental impacts that affect youth in the long-term. These impacts can divert resources away from investment in education and training for youth, generating discontent and leaving unemployment high. The session also will consider how deforestation and pollution affect health and development in light of international outcomes and guidelines on governance, with a focus on the impact on youth.

12:30 **Lunch**

14:00 **Working Groups Convene**

16:30 **Working Groups Adjourn**

Day III

08:45 **Working Groups Reconvene**

During this session, the Working Groups will achieve a consensus on a set of practical recommendations for the issues they have been charged with handling.

13:00 **Lunch**

14:00 **Plenary Session VI: Working Groups Report Recommendations to the Plenary**

This final session will offer an opportunity for the Working Groups to present their findings to the larger plenary of participants and speakers for adoption by the entire group of Symposium attendees.

16:00 **Adjourn**