

STATE LEGITIMACY AND THE DYNAMICS OF IDENTITY-BASED POLITICAL CONFLICTS IN NIGERIA

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Abstract

This article critically analyzes the link between state legitimacy and the steady rise in identity-based political conflicts in Nigeria. It argues that underlying the varieties of identity-based struggles and their related violence in Nigeria are wider questions of state legitimacy and the politics of state state-building. The main thesis is that the enduring and increasing ethno-political and religious conflicts across Nigeria are to a large extent the crisis of state legitimacy and the legitimacy that the Nigerian government can generate. Both ethnic and insurgent groups contest the capacity and legitimacy of the Nigerian State, agitating for recognition and protection of their distinctive ethnic and political identities, which more broadly represent the desire for inclusion. Contradictorily, however, these identity-based demands are dialectically intertwined with the struggle by the Nigerian state to generate institutional legitimation to the extent that the adoption of strategies of repression as responses to ethno-political claims heighten ethnic consciousness, deepen ethnic animosity and foster ethnic fragmentation in the country.

Keywords: **State Legitimacy, State Failure, State-building, Nation-building, Identity Conflicts**

Introduction

The state in Africa is widely conceived as a major source of the African predicaments. This is the argument whether in explaining the crisis of underdevelopment, the challenge of democratization or the issue of chronic conflicts and insecurity amongst others. The existing frame of analyses identifies the nature, particular evolution, character and structure of postcolonial African states as central to understating the foregoing issues. A strand of this literature that has gained traction in explaining the nature of the African state since the end of the Cold War and particularly after 9/11 is state failure. A failed state, the argument goes, is identifiable with a number of indicators that border on loss of sovereign control of territory and resources, political corruption, institutional weakness and declining ability for effective governance and the maintenance of law and order (Wozniak, 2018; Rotberg, 2002; Mazrui, 1995). More comprehensively, a state fails when it cannot perform its infrastructural development, coercive, extractive and taxation functions. Consequently, in a failed state, non-state actors compete with and challenge the coercive authority of the state at will to the extent that people's security is often compromised. For some, therefore, state failure provides a better theoretical lens for understanding the objective conditions of most African states, especially in relation to constant threat to human security including the inability to manage identity issues and their related conflicts.

However, others such as Call (2008) and Jones (2013) have argued that what constitutes state failure is empirically and conceptually contestable. Call (2008) points to the diverse indicators of a failed state and argues that they are in themselves, a reflection of different objectives, political, social and economic conditions that require context specific remedies rather than one size-fits-all policy. Call (2008), for example, contends that "it is

silly to say Colombia, North Korea, and Somalia are any more equivalent than Belgium, Bolivia and Burma (all of which at least share ethnic separatist movements) (p. 1492). As a response to these criticisms, some have distinguished between structural and functional failure of the state (Naanen & Nyiayaana, 2013). Functional failure refers to the inability of the state to perform basic functions of government which include but are not limited to promoting the welfare and security wellbeing of citizens. Structural failure on the other hand arises when the institutions of government have collapsed to the point that the state has lost international recognition by the comity of nations, thereby needing external intervention for resuscitation (Naanen & Nyiayaana, 2013).

Overall, the analytical weakness and limits of state failure lie in privileging an institutionalist explanation of the nature of the state in Africa that is based on the deterministic Weberian understanding of the state (Olonisakin, Kifle & Muteru, 2021; Jones, 2013). Moreover, existing analysis tends to focus on the symptoms of state failure rather than its root that lies in state legitimacy crisis.

This article examines the relationship between state legitimacy crisis and the onset of violent conflicts in Nigeria, particularly identity-based political violence to further understand the nature of the state in Africa. It argues that underlying identity-based conflicts in Nigeria is the wider question of state legitimacy and the politics of state state-building. The main thesis is that the steady rise in identity-based political violence in Nigeria is the crisis of state legitimacy and the legitimacy that the Nigerian government can generate. Both ethnic and insurgent groups contest the capacity and legitimacy of the Nigerian State, agitating for recognition and protection of their distinctive ethnic and social identities, which more broadly represent the desire for inclusionary politics. Contradictorily, however, these identity-based demands are dialectically intertwined with the struggle by the Nigerian state to generate institutional legitimacy to the extent that the adoption of strategies of repression as responses to ethno-political and religious claims heighten ethnic consciousness, deepen ethnic animosity and foster ethnic fragmentation and their related violence in the country.

The article proceeds as follows. The introduction engages the literature on the nature of the African state, precisely state failure and identifies the point of departure for contribution, which argues that state legitimacy crisis underpins identity-based conflicts in Nigeria. The second section conceptualizes state legitimacy and draws a causal linkage to the Nigerian experience marked by a variety of enduring identity-based conflicts. The third section examines the origins of identity-based crisis in Nigeria, tracing it to the nature of state formation by the British colonial authorities in the 19th and 20th centuries. The fifth section deals with the politics of postcolonial state-building efforts and its implications for the emergence and sustenance of identity-based conflicts. The final section provides the conclusion and policy recommendations.

Defining state legitimacy and understanding the nature of state legitimacy crisis in Nigeria

At the core of the discourse on state legitimacy is the issue of acceptance, support or loyalty of citizens to the state. This loyalty or support for the state and its institutions is based on citizens' perception and evaluation of the rightfulness and moral authority of the state, which also significantly influence their obedience to the state's rules, command and order. To this end, "a state is more legitimate the more that it is treated by its citizens as rightfully holding and exercising political power" (Gilley, 2006, p. 48).

For Easton (1975), therefore, "legitimacy is a distinct form of political support that concerns evaluations of the state from a public or "common good" perspective" (p. 278, 312). Conceivably, state "legitimacy is precisely the belief in the rightfulness of a state, in its

authority to issue commands, so that those commands are obeyed not simply out of fear or self-interest, but because they are believed in some sense to have moral authority' (Barker, 1990, p.11). In a sense, the issue of national identity is implicated in defining and understanding state legitimacy in terms of the extent to which the power of the state to exercise authority over the people and issue commands is accepted or contested by ethnic communities that make of the state (Blanco-González, Payne & Prado-Román, 2019). Holsti's (1996) conceptual distinction between horizontal and vertical legitimacy helps to clarify this point about the dialectics of centripetal and centrifugal forces in relation to groups' acceptance or rejection of the state while also highlighting its institutional aspects.

For Holsti (1996), there is horizontal legitimacy when the different ethnic communities and groups within the state tolerate and accept one another based on shared idea about the identity and destiny of the state. Accordingly, when the horizontal legitimacy of the state is challenged, it implies questioning the identity of the state and the shared identity with other groups in society, which can easily lead to societal polarizations. This is because the state is more an idea held in common by a group of people, than it is a physical organism (Buzan, 1991, p.63). In fact, it is the strong sentiments of belonging and identity shared by the people that form the basis for socio-political cohesion in the state (Lemay-Hebert, 2009, p. 28). On the other hand, vertical legitimacy, according to Holsti (1996), speaks to the institutional power of the state, which finds expression in the activities and bodies of the government and may include security agencies, legislature, judiciary, and the executives just to mention. Importantly, while Holsti notes that both horizontal and vertical legitimacy are not mutually exclusive in determining state strength, others maintain that state legitimacy, however, is more of a societal question than an institutional one (Lemay-Hebert, 2009, p.28). As illustrated in greater details in subsequent sections, the challenge of societal legitimation of the state remains a recurring issue in identity-based political violence in Nigeria. From the Niger Delta oil militancy, to the Herder-farmer conflicts, the recent escalation and spread of banditry in Nigeria including ethno-religious violence such as the contestations between Sharia and Christianity, the influence of social groups' identity has significant impact on state legitimacy. This is because the struggles for the preservation and protection group of identity are dialectically linked to the contradictions of identity politics that have affected the institutional power of the state, while also deepening ethnic mistrust and ethnic conflicts.

The Foundations of Identity-based political conflicts in Nigeria

The foundations of the two major socio-cultural identities: ethnic and religious identities that define identity-based conflicts in Nigeria lie in the nature of British imperial rule and strategies of colonial exploitation in the 19th and 20th centuries. The arguments advanced in support for the legacy of colonialism suggest that the nature of British state formation process in Nigeria simultaneously created ethnic particularism and ethnic animosity. The predominant viewpoint is that by forcing different preexisting ethnic groups into a single Nigerian state by fiat of British colonial order without negotiations, the seed for ethnic animosity was sown to deliberately and perpetually keep the people of Nigeria divided along ethnic lines. This is because the arbitrariness with which the British colonialists reconfigured the preexisting ethnic groups automatically transformed some cultural groups into minorities and others as majorities with corresponding structural disparities in access to power and opportunities, and associated contestations (Coleman, 1958). One of the earliest expressions of these conflicts was the claim of political marginalization by ethnic minorities across the country in the 1940s and subsequent demand for states as a means for promoting ethnic autonomy and accessing national resources. In fact, the Willinks Commission of 1957 that was set up to investigate and allay the fears of the minorities failed to address the

concerns of structural domination raised by the minorities, thus leading to the deepening of ethnic tensions in minority-majority relations in the country.

Furthermore, while the amalgamation of 1914 created a state in Nigeria without a nation, other colonial policies such as indirect rule pursued similar objectives of sowing the seeds of ethnic discord. The foundational rationale of indirect rule was not only to ensure that ethnic difference was consolidated in the colonial order but also that ethnic identities were transformed into complex political identities: the indigene/settler dichotomy, religious and regional identity in such a way that they inevitably defined postcolonial politics of belonging and politics of exclusion (Ochonu, 2014; Mamdani 2001, p. 661). The introduction of strangers' quarters, what was popularly known as Sabon gari areas as reservations for non-northerners limited contact between southerners and northerners is a classic example. Indeed, the policy of differentiated residency was critical to the balkanization of citizenship within the context of the practice of indigene/settler distinction and the reinforcement of its associated discrimination in colonial Nigeria. Yet, indirect rule produced in the Middle-Belt what Ochonu (2014) has described as sub-colonialism or colonialism by proxy in which Hausa-Fulani emerged as internal colonizers with postcolonial implications of the assertion of ethnic domination and hegemony by the latter.

And in relation to religion, it is important to note that by the deliberate colonial policy of separate development, Christianity and Christian missionary activities were not allowed to spread into the Northern region not until the late 20th century. Consequently, the trans bonding impact of Christianity on both the people of the north and the south was prevented. Contradictorily, the process of Islamization as effectively illustrated by the Jihadist war of 1804 was intertwined with the imposition of the Fulani identity on the new converts and which was not without contestations. Some have argued that Boko Haram is an expression of the clash between Islamic and Western civilizations whose cultural root dates back to the Islamization agenda of the 1804 Jihadist war and the dysfunctional structural arrangement instituted by British colonialism (Adesoji & Alimi, 2020). The legacy of ethnic disharmony and related centrifugal forces created by European colonialism can aptly be described as "the bondage of ethnicity" (Mazrui, 1999). This bondage continues to afflict Nigeria in several ways that manifest as the internal contradictions of the agitations for protection of ethnic and religious identities. Consequently, Nigeria remains a mere geographical expression that is further compounded by postcolonial governance deficit and the politics of state-building, which has ignored the resolution of the nationality question with implications for exacerbating state legitimacy contestations by ethnic and religious groups. For example, the inability of postcolonial governments in Nigeria to resolve the contradictions of "indigenes" and "settlers" as different forms of citizenship in Nigeria has created permanent conditions for identity-based political conflicts in the country.

4. The politics of state building without nation building and the dialectics of state legitimacy crisis and Identity-based conflicts

State building is multidimensional and complex in nature, involving political, technical, administrative and scientific processes. Lemay-Hebert (2009), however, breaks state building down into two major processes or components: Institutional and nation building. The institutional aspect of state building aims at strengthening the technical capacity and efficiency of state institutions and more broadly the capacity of the central or federal government. Nation building, on the other hand, is largely political and concerned with promoting national political integration of different ethnic and religious groups with the broader objective of engendering social cohesion. Nation building addresses primarily the non-material aspects of statehood, especially issues of identities in order to create a strong

sense of patriotism, nationalism and national unity. Conceivably, both institutional and nation building are pursued in a mutually reinforcing manner to develop a strong, viable and united country.

In Nigeria, however, the institutional aspect of state building appears to have been privileged over nation building, and has been characterized by a top-down approach that seeks regulation, order and stability in the sense of generating socio-political cohesion. This is the case whether in relation to the structure of resource governance or security governance arrangement that is imposed from Abuja amongst others. The case of extractive governance is even more problematic with its associated challenges of environmental degradation in oil communities in Nigeria, which are largely minorities. Dating back to political independence, particularly from the 1970s when there was the oil boom, there has been a gradual evolution of a centralized federal system in Nigeria. The federating states and ethnic communities have expressed feelings of marginalization, especially in relation to the issue of resource control to the extent that ethnic groups tend to lose trust, faith and a sense of national pride. As Ogunniya (2009) has argued, the challenge has been how to construct governmental systems that will satisfy the desire of the states' constituent and fragmented ethnic groups" (p.132). The gap between institutional building and nation building thus throws up challenges of socio-political cohesion including state legitimacy contestations expressed in the struggle for political and economic inclusiveness on one hand, and the politics of group identity and ethnic survival on the other. Indeed, the unresolved question of oil ownership and its corollary, the demand for equitable structure for the distribution of oil benefits, which have pitched oil-producing minorities in the Niger Delta against the Nigerian state are a typical illustration of the policy of exclusion by centralization.

The policy of exclusion by centralization in relation to the governance of mineral resources has its roots in the colonial Minerals Act of 1914, which vested the ownership and control of minerals in the Federal government. Like the 1914 Minerals Act, subsequent legislation such as the Land Use Decree of 1978, Oil Pipelines Decree of 1991 and the Petroleum Decree of 1991 consolidated the stranglehold on oil, both onshore and offshore by the federal government. The claim to extractive authority and extractive governance by the federal government was also characterized by 'the systematic and progressive reduction in the derivation principle from 45% to the oil producing region in 1960, 20% in 1970, 2% in 1975, 1.5% in 1982, 1.5% in 1984, 3% in 1992 and 13% to date.' Again, in highlighting the politics and history of centralization of federal powers in the management of natural resources, it is important to note that prior to political independence, agricultural produce like cocoa, cotton and groundnuts were the driving force of the Nigerian economy. Then the revenue sharing formula was based on the derivation principle of 50% and so the regional governments enjoyed relative autonomy and were very powerful. For example, because of the revenue accruable from cocoa production, the Western regional government was able to offer free primary education and establish the first television station in the whole of West Africa (Niger Delta Environmental Relief Foundation, 2021, p.18).

However, as already noted, beginning from the 1970s, when oil rose to preeminence as the mainstay of Nigeria's economy, revenue sharing formula changed such that the oil-producing communities, which were mainly minorities received less in revenue allocation based on the derivation principle. Granted that the change in the policy of derivation was influenced by the increasing tendency towards centralization of power in the Nigerian federation as a result of the institutionalization of unitary command system of government associated with military rule beginning from 1966, the socio-political distribution of power that favoured the major ethnic groups was also critical to the political marginalization of minorities with regard to the ownership, management and distribution of oil wealth. In other

words, given that the minorities had no control of the federal government, which was dominated by the major ethnic groups, the reduction of derivation principle has been sustained. This form of structural domination and ethnic oppression has been described by some as internal colonialism (Naanen, 1995).

Overall, the institutionalization of a defective revenue sharing formula and ethnic majority hegemony has had the implications of strengthening the powers of the federal government, while also fostering ethnic grievances, rivalry and disaffection among minority groups in the country. The oil-producing communities and militant groups in the Niger Delta have challenged the legitimate owners of the federal government to institute oil governance policies and regimes that deprive them of their rights to fair share of oil benefits. In fact, the delay in passing the Petroleum Governance Bill into Law by the National Assembly since it was introduced in 2007 has generated anxieties amongst different groups of stakeholders in the Niger Delta including militants who had threatened new rounds of armed agitations in the region. The predominant perceptions and argument advanced in the Niger Delta is that the contradictions of the political economy of oil, the nature of state-building and dynamics of ethnicity in Nigeria tend to underline the failure of the passage of the Bill into law.

Beyond the identified policy structures that entrench social exclusion and fears of ethnic marginalization, short term measures that seek the repression of ethnic grievances and ethnic agitations across the country has become a recurring pattern of state responses to ethnic claims that further deepen ethnic grievances and impact state legitimacy negatively. Beginning from the end of the Cold War, it can be argued that the federal government has developed a kind of conquer mentality in responding to ethnic agitations that brings to the fore the Weberian assumptions of state-building as peace-building in which the state is perceived to be strong based on its coercive capability, a perception that in large part privileges the use of force over political settlements in addressing identity-based struggles and popular resistance. This has been the case from Ogoni, Odi to the IPOB agitations in Igboland and even the Boko Haram insurgency. Unfortunately, the struggle by the federal government to assert state authority and ensure effectiveness of state coercion in repressing rather than addressing structural roots of ethnic claims has paradoxically undermined state-society relations and the evolution of certain forms of governance that promote ethnic inclusion and state legitimacy. Indeed, by the logic of the intimidation strategies of the federal government, the Nigerian state has emerged as a sort of agency for subjugation and domination (Mbembe, 2001, p. 11), which further erodes societal and horizontal legitimacy in Nigeria.

Yet, the challenge of societal legitimation of the state has also complicated the structural and nationality questions raised by ethnic groups in such a way that they have profoundly affected the ability of the federal government to respond effectively to criminality, new and complex security challenges throughout in the country. These security issues are also increasingly being ethnicized and they include but are not limited to rural banditry in the northwest, herder-farmer conflicts, youth-based cult activities, IPOD agitations, kidnapping and oil thefts and militancy in the south-south. Recently, a renowned Islamic cleric, Sheik Ahmad Gumi of northern extraction, argued that armed bandits are not criminals rather militant Fulani people fighting for ethnic survival in Nigeria. In the words of Sheik Ahmad Gumi,

“It is a complex issue. It is an ethnic war and the solution is dialogue and teaching them Islam. To them, they are talking about ethnic existence. They are not killing people, they are just engaged in ethnic revenge (Akinrefon & Ajayi, 2021, p. 8).

There have also been agitations by some northern political elites that armed bandits who have terrorized the whole of the northwest and whose criminal activities of kidnapping, sacking of villages and bloodletting had spread to other parts of Nigeria, be granted amnesty by federal government.

Until Buhari ruled out the idea of granting amnesty to bandits in February 2021, the argument for amnesty has been premised partly on the fact that the Niger Delta militants were granted amnesty in 2009. Implicitly, juxtaposing the activities of Niger Delta militants who fought for self-determination and environmental rights in their region with rural armed banditry in the north, the claim of northern political elites like Sheik Ahmad Gumi underscores the ethnicisation of criminality and politicization of state intervention, both of which complicate the provision of national security as well as highlight the need for nation-building. Similarly, in the spread of the herdsmen violence across Nigeria, which has been accompanied by land grabbing, ethnicity has been as strong factor. In Ekiti state for example, the argument over whether herdsmen should have access to a reserve forest generated a major conflict between the Ekiti state government and the federal government on one side, and the Yoruba people on the other.

It will be recalled that herdsmen, which have been largely conceived as Fulani people had occupied the Ekiti forest, threatening not only the environment but also violating the rights to use the forest land for grazing activities without getting authorization by the state governor. Taken together, the activities of herdsmen and armed bandits suggest that the logic of territorial nationalism and politics of identity shape relations amongst ethnic groups in Nigeria and generate competing ethnic and political claims such that a top-down approach to fighting crime and insecurity, and resolving identity-based conflicts has been made difficult because of the need to re-conceptualize nation-building as peace-building. As discussed below, the evolution of regional security frameworks reflects a responses to the legitimacy gap created by a centralised state security structure that does not effectively respond to the social dynamics of the ethnicisation of crime and conflict in Nigeria in which the protection of group identity has become very important.

The Rise of Regional Security Outfits as contemporary reactions to Nation Building and State Legitimacy Deficit

The birth of the Yoruba regional security network popularly called “Amotekun” on January 9, 2020 marked a significant development in state building process in Nigeria that speaks to responses to nation building and institutional legitimacy deficits. The evolution of the Amotekun security outfit was a reaction to incessant kidnappings in the South West by Fulani herdsmen on one hand, and on the other, an attempt to secure and protect Yoruba collective identity. The claim here is that physical protection of Yoruba territory and its people was intricately interwoven with preserving the ethnic identity of the socio-cultural group. Beginning with the former, the killing of the daughter of the Afenifere leader was the immediate factor in the localization and regionalization of the security architecture of the Yoruba people within the framework of the Amotekun. It would be recalled that in all these killings and crime committed by suspected Fulani herders, the police did little or nothing to prevent or stop them. The emergence of Amotekun initiative thus calls into question the legitimacy of the Police as a national institution designed to provide security and protection for all in Nigeria.

Yet, the evolution of the Amotekun was much more than an indictment of the Police institution. It was also conceived as a response to threats posed by Fulani herdsmen to the distinctive collective ethnic identity of the Yoruba people of south western Nigeria by the incursion into Yoruba land by Fulani herdsmen and bandits who killed and grab lands as

well. As noted by Ojo (2020), the Southwest states of Ekiti, Osun, and Oyo have been particularly hard hit by incidences of killings, kidnappings, cattle rustling, raping, abduction of women, destruction of farmlands and villages by Fulani militias and bandits.” Consequently, “the security outfit was formed basically to defend the region in view of the rising insecurity in the country accentuated by indiscriminate killing, kidnapping, banditry and destruction of farmlands” (Adebolu & Adebisi, 2021, p.28). The Yoruba people interpreted the killings and invasions of Yorubaland as an attack on the collective identity of the Yoruba group. Accordingly, primordial sentiments were effectively mobilized to the extent that despite the differences in party affiliation of the six state governors of the Southwest, they all stood behind the Amotekun institution and challenged the federal government, which had questioned the constitutionality of the regional security structure (David & Oyedele, 2020).

Interestingly, the ideological underpinning of the evolution of the Amotekun soon spread and influenced its ad 105-114 the South-east and South-south regions. Like the Yoruba people, the Igbo people and the various ethnic minorities of the south-south conceived herdsmen violence and its new version, banditry as emerging threats to their corporate existence and identities. Consequently, the Southeastern region has proposed to adopt its own security network called Ebube Agu, a position that tends to counterbalance the Eastern Security Network earlier created by the IPOB. Similarly the governors Forum of the South-south on February 1, 2021 proposed to set up their own regional security network. In all of these, the Northern region continued to view the activities in the south with ethnic suspicion while also strengthening its Hisba, the security vigilante structure of the north.

On a broader level, the formation of the various regional security frameworks reflects the desire for the structural reorganization of the Nigerian state that seeks to address not only the imbalances in power between the federating states and the federal government in relation to the security architecture and governance of security in Nigeria, but also brings to the fore the significance of the nationality question and the inherent legitimacy crisis it generates. In Nigeria agitations for restructuring of the Nigerian state and its governance system have historically evolved through different articulations and dimensions such as the demand for state creation by ethnic groups to the struggle for resource control and self-determination and outright demand for political independence as currently campaigned by the IPOB in southeastern Nigeria. The aim of these agitations has been to enhance local autonomy in order to protect cultural identities and the peculiarities of the distinct ethnic groups in Nigeria so that the processes of national integration can proceed without necessarily threatening the heterogeneous nature of the country. While there are fears that the emergent regional security networks might be exploited to serve class interests of the political elites, especially the state governors, crime fighting and the protection of ethnic identities are implicitly interwoven. Given this mutual constitution of the elements; institutional and nation-building processes, the regional security frameworks may end up generating state legitimacy and peaceful coexistence in the long run.

6. Conclusion

The predominant argument in the literature on the relationship between the nature of the African state and violent conflicts in Africa is that if state institutions were strong enough, they would have been capable of responding to social conflicts effectively, including providing the mechanisms for addressing identity-based conflicts. Viewed from this theoretical standpoint of state fragility or more broadly state failure, state strength is primarily conceived as the strength of the institutions, ignoring the fact that state strength is also a societal question and is central to state legitimation. This article problematizes state

legitimacy crisis in Nigeria as the structural roots of the steady rise in identity-based conflicts since political independence of 1960. It argues that the politics of state-building with strong emphasis on technical efficiency of institutions has overlooked the crucial need to engender social-political cohesion, which implicitly suggests the resolution of the nationality question in Nigeria. Paradoxically, however, from the Niger Delta crisis, herder-farmer conflicts, the IPOD agitations, Boko Haram and recently rural banditry, the politics of identity contestations draw attention to the need to re-conceptualize group identity protection as central to state-building efforts and in promoting state legitimacy. The analysis of state legitimacy crisis and its relationship to the evolution and consolidation of identity-based conflicts in Nigeria, therefore, provides valuable insights that are required to design and implement public policies and the application of relevant communication strategies to promote social cohesion, patriotism and unity in diversity.

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