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# AFRICA PEACE AND CONFLICT JOURNAL

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## Guest Editor's Note

This special issue of the *Africa Peace and Conflict Journal* grapples with the pertinent themes of governance and security, both of which have generated an enormous amount of academic and policy debate on the continent. This rich discourse, which expanded after most African countries gained political independence in the 1960s, continues today. This issue of the journal seeks to add new elements to the discourse. It also aims to influence policies of African states—especially the fifty-four member states of the African Union and their respective Regional Economic Communities—as they strive to achieve sustainable human development in the long term and achieve the Millennium Development Goals (MDG) in the short and medium terms.

Governance and security are critical foundation stones for sustainable and people-centered development. To be more precise, democratic governance is a fundamental *sine qua non* for development. As Mwalimu Julius Nyerere would remind us, the symbiosis between democracy and development is akin to the relationship between chickens and eggs. Nelson Mandela, popularly known in South Africa by his clan name, Madiba, took the baton from Mwalimu and pursued this theme with vigor. Madiba was unequivocal in his conviction that post-apartheid South Africa would fail South Africans if the democratic governance introduced in 1994 did not address squarely the socioeconomic needs of poor and marginalized social groups and communities. As with chickens and eggs, one cannot have democracy without development. One might not, however, resolve the vexing question of which comes first. Instead of scratching our heads about this, however, a prudent policy would be to pursue democracy and development simultaneously. This leads naturally to ascertaining the interface and policy linkages between governance and security.

The interface between democracy and development remains a heated subject in the policy and academic discourses in Africa. The bone of contention seems to rotate around whether politics constrains economic progress or vice-versa. This debate teases out the interconnectedness between politics and economics in respect to sustainable human development on the continent. Although some scholars, among them Adebayo Adedeji and the late Claude Ake, have consistently argued that Africa's crisis is political, the stark reality is that after independence, Africa's political elite focused their policies on addressing economic obstacles to development and deliberately ignored or disregarded politics. This was the case from the 1960s on into the 1980s, an era marked by a generalized policy trajectory of developmentalism, wherein every state action was justified in the name of development, nation building, and national unity to the extent that the three were perceived as mutually reinforcing. Even authoritarian governance was justified on the expedience of developmentalism, nation building, and national unity.

As a consequence of the above approach, issues of democratic governance were not entertained; worse still, in some countries the leadership essentially banned popular

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The views expressed in this note are those of the author and do not in any way represent official positions of the United Nations system or the United Nations Development Programme.

political participation or introduced autocratic regimes, including one-party systems, on the grounds that multiparty politics was divisive. People's attention would, it was argued, be diverted from development, nation building, and national unity if they engaged in multiparty politics and multiparty elections. Thus for better or for worse, development became an instrument for depoliticization, in the interest primarily of state elites, not the general populace. Only recently has the conventional wisdom of economics first and politics next been subjected to significant criticism. To restate the problem: Africa's development crisis is more political than economic in form and content. It is therefore critical to appreciate the centrality of governance, especially democratic governance, to the achievement of human development.

It is clear that developmentalism was an ideology aimed at depoliticizing development and turning the public's attention away from democratic, responsive, and accountable governance. Once distracted, people's energies could be harnessed toward the 'mundane' issues of immediate survival as the political elite locked horns in an unending zero-sum struggle over state power and the rampant accumulation of wealth by means fair and foul. For economic progress to be registered and human development to bear fruit in Africa, it is imperative to bring about political stability and political integration at the regional level. This should be made the top priority, similarly to the time when economic progress had its turn in the spotlight.

The causal linkages between democracy and development have now been firmly established in academic and policy circles—see among others, Ake, Adedeji, and Amartya Sen—and the articles in this special issue bear out that governance and security have a similar type of symbiotic and mutually reinforcing connection. A number of countries in Africa, among them Botswana and Mauritius, illustrate how democratic governance can lend itself to peace, security, and political stability. The converse is also true, however; undemocratic governance, perforce, breeds wars and violent conflict, insecurity, and instability. This trend also can be seen in a number of African countries. Take for instance, the conflicts, wars, and instability that marked the authoritarian era of the 1970s and 1980s in many parts of the continent. Zaire, now the Democratic Republic of the Congo (DRC), comes to mind in this regard. At the heart of the development challenges facing Zimbabwe rests the issue of the institutionalization of democratic governance. This explains in part the instability and insecurity that has scarred the social fabric of that country, which, when all is said and done, has the potential to unleash a development miracle on the continent.

Whereas democracy has intrinsic value—it can open societies so that members can compete freely over state power and provide citizens with other political rights and civil liberties—it also has instrumental value. The latter lies in democracy's developmental essence. Democratic governance has to put food on the table. It has to deliver health services, housing, and education. It has to provide a clean and sustainable environment. These are more than mere slogans. There is abundant evidence from Afrobarometer studies suggesting that where governance is unable to deliver tangible material benefits for ordinary Africans, democratic institutions lose legitimacy and public trust.

Even more worrisome, where governance fails on the social front, conflicts of various types become the order of the day. For purposes of conceptual clarity, it should be noted that conflict in and of itself is not a negative force in regard to development, peace, and security. This may sound nonsensical, but the reality is that when construc-

tively managed, conflict can become a positive driving force for social advancements. Problems arise when conflicts are mismanaged and cross the boundary into violence, wars erupt, insecurity sets in, political instability becomes the norm, and development is reversed or postponed. One only has to recall the recent popular uprisings in North Africa, especially in Egypt, Libya, and Tunisia, to appreciate the appropriateness of the above observation.

While African countries have used elections as a means of legitimizing holders of state power since the late 1950s and early 1960s, more genuine, multiparty elections became embedded in political culture in earnest in the late 1980s and early 1990s. This is not surprising given that elections represent an important element in the transition of many African countries from single-party, one-person, and military regimes to multiparty systems of governance. In 2011 alone, Africans held more than thirty local, parliamentary, and presidential elections as well as the historic referendum in Sudan that led to the creation of the Republic of South Sudan. This essentially translates into two to three elections per month. Some twenty-four elections—that is, about two a month—are planned continent-wide for 2012.

This record of regular elections is worth celebrating as a key indicator of the advancement of democratic governance on the continent, but caution is advised for three reasons. First, despite the regularity of elections in Africa, one must take their quality into consideration. In other words, were the thirty elections in 2011 of a quality—in terms of integrity and security—that added value to the continent's democratic fabric? Second, elections per se are not synonymous with democracy as such. Put somewhat differently, countries can hold regular elections, but continue to fall short of the minimum threshold of being democratic. This point is helpful in alerting one to the pitfalls of the fallacy of electoralism, namely, that elections equal democracy and vice-versa. To put it in simple (maybe even simplistic) terms, while democracy needs elections as a key ingredient, elections do not need democracy. Third, African elections have in some cases become a source of political tension, instability, and political violence in the last decade.

While it is encouraging that African countries are holding regular elections and ballots are increasingly replacing bullets as a means for attaining control or capturing state power, in some countries elections become war by other means and triggers of instability. This conundrum brings into sharp focus the challenge facing Africa regarding the integrity and credibility of elections. Where elections lack integrity and their outcomes lack credibility, democracy has been set back or jettisoned; violent conflicts have erupted; insecurity and instability have set in; and development has been postponed or reversed. Abundant evidence of this negative trend in electoral violence can be seen in Nigeria (2007), Kenya (2007–2008), Zimbabwe (2008), Côte d'Ivoire (2010–2011), and the current electoral problems in Egypt (2012) pitting the people against the ruling Supreme Council of the Armed Forces.

This special Issue of the *Africa Peace and Conflict Journal* takes up some of the above themes, thus presenting a sumptuous meal for policy makers and scholars alike. In the first article, Jude Kagoro argues that since taking power in 1986, the National Resistance Movement government under President Yoweri Museveni has created a complex security structure consisting of several layers of formal and informal outfits. Some of them function with and in other cases parallel to the formal security organizations. The capacities of some of the outfits are blurred, making it difficult to estab-

lish their jurisdiction and reliably estimate their numbers. Kagoro suggests that Museveni's security strategy has had two, contrasting effects on the Ugandan state. On the one hand, it has increased the state's presence at the periphery, strengthening it to perform such sociopolitical functions as security provision. On the other hand, it has deinstitutionalized the security apparatus, thereby slowing genuine political pluralism and the democratization process.

Annie Barbara Chikwanha, in the second article presents an overview of the nature of conflicts in the East African Community (EAC). She presents a brief conceptual discussion on the causes of violent conflict and then scrutinizes the nature and causes of EAC conflicts, locating them within the discourse through the use of secondary data and review of existing literature. The principal thrust of Chikwanha's thesis is that exclusionary governance systems that deny 'others' equal rights and opportunities tend to trigger many of the conflicts in the EAC region. She cautions that fully grasping the nature and causes of these conflicts requires a holistic approach that takes into account the interplay among the factors that trigger different kinds of conflict. Her analysis invokes the notion of inclusive citizenship as a way of comprehending and containing contemporary conflicts in the EAC region.

In the third article, Olatunji Olateju notes that at the end of the cold war, the global prospects of democracy and the state failure argument became popular themes in the political discourse. He reminds us that while the global prospects of democracy have not been fully realized, state failure has become a global phenomenon in several regions. He identifies possible causes of state failure in Africa—including the disruptive role of colonialism and imposed constitutionalism—and implications for the prospect of democratization on the continent.

Chris Kwaja, in the fourth article, advances the argument that because of the frequency and intensity of intrastate conflict in Africa, the continent has become a key challenge to Nigeria's participation in peace support operations (PSOs). He discusses the factors that account for the involvement of Nigeria in PSOs during the last two decades. He also explores the extent to which Nigeria's involvement in them reflects efforts to realize its political, foreign, and strategic self-interests. In addition, Kwaja assesses whether the outsourcing of PSOs to the private military and security industry, a popular trend, is a viable option for Nigeria given its implications for the country's strategic role as a regional hegemon.

Nene Mburu, in the first policy brief, focuses on the Lord's Resistance Army (LRA) in Uganda. He notes the terror unleashed by the LRA on civilian populations of Uganda, the Central African Republic, and the DRC over the past twenty-five years. Mburu asserts that before 2005, the LRA's core fighters numbered several thousand, but are now fewer than 300 owing to operations by the Uganda People's Defence Forces (UPDF). He examines the possibility that the LRA now potentially faces imminent defeat at the hands of the UPDF, in part due to a new partnership with the United States. Despite the advantages such cooperation offers, Mburu acknowledges the obstacles that stand in the path of success.

The second policy brief, prepared by Fathima Azmiya Badurdeen, explores the enabling factors of the youth radicalization process in Coast province, Kenya, that could pose a threat to the region if youths' concerns and plight remain unheeded. She takes note of Coast's internal factors, such as failed decentralization, in explaining the context of youth radicalization there and generating recommendations for effective pol-

icy formulation to avoid it. Her findings and recommendations are applicable to other states in Africa and beyond that must confront burgeoning youth populations amidst instability, poverty, and political isolation.

The third policy brief, written by Mathieu Bere, looks at the place of religious faith in politics. Bere maintains that recurrent religious violence throughout the world has cast doubt on the claim that religion, by its very nature, promotes peace. He notes liberal theorists' assertions that religious convictions should be kept outside the public sphere or only referenced in secular terms. Bere contends that an open, free, and constructive engagement between believers of different confessions and philosophies is possible and desirable and is a matter of respecting the religious freedom and basic individual liberties that liberals claim to defend. He concludes that interreligious engagement in democratic, multireligious societies can be peaceful and constructive if the parties respect certain boundaries.

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## From the Managing Editor

The *Africa Peace and Conflict Journal* is at a crossroads, moving from generalities to specifics. In previous issues, we laid the foundations that now compel us to transition and expand our focus into different thematic areas in response to the needs and interests of our various stakeholders. In being able to do so, we owe a debt of tremendous gratitude to the International Development Research Centre (IDRC) for its continued support in furthering its mandate to promote greater understanding of and improvements in governance, security, and justice. These are also areas of great interest to our readers, so accordingly our first thematic effort is devoted to governance and security in Africa. It focuses on these two broad areas by providing conceptual understandings of governance and by highlighting specific cases where governance has been unresponsive or where democratization processes have been threatened.

In Africa, and indeed elsewhere, elections have come to be viewed as synonymous with democracy. As our guest editor Khabele Matlosa observes, however, if elections do not contribute effectively to the democratic transformation of a society, they become mere ceremonial rituals used to camouflage authoritarian governance and illiberal democracies.<sup>1</sup> He further notes that the linkage among elections, democracy, and peace is a complex, sometimes contradictory, and tenuous one. Whereas in some instances elections assist in building democratic governance, peace, and political stability, in others they ignite political tensions, insecurity, instability, and war. Elections are crucial for enhancing the quality and sustainability of democracy, peace, and political stability.<sup>2</sup> For elections to contribute to the promotion of democracy, there needs to be a thriving democratic environment; thus there is a need to build and nurture a symbiotic relationship between the two.

According to the World Bank, governance concerns the effective management of resources, responsive policy, and efficient discharge of state institutional functions with a goal toward achieving positive results. In other words, governance must involve a bureaucracy with the professional capacity to discharge its functions productively and efficiently. The African Union (AU) and subregional organizations (RECs) have been leading the African governance agenda since the transition was completed from the Organization of African Unity (OAU) to the AU in 2001.

Whereas weak policy formulation, ineffective public administration, and corruption were widespread from independence in the 1960s into the early 1990s, African states, individually and collectively, have come to embrace the concept of good governance as a necessary requisite for development. It is generally agreed that dysfunctional political institutions and governance are largely responsible for Africa's disappointing development in the 1990s and the early part of the last decade. Illustrative of this collective embrace of good governance and democratic values is the

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1. Khabele Matlosa, 'Democracy, Elections and the Management of Diversity in Africa', paper prepared by the UNDP/ECA Joint Governance Initiative, Addis Ababa, Ethiopia, for the Eighth African Governance Forum, held in Arusha, 30–31 May 2012.

2. Ibid.

development of the Constitutive Act of the African Union in 2001 and the African Charter on Democracy, Elections and Good Governance in January 2007. The collective commitment to democratization is also evidenced by the AU's endorsement of a recommendation to develop the African Governance Architecture. During a summit in January 2011 in Addis Ababa, heads of state and government, assessing a twelve-point declaration on 'shared values', affirmed the importance of establishing the African Governance Platform as a basis for facilitating harmonization of instruments and coordination of initiatives in governance and democracy.

A number of scholars have labeled the problems confronting Africa a crisis of governance while others see it as irresponsible governance. No matter what one calls it, governance is certainly at the heart of the discourse on challenges facing the African continent. The AU's Constitutive Act provides, at least theoretically, the normative framework and guidance for governance and democracy on the continent. To be specific, Article 4 stipulates and commits member states to the following:

- respect for democratic principles, human rights, the rule of law and good governance;
- promotion of gender equality;
- promotion of social justice to ensure balanced economic development;
- respect for the sanctity of human life, condemnation and rejection of impunity and political assassination, acts of terrorism, and subversive activities; and
- condemnation and rejection of unconstitutional changes of government.

Although the aspirations of the founders of the AU focused on 'catching up' with the rest of the world in democratization and good governance, success in implementing these normative and guiding principles has at best been mixed. The initial enthusiasm with which these frameworks were embraced soon faded as country after country began to reverse gains made in the late 1990s and early 2000s. Ten years after the Constitutive Act's adoption, and months after it went into force, several countries, some of which had ratified the protocol of governance and democracy, resorted to undemocratic mechanisms to resolve societal conflicts. While some argue that the politics of the bullet, commonplace in the 1960s and 1970s, was replaced by the politics of democratic participation and multiparty electoral processes, others would remind us that these gains have largely been set back or reversed as evidenced by events in Mali (2012), Côte d'Ivoire (2011), Zimbabwe (2008), and Kenya (2007–2008).

In spite of the normative and legal frameworks crafted by the AU and other subregional organizations on democracy, governance, elections, and the promising trends of democratization and stability in the last two decades, corruption and conflict remain serious barriers to human and social development in many African countries. Some observers note that a lack of transparency, accountability, and corruption continue to inhibit the continent's promise of development. Over the years, a number of African leaders have installed systems of patronage and nepotism to help secure their reelection, seemingly in perpetuity. In some instances, the donor community has been complicit in perpetuating corruption and illiberal democracy. The extent to which these practices have deterred Africa's development and democratization process is not fully known.

Experiences across Africa in the last several years have revealed the shortcomings of elections as a yardstick of democracy. Indeed, Matlosa is right when he calls for caution in linking elections, democracy, and peace. Côte d'Ivoire, Kenya, and Zimbabwe

provide vivid examples of how elections can go terribly wrong and lead to violent conflict. Until recently, in North Africa—in Algeria, Egypt, Morocco, and Tunisia—elections were largely ceremonial rituals. Earlier this year, Senegal, a country regarded by many as a beacon of stability, democracy, and peace, experienced widespread rioting when former president Abdoulaye Wade attempted to change the constitution to prolong his term in office. In Guinea-Bissau, a military coup followed the announcement of results in the first round of presidential elections. All of these examples illustrate how Africa is still beset by governance challenges.

In addition, conflict continues to impede achievement of the Millennium Development Goals (MDGs), the UN development benchmarks for the developing world. Many African countries will meet less than half of the eight goals, which are to eradicate extreme poverty and hunger; achieve universal primary education; promote gender equality and empower women; reduce child mortality; improve maternal health; combat HIV/AIDS, malaria, and other diseases; ensure environmental sustainability; and develop global partnerships for development. Although violent conflicts have been on the decline since the beginning of 2000, much of the developmental reversals of the late 1980s and 1990s due to violent conflict remain visible in many parts of the continent. In mid-2012, violence again erupted in the troubled eastern region of the Democratic Republic of the Congo. On again, off again disruptive violence continues as we go to press. The direct and indirect costs of these violent conflicts are numerous.

In terms of money, some experts calculated the cost of conflict to be \$284 billion in twenty-three sub-Saharan countries between 1990 and 2005. On average this amounts to \$18 billion a year and represents an average annual loss of 15 percent of GDP, which is one and a half times the average African spending on health and education combined.<sup>3</sup> The macroeconomic impacts are massive but do not tell the entire story of the dramatic human impacts in affected regions. Compared with peaceful countries, sub-Saharan African states in conflict have on average 50 percent more infant deaths; 15 percent more undernourished people; 20 percent more adult illiteracy; and 2.5 fewer doctors per capita. In addition, government spending that could otherwise have been directed toward social sectors goes into military spending during times of conflict.<sup>4</sup>

Governance and security can be better guaranteed when leadership is accountable to citizens of a state. Leadership accountability is also a necessary prerequisite for eradicating extreme poverty and hunger in Africa. Governments that are mindful of their responsibility to their citizens and respect the rule of law are more likely than not to make progress in achieving the MDGs. Responsibility for and the best chance of improving governance and security in Africa lie with those who are in leadership positions along with traditional structures of authority and civil society organizations. The Africa Peer Review Mechanism (APRM) established in 2003 needs to be expanded and made mandatory for all AU member states. The voluntary nature of the review mechanism has provided a loophole for noncompliant countries to avoid the process all together. Making the process mandatory would represent a first step toward making governments accountable to their citizens.

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3. *Amnesty International Report 2011: The State of the World's Human Rights* (London, 2011).

4. *Ibid.*

The study of governance should provide space to reflect and offer critical analysis of the nexuses of democracy, elections, peace, and conflict. This issue of APCJ is the first in a series that will focus on providing insights into these areas and governance challenges in Africa. Academic thinking on the nexuses needs the kind of critical analysis offered in this issue. Efforts by continental bodies, such as the AU and the RECs, have not been successful in their use of legal and normative frameworks to address governance challenges, so the gaps in these efforts must be identified and responsive policy prescriptions developed to assist in better understanding and meeting current and future challenges.

It is our aim with this expanded focus on governance and security to contribute to relevant, new, and constructive discourses on these topics. The research involved is an added value to the scholastic field as much as it is constructive in the areas of policy and practice. Whereas APCJ previously focused on empirical research, in this phase of its development, we will strive to pay closer attention to policy issues relating to governance and security.

We encourage our readers and supporters to continue to provide us useful feedback and comments on how we are doing and offer sound advice on how to improve the journal. If individuals and or groups are interested in a particular region, country, or theme and wish to partner with us in developing a special issue, please contact us. The insights provided by this issue's guest editor, Khabele Matlosa, have been an eye opener, and we at APCJ are deeply grateful for his input. We take the opportunity, once again, to use this platform to thank IDRC for its continued support.

Tony Karbo



# Security Counterweights: A Power-Maximizing Sociopolitical Strategy in Uganda

*Jude Kagoro*

After taking power following a five-year guerrilla war in 1986, the National Resistance Movement government led by President Yoweri Museveni created a security structure consisting of several layers of paramilitary, military, and intelligence organizations. Some of these outfits carry out functions parallel to formal security organizations; they also feed information to higher levels of government about loyalists, opponents, and potential opponents, including in the formal security organizations. Empirical evidence suggests that this strategy of creating security counterweights has had two contrasting effects on the Ugandan state. On the one hand, it has increased the state's presence at the periphery, strengthening it to perform sociopolitical functions, such as security provision. On the other hand, however, the strategy has stealthily slowed down political pluralism and democratization.

THE 1995 UGANDAN CONSTITUTION provides for five security organizations: the Uganda People's Defense Forces (UPDF), the police service, the prison services, and two intelligence organizations, the External Security Organization and the Internal Security Organization.<sup>1</sup> Other outfits involved in security include the Chieftaincy of Military Intelligence and the Special Forces Group, which were spun off from the UPDF. There is a strongly held perception that the Chieftaincy and Special Forces operate with a high level of independence parallel to the UPDF.<sup>2</sup> Special Forces is headed by Col. Muhoozi Kainerugaba, son of President Yoweri Museveni, and is believed to be more than 12,000 strong. The Special Forces are also thought to be the best-equipped and to have the highest-paid military officers in the country.

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Fieldwork for this article was conducted in Uganda between April and August 2009 and January and April 2011. Because security is a sensitive subject in Uganda, the majority of interviewees requested anonymity.

1. See also the Uganda People's Defense Forces Act of 2005; the Uganda Police Act of 1994, the Uganda Prisons Act of 2006. The External Security Organization and the Internal Security Organization were initially established by Legal Instrument Statute 10 of the Security Organs of 1987.

2. A number of key informants, including some security officers, held this opinion.

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In addition to these organizations, there are a dozen auxiliary forces along with ordinary people who double as intelligence operatives.<sup>3</sup> Some government structures, such as the office of resident district commissioner (RDC) and local councils, have political as well as security mandates. At the same time, the governing National Resistance Movement (NRM) has created several other outfits—such as the Kiboko Squad, Black Mambas, Joint Anti-Terrorism Task Force, and the Popular Intelligence Network—that operate in legal ambiguity.<sup>4</sup>

A statement made by a highly placed security source in Uganda provides insight into understanding the rationale behind this approach:

The multiplication of the security organizations is two dimensional; it has stabilized the state and yet helped President Museveni to maximize power. . . . If Museveni had not created counter-intelligence and informal security structures to watch over the so-called official structures, a number of coups would have been plotted and Uganda could have been destabilized. . . . Because of this strategy, security heads and commanders in the military cannot plan a coup because they worry about who is watching them, hence working hard to impress the president and to avoid trouble. This has softened the culture of untouchability in the security circles, such as what used to happen in the past. . . . Individual officers, such as Brig. Oyite Ojok [army chief of staff in Milton Obote's second regime] were so powerful; many claim he was more powerful than his president. On the contrary, Mzee [Museveni] has been sacking and replacing his commanders with relative ease, demonstrating his position as the man in charge. However, the man [Museveni] is unchallengeable and has too much power, which may not be ideal to the democratization process of this country.<sup>5</sup>

Museveni devised this strategy during the guerrilla war fought from February 1981 to January 1986. During the conflict, the different units loyal to Museveni were informed of modes of operation, codes of conduct, and targets and then dispatched to different chains of command in separate areas of operation. Only Museveni, the chairman of the High Command, his brother Salim Saleh, and his close confidant Fred Rwigyema had knowledge of which unit was doing what and where.<sup>6</sup> Most important was the Mobile Brigade, which carried out only missions strictly sanctioned by

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3. Section 2 of the 2005 UPDF Act defines auxiliary forces as home guards, local defense forces, and vigilantes. Section 6 stipulates that all citizens who are not members of the UPDF but have undergone state military training can qualify for the auxiliary forces. See the Government of Uganda, Ministry of Defence, 'Position paper on Auxiliary Forces, November 2006. Among the auxiliary forces are the Civic Defence Unit, Local Defence Units and Frontier Guards as well as the Amuka Boys, Arrow Boys, Elephant Brigade, and Pader Mig Stream. On these auxiliary forces, see Aili M. Tripp, *Museveni's Uganda: Paradoxes of Power in a Hybrid Regime* (Boulder, Lynne Rienner Publishers, 2010), 139.

4. 'Museveni's many security organs: A ticking time bomb', *Independent Magazine* (Kampala), 11 February 2009. The Black Mambas are infamous for laying siege to the High Court to prevent the release of Col. Kizza Besigye, a one-time Museveni ally and later political opponent who had been arrested on charges of treason and rape in 2006. See *Africa Yearbook 2006* (Leiden, Brill, 2007), 387.

5. Senior military officer X1, interview, Kampala, 3 June 2009.

6. Fred Rwigyema was the first commander of the Rwandan Patriotic Army/Front, now headed by Paul Kagame, who is also the current president of Rwanda. Both were senior officers in Museveni's NRA and movement. NRA Bush War veteran, interview, Kampala, 16 May 2009.

Museveni.<sup>7</sup> This is a common strategy used in guerrilla organizations. Secrecy and clandestine actions are paramount given operational conditions.

When Museveni finally took power, he understood the inherent weaknesses of Western models of state management when imposed on the context of the African state. In his mental model, he developed contempt for Western standards, procedures, and structures and instead came to rely on an antithesis of conventional security management approaches. He went on to create security outfits to sandwich formal structures, which were by and large created to give the appearance of adapting to Western standards to illustrate that Uganda was institutionalizing and politically modernizing.<sup>8</sup>

### CONCEPTUAL REFLECTIONS

The security counterweights strategy is not specific to Uganda or to the current regime. Many governments elsewhere, especially those that Samuel Finer would describe as having an immature political culture, have applied it in efforts to survive.<sup>9</sup> Samuel Huntington would call the security counterweights strategy a subjective mechanism controlled by security forces for purposes of power maximization.<sup>10</sup> He argues that this mechanism is a strategy that inherently denies the military and security forces autonomy and institutional character; it maximizes power, but only that of a particular group vis-à-vis others.<sup>11</sup> A number of scholars on civil and military relations in Africa have drawn inspiration from Huntington's framework of subjective control to arrive at their own conclusions.

Boubacar N'Diaye, in his analysis of instrumentalization of the military, identifies four prominent subjective mechanisms of control: first, manipulation of the composition of the military, particularly regarding recruitment, promotion, and appointment; second, pampering and bribing of the military with material and symbolic rewards in exchange for loyalty; third, creation of security counterweights, such as recruitment of militias and security units separate from the official, national security apparatus to counteract any threat that the latter may pose; and fourth, reliance on an

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7. See 'The strategy of protracted people's war: Uganda', remarks by Yoweri Museveni to students and faculty of the Command and General Staff College, Combined Arms Center, Fort Leavenworth, Kansas, [http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview\\_20081231\\_art005.pdf](http://usacac.army.mil/CAC2/MilitaryReview/Archives/English/MilitaryReview_20081231_art005.pdf).

8. Former cabinet minister X1, interview, Luwero, 10 March 2011.

9. S. E. Finer and Jay Stanley, *The Man on Horseback: The Role of the Military in Politics* (New Brunswick, New Jersey, Transaction Publishers, 2002), 87–88. For Finer, the level of political culture is dependent on three factors. First, a country's political culture is considered matured if the political formula through which the moral right to govern and to be obeyed is by-and-large customized and replete with public approval of procedures for transferring power which are unbreachable. Second, it is matured if the complex of civil procedures and organs which jointly constitute the political system are recognized, respected, and premised on a wide-spread shared concurrence. Third, a political culture is matured when public attachment to civil institutions such as political parties, labor unions, and so on, is widespread and strong.

10. Samuel P. Huntington, *The Soldier and the State: The Theory and Politics of Civil-Military Relations* (Cambridge, Massachusetts, Harvard University Press, 1985), 80–85.

11. *Ibid.* For Huntington the antithesis of subjective control is objective civilian control that relies heavily on the maximization of military professionalism. In professionalization, the military become sterile, politically disinfected, and neutral at the same time preserving the essential elements of power that is enough for its existence as a professional outfit.

external power to protect the regime.<sup>12</sup> The first and third strategies have been to a large extent used in Uganda. M. C. Desch concludes that all subjective control strategies are implemented with the ultimate aim of denying autonomy to the military for purposes of enhancing political power within a political field drowned in state feebleness and intense power struggles.<sup>13</sup>

## PREMISING SECURITY COUNTERWEIGHTS IN POST-1986 UGANDA

For deconstruction and interpretation of the security counterweights in the case of Uganda, one must look at two primary aspects of the country's sociopolitical history and the discourse that brought the NRM and Museveni to power in 1986. These aspects intersect and cross-fertilize, nurturing a sociopolitical field in which the counterweights thrive. The discourse itself was premised and rooted in sociopolitical history.

### Sociopolitical History and the NRM Discourse

Uganda's sociopolitical history can be summed up by looking at three perspectives. The first involves ethno-political contradictions stemming from its British colonizers, whose divide and rule policy played different parts of Ugandan society against each other.<sup>14</sup> Part of the strategy was the construction of a martial race mythology eventually coupled with recruitment for military service. The British adopted a policy of demartialing the Bantu communities of the south and martialing the Nilotic communities of the north. The Bantu were told that they were too short for military service, while the Nilotic tribes, especially the Acholi and Langi, were led to believe that they were naturally martial.<sup>15</sup> This mythology would have devastating sociopolitical consequences for the Ugandan state.

According to the second perspective, the country's sociopolitical history is replete with brutal dictatorships that instrumentalized the armed forces in their attempts to maximize power. The cunning use of the military was illustrated in the 'self-coup' of 1966, when Prime Minister Milton Obote used the military to oust President Edward Mutesa and award himself extraordinary powers.<sup>16</sup> Following the self-coup, the military became the ultimate arbiter of all major political decisions; in 1971 Gen. Idi Amin took control of the government through a coup. Amin's ascent ushered in one of the

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12. Boubacar N'Diaye, *The Challenge of Institutionalizing Civilian Control: Botswana, Ivory Coast, and Kenya in Comparative Perspective* (Lanham, Maryland, Lexington Books, 2001), 60; see also Anna Reuß, 'The military and the primacy of civilian rule in sub-Saharan Africa: A comparative analysis of civil-military relations in Kenya and Uganda' (master's thesis, Geschwister-Scholl-Institute, Ludwig-Maximilians-University, Munich, 2009).

13. M. C. Desch, *Civilian Control of the Military: The Changing Security Environment* (Baltimore, Maryland, Johns Hopkins University Press, 1999).

14. Phares M. Mutibwa, *Uganda since Independence: A Story of Unfulfilled Hope* (London, C. Hurst and Company, 1992), 10.

15. Mutibwa, *Uganda since Independence*, 6; Amii Omara-Otunnu, *Politics and the Military in Uganda* (Basingstoke, Palgrave Macmillan, 1987), 31; Joshua B. Rubongoya, *Regime Hegemony in Museveni's Uganda* (New York, Palgrave Macmillan, 2007), 21.

16. In a self-coup, an incumbent government assumes extrajudicial powers. See Paul Booker, *Non-democratic Regimes: Theory, Government and Politics* (Basingstoke, Palgrave Macmillan, 2000), 78–80.

most turbulent and brutal eras in Ugandan history. State violence, intimidation, and coercion became the primary instruments for sustaining power, and the army became the supreme organ of the state. All cabinet ministers were obliged to undergo military cadet training so that they could be disciplined under military law in case they stepped out of line.<sup>17</sup>

From the third perspective, state failure was optimized by the collapse of successive regimes under the weight of their own security forces or protracted civil wars. In a space of one and a half years—between April 1979, when Idi Amin fell, and December 1980, when elections were held—Uganda experienced three regime changes through coups and military manipulation. The political anarchy after Amin's fall was compounded by messy general elections in 1980 from which Obote emerged in charge.<sup>18</sup> Obote was later ousted in a coup by his own soldiers, led by Gen. Tito Okello and Brig. Bazilio Okello, in 1985. Between the 1985 coup and the 1986 NRM takeover, Uganda was virtually a collapsed state, without a functioning central government.<sup>19</sup> Six rival armies controlled Kampala.<sup>20</sup> It is estimated that between 1971 and 1985, more than 800,000 Ugandans died as a direct result of the sociopolitical chaos.<sup>21</sup>

Using Uganda's sociopolitical history, Museveni and the NRA/M constructed a three-component discourse. First, they categorized Ugandans as victims of the state and held that the people were capable of doing something about their situation—that is, by picking up arms to vanquish their enemies. Second, they presented the NRA as disciplined, democratic, pro-people, and radically different from any other army ever seen in Uganda. Third, they asserted that every citizen had the right to learn military skills and be the first line of his or her own defense against reactionary forces. The discourse encountered fertile ground that allowed it to blossom. Ugandans were in despair and ready to listen to anyone appearing to offer some sort of redemption or remedy for their ills. Pierre Bourdieu would have argued that the NRM was preaching to the already converted.<sup>22</sup> Politics and the military were undifferentiated according to Museveni's thinking. Looking at the heart of the discourse, there was only one way to change the course of events in Uganda—to militarily dislodge the enemy from power. This would require mixing civilian, political, and military roles in the struggle.

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17. Mahmood Mamdani, *Imperialism and Fascism in Uganda* (Nairobi, Heinemann Educational Books, 1983), 42.

18. The elections are widely believed to have been won by the Democratic Party (DP). Samwiri R. Karugire, *Roots of Instability in Uganda*, 2nd edn (Kampala, Fountain Publishers, 1996), 88; Godfrey Ondoga Ori Amaza, *Museveni's Long March from Guerrilla to Statesman* (Kampala, Fountain Publishers, 1998), 18; Mutibwa, *Uganda since Independence*, 140; Giovanni M. Carbone, *No-Party Democracy? Ugandan Politics in Comparative Perspective* (Boulder, Colorado, Lynne Rienner Publishers, 2008), 19.

19. For more on collapsed states, see Robert H. Jackson and Carl G. Rosberg, 'Why Africa's weak states persist: The empirical and the juridical in statehood', *World Politics* 35:1 (1982), 1–24.

20. The NRA/M controlled the surrounding western areas of the city. A. Milton Obote, *Notes on Concealment of Genocide in Uganda* (Lusaka, Uganda People's Congress, 1990), n. 23, <http://www.upcparty.net/obote/genocide.htm>. The other forces were the Uganda Freedom Movement, Federal Democratic Movement of Uganda, Former Uganda Army, Uganda National Rescue Front, and Uganda National Liberation Army.

21. Aili M. Tripp, 'The changing face of authoritarianism in Africa: The case of Uganda', *Africa Today*, 50:3 (2004), 4.

22. Pierre Bourdieu, *Language and Symbolic Power* (Cambridge, Polity Press, 1991), 26.

In the 1970s, during the fight against Idi Amin, Museveni had recruited for and nurtured the Front for Salvation Army (FRONASA), which he later transformed into the NRA/M during the next phase of his struggle for power. He adopted the strongly held perception in Uganda that without a military, political power is possible. He then positioned himself strategically as a strong and brilliant military strategist within the NRA/M to build political currency. In addition, he presented himself as a warrior, defender, and guardian of the people.

Thousands of ordinary rural people joined his struggle.<sup>23</sup> Children and women, whom it was inconceivable to imagine as military elements prior to this discourse, became the raw materials for Museveni's fighting forces. Joshua Rubongoya opined that the recruitment of women was part necessity and part conscious decision to close the traditional gender gap in the military.<sup>24</sup> Based on existing concepts of the military, this in itself branded the NRA/M as a unique outfit. Museveni and his NRA/M socially, politically, and militarily identified with the ordinary people in rural areas by assuming victimhood as well. A decade before the beginning of the guerrilla war, Museveni presented such a strategy in an academic paper, 'Fanon's theory of Violence'. In it, he argues that to mobilize the masses, fighters must suffer the same privations as the broader population.<sup>25</sup>

Ordinary people in rebel-controlled areas received military training from NRA rebels, began to provide reconnaissance information, engaged in actual battles, and provided food and sanctuary for the rebels. One informant from western Uganda explained:

We used to support Museveni even before he become president, during the war against Obote forces; the then-government forces could not dare come here [in Mugusu, Kabarole district, western Uganda]. They feared us, because they knew we were fighters. The rebels enjoyed themselves because we fed them, we housed them, and treated them well, because they were very good people and fighting for us. The Obote soldiers had turned our region into a death trap. They were not humans. That was the reason we actually volunteered our children to join the rebels—because it was surely our war.<sup>26</sup>

This informant's statement on how local people supported the NRA/M rebels coincides with observations recorded or made by a number of scholars and confirmed by Museveni himself.<sup>27</sup>

The NRM introduced the Resistance Council (later Local Council, LC) system in areas they controlled before capturing power nationally and continued to use it afterward to produce populations agreeable to its brand of politics and thus governable. This system fused political and military practices. Council members were provided

23. Carbone, *No-Party Democracy? Ugandan Politics in Comparative Perspective*, 20.

24. Rubongoya, *Regime Hegemony in Museveni's Uganda*, 63.

25. Yoweri T. Museveni, 'Fanon's theory of violence: Its verification in liberated Mozambique' in N. M. Shamuyarira (ed.), *Essays on the Liberation of Southern Africa* (Dar es Salaam, Tanzanian Publishing House, 1971), 20–21.

26. Local opinion leader, interview, Kabarole, 14 February 2011.

27. Carbone, *No-Party Democracy?* 32; Nelson Kasfir, 'Guerrillas and civilian participation: The National Resistance Army in Uganda, 1981–86', *Journal of Modern African Studies*, 43:2 (2005), 287–88; Yoweri Kaguta Museveni, *Sowing the Mustard Seed* (London, Macmillan Education, 1997), 189.

training in both areas to strengthen the operation and mobilization capacity of the NRA/M rebels and later the government they formed.<sup>28</sup> Given this history, it is easy to understand how the conventional dichotomy of what is civil and what is military is difficult to discern in Uganda. This resonates with Rubongoya's claim that under the NRM, the military training and values infused in the population during and after the guerrilla war gave birth to a peculiar state structuring in which civilian and military roles merged among average people.<sup>29</sup>

## ENHANCEMENT OF THE STATE'S PENETRATIVE ABILITY

From its inception and throughout the guerrilla war that brought it to power, the NRM was a politically weak but militarily strong organization. After seizing power, it could not openly present the military-security wing as a senior partner to the political sector. To gain international legitimacy and to some extent to legitimize its position domestically, the NRM government chose to put forward civil political structures that hide the power of the military structures underpinning it. In essence, however, the NRM created numerous security structures that operated alongside and sometimes intersected civil political structures, all the way from the LC1 (village) level, the lowest level of state administration, to the central government. Rubongoya asserts that democratic political structures and institutions were circumvented and undermined by the parallel (military-like) local government institutions, such as the office of the resident district commissioner, that have taken on the *modus vivendi* of a police state.<sup>30</sup>

Under the current political dispensation, Uganda has three fully fledged civil political tiers of governance: the central government, headed by the president; districts, headed by an LC5 chairperson; and sub-counties, headed by an LC3 chairperson. The corporate status of these tiers means that the district and sub-county governments, as well as the central government, can make binding decisions affecting their areas of jurisdiction.<sup>31</sup> The other levels of government, LC1 and LC2, are administrative units without corporate status. They are presided over by democratically elected politicians belonging to the various political parties, but in essence are superseded by military security structures. Although the central government has ceded some powers to local authorities through decentralization, it still exerts considerable influence when the political stakes are high, such as during general elections.<sup>32</sup>

The constitution gives the president the authority to appoint resident district commissioners as his representatives at the district level. The RDC has three major functions: supervising and chairing security in the district; overseeing the utilization of resources from the central government; and mobilizing the population to support

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28. For more on the establishment of RCs, see A. G. G Pinycwa, 'The militarization of politics in an African state: The case of Uganda' in Walter O. Oyugi (ed.), *Politics and Administration in East Africa* (Nairobi, East African Educational Publishers, 1994), 234.

29. Rubongoya, *Regime Hegemony in Museveni's Uganda*, 63; Reuß, 'The military and the primacy of civilian rule in sub-Saharan Africa', 80.

30. Rubongoya, *Regime Hegemony in Museveni's Uganda*, 4.

31. Sabiti Makara, 'Political and administrative relations in decentralization' in Nsibambi Apolo (ed.), *Decentralisation and Civil Society in Uganda* (Kampala, Fountain Publishers, 1998), 43.

32. This opinion was explicitly and implicitly expressed by some officials at district level.

government programs. An RDC is the president's ear on the ground. Despite the other roles an RDC plays, he or she is primarily concerned with security. One RDC offered the following insights about his position:

I have done tremendous work for the president and that is why he appoints me RDC of the most strategic districts. . . . When I am appointed RDC of a certain district, the first thing I do is to recruit trusted cadres. You cannot handle security without agents. . . . I have found women to be more vigilant than men, and I have heavily relied on them. I also work with the LC1 structures because that is where government begins. I have also given some small-scale military training to my agents, but on one-on-one bases, because I never want my agents to know each other.<sup>33</sup>

Another RDC opined,

As a head of security in a district you have to understand what security is and this requires some reasonable levels of military training. I am militarily experienced. I fought in the Bush War [that brought the NRM to power], and I can command a division [about 4,000 soldiers in the Ugandan military structure]. . . . Uganda is not a simple country to govern, and one can rely on the so-called political structures at his peril. The politicians need to be checked by experienced security officers; otherwise they can drive this country back to chaos. . . . We [RDCs] also watch over the goings-on of the military and the police, and it is not surprising that they are very disciplined and working well. . . . I work with everyday people in the villages to make my work easy. I have contacts with the last man deep in the village.<sup>34</sup>

It is clear from these statements that the RDCs are security agents, who then recruit agents of their own. Furthermore, it is evident that the RDCs act as security counterweights vis-à-vis the military and police at the district level. In this regard, an RDC is both a product of a security counterweight and at the same time a reproducing agent of the same. Uganda has 114 districts, and each has an RDC and a deputy. Kampala district has an RDC for each of its five divisions.

At the sub-county (*gombolola*) level the RDC system is replicated in the form of a *gombolola* internal security officer (GISO). Like the RDCs, the GISOs have access to information at the sub-county level. They sit at the headquarters of sub-counties, attend council meetings of the LC3, and sometimes attend executive meetings. The GISO is observing everything that goes on at this level. The GISO's office is open to all; anyone can walk in and report a security concern. In most cases, the GISO is appointed to the sub-county in which he was born or has been living, that is, an area he knows well. He speaks the same language as the people and knows people by their names and their families.

There are 1,600 sub-counties, each with its own GISO, and there's a high probability that a GISO knows who in his community supports what party and who is mobilizing for whom. In this capacity, the GISO does background checks on entrants to the political system and communicates to the powers above whether he or she is a trusty NRM cadre. For the 2011 general election, for example, GISOs were tasked with com-

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33. RDC X1, interview, West Nile, 29 January 2011.

34. RDC X2, interview, northern Uganda, 5 February 2011.

piling a list of NRM supporters and prominent opposition supporters in their areas.<sup>35</sup> Thirty people were selected from each of the country's 54,000 villages to mobilize votes for the NRM. In some cases, they were encouraged to recruit prominent figures sympathetic to the opposition to mobilize for the NRM, disempowering the capacity of the opposition.<sup>36</sup> Like RDCs, GISOs are both a product and a propeller of the security counterweight strategy.

At the LC1 (village) level, political and security roles are fused to a great extent. The LC1 chairperson is the head of the security committee of his or her unit. The chair, together with the LC1 secretary of defense and a defense committee, are charged with overseeing village security. In the event of a security threat, such as a rebel infiltration, the LCs would lead night patrols, which are carried out jointly with police, military, and intelligence organizations. An LC1 secretary of defense for a village in Arua district, in northwestern Uganda, offered the following:

I together with my chairman used to guide the military and police in the night patrols at the time the rebels of the West Nile Bank Front were causing instability. We helped a lot. . . . We know every member of our cell and we also knew some suspected members of our cells that were in support of the rebels. . . . Our guidance helped in the defeat of the rebels because the rebels could not move freely because we would easily arrest them. We were also given guns during these operations. . . . Without our support the army had no chance.<sup>37</sup>

LC3s and LC5s also have their own defense committees. Between the RDC and GISO, there is the position of district internal security officer (DISO), district police commander, and brigade commander, if the district hosts a military brigade. In addition, the Chieftaincy of Military Intelligence, External Security Organization, and Internal Security Organization run operatives and agents at all levels. Of importance here is that these officers are mostly from the military, or militarily knowledgeable, and are obliged to serve the interests of the president and the NRM.

Also perpetuating the security counterweights system is a high level of interaction between the security structures and people going about everyday life. One intelligence officer stated, 'Even a senior intelligence officer will not tell you definitively where security starts and where it ends, who a security personnel is and who a security personnel is not. . . . In Uganda everybody can be a security operative if he so wishes. The structure only exists on paper, but in the field we have no structure . . . [and] we are working well. . . . You can see Uganda is a safe country to live in.'<sup>38</sup>

LC structures and ordinary citizens have relatively easy access to guns. An LC1 chairperson and the defense committee can apply through the GISO, DISO, and RDC for weapons to defend the village. When the application is approved, which is in most cases automatic, the LC structure selects reputable and respected persons to take charge of the guns. One need not be in the official LC structure to be charged with this responsibility.<sup>39</sup> Because of the ease of this procedure, it is estimated that each sub-

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35. Intelligence officer X1, interview, Kampala, 20 January 2011.

36. Ibid.

37. LC1 secretary of defense X1, interview, Arua, 30 January 2011.

38. Intelligence officer X2, interview, Kampala, 22 January 2011.

39. LC1 chairman X2, interview, Kabarole, 13 February 2011.

county in Uganda has approximately thirty guns. This estimate suggests that the total number of guns acquired in this manner stands at 48,000 given that Uganda has 1,600 sub-counties. These figures exclude guns at the disposal of the official security structures, militias, and the numerous private security organizations. The distribution of guns to local structures can be traced to Museveni's long-standing convictions. In *Sowing the Mustard Seed*, he asserts,

He [Milton Obote] told me on one occasion that he was worried that people had been given guns, it would be difficult to take them away again. I asked him why he should want to remove the guns if people were using them to defend their rights. . . . Obote wanted guns and power to remain in the hands of the few he could easily manipulate. For our part, we argued that it was not only better to have as many people as possible participate in the struggle, but that this was also desirable in order to secure peace and guarantee the rights of the population against future dictatorships.<sup>40</sup>

The NRM's security counterweights have to a great extent undermined and undercut Uganda's democratic structures, dismantling the organizational capacity of opposition politicians and opposition parties. The main opposition leader, Kizza Besigye, has complained, 'We all contribute to the salaries of civil servants; they thus should not be partisan. But RDCs, GISOs and DISOs among a long list of civil servants act as if they work for NRM.'<sup>41</sup> After elections in 2001, Besigye had made a similar complaint in the form of an election petition to the Supreme Court accusing the RDCs, DISOs, GISOs, and LC officials, among others, of participating in acts of violence and harassment against his supporters. The Supreme Court found the accusation to be truthful but did not move to annul the election results.<sup>42</sup>

The security counterweights at the different levels perform three major functions: provide security in general; watch over the formal security structures and conduct counterintelligence against each other; and keep the opposition in check. It is fair to say that these counterweights have aided in the construction of a sociopolitical environment in which the opposition has little chance to mobilize. Equally important is that the field is tilted in favor of President Museveni and the NRM. On the flip side, however, the structures have increased the presence of the state at the periphery and enabled the governance of Uganda, which past regimes had failed to achieve. This has allowed the state to create order and improve the delivery of political goods, including security. Richard Joseph has observed that the NRM under Museveni used the security forces to enhance state cohesion and stability without overt repression.<sup>43</sup> Likewise, Bruce Baker has noted that the security structures, especially the LC1 'have had a remarkable ordering effect on social life and have acted as the first line of protection

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40. Museveni, *Sowing the Mustard Seed*, 59.

41. Henry Mukasa and Paul Watala, 'Besigye accuses Museveni', *New Vision* (Kampala), 13 December 2010.

42. See *Col. Dr. Kizza Besigye v. Museveni Yoweri Kaguta, Electoral Commission, Presidential Election Petition no. 1 of 2001*, UGSC 3 21.04.11.

43. Richard Joseph, 'The reconfiguration of power in late twentieth-century Africa' in Richard Joseph (ed.), *State, Conflict, and Democracy in Africa* (Boulder, Lynne Rienner Publishers, 1999), 67.

against serious disorder and crime'.<sup>44</sup> He also contends that the LC1 structures have been reasonably successful compared to most other places in Africa. The improved capacity of state has fundamentally enabled economic growth. The economy of Uganda has been growing at an amazing annual rate of more than 7 percent since 1986.<sup>45</sup>

## COUP PROOFING AND POWER MAXIMIZATION

Security counterweights have played a profound role in helping President Museveni stay in power, at this writing, for twenty-five years, longer than the combined tenures of the seven preceding post-independence Ugandan leaders. To put this in perspective, a senior-ranking retired military officer opined,

A state can be strong and the president can enjoy massive support in rural areas as well . . . but that does not prevent the armed forces from executing a coup, . . . especially when the president becomes unpopular among the elites, as Museveni has become. . . . Museveni has been keenly aware of this fact. . . . Despite the fact that he has several layers of security, he is also the master of coup proofing his power. He has been in power for twenty-five years because he has kept his senior military officers in competition with each other. . . . I wish it that he begins professionalising and institutionalising because this system may destroy this country.<sup>46</sup>

Another officer offered, 'It is clear that some of junior officers are more senior than their seniors. For example, Muhoozi [Museveni's son] is much superior in the military than General Aronda [chief of the defence forces]. . . . This is only one example; I could provide much more cases. . . . In general, the army is less professionalised.<sup>47</sup> This and other opinions above should be interpreted with the knowledge that Museveni has been the chief architect of the military since its formation as the Front for Salvation Army in 1970s, during the struggle against Idi Amin, and then as the NRA during the Bush War from 1981 until 1985. He was equally at the helm after taking power in 1986, closely overseeing its evolution into the UPDF after passage of the 1995 constitution. To keep a firm grip on the security apparatus and to counterbalance potential threats from his security chiefs, Museveni adopted a two-pronged approach of systemically splitting the formal security apparatus into small, competing units and creating an extra layer of informal security outfits to watch over the formal security apparatus.<sup>48</sup>

Among a number of people interviewed, there is a shared belief that the turning point for splitting the formal security apparatus was arrived at in October 2000, when the main opposition leader, Col. Besigye, declared that he would run for president. In

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44. Bruce Baker, 'Popular justice and policing from bush war to democracy: Uganda 1981–2004', *International Journal of the Sociology of Law*, 32 (2004), 342.

45. See the 'National development plan (2010/11–2014/15)', April 2010, [http://www.unpei.org/PDF/uganda-NDP\\_April\\_2010.pdf](http://www.unpei.org/PDF/uganda-NDP_April_2010.pdf).

46. Retired senior military officer X3, interview, Kampala, 20 May 2009.

47. Mid-level military officer X4, interview, Kampala, 5 April 2009.

48. Andrew Mwenda, interview, Kampala, 13 April 2009. Mwenda is an investigative political journalist and the managing editor of the *Independent Magazine*. Several security officers shared his opinion, for example, senior military officer X1, interview, 3 June 2009.

Museveni's mental model, Besigye was no ordinary rival compared to those who had previously competed against him. Besigye had substantial political clout, most of which he had accumulated within Museveni's own system. Besigye had fought in the five-year guerrilla war that brought Museveni to power and had served in various capacities, including as national political commissar of the NRM, a member of the Military High Command, commander of a battalion, and chief of logistics in the army, as well as being a personal physician to President Museveni.<sup>49</sup>

Besigye's political challenge took place at a time of possibly deep divisions in the army and a lot of frustration in the NRM. In November 1999, several officers in the UPDF expressed support for Besigye's views after he published an article in the *Daily Monitor* in which he described the Museveni regime as corrupt, dishonest, opportunistic, and undemocratic.<sup>50</sup> Brig. Matayo Kyaligonza, a long-time member of the NRA, was reported to have said that the NRM had digressed from its original vision and that some people in it had become too corrupt. With Besigye and other inner circle security officers expressing critical opinions, Museveni felt he faced a real threat to his power; he did not know who was on his side.<sup>51</sup> At this point, security counterweights as a coup-proofing strategy gained increased and unprecedented emphasis.<sup>52</sup>

Peculiar to the strategy are the many gray areas along the chains of command; in many cases, vertical chains of command are replaced by horizontal ones. In addition, depending on the nature of security information and briefings, junior officers might report directly to the president without their seniors' knowledge. In cases where a unit has been created under a formal organization, the latter may not be entitled to reports from its sub-unit. In other cases, the line ministries of security and defense may not necessarily access some reports from organizations directly under their jurisdiction. This is common in the Chieftaincy of Military Intelligence, where reports go straight to the president without the chief of the defense forces being informed.<sup>53</sup> All security information does not move in the same way, and the manner of reporting depends on many factors. Sometimes the protocol is observed, but in other cases it is not. This might depend on the personal relationship the president has with the head of a particular security organization or the sensitivity of the information.<sup>54</sup>

## CONCLUSION

The security counterweights sociopolitical strategy is the product of the intersection between the sociopolitical history and discourse that brought the NRM to power. It is basically a political power-maximizing strategy. On one hand, this strategy has militarized Uganda by bringing many people, such as those in auxiliary forces, in the LC

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49. Mwenda, interview, 13 April 2009.

50. Tripp, *Museveni's Uganda*. Besigye's critical views marked the beginning of his bitter political rivalry with Museveni. He ran in the 2001 elections against Museveni and then fled into exile in South Africa afterward, returning in 2005 in preparation for the 2006 elections. A few months after his return, he was arrested on treason and rape charges of which he was later acquitted by the supreme court.

51. Andrew Mwenda, 'Why Uganda state is criminalized', *Independent*, 31 May 2008.

52. Mwenda, interview, 13 April 2009.

53. Intelligence officer X3, interview, Kampala, 11 April 2009.

54. *Ibid.*

structures and putting some ordinary citizens under arms. Not surprisingly, defense and security expenditures have been continuously increased.<sup>55</sup>

The strategy has stifled institutional growth of the security apparatus and tilted the sociopolitical field in favor of President Museveni and the NRM, rendering the opposition toothless and invalid, especially in the rural areas. On the flip side, however, although the strategy has been designed and applied with the ultimate political end of keeping Museveni in power, it has also greatly improved the governing capacity of the state and preserved relative sociopolitical order. The delivery of political goods, such as security, has greatly improved and is coupled with a functioning economy. In this regard it would be fair to conclude that the security counterweights have simultaneously maximized the power of Museveni and the power of the state.

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55. Between 1988 and 2007 for example, the defense and security budget grew from US\$69.2 million to US\$237 million. See Tripp, *Museveni's Uganda*, 140.



# Governance, Citizenship, and Conflicts in the East African Community

*Annie Barbara Chikwanha*

The conflicts in the East African Community are largely a quest for citizenship rights by groups that are actively seeking non-discriminatory inclusion in the nation-state project. They are analyzed here using a conceptual framework that meshes different discourses, including the grievance and greed models, while acknowledging their limitations.

THE POLITICS OF GREED, disputes over dwindling resources, and bad governance in the member states of the East African Community (EAC) have tended to result in a type of violence that uproots citizens and provides fertile breeding ground for criminals. Containing these conflicts in Burundi, Kenya, Rwanda, Tanzania, and Uganda has been a perennial problem. In general, contemporary African states have struggled to contain violent conflicts for a number of reasons. Part of the problem is that most of the widely recognized structural, political, economic, social, and cultural triggers of conflict are at play in the region (as they are everywhere else on the continent).

The states of the EAC have been subject to violent and nonviolent, intermittent, endemic, and intractable conflicts. Such confrontations and resultant crime challenge the legitimacy and capacity of the state, especially in its capacity to provide human security. Many observers concur that the conflicts are not just about power and resources, but are rooted in the denial of such human needs as identity, security, respect, and recognition, in short, needs based on the human spirit and social reality.<sup>1</sup> Exclusionary governance systems, which deny 'others' equal rights and opportunities, have triggered many of the conflicts in the EAC. Comprehending the nature and causes of these disputes requires a holistic approach that takes into account combinatorial causation and how the interplay among these factors triggers different kinds of conflict.

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1. Jean Berchmans Ndayizigiye, 'Humiliation and violent conflicts in Burundi', paper for the workshop Humiliation and Violent Conflict, Columbia University, New York, 15–16 December 2005.

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## CONCEPTUAL FRAMEWORK

There are different schools of thought on the causes of violent conflict in Africa. One historical perspective argues that the conflicts are mainly a product of underdevelopment, resulting from colonialism, which ties in with the grievance discourse.<sup>2</sup> Among the many causes of grievances are the unequal distribution of wealth and income, denial of democratic rights, and ethnic division. All the countries in the EAC region largely depend on a few primary commodities, have low average incomes, and suffer from slow economic growth, thus creating conditions conducive to endemic poverty. This alone can breed any number of grievances. Though the governance model has its merits, many others find it inadequate, as it does not take into full account the role of contemporary domestic actors. The other argument, the greed discourse, suggests that violence is largely due to economic resources exploitation and the individual ambitions of actors engaged in strife and war.<sup>3</sup> The greed model fails, however, to acknowledge conflict as a political project, in this case where high-value commodities, such as oil and diamonds, might be lacking.

One argument that yields additional insight into the EAC conflicts is that ethnic conflicts, agitations for inclusion by youths, marginalization of women's struggles for inclusion, and minority communities' demands for autonomy constitute part of the struggle for citizenship rights.<sup>4</sup> Here citizenship infers that people are not only concerned with gaining the political right to vote, but also want to be involved in the social sphere and given the opportunity to take part in it so they can enjoy economic rights, human rights, and a chance to participate freely in the decision making structures.<sup>5</sup> Judging from the nature of conflicts in the region, the EAC states have indeed perpetuated unequal forms of citizenship inherited from the colonial era. This phenomenon in turn affects the resource allocation processes in the region, potentially contributing to conflict.

Malcolm Walters offers this definition of citizenship: 'Modern citizenship is a set of normative expectations specifying the relationship between the nation state and its individual members, which procedurally establishes the rights and obligations of members, and set of practices by which these expectations are realised'.<sup>6</sup> In general, the state has rights and obligations in relation to its citizens. It also has latitude in meeting expectations toward these citizens, and in doing so, it makes policy decisions about the

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2. Paul Collier and Anke Hoeffler used this concept to analyse causes of civil war, but it can be applied with the same effectiveness to all kinds of conflicts. See P. Collier and A. Hoeffler, 'Greed and grievance in civil wars', *Oxford Economic Papers*, 56:4 (2004), 563–95; P. Collier and A. Hoeffler, 'Greed and grievance in civil war', Policy Research Working Paper no. 2355, World Bank, Washington, D.C., 2000.

3. Collier and Hoeffler, 'Greed and grievance in civil war', *OEP*; Collier and Hoeffler, 'Greed and grievance in civil war', Policy Research Working Paper.

4. Ibrahim Abdullah, 'Africans do not live by bread alone: Against greed, not grievance', *Africa Review of Books*, March 2006.

5. V. Taylor, *Social Mobilisation Lessons from the Mass Democratic Movement* (Cape Town, South African Development Education and Policy Research Unit, School of Government, University of the Western Cape, 1997).

6. M. Walters, 'Citizenship and the constitution of structured social inequality', *International Journal of Comparative Sociology*, 30:3–4 (1989), 160.

level of protection or constraint that it extends to citizens and provides differentially.<sup>7</sup> The problem for EAC states is the way in which successive governments have continuously carried out policies that confer citizenship differently.

When one attempts to scrutinize each conflict, the details of the resource that serves as a trigger stand at the fore. In addition, there exists a symbiotic relationship with grievances and greed since for a conflict to erupt into violence, there has to be grievances; to sustain the conflict, greed is essential.<sup>8</sup> As with other parts of the continent where resource wars have raged for decades, the EAC's equally intractable resource conflicts also revolve around access to land, water, and power, which determine who benefits from national resources. This situation is what makes the issue of citizenship a more appealing lens for understanding the EAC's contemporary conflict dynamics. This is also what makes it imperative to pay more attention to actions of domestic elites and how they contribute to conflict through corrupt practices. Various combinations of causes imply different policy responses. In the same manner, grievances and greed often combine in complex ways and cause grievous harm to innocent citizens.

An important fact to remember is that many forms of violence do not necessarily involve conflict—for example, when victims of oppression are not in a position to resist or fight back. These may include political (or judicial) prisoners, as well as members of the public who suffer at the hands of those in possession of the state's coercive instruments or other actors.<sup>9</sup> The focus here is on conflicts that usually erupt in violence.

## SPECIFICITIES OF THE EAC

Conflicts in the EAC are not just a product of the power of the state, but are also a result of the weakness of the state in managing two critical transitions—from colonial to independent status in the early 1960s and from authoritarian, undemocratic regimes to democratic states in the early 1990s.<sup>10</sup> As Patrick Chabal and Jean-Pascal Daloz have pointed out, the continuous disorder emanating from the failure to manage these transitions in Africa works to the advantage of the ruling elites.<sup>11</sup> The failure to accommodate divergent political views and the perpetuation of unfair distributions of resources create room for government to use its might against its opponents.

Cross-border conflicts have affected all the countries in the region, so the historic causes of them merit attention if they are to be contained. Expansive conflicts cast doubt on successful infrastructural investments and give some governments, such as Kenya's, an excuse for marginalizing peripheral areas, in this case northeastern Kenya, thus making poverty there even worse. Insecurity has resulted in the stagnation of national development, which in turn poses challenges for the broader under-

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7. *Ibid.*, 159–79.

8. P. Collier, 'Doing well out of war', paper presented at the conference Economic Agendas in Civil Wars, London, 26–27 April 1999.

9. Thomas P. Wolf, "'Coming to grips with conflict': A (mainly African-based) conceptual guide", USAID Mission to Kenya, September 1996, [http://pdf.usaid.gov/pdf\\_docs/PNACG599.pdf](http://pdf.usaid.gov/pdf_docs/PNACG599.pdf).

10. Anastase Shayka, 'Background to the conflict in the Great Lakes Region', paper presented at the Parliamentary and Security Sector Workshop, Kigali, Rwanda, 19–20 September 2007.

11. P. Chabal, and J. P. Daloz, *Africa Works: Disorder as Political Instrument of Power* (Bloomington, Indiana University Press, 1999).

taking of regional development. Efforts to contain conflict result in resource diversion at the expense of development programs that could sustain a development-oriented environment.

The incessant conflicts in the EAC, especially in those countries bordering the Horn of Africa, in particular Kenya and Uganda, require well-coordinated and inclusionary approaches to building security and are imperative for finding missing links in the search for elusive peace, development, and stability for the area. The region's intrastate conflicts occupy the entire EAC in one way or another, and the spillover complicates the necessary preconditions for peace.<sup>12</sup>

Conflicts in some countries tend to make other countries vulnerable because of the roles they play either as conduits for small arms or as hiding places for warring factions. For instance, Kenya, which shares borders with warring parties in Somalia and Sudan, has lost development and trading opportunities due to closed frontiers and the spillover of conflict into its territory. Decades of armed incursions into Ethiopia by the Oromos from northern Kenya continue to affect the border area, disrupting transport links between the two countries.<sup>13</sup> Closure of the Somalia–Kenya border to attempt to prevent infiltration by Somali combatants has neither stemmed the flow of illegal arms nor has it minimized civil strife in the border areas of Kenya.

It is thus imperative to determine whether EAC states can contain the violent conflicts in the area and provide human security as a grouping. If good governance is about the protection of life and property, the enforcement of law and order, the administration and dispensation of justice, the settlement of disputes and the defense of the polity against external aggression, how does one assess the performance of these countries? All EAC countries have joined the New Economic Partnership for Africa's Development and the Africa Peer Review Mechanism, indicating that there is some officially declared desire for building local and regional networks that work toward building and maintaining conditions in which peace can possibly be realized. Still several questions must be asked: What security benefits might emanate from this regional group? How does one inculcate democratic cultures across these countries to build and sustain peace and political stability? What inclusive mechanisms can be devised so that all citizens can have a say in development and other issues, thus guarding against greed and grievances? One constituency warranting attention is women, who have been largely marginalized in formal conflict resolution processes and post-conflict governance. As a result, issues that affect them receive scant attention. Irrespective of the cause or nature of a conflict, women's bodies increasingly bear the brunt of it in the region. Without the voice of women, the largest group of victims, peace can easily remain elusive.

## MANIFESTATIONS OF INSECURITY

The complexity of violence in the EAC has been partly compounded by a lack of transparency, excessive innuendo, and conjecture at the highest levels. This atmosphere has created hostilities among individuals, groups, and state institutions. Inherited governance practices have fueled these conflicts, but contemporary intermittent violence

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12. Somalia and Sudan are good examples of countries where national conflicts have spillover effects on EAC member states.

13. The Oromos want self-government over a part of southern Ethiopia that they claim as their homeland.

seems to be largely the result of a failure in statecraft and state capacity to provide secure and decent lives for citizens. Centralized decision-making structures and the lack of innovation in designing inclusionary governance systems are also to blame for many of the conflicts since most skirmishes are usually aimed at forcing inclusion and recognition. For decades, politics has been structured in such a way that the ultimate aim of many citizens is to benefit from the *pater familias* tendencies of the ruling elite.

Insecurity in the EAC region takes many forms. A pervasive climate of lawlessness is evidenced by increasing levels of piracy off the Somali coast and cross-border smuggling between Kenya and Sudan and between Kenya and Somalia. There has also been a general increase in violent crimes in all major cities, poaching in game parks, and banditry, robbery, and cattle rustling in rural areas. Although insecurity affects all citizens, the poor and minorities tend to be affected the most. For a region with largely peasant populations hosting large numbers of refugees and internally displaced persons (IDPs), security is always a big concern among citizens. Anxiety triggered by insecurity disrupts lives, displaces residents, and ultimately destroys the social capital networks on which the poor rely. Conflicts throughout Africa often transcend ethnicity and physical borders, which complicates the magnitude of the disputes. The past ten years have seen major changes in relations between countries in the EAC region, making it necessary to focus attention on the causes of these shifts.

### Cattle Rustling

Cattle rustling and raiding have always been a cultural and economic activity for certain populations in the EAC region. Sanctioned by some ethnic groups as a rite of passage for boys entering manhood, security forces have chosen to look the other way as pastoralist initiation ceremonies result in the violent seizure of someone's property. For the Samburus, Karamojongs, and the Pokots, who straddle the Kenya-Uganda border, such has been a way of life for generations. In arid areas, where there is little hope of a diversified economic base, cattle rustling can be the only way to survive. The cross-border nature of cattle raids complicates redress mechanisms, as collaboration with neighboring countries has to be coordinated.

For the nomadic pastoralists, the problems of trying to eke out a living from dwindling resources and harsh climatic conditions has encouraged people to seek sustenance and wealth through illegal and sometimes violent means. Resource scarcity, population pressures, and environmental degradation only worsen conflicts among peasant and pastoral communities. Such natural disasters as drought, desertification, and floods force people to abandon their homes as their lifestyles become unsustainable.

Stereotyping that has persisted since colonization also contributes to conflict. It perpetuates self-serving attitudes and has often degenerated into mass ethnic violence, displacement, and genocide. The EAC region has its share of aliens and indigenes, sophisticated and primitive areas, oppressors and oppressed, rulers and subjects, predatory politicians and revolutionaries.<sup>14</sup> Who is labeled sophisticated and who is categorized as primitive fuels grievances. Nil Justus uses the case of cattle

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14. Nil Justus, 'Stereotypes as sources of conflict in Uganda', BMG Wordsmith, Kampala, n.d.

rustling to illustrate an apparent lack of sophistication, as those taking part in cyclical livestock raids are detrimental to themselves, their neighbors, and region. For him, the lack of respect for private property is worrisome as it triggers endless conflicts, especially in Karamoja, where more than thirty years of armed cattle rustling has intensified as grazing land and water access dwindle.

Many reports have documented how cattle rustling causes other types of banditry to flourish. Cattle rustlers sometimes impose their own laws in securing a region, for example stopping cars passing through their territory for what they call 'security inspections.' It is not clear how they determine which motorists are their enemies, but a small payment to these 'informal security agents' is known to save lives. Their activities disrupt trade and commercial activities, and the resulting insecurity has contributed to the displacement of traditional agricultural communities, turning their members into petty traders concentrated in mercantile centers and camps for safety. The inability of state capacity to provide personal security has resulted in many instances of residents taking responsibility for their own welfare in a variety of ways.

The flow of an array of low-cost weapons through the region's porous borders leaves people, including the unemployed, vulnerable to crime. For many people nursing grievances, access to weapons makes it possible for them to engage in criminal activity and acts of revenge. Between 1997 and 2007, there was a reported tenfold increase in the number of small arms that found their way into the Turkana, Samburu, and Karamojong areas.<sup>15</sup> The failure to provide security has sometimes led governments in some cases to arm vigilante groups and local defense units. This, however, stands to create anarchy as opposed to providing security, in the process reflecting bad governance and highlighting even more the state's inability to secure lives in pastoral communities.

Kenyan government officials have allegedly armed ethnic groups engaged in cattle rustling along the border with Uganda.<sup>16</sup> In the 1970s, the Uganda government reportedly armed the Karamojong as a reward for engaging a rebel group, and afterwards found it impossible to disarm them.<sup>17</sup> In fact, the 1990s saw the government continue to reward them for the same reason. Hence cattle rustling and insecurity have been a part of the Karamojong lifestyle for some time. The actual attempts to disarm them have been futile, with only 12,000 guns being turned in while an estimated 80,000 remained in circulation in the early 2000s.<sup>18</sup> Current efforts to disarm other marauding tribes, such as the Turkana and Didinga in Kenya, have also failed.

The problems of implementing disarmament, demobilization, and reintegration continue to feed instability in the region. When Karamojong cattle-raiding wars spilled over into western Kenya in the early 1990s, the Ugandan government failed to

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15. Kennedy Agade Mktutu, 'Small arms and light weapons among pastoral groups in the Kenya-Uganda border area', *African Affairs*, 106:422 (2007), 47-70; see also Kennedy Agade Mktutu, *Guns and Governance in the Rift Valley* (Oxford, James Currey, 2006).

16. Kenya Human Rights Commission, 'Morans no more: The changing face of cattle-rustling in Kenya', Nairobi, 2010.

17. Justine Nannyonjo, 'Conflicts, poverty and human development in northern Uganda', UNU-WIDER, Research paper no. 2005/47, August 2005.

18. *Ibid.*

implement a successful disarmament regime. The brutality of the Ugandan security apparatus charged with disarmament resulted in exacerbating mistrust between the Karamojong and the government. In response, the Karamojong community continued to arm itself to protect against cattle raiding. Redress mechanisms, such as forced disarmament by the Ugandan government, proved to be unsuccessful because citizens were distrustful of the authorities' intentions. This resulted in 'government enabled militias' whose activities were not transparent,<sup>19</sup> exacerbated violence, increased the number of weapons in the conflict centers, and slowed development in the area.

Militarized remedies to cattle rustling have led to a blind eye being turned to development alternatives with possible solutions based on understanding the cultural matrixes of the cattle-marauding communities. Alternative remedies, such as tapping into social-cultural modes of resolving local conflicts, should, however, be part and parcel of conflict resolution, forming the building blocks for national policies in cattle-rustling areas. A large part of the problem is that livestock pastoralists lack government support typically provided through citizenship. The absence of national policies for pastoralist economies marginalizes this group, compelling them to turn to illegal activities for sustenance. For groups that have always viewed rustling as a way of life, their grievances, no matter how unjustified in the current era, are indicative of the diversity of grievances and how difficult it can be to address them, especially if they stray into the citizenship realm. It is only recently that the African Union has begun to draft a policy for pastoralists.

### **Ethnic Tensions and Violence**

The nature of politics in the EAC region poses a threat to politically and economically marginalized ethnic groups. Often tribal tensions are deliberately manipulated, as has been the case in Kenya, Burundi, and Rwanda. Such ethnicized politics breed widespread mistrust. When ethnic tensions converge with social status issues, struggles become perpetual because everyone wants to be on top politically, socially, and economically.<sup>20</sup> These social status issues are related to unequal economic power, usually the widening of the wealth gap between haves and have-nots, and contribute to insecurity in various forms, such as violent crime. A good example of this dynamic is organized crime among the Mungiki, an ethnic (Kikuyu), faith-based vigilante organization that metamorphosed into an expansive network of criminal gangs that extorts money from communities and businesses in Kenya.

In general, even recalcitrant governments have struggled to cope with the pressures of globalization. Sometimes, their response was to embark on economic and political reform by mobilizing support through manipulating ethnic and religious differences. This strengthened their hold on power and temporarily secured their positions of wealth and power. Such exclusionary governance styles drive ethnic groups to seek inclusion and the rights of citizenship violently. For instance, Burundi's ruling elite

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19. Nannyonjo, 'Conflicts, poverty and human development in northern Uganda.'

20. Michelle Maiese, 'Causes of disputes and conflicts', *Beyond Intractability*, October 2003, <http://www.beyondintractability.org/bi-essay/underlying-causes>.

comes mostly from Bururi province, and the exclusion of peoples from other regions in the nation's governing structure compels the latter to use violence to gain access. In Kenya from 1972 to 2002, during the tenure of President Daniel Arap Moi, the governing elite structured distributional politics to benefit the Kalenjin group, to which Moi belonged, usurping the Kikuyus' former position of privilege. Post-electoral violence in 2007 and 2008 stemmed from the Kikuyus' dissatisfaction and unease at the possibility of again losing their dominant status and other groups' desire to enjoy the spoils of government control.

Negative and exclusionary politics have antagonized certain communities, leading to high mistrust and distrust, as in the Pokot, Samburu-Baringo, Turkana, and Marakwet regions in Kenya. The ethnic tensions among these northern communities revolve around grievances over injustices and serve to exacerbate insecurity. Issues of injustice are sometimes intractable because parties are unwilling to compromise on what justice means to them, resulting in aggression and retaliation.<sup>21</sup> There is thus a need to take into account the historical specificities of communities, for example, in the case of northern Kenya, the cross-border pastoral and interclan conflicts that have resulted in communities arming themselves. The politicization of ethnicity violates UN and African Union provisions that all citizens deserve equal treatment, rights, and protection.

In ethnically polarized societies in Burundi, Kenya, and Rwanda, relationships are usually enforced through threats and the use of force. In the absence of legitimacy, demands for change in such scenarios often result in instability and social unrest. In the three countries mentioned, and to some extent in Uganda, governing political elites have made choices that exacerbated intergroup tensions. Politics and economics have long been used to affirm the dominance of one group and to alienate the others, literally and figuratively. Richard Sezibera notes that myths were created and propagated about peoples' origins, histories, and character in ways that ignored reality. These assertions then became the bases for conflict. In short, what typically passes for ethnic, regional, and religious discourse in some societies has caused heavy loss of life in the EAC region. Sezibera cautions that conflict management in the region requires investment in exposing the fallacies and dangers of divisive political ideologies and in promoting harmony among the most vulnerable sectors of society. Training and capacity building in conflict management should be key components in stability strategy, especially for Burundi and Rwanda, but also in the rest of the region.<sup>22</sup>

When political elites manipulate the majority, they deter the achievement of political maturity. Greed acts as a motivating force in such instances, as the elites are interested in access to state power because it allows the accumulation of wealth. Decades of episodic ethnic violence in some EAC countries have deterred the achievement of political and social harmony, resulting in the creation of killing societies. A good example is Burundi's history of ethnic cleansing of Tutsis, in 1965, 1972, 1988, and 1993, and unworkable peace deals that essentially condone violence by allowing perpetra-

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21. *Ibid.*

22. Richard Sezibera, 'Experiences with conflict management in the Great Lakes Region', paper presented at the Parliamentary and Security Sector Workshop, Kigali, Rwanda, 19–20 September 2007.

tors to go unpunished.<sup>23</sup> In 2000 a Burundi peace deal allowed political parties as well as genocidal forces to play roles in national institutions, making peace elusive until September 2006. The Hutu Forces for National Liberation mounted sporadic attacks against opponents and dissenting voices after the implementation of a 2006 accord was suspended in July 2007.<sup>24</sup> This insurgency is an obstacle to stability in the country. Another example of creating a killing society is the inscription of children into armies and militias. Children are reportedly active in the Uganda People's Defence Forces even as the government tries to heal children turned into soldiers and slaves by the Lord's Resistance Army.<sup>25</sup> Rwanda has also had its share of violence against targeted communities as evident from the 1994 genocide.

A number of other factors have also been identified as fuelling ethnic tensions. Burundi's high population density—326.43 people per square meter (in 2010), the second highest in the world, after Rwanda's—points to the likely continuation of internal conflict as long as the majority of the population remain subsistence farmers.<sup>26</sup> The country also ranks among countries with the lowest gross domestic product per capita at \$90 (2005 estimate), and half of the population is under fourteen years of age, perhaps foreshadowing the likelihood of waves of violence when members of this cohort reach maturity while struggling with poverty and destitution.

### Insecure Borders

The porous and unsecure borders of the EAC countries are fertile ground for organized crime. A rise in violence in Kenya has been partly attributed to the ease of access to guns flowing from the Darfur and Somali conflicts. Pervasive poverty across the region and the dearth of opportunities for youths also facilitate recruitment and infiltration by criminal networks. Security at border posts is challenging due to the endless tide of human traffic at the entry and exit points. Entry and exit to and from the EAC countries occur mainly in two ways: through official crossing points, where immigration officials, police, and the intelligence officers and revenue authorities are located and via unofficial points, known as *panya* routes (Kiswahili for 'rat route'). The latter are usually footpaths used by civilians in the area for the purpose of conducting daily business. Nelson Alusala has observed that officials usually ignore *panya* routes, as the local inhabitants who use them are not considered to pose a threat. The crossings therefore remain unmanned, and criminal elements take advantage of them to smuggle drugs, foodstuffs, humans, stolen vehicle, minerals and precious stones, game, and

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23. Ndayizigiye, 'Humiliation and violent conflicts'.

24. Human Rights Watch, 'Pursuit of power: Political violence and repression in Burundi', 2009, <http://www.hrw.org/news/2009/06/03/burundi-end-political-violence-repression>.

25. See Bernard Beber and Christopher Blattman, 'The logic of child soldiering and coercion', July 2011, <http://chrisblattman.com/documents/research/2011.LogicOfChildSoldiering.pdf?9d7bd4and>; UNICEF, 'Uganda: Child soldiers trapped in vicious cycle of war', 16 February 2005, [http://www.unicef.org/infobycountry/uganda\\_25184.html](http://www.unicef.org/infobycountry/uganda_25184.html).

26. World Bank, 'Burundi: Density and urbanization', 2011, <http://www.tradingeconomics.com/burundi/population-density-people-per-sq-km-wb-data.html>; and Center for UN Reform Education, 'Update on governance in Burundi', 19 March 2007, <http://www.centerforunreform.org/node/249>.

money. Insurgents are also aware of the lack of security at panya routes when faced with the need to cross borders.<sup>27</sup>

Northeast Kenya, which borders Ethiopia and Somalia, remains one of the most insecure places in the country. Government workers and civilians require armed escorts to move safely through the area. Pokots traveling from the northern region of Kenya leave their weapons at security points before entering what they refer to as 'Kenya'. This self-exclusion from mainstream Kenya points to grievances related to marginalization brought about by a lack of infrastructural investment, such as roads, schools, and hospitals in their region.

Although pastoral communities in Kenya have always experienced tensions and wars among themselves, the collapse of Somalia led to an increase in banditry, lawlessness, and interclan tensions. Some Kenyans simply cross the border to lay low in Somalia, where relationships with warlords can secure them protection. Such options contribute to the lack of initiatives by the border communities to engage in alternative productive ventures. In addition, the governments in the region tend to bury their heads in the sand when it comes to drawing pastoral communities into the modern age. In Uganda, small-scale insurgencies have benefited from porous borders in their opposition to the government. In 1997 an insurgent group led by the Allied Democratic Forces, composed of former Idi Amin loyalists, launched an incursion into western Uganda from lawless eastern Congolese territory, as did another group, the West Nile Bank Front, an ethnic grouping of former Amin army commanders.

## Refugees and Displacement

The influx of refugees fleeing conflicts in neighboring countries retards development for host states as well as for the refugees and consumes a substantial amount of law enforcement resources. As of March 2011, there were 5,424,006 internally displaced persons in Burundi, Kenya, and Uganda and 1,004,963 refugees in the five EAC countries combined.<sup>28</sup>

At the regional level, EAC governments tend to display signs of mistrust toward each other. For instance, Burundi has always been unhappy with Tanzania hosting its refugees because it believed that rebels recruit fighters from the refugee camps, and yet Tanzania hosts refugees from the entire region. Recent problems between Congolese Tutsis, led by Laurent Nkunda, against the government of President Joseph Kabila of the Democratic Republic of the Congo have drawn Rwanda into the conflict, with President Paul Kagame being accused of supporting Nkunda because of mistrust and fear of another massacre of Tutsis among the refugee population. Mistrust also poses challenges for post-conflict reconstruction in northern Uganda, which has experienced cycles of violence since 1979.

There has been general inaction in the region regarding internal displacement. This was largely due to the conceptualization in determining who qualifies to be classified

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27. Nelson Alusala, 'Informal trade and cross border crime: The case of the Great Lakes Region', unpublished Situation Report, Institute for Security Studies, Pretoria, 2007.

28. United Nations Office for the Coordination of Humanitarian Affairs, 'Eastern Africa: Displaced populations report', issue 9, April 2011.

as internally displaced.<sup>29</sup> Cultural interpretations of displacement also contribute to inaction on the part of bureaucracies, as governments have tended to expect IDPs to fend for themselves and eventually drift back to wherever they had come. The United Nations defines internally displaced persons as persons 'who have been forced or obliged to flee or leave their homes or places of habitual residence, in particular, as a result of, or in order to avoid the effects of, armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized state border'.<sup>30</sup> This definition focuses on the involuntary nature of displacement.

Displacement retards the achievement of many of the Millennium Development Goals, which is certainly the case of IDP camps in Uganda. Both water and sanitation are often difficult for IDPs to access in camps in arid areas. Poverty is rampant, and rebels often raid food aid. Likewise, health and nutritional standards are low, and infant mortality rates high. Sex becomes a commodity in such confined circumstances as camps, creating the possibility of spreading HIV/AIDS. In 2005, the EAC region's human development index stood at 0.350 against a national average of 0.449.<sup>31</sup> These patterns can be expected to prevail across most of the EAC countries for various reasons, and conflict is one of them. Illiteracy is another. An educated citizenry has a better chance of resisting the political influences that threaten stability and peace. Evidence demonstrates that it is difficult for a multiparty democracy to coexist with widespread ignorance and illiteracy.<sup>32</sup>

Camp life generally creates situations ripe for gross human rights abuses, especially against women and girls. When perpetrators are government security personnel, the physically weak and more destitute may be even more vulnerable. Ugandan camps are an excellent example of such abuses. Another is the low quality of life of refugees in Tanzania. Their lives consist merely of existence, as there are numerous restrictions on their movements, and they face constant threats of deportation. Most refugees lack documents required by their host country for transactions, thus denying them a chance to earn a decent living. Many therefore turn to crime in an effort to survive.

Kenya has borne the burden of hosting thousands of Sudanese refugees. Banned from moving out of the camps, the refugees are forced into illegal activities to survive. The United Nations High Commissioner for Refugees and other international organizations have made notable and significant contributions in providing refugees with basics, but without governments meeting them halfway in legalizing the refugees' status, insecurity for them will continue to prevail. What is missing is the articulation of an EAC regional position on the treatment of refugees that would allow them to live dignified lives. Protocols drafted at the African Union and UN International Conference on the Great Lakes Region and the Regional Pact on Security, Stability and

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29. The adoption of the Convention for the Protection and Assistance of Internally Displaced Persons in Africa by the African Union (Kampala Convention) in 2009 has now addressed the issue of the definition of an IDP.

30. United Nations High Commissioner for Refugees, 'Guiding principles on internal displacement', 2001, <http://www.unhcr.org/43ce1cff2.html>.

31. Computed for the EAC countries from the United Nations Development Programme, *Human Development Report, 2005: International cooperation as a crossroads: Aid, trade and security in an unequal world* (New York, 2005).

32. L. Davies, *Education and Conflict: Complexity and Chaos* (London, Routledge, 2004).

Development in the Great Lakes Region are yet to be translated into law. As of June 2012, the 2009 African Union's Protocol on the Protection and Assistance of Internally Displaced Persons was yet to be domesticated by all concerned parties.<sup>33</sup>

## Inequality

An assessment of socioeconomic and political conditions in the EAC region revealed an excessive inequitable distribution of resources, particularly in Kenya, that has led to intractable distributional conflicts.<sup>34</sup> Minority groups denied space for political participation or cultural expression tend to view power hierarchies as unjust and rebel against them. Water disputes in the arid zones of northeast Kenya and northeast Uganda are good examples of classic distributional conflicts. The disputes in Kenya's Mt. Elgon area largely involve access to land and water, both of which are diminishing and thus leading to conflicts between pastoralists and agriculturists.<sup>35</sup> With limited resources, the more one group gets, the less others will have. As long as there are inadequate water supplies to meet everyone's needs, conflict will prevail.

Water is an issue that many African governments classify in the category of general services provision and is usually seen as a problem only when urban areas experience shortages. The fact is that for many rural dwellers, getting safe clean water is problematic and will remain so until national budgets begin to reflect a concrete commitment to making its provision a reality. The question of water in the EAC region ought to trigger intense debate.

Lake Victoria's reserves are dwindling such that Uganda, endowed with the bulk of its resources, is struggling to generate electricity. More hardship is likely should the EAC fail to plan for future supplies. Resource scarcity, population pressures, and environmental degradation have worsened conflicts among the peasant and pastoral communities in northern Kenya bordering Uganda, South Sudan, and Somalia. Traditional standards and norms guiding the use of water have changed over time, triggering mass movements, including abandonment of traditional territory, a major loss that exacerbates other grievances. Insecurity triggered by access to water can fuel secessionist tendencies (for example, the Oromo insurgency) and create potentially troublesome cross-border alliances. Seasonal trekking in search of water and pastures by some communities has been affected by worsening insecurity. The Oromo have been crossing the border from northern Kenya into Ethiopia for centuries in search of water and pastures and have therefore sometimes been caught in the middle of various conflicts.

Internal migration from rural to urban areas has led to urbanization pressures manifest in violent forms. In all the EAC countries, thousands of youths flock to urban centers daily, hoping to find better prospects. With jobs scarce and opportunities for mobility blocked because of the inferior educational standards prevalent in

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33. Chaloka Beyani, 'Introductory note on the pact on security, stability and development in the Great Lakes Region', *International Legal Materials*, 46:1 (2007).

34. Maiese, 'Causes of disputes and conflicts'; African Peer Review Mechanism, 'Country Review report of the Republic of Kenya', May 2006, Midrand, South Africa; *Esther Mwangi*, 'Subdividing the commons: Distributional conflict in the transition from collective to individual property rights in Kenya's Maasailand', *World Development*, 35:5 (2007), 815–34.

35. Frederick Nzwili, 'Water conflicts increasing Uganda conference warns', *Worldwide Faith News*, 5 June 2007.

rural areas, the result is often urban violence between hawkers over trading spaces and between slum dwellers, developers, and civic authorities over evictions. These skirmishes have become a permanent feature in Nairobi, Mombasa, and Kisumu.<sup>36</sup> Dar es Salaam's resources are also clearly failing to cope with rural-urban migration.

There have been concerns that groups copying the tactics of the Kenyan Mungiki, and adopting the same name, are now operating in Dar es Salaam, highlighting the problems of regional security. These unemployed youth have targeted the public transportation system for extorting money. Angry with being used as cannon fodder by the politicians, clearly aggrieved youths are using violence in demanding better governance. The spread of the Mungiki ethos among Tanzanian youths points to the unchecked spread of criminal activity in the region.

### Poor Service Provision

The failure to develop road networks in some areas of the EAC is another factor that leads some residents to resort to illegal activities and the self-provision of security. Militias from the cattle-rustling communities are known to conduct raids and retreat into non-navigable terrain. Somalian conflicts have destabilized northern Kenya for decades, and the lack of infrastructural development in the region leaves the black market with Somalia as the only alternative supply route for both countries. One consequence is that the cost of transporting food to the marginalized territories is high, forcing the communities to resort to smuggling, which appears to be condoned by officials who are reportedly part of the contraband rackets. Greed plays a role in this chaos.

One sign of state failure in the provision of security is the increase in the privatization of security. The poor in the EAC in particular provide themselves with security, using traditional weapons and illegally acquired guns. Aggrieved communities create their own vigilante groups that carry out policing, prosecution, and judgments. This situation reflects the general level of anxiety created by the other negative effects of non-development that need to be addressed in the region.

In Mombasa, largely perceived to be a crime-free tourist haven, the growing population has expanded the city's slums and provides shelter to the many gangs that have sprung up and tasked themselves with managing 'security' in specific ghettos. Three gangs are primarily responsible for terrorizing citizens in the major slums. Their members extort protection money and goods from each household. Failure to pay results in forced recruitment or physical assaults.<sup>37</sup>

### Land Conflicts

Access to land is an issue that has led to perpetual conflicts in Africa since decolonization. Throughout the continent, the pattern has largely been the same, with certain groups accumulating land to the disadvantage of others. Land policies are complex

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36. Alfred Omenya and Grace Lubaale, 'Understanding the tipping point of urban conflict: The case of Nairobi, Kenya', Working Paper 6, May 2012, [http://www.urbantippingpoint.org/documents/Working%20Papers/WP6\\_Nairobi.pdf](http://www.urbantippingpoint.org/documents/Working%20Papers/WP6_Nairobi.pdf); and Walter Oyugi, 'Conflict in Kenya: A periodic phenomenon', Government of Kenya, 2002, <http://unpan1.un.org/intradoc/groups/public/documents/CAFRAD/UNPAN008267.pdf>.

37. Amina Kibirige and Abdulrahman Sheriff, 'Kenya: Gangs and drugs disturb Mombasa's peace', *Sunday Nation*, 13 April 2008.

and often require fair redistribution models to prevent prolonged conflicts. The absence of traditional authorities for managing land disputes in rural areas deprives official processes of the legitimacy badly needed to negotiate successful solutions. Customary leaders still retain influence in land disputes, so to avoid charges of political interference, their input is essential.<sup>38</sup>

Kenya has had its share of land-related conflict generated by population pressures, agricultural commercialization, and urbanization. The failure to reform the traditional land tenure systems shows a lack of state capacity in adapting to the changing needs of citizens. Many rural people have outdated land registration documents, and the high cost of registration prevents many people from updating them.<sup>39</sup> At the same time, the state has not demonstrated a capacity for updating land records, especially in the case of deceased rights holders. A dead man's land would traditionally be passed on to his family, but widows in particular are vulnerable to losing possession of it when men decide to fight over it. This usurpation of the land violates constitutional provisions on equality, but women may have no recourse for asserting their citizenship rights in this regard.

Most land conflicts in Kenya are over boundaries with neighbors or relatives. These are followed by inheritance disputes and, finally, by sales. More than 90 percent of the people involved in land conflicts tend to opt for informal conflict resolution institutions, such as elders committees. The formal institutions, the land tribunals, and other governmental institutions preside over less than 50 percent of the disputes.<sup>40</sup> The lack of faith in government institutions is disturbing in contemporary society.

## CONCLUSION

Conflicts in the EAC are not only the result of grievances or greed, but stem from a combination of factors. The exclusivist orientation in service delivery by some EAC governments has engendered the formation of new, violent (political) identities that certain (aggrieved) communities believe will force a new conception of citizenship that is inclusivist. These dynamics point to the idea of belonging as being central to understanding citizenship. Because citizenship comports with an ethos of civic virtue, duty, and obligation, and because rights of citizenship adhere to the identity of citizens, rights depend on being recognized as a proper citizen. Governments in the EAC region must address this condition.

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38. Chris Huggins and Jenny Clover (eds.), 'From the ground up: Land rights, conflict and peace in sub-Saharan Africa' (Pretoria, Africa Centre for Technology Studies and Institute for Security Studies, 2005).

39. See Yamano Takashi and Klaus Deininger, 'Land conflicts in Kenya: Causes, impacts and resolutions', discussion paper, December 2005, [http://www.fasid.or.jp/daigakuin/fa\\_gr/kyojyu/pdf/discussion/2005-12-002.pdf](http://www.fasid.or.jp/daigakuin/fa_gr/kyojyu/pdf/discussion/2005-12-002.pdf); Thomas J. Miceli, C. F. Sirmans, and Joseph Kieyah, 'The demand for land title registration: Theory with evidence from Kenya', *American Law and Economics Review*, 3:2 (2001), 275–87.

40. Takashi and Deininger, 'Land conflicts in Kenya'.



# Democratisation in the Absence of States: Lessons from Africa

Olatunji Olateju

At the end of the cold war, two issues became prominent in the political discourse—the global prospects of democracy and state failure. While the full prospects of democracy have yet to materialise, state failure has become a global phenomenon, surfacing in several regions. Pointing to cases such as Liberia, Sierra Leone, and Somalia, some researchers have argued the existence of a broad trend towards the disintegration of state institutions, especially in so-called third world countries. The state failure discourse, including debate about underlying assumptions, is ongoing, and its implications have bearing on the prospects for democracy in Africa.

A GREAT DEAL HAS BEEN WRITTEN about the democratisation process and failed states in Africa, two issues that continue to engender intense debate.<sup>1</sup> International organisations, including the World Bank and United Nations, have commissioned research on state failure and published policy recommendations for avoiding it. The European Union, African academics, and international donor organisations have also given considerable attention to democratisation and state failure, and much has been written on the dependency inherent in the African political economy. Critical examination of these studies reveals that most of them were carried out with the mission of improving governance structures and democratisation processes, reducing poverty, improving or reducing aid, stimulating or sustaining economic development projects, and so

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1. Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control* (Princeton, New Jersey, Princeton University Press, 2000); I. William Zartman, *Collapsed States: The Disintegration and Restoration of Legitimate Authority* (London, Lynne Rienner Publishers, 1995); M. R. Beissinger and M. Crawford Young (eds.), *Beyond State Crisis? Postcolonial Africa and Post-Soviet Eurasia in Comparative Perspective* (Washington D.C., Woodrow Wilson Center Press, 2002); R. Rotberg, *When States Fail: Causes and Consequences* (Princeton, New Jersey, Princeton University Press, 2003); R. Rotberg, *State Failure and State Weakness in a Time of Terror* (Washington, D.C., Brookings Institution Press, 2004); F. Fukuyama, *State-Building. Governance and World Order in the 21st Century* (Ithaca, N.Y., Cornell University Press, 2004); F. Cooper, *Africa since 1940: The Past of the Present* (Cambridge: Cambridge University Press, 2002); I. Wallerstein, 'New revolt against the system', *New Left Review*, 18 (November–December 2002); G. Helman and S. Ratner, 'Saving failed states', *Foreign Policy*, 89 (Winter 1993), 3–21.

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on within a neo-colonial framework. Most of these studies engage in critical analysis of African states' fragility stemming from a liberal economic approach that has plagued political economies through the state-building strategy adopted by administrations during the colonial enterprise.

The liberal democratisation and constitutionalism imposed on African pre-colonial structures created a number of problems after the transformation of political structures from colonial to post-colonial rule. They also challenged understandings of the effects of attempted universal democratisation for nations evolving from former empires and kingdoms and of the psychic dislocation of Africans as tracked by Frantz Fanon.<sup>2</sup> The problem with the democratisation process in Africa is two-fold: first, the absence of autochthonous states to guide the process, and, second, the promotion of a liberal model of democracy. Prevalent political crises in Africa lend credence to doubts raised about the ability of contemporary African states to resolve problems created by divergent interests. Political crises in Algeria, Benin, Côte d'Ivoire, Egypt, Libya, Nigeria, Sierra Leone, Togo, Zimbabwe, and other states are put forth as exemplifying the inability of African states to manage affairs despite holding a monopoly on the instruments of coercion. Such failures strengthen assertions that the state is yet to truly exist in post-colonial Africa. Most of the post-colonial states are perhaps best classified as 'neo-trading posts', established like their pre-colonial predecessors for the sustenance of extractive trade economy.

As pointed out by Stuart Hall, simply because post-colonial African states are not all post-colonial in the same way, it does not mean that they are not post-colonial in any way.<sup>3</sup> The ghost of colonialism still looms irrespective of a state's path to independence. Colonialism reconfigured African societies, eliciting the need to expand discussion of the failed state beyond the security benchmark discourse popular since the end of the cold war. 'Good governance', fashionable since the 1990s, explains the genesis of the failed state in Africa better than the security paradigm.<sup>4</sup>

Given a situation where state-building strategies are designed by foreigners who omit indigenous elements, is it more appropriate to consider states in Africa as failed or is it that foreign state-building strategies have failed to produce a successful state? More important, can superficial post-colonial African states sustain democracy in their current forms or should Africans reject liberal democracy wholeheartedly or modify it to incorporate indigenous aspect of their societies? These challenges need to be critically investigated because they hold the potential to reveal the limits of external intervention in Africa's political development.<sup>5</sup> The analysis here suggests that state building as a means of social engineering, social control, and resolution of divergent views is yet to emerge in Africa.

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2. F. Fanon, *Wretched of the Earth* (London, Penguin Books, 1990).

3. Stuart Hall, 'When was "the post-colonial"? Thinking at the limit' in I. Chambers and L. Carti (eds.), *The Post-Colonial Question: Common Skies, Divided Horizons* (London, Routledge, 1996), 242–60

4. T. Weiss, 'Governance, good governance and global governance: Conceptual and actual challenges' in Rorden Wilkinson (ed.), *Global Governance Reader* (New York, Routledge, 2005).

5. M. Fischer and B. Schmelzle, 'Building peace in the absence of states: Challenging the discourse on state failure', Berghof Handbook Dialogue 8, Berghof Research Center for Constructive Conflict Management, Berlin, 2009.

## DISARTICULATION OF PRE-COLONIAL AFRICAN STATE SYSTEMS

As G. Hyden notes, the divergent camps on the state can be broadly categorised as those who view its essence as an instrument of power and control and those who believe that it should be a tool for reconciling differing views and providing a forum for finding solutions to the problems facing members of society.<sup>6</sup> In addition, advocates of the so-called universal perspective consider the state to be an institution with universal qualities while contextualists point to the inherence of the state's cultural peculiarities.

According to prevailing thought in the 1960s, state building, nation building, and development went hand in hand. The 1950s and 1960s, when most colonial African territories were granted independence, represented the heyday of modernisation theory, which draws its theoretical inspiration from John Maynard Keynes. Practical insights from the success of the Marshall Plan led to its components being adopted as the road map for state development in areas outside Europe.<sup>7</sup> Modernisation theorists identify traditional values and a dearth of space for civil society to partake in economic and political development as stumbling blocks to political and economic liberalism. They therefore suggest rolling back the state. Their state-centric counterparts, however, view the existence of weak state institutions as the problem. They therefore advocate a stronger state that can curtail social crises, such as those arising from implementation of reform packages demanded by the International Monetary Fund and the World Bank. Neo-Marxists on the other hand emphasise that African states are not generally controlled by domestic forces, but by agents of international capital. Through colonialism these agents extended their influence beyond the boundaries of the industrialised world, reaching into developing countries, or the third world. The neo-Marxists, however, never faulted the modernisation theorists' universalist interpretation of the state. Collaboration between the two schools serves as a point of departure for post-modern theorists who argued that states should be analysed in their local contexts, not in terms of grand theories.

From the 1960s through the late 1980s, most of the literature on African political development drew inspiration from modernisation theory, although state analysis of Africa was subject to paradigm fluctuations between modernisation and post-modernist thought. The discourse took a different direction with the publication of Africanist literature after the 1980s, highlighting the exceptional nature of African states and politics. At this time, African scholars began to develop their own theories, which according to Dot Keet, partly stemmed from the 'sub-optimal' results of policies based on the grand theories as well as their conclusion that imperialism in general had 'actively underdeveloped the peripheral societies'.<sup>8</sup>

The desire of anti-colonial idealists, such as Frantz Fanon, to avoid imitating Europe was belied by the post-colonial reality.<sup>9</sup> Colonialism provided the template for

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6. G. Hyden, 'Rethinking the study of African politics' in D. Olowu, A. Williams, and K. Soremekun (eds.), *Governance and Democratisation in West Africa* (Dakar, CODESRIA, 1999), 8, 9–27.

7. Olowu, Williams, and Soremekun, *Governance and Democratisation in West Africa*, 11.

8. D. Keet, *The New Partnership for Africa's Development (NEPAD) and the African Union: Unity and Integration within Africa or Integration of Africa into the Global Economy* (Cape Town, Alternative Information and Development Center, 2002); J. Martinussen, *Society, State and Market: A Guide to Competing Theories of Development* (New York, Zed Books, 1997), 86.

9. F. Fanon, *Black Skin, White Masks* (New York, Grove Press, 1967), 252.

the state building and governance that guided the transformation of the colonies into independent nations and dependent economies. So, despite seeking to assert political and cultural autonomy, anti-colonialists had little choice but to operate along the lines of colonial state building.<sup>10</sup> This dynamic helped ensure that while pan-African dreams remained unrealised, liberal values would survive in the post-colonial states. These new countries faced the unprecedented challenge of fashioning 'a peculiarly modern form of statehood', modeled on the modern Western state developed over centuries, while in theory ignoring pre-colonial patrimonialism.<sup>11</sup>

In short, the African colonies were fashioned as instruments of control and power designed by the colonial authorities for the realisation of colonial objectives, and post-colonial states were drawn to serve the same purpose. In these processes, liberal structures were established that ruptured pre-colonial dynamics and patterns and strengthened political control of the colonial authority and its economic interests.<sup>12</sup> Recalcitrant traditional chiefs, such as Jaja of Opobo, in Nigeria, were banished, and compliant traditional rulers who did not fight against colonialism were rewarded.<sup>13</sup> Although ruthlessness appeared to have provided colonial administrations with sought-after stability and consistency, they required economic exploitation, social deprivation, political exclusion, and cultural oppression. This approach resulted in adverse legacies for the political structures and the processes for transitioning these territories to independence and their post-colonial prospects. One legacy of the anti-colonial struggles was the adoption of violence to right the wrongs created under colonialism.

## THE POST-COLONIAL STATE-BUILDING PROCESS: THE LEGACY OF VIOLENT CONTROL AND ETHNIC RIVALRY

After independence, African leaders applied the colonial instruments of coercion they had inherited to unleash terror and violence on their people.<sup>14</sup> They dealt with perceived and imaginary enemies in ways ranging from detention to murder, much like the colonizers had ruled and acted towards traditional rulers who failed or refused to serve the needs of the colonial government.<sup>15</sup>

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10. F. Cooper, *Africa since 1940: The Past of the Present* (Cambridge, Cambridge University Press, 2002), 67.

11. C. Clapham, *Third World Politics* (Madison, University of Wisconsin Press, 1985), 57–58.

12. John Lonsdale, 'Political accountability in African history', in Patrick Chabal (ed.), *Political Domination in Africa: Reflections on the Limits of Power* (Cambridge, Cambridge University Press, 1986), 145.

13. On colonial attitudes and African complicity see the following: P. Nugent, *Africa since Independence: A Comparative History* (New York, Palgrave Macmillan, 2004); Caroline Elkins, *Britain's Gulag: The Brutal End of Empire in Kenya* (London, Pimlico, 2005), 3; Richard Meinertzhagen, *Kenya Diary, 1902–1906* (London, Oliver and Boyd, 1957), 51–2, on killing Kikuyus by the hundreds; John Ellis, *The Social History of the Machine Gun* (New York, Arno Press, 1981), 92, 100; B. Lapping, *End of Empire*, rev. edn (London, Paladin, 1989), 469; Bruce Berman, *Control and Crisis in Colonial Kenya: The Dialectic of Domination* (Oxford, James Currey, 1996).

14. See Lonsdale, 'Political accountability in African history', 145.

15. K. Shillington, *History of Africa*, rev. edn (New York, St. Martin's Press, 1989), 354–57; Adam Hochschild, *King Leopold's Ghost: A Story of Greed, Terror, and Heroism in Colonial Africa* (New York, Macmillan, 1998).

Ethnic divisions and the intra-state conflicts resulting from ethnic rivalry were chief among the problems with which post-colonial African states were confronted.<sup>16</sup> African and non-African scholars blame this situation on the arbitrary boundaries created or imposed by the colonizers on African nations at independence;<sup>17</sup> boundaries were too often drawn without consideration of the cultural, social, and ethnic differences among the various peoples being lumped together largely for administrative convenience.<sup>18</sup> In addition to creating artificial boundaries, colonial administrations often stressed the differences among various ethnic groups within a nation, at times stirring up conflict where none had existed in order to divide people and facilitate their colonial domination and exploitation. According to Kevin Shillington, the 'colonial authorities invented "tribalism"', preventing different groups from forming a united opposition against them.<sup>19</sup>

Separatist sentiments had serious implications for the structures of post-colonial states, which already stood on weak foundations that made it almost impossible for them to unite and mobilise the array of ethnic groups towards a national outlook. In essence, post-colonial African states lacked autochthonous, guided structures, political arrangements, and functional governance procedures for the rational and appropriate distribution of state resources and power. One of the results of this deficiency was a quick resort to conflict among ethnic groups struggling over power and resources.<sup>20</sup> One of the worst examples of a colonially constructed ethnic rivalry led to the 1994 genocide in Rwanda.<sup>21</sup> According to one report, the Belgians had constructed differences between Tutsis and Hutus that did not exist prior to colonialism. They issued identity cards to classify people by group and gave the Tutsis educational opportunities and leadership positions, signifying their supposed superiority over Hutus. The result was hatred and the nurturing of feelings of revenge by the Hutus, which culminated first in the 1959 'revolution' and then in the 1994 genocide, which saw the slaughter of more than 800,000 Rwandans, including moderate Hutus, within a period of four months.<sup>22</sup>

Ethnic conflicts are not only rampant in contemporary Africa, but they are also more severe compared to those in other regions of the world. Colonial methods of

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16. S. G. Amoo, *The Challenge of Ethnicity and Conflicts in Africa: The Need for a New Paradigm* (New York, United Nations Development Program, 1997); W. Rodney, *How Europe Underdeveloped Africa* (Washington, D.C., Howard University Press, 1972); René Dumont, *False Start in Africa* (Worcester, Trinity Press, 1966); Nugent, *Africa since Independence*; M. Meredith, *The State of Africa: A History of Fifty Years of Independence* (London, Free Press, 2005); Robert Blanton, David T. Mason, and Brian Athow, 'Colonial style and post-colonial ethnic conflict in Africa', *Peace Research*, 38:4 (2001), 473–91.

17. T. Mahoso, 'Completion of Africa's Liberation', *Herald*, 27 April 2010.

18. J. Alemazung, 'Post-colonial colonialism: An analysis of international factors and actors marring African socio-economic and political development', *Pan African Studies*, 3:10 (September 2010); R. Taras and R. Ganguly, *Understanding Ethnic Conflict: The International Dimension* (Edinburgh, Longman, 2002); Clapham, *Third World Politics*.

19. Shillington, *History of Africa*, 356.

20. P. Harris and Ben Reilly (eds.), *Democracy and Deep-Rooted Conflict: Options for Negotiators* (Stockholm, Institute for Democracy and Electoral Assistance, 1998), 9.

21. See C. P. Scherrer, *Genocide and Crisis in Central Africa: Conflict Roots, Mass Violence, and Regional War* (Westport, Connecticut, Praeger Publishers, 2001).

22. BBC, 'Rwanda: How the genocide happened', 18 December 2008.

administration and domination—including patterns of penetration, socio-economic activities, indirect rule and direct rule, and treatment of certain ethnic groups—constituted the basis for identity politics. To some observers, post-independence tribal politics was inherent in the systems created.<sup>23</sup> Others contend that nationalism became regionalism.<sup>24</sup> Each ethnic group was sensitized to the advantage of being at the centre of power, with leaders developing ethnic symbols and highlighting their ethnicity to gain and hold political power. Rather than reducing negative facets of social life, post-colonial African politics fostered them, thus exacerbating the problems of citizenship and nationality. It is hard to deny that ethnic rivalry is an ubiquitous precursor to political instability and distorts the democratisation process in Africa.

### STUNTED AUTOCHTHONOUS STATES IN AFRICA

As noted above, colonialism not only encouraged ethnic distinctions and animosity within African societies in order to facilitate foreign rule, it also destroyed the foundation for state building post-independence.<sup>25</sup> There is demonstrable evidence of sophistication in some African pre-colonial political institutions, including defined separation of powers. These institutions were supported by the values of traditional social life, which nurtured a system of government suitable for African political ecologies. Of note, some pre-colonial institutions shared salient features of modern government along the lines of British liberal democracy. These included legislative councils, dialogue, and principles of representation. In other words, the parliamentary principles of decision making, debate, and discussion of different perspectives and preferences, expressed by accredited representatives, were features of traditional African politics.

If pre-colonial African kingdoms and empires practiced aspects of democracy, what was responsible for the failure of post-colonial African states to embrace modern institutions of liberal constitutional government, such as parliamentary or presidential multi-party systems, immediately after the colonial enterprise? Some who have addressed this issue contend that post-colonial African leaders lacked requisite knowledge for operating government on a national scale.<sup>26</sup> This argument, on its face, might seem plausible unless one considers that most post-colonial African leaders had been involved in the governance of their various states through imposed constitutional arrangements before the physical disengagement of the colonial administrations. For example regional governments headed by Nigerians, and with Nigerians in legislatures, were established in 1954, six years before independence. Prior to that, Nigerians had been involved in the legislative functions of the colonial state as far back as 1922, during the Clifford Constitution. The period 1946 to 1951 brought an expansion of Nigerians involved in the colonial administration and in political party activities. Limited deliberative principles were put to use during these constitutional periods.

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23. K. Post and M. Vickers, *Structure and Conflict in Nigeria, 1960–1966* (Ibadan, Heinemann Books, 1973).

24. R. I. Ako-Nai, 'The politics of "marginalization" in Nigeria: Challenges of the Fourth Republic' in Oni Duro et al. (eds.), *Nigeria and Globalization: Discourses on Identity Politics and Social Conflict* (Lagos, Centre for Black African Art and Civilization, 2004).

25. O. Nnoli, *Ethnic Conflicts in Africa* (Dakar, CODESRIA, 2000).

26. William Tordoff, *Government and Politics in Africa* (New York, Palgrave Macmillan, 2002).

After gaining independence, the new African states naturally assumed primary roles in economic development, although the degree of state intervention varied from weak, as in Botswana, Cameroon, and Mauritius, to strong, as witnessed in Algeria, Angola, Benin, Ethiopia, Mozambique, and Zambia. A major factor in the failures of post-colonial states was the ideological posturing of leaders that was itself a product of misconceptions stemming from the liberation struggle. Colonialism was no doubt exploitative, but abhorrence of it was transformed into an ideological aversion to its economic philosophy—capitalism—based on the view that since the colonialists were exploitative, capitalism must be as well.<sup>27</sup>

Such reasoning characterised the actions and pronouncements of Kwame Nkrumah of Ghana, Modibo Keita of Mali, Julius Nyerere of Tanzania, Kenneth Kaunda of Zambia, and Robert Mugabe of Zimbabwe. According to them, free markets, free trade, private enterprise, and the parliamentary system of democracy were all Western capitalist institutions that should be rejected by Africa. For example, Nkrumah warned Africans against believing that ‘western democracy and parliamentary system are the only valid ways of governing; that they constitute the only worthwhile model for the training of indigenous elite by the colonial power.’<sup>28</sup> As a reaction to colonialism economic structures, Nkrumah and other African leaders chose to establish highly centralized and interventionist socialist systems to spur development. Capitalism was rejected wholesale, mainly because of its relationship to colonialism, without examining the possibility of altering it to suit traditional African economic systems, which typically were not of a socialist paradigm but an offspring of a rotatory credit union.<sup>29</sup>

The failure of post-colonial states to successfully operate modern institutions of liberal democracy brought into focus the bankruptcy of the ‘universal best practices’ approach to governance. Some state-building and governance theorists argued that the sociological approaches of pre-colonial communities jeopardized the universal institutional templates of liberal democracy. A better approach to governance might therefore be, as David Booth asserts, ‘best fit’, rather than ‘best practice’. Advocacy of ‘best fit’ elicits questioning of the ‘ideological forces, vested interests and political pressures that promote institutional mimicry.’<sup>30</sup> To some, the prominent culprit for Africa’s political crises was the unwillingness or inability of colonial authorities to build on the ‘grains’ of pre-colonial society when laying the foundations of post-colonial states.

The ‘notion of individualism’ that elevated best practice over best fit also contributed to recurring political crises in post-colonial Africa.<sup>31</sup> This focus on the individual, a perspective imported from Europe, replaced the values of the pre-colonial period derived from living together in kin-centred social structures, with extended families, which engendered a sense of collective responsibility.<sup>32</sup> Ethnic groups that

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27. George Ayittey, ‘The Somali crisis: Time for an African solution’, *Cato Policy Analysis* 205, Cato Institute, Washington, D.C., 28 March 1994.

28. Kwame Nkrumah, *Handbook of Revolutionary Warfare* (London, Panaf, 1980).

29. N. I. Osondu, ‘Housing finance in urban Nigeria: A case of Enugu’ (PhD diss., University of Edinburgh, 1992).

30. David Booth, ‘Governance for development in Africa: Building on what works’, Policy Brief 01, Africa Power and Politics, Overseas Development Institute, London, April 2011.

31. S. B. Turner (ed.), *The Cambridge Dictionary of Sociology* (Cambridge, Cambridge University, 2006), 81–83.

32. A. Mazrui, *The African Condition* (Nairobi, Heinemann Educational Books, 1986), 7.

once nurtured and maintained friendly relations through trade and social contacts abandoned indigeneity for exclusiveness. This became a strong negative force in colonial and post-colonial states. Traditional political systems that once combined with other traditional institutions to foster justice and equity in a society were replaced by neo-patrimonial systems to produce dependent economies that negated self-reliance and created a disarticulated structure of production geared towards the needs of the colonial home countries.<sup>33</sup>

As during the colonial period, with independence the succeeding leaders regarded citizens as disposable objects that could be discarded or ignored when thought to be no longer useful. In this neo-patrimonial environment, the people came to see themselves as outside the government and to view government as inaccessible to them. The post-colonial political leaderships promoted liberal, individualistic values at the expense of communal values. The traditional institutions that had played prominent roles in the religious, political, and economic arenas were superseded through the amalgamation of the varied ethnic societies into a single political entity and the introduction of multi-party competition. In the process, new, specialized institutions emerged to replace the indigenous institutions and systems and create new social relationships.<sup>34</sup> The same doctrines were also used to entrench private property.<sup>35</sup> Liberalism, however, could not produce an enduring African state capable of resolving prevailing and emergent social problems or claiming a monopoly on the use of force.

In general, colonialism in Africa created alienation between state and society, a social reality once described as ‘cohabitation without marriage’.<sup>36</sup> The gap between pre-colonial indigenous cultures and forms of government has its destructive consequences on current governance, peoples, and the search for political stability and development. Post-colonial rulers failed to grasp what leadership consisted of and were incapable of leading populations whose cultures, values, and aspirations they shared only superficially and in an inchoate manner. In vain, they tried to operate institutions and processes that had been built to serve foreign interests and values. They represented through education, politics, dress, mannerisms, and so on the colonizers’ process of moulding indigenous peoples to make them ‘liberalised’, ‘civilised’, and ‘modernised’, like western Europeans.

## FAILED STATE OR FAILED LIBERAL STRATEGY?

According to Peter Hitchcock, the contemporary concept of the failed state originated in an article by Gerald Helman and Steven Ratner in *Foreign Policy*.<sup>37</sup> In the early 1990s, Helman and Ratner looked at Haiti and saw a similarity in Cambodia, Liberia, Somalia, Sudan, and the former Yugoslavia—a form of state ‘utterly incapable of sus-

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33. Ibid.

34. David Held, *Models of Democracy* (Cambridge, Polity Press, 1987).

35. George Sorensen, *Democracy and Democratization: Processes and Prospects in a Changing World* (Boulder, Colorado, Westview Press, 1998).

36. Adebayo Adedeji, ‘Comprehending African conflicts’ in Adebayo Adedeji (ed.), *Comprehending African Conflicts: The Search for Sustainable Peace and Good Governance* (London, Zed Books, 1999).

37. P. Hitchcock, ‘The failed state and the state of failure’, *Mediations: Journal of the Marxist Literary Group*, 23:2 (Spring 2008); G. B. Helman and S. R. Ratner, ‘Saving failed states’, *Foreign Policy*, 89 (Winter 1992–1993), 3–21.

taining itself as a member of the international community'. Their common characteristics included 'civil strife, government breakdown, and economic privation'. Helman and Ratner went on to conclude that most of these states had been doomed to fail from inception due to the proliferation of nation-states tied to the process of decolonization after World War II. In this environment, self-determination trumped long-term survivability. Their assessment, however, remains wanting, as it omits the faulty foundations of the amalgamation of different societies and the issue of imposed constitutionalism that produced client states secured by investments, loans, and military support, especially during the cold war.

As already noted, the concept of the failed state became popular in academic and policy-making discourses after the end of the cold war. Arguments about the genesis of state failure and political crisis took on a new dimension in the 1990s when the state became a central theme in the economic and democratic discourse on post-colonial Africa. As John Hoffman points out, the paradox of the state derives from the fact that it 'is not just a product of divisions; it is also a producer of divisions. It embodies and perpetuates divisions in its everyday working, for a state can be said to monopolise legitimate force only because it institutionalises a division between rulers and ruled. . . . Why the state constitutes such a challenge to the concept of democracy is the fact that it sharply dichotomises the social order into those who have and those who do not'.<sup>38</sup> The state, rather than mediating conflicts in society, is unable to serve the ruled and instead has an organic and penetrating relationship with capital, the arena of social contradictions and class struggle.

Labeling states as 'failed' or 'fragile' implies that the liberal state model is the normative reference by which all states should be categorised, in this case along the broad spectrum from 'strong' or 'collapsed'.<sup>39</sup> This concept is fundamentally flawed as a conceptual category and as an explanation. In the first instance, the state does not exist in post-colonial Africa. The political liberalism that calls for equal treatment of all persons without regard to race, ethnicity, religion, or language has failed to address the problems of deep divisions by birth in Africa. Liberalism ignores the fact that the application of equal treatment to everyone can still produce unequal treatment for minority groups in a multi-ethnic society.

The characteristic flaws of the failed state discourse reveal a truth about the failure of Western liberal political thought, not the African political reality. The notion of the failed state is only manifest in the West's inability to construct a sufficient interpretation of the developing world political crises. It is the loss of trust in the state by the West that informs the preoccupation with 'state failure'. This development arose from the evaporation of widespread post-cold war optimism about the prospects of economic development and prosperity through democracy. Instead of accelerated economic development and the rapid spread of democracy, a growing number of post-colonial African states succumbed to severe socio-political crisis.

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38. J. Hoffman, *State, Power and Democracy: Contentious Concepts in Practical Political Theory* (Sussex, Wheatsheaf Books, 1988).

39. B. Hofmann, 'Are hybrid political orders an appropriate for state formation? Timor-Leste revisited', Berghof Research Center for Constructive Conflict Management, Berlin, 2009.

As a solution to the emerging crises and to protect the interests of capital, a movement began to roll back the state, pointing to the inability of post-colonial state leaders to effectively bring about general compliance to protect the interests of the ruling class—witness events in Algeria, Egypt, and Libya—and to the large-scale corruption perpetuated by state leaders. The roll back argument is debatable because the state still performs the essential functions of protecting capital through its laws and policies. With the inability of post-independence leaders to sustain the interest of capital amidst protests that appeared to take the form of popular revolution against capital, civil society became the alternative force that could sustain liberal values, making it the new ally of donors. Whether civil society groups represent a new dawn or false hope for democracy and state stability in Africa remains unknown. The question that begs answering is whose democracy are they propagating?

### Imposed Constitutionalism in the Failed State Debate

Constitutional government is an ideal form of government in ethnically diverse countries, but it can survive only with the consensus of nations, not by imposition as occurred in the decolonization process and post-colonial state building in Africa.<sup>40</sup> As Sujit Choudhry notes, ‘many imperial powers drafted the post-independence constitutions of colonies as part of the process of decolonization. A foreign power would design the institutional and legal architecture of another political community without its consent. The constitution was presented as a *fait accompli*. Local participation—there was usually some—did not entail meaningful, substantive decision-making power. Rather, it was directed at ensuring the acquiescence of local elites, with fundamental questions of constitutional choice safely remaining in foreign hands.’<sup>41</sup>

The threat to post-colonial states are rooted in ‘the deep and irreconcilable tension between the outside imposition of a constitutional order and the right of all peoples to self-determination.’<sup>42</sup> The spirit of self-determination, Choudhry argues, ‘encompasses more than merely the right of a political community to exercise power within an extant constitutional-legal order with democratic features. Rather, that right extends down to the very structure within which a community exercises its power of self-government, encompassing the most basic questions of institutional design. This is what is meant by the phrase that the right to self-government is the right of rights.’<sup>43</sup>

Post-colonial leaders attempted to respond to some of the threats confronting them, but they saw themselves, like their predecessors, as trustees, overseeing the right to self-determination for the various groups in their countries. They took it upon themselves ‘to produce order in the very literal sense of monopolizing violence’ and ‘to preside over the formation of the basic institutions necessary for a stable, demo-

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40. N. Feldman, *What We Owe Iraq: War and the Ethics of Nation Building* (Princeton, New Jersey, Princeton University Press, 2004).

41. S. Choudhry, ‘Old imperial dilemmas and the new nation-building: Constitutive constitutional politics in multinational polities’, *Connecticut Law Review*, 377 (2005), 933.

42. Feldman, *What We Owe Iraq*.

43. Choudhry, ‘Old imperial dilemmas’.

cratic state' by allotting more powers to the central government.<sup>44</sup> In this process, they committed themselves to the protection of liberal democracy by overseeing various constitutional processes that yielded governance documents with 'illiberal' values and with substantive parts of constitutions imposed by the state in an attempt to create 'national' citizens. Thus, the post-independence state-building process could hardly be distinguished from pre-independence affairs. The one difference was that the earlier nation building had been an imperialist enterprise.<sup>45</sup> The post-independence process was designed to sustain the liberal legacy and therefore failed to take seriously the right of self-determination. As Michael Ignatieff argues, '[A]lthough superficially justified by appeals to the right to self-determination, the new nation-building as currently practiced is imperialism under a new guise—an "empire lite" in which the trappings of self-government mask a new form of "imperial tutelage"'.<sup>46</sup> In a true state-building process, the indigenous cultural groups would be the ones to decide the rule of law to be absorbed into their culture and context.<sup>47</sup>

## CONCLUSION

The process of state building remains the greatest challenge to political stability in Africa. The failure of post-colonial client states is rooted in the inability of the constitutional arrangements to determine the appropriate terms of association among the various cultural groups that coexist within the state boundaries and ethnic groups' desire for self-determination within the modern state context. Breakdowns of democratic systems have arisen from such situations, but leaders are yet to provide an acceptable response. The form of modern African states and the roots of current political crises in Africa lie in history. The colonial powers remodeled the territories for their own purposes, establishing plantations, inducing population movements, and creating the beginnings of modern urban life. The reflexes, habits, and methods of African state operations are thus a product of colonial regime continuity. The centralised authoritarian state, which emerged from colonial structures, exemplifies this continuity.

Like their colonizers, post-colonial leaders have furthered the state-building project at the expense of pluralism. This failure has produced a dialogue deficit between the majority ethnic groups and minorities on the one hand, and between state leaders and the people in general on the other. This then resulted in a lack of regime legitimacy despite the adoption of elections to select leaders. The rejection of pluralism created a deficit of dialogue and an inability to accommodate discontent or minority views; it also produced a situation in which genuine democratic reform has been obliterated.<sup>48</sup> The consequent frustrations are accountable for explosions of violence in a pattern synonymous with the independence struggles.

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44. Feldman, *What We Owe Iraq*, 79, 81.

45. Choudry, 'Old imperial dilemmas'.

46. M. Ignatieff, *Empire Lite: Nation-building in Bosnia, Kosovo, and Afghanistan* (Toronto, Penguin Canada, 2003).

47. Ibid.

48. International Crisis Group, 'Cameroon: Fragile state', Africa Report no. 160, 25 May 2010, 2.



# Nigeria and Peace Support Operations in an Era of Outsourcing

Chris M. A. Kwaja

A number of factors account for Nigeria's involvement in peace support operations (PSOs) over the past two decades, including efforts to realize its political, foreign, and strategic self-interest. The frequency and intensity of intra-state conflict in Africa is, however, challenging Nigeria's participation in such undertakings. Given the trend toward outsourcing PSOs to the private military and security industry, one must ask if this might be a viable option for Nigeria, which has sacrificed substantial human and financial resources in PSOs, and what implications such a move might have for the country's strategic role as a regional hegemon.

In the past three decades, the outsourcing of military and security-related tasks to the private sector has witnessed a significant transformation. Outsourcing in this sense involves contracting out certain military and security tasks that typically would be performed by national armies.<sup>1</sup> The proliferation of the private military and security industry (PMSI), a rapidly growing sector with aggregated estimated contracts between \$20 billion and \$100 billion annually, is no doubt a direct consequence of the outsourcing and privatization of the military and security functions of states, including in Africa.<sup>2</sup> Among the tasks performed by contractors are such things as guarding officials, convoys, and installations; training security forces; serving as interrogators and translators; maintaining vehicles and aircraft; and providing warehousing and storage facilities.<sup>3</sup>

The growth and expansion of the PMSI in the field of peace support operations (PSOs) has been driven in part by a number of interrelated factors: the end of the cold war, which created security vacuums, the neo-liberal policies of Western powers, in

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1. E. Pan, 'Iraq: Military outsourcing', *Backgrounder*, Council on Foreign Relations, 20 May 2004, <http://www.cfr.org/publication/7667/iraq.html>.

2. K. Raja, 'And now the privatization of warfare', *South-North Development Monitor*, 12 March 2008.

3. Pan, 'Iraq: Military outsourcing'; see also F. M. Murianki, 'The rise of private military companies and the legal vacuum of regulation', *Peace and Conflict Monitor*, 1 June 2010, [http://www.monitor.upeace.org/innerpg.cfm?id\\_article=724](http://www.monitor.upeace.org/innerpg.cfm?id_article=724), 2.

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particular the United States and Great Britain, that resulted in military downsizing and cuts in defence spending; and the amount and intensity of violent intra-state conflicts. The use of the PMSI is one way of addressing the capacity challenge faced by the United Nations and its member states as well as other international organizations.<sup>4</sup> PMSI firms in Africa provide services in areas of low- and high-intensity armed conflict and post-conflict environments. At the same time, Nigeria has invested heavily in PSOs since the early 1990s and has expertise in the multidimensional challenges posed by them. Such involvement points perhaps to Nigeria's desire to help bring peace to other countries, but also to the goal of promoting its own fundamental and strategic interests in West Africa and beyond.

### THE PRIVATE SECTOR AND PEACE SUPPORT OPERATIONS

A UN Working Group defines a private military and security company (PMSC) as 'a corporate entity which provides on a compensatory basis military and/or security services by physical persons and/or legal entities.'<sup>5</sup> The 2008 Montreux Document defines PMSCs as 'private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding, and protection of persons and objects, such as convoys, buildings and other places; maintenance and operations of weapons systems, prisoner detention; and advice to or training of local forces and security personnel.'<sup>6</sup> As the United Nations has noted, some military-related companies and industries provide such specialized services as intelligence, strategic planning, investigation, land, sea, and air reconnaissance, flight operations, satellite surveillance, military training and logistics, and technical support for armed and related services.<sup>7</sup> One such company, Military Professional Resources Inc. (MPRI), received a \$1 million dollar contract in 2001 to audit the Nigerian armed forces under the regime of Olusegun Obasanjo, with an emphasis on democratisation and professionalization of the military.

Security-related companies or industries, on the other hand, provide what are termed 'defensive services', such as those related to the armed guarding and protection of individuals and companies and humanitarian organization; buildings, installations, and other property; police training and material and technical support for police

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4. A. J. Bellamy and P. D. Williams, *Understanding Peacekeeping* (Cambridge, Polity Press, 2010); see also B. Diop, 'Reforming Africa's militaries: One way to stop the private security industry (PSI) invasion of the continent', presentation at the Council for the Development of Social Science Research in Africa (CODESRIA), Governance Institute, Dakar, August 2009.

5. UN General Assembly Human Rights Council, 'Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination', doc. A/HRC/15/25, para. 50, 2 July 2010; see also S. Gumede 'Introduction to the privatisation of security phenomenon', a presentation at the Council for the Development of Social Science Research in Africa (CODESRIA), Governance Institute, Dakar, August, 2009.

6. United Nations, 'Montreux document on pertinent international legal obligations and good practices for states related to operations of private military and security companies during armed conflict', doc. A/63/467-S/2008/636, para. 9, 17 September 2008.

7. UN General Assembly, Human Rights Council, 'Report of the Working Group on the use of mercenaries'; see also W. P. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, New York, Cornell University Press, 2003).

forces; and implementation of formal security measures.<sup>8</sup> In Nigeria in the early 2000s, there were more than 1,200 companies providing such services, with an employment capacity of more than 100,000 people.<sup>9</sup> Though there are no reliable statistics on the number of private security companies in Nigeria, there is a sense that given increasing security challenges, the country has experienced a sharp rise in their number and activities.

Peace support operations are 'organized international assistance initiatives to support the maintenance, monitoring and building of peace and prevention of resurgent violent conflicts'.<sup>10</sup> They involve, ideally, non-partisan military activities designed to establish a secure environment in which to advance the efforts of the civilian components of a peace mission.<sup>11</sup> PSOs cover peacekeeping, peace enforcement, conflict prevention, peacemaking, peacebuilding, and humanitarian assistance. Peacekeeping operations involve monitoring and supporting the establishment of peace, typically within the context of agreements, while peace enforcement operations create the conditions for peace, through the use of force if necessary.<sup>12</sup> The UN Charter authorizes the United Nations, regional organizations, and coalitions of willing states to undertake PSOs, which are also referred to as second generation peacekeeping operations, third generation peacekeeping operations, multinational operations, and wider peacekeeping.<sup>13</sup>

A PSO generally involves multinational forces consisting of military, police, and civilian personnel. Their duties include monitoring cease-fires; separating belligerents and creating an environment that permits the resolution of conflict; threatening or applying military force to command compliance with resolutions or agreements; undertaking mediation; and helping rehabilitate institutional structures, among others.<sup>14</sup> In Africa, PSOs have been undertaken by the United Nations; the Organization of African Unity (OAU) and its successor, the African Union; and sub-regional organizations, such as the Economic Community of West African States (ECOWAS) and the Southern

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8. H. M. Foaeng, 'Private military and security companies and the nexus between natural resources and civil wars in Africa' in S. Gumede (ed.), *Private Security in Africa: Manifestation, Challenges and Regulation*, ISS Monograph Series, no.139 (Pretoria, Institute for Security Studies, 2007), 43; see also C. Holmqvist, 'Private security companies: The case for regulation', SIPRI Policy Paper 9, Stockholm International Peace Research Institute, 2005, 5, <http://books.sipri.org/files/PP/SIPRI09.pdf>.

9. R. Abrahamsen and C. M. Williams, 'The globalisation of private security: Country report-Nigeria', University of Wales, Aberystwyth, 2005; Gumede 'Introduction to the privatisation of security phenomenon', 12.

10. N. Johnston, 'Peace support operations' in *Inclusive Security, Sustainable Peace: A Toolkit for Advocacy and Action* (London and New York, Hunt Alternatives and Women Waging Peace, 2007), 33, [http://www.huntalternatives.org/download/38\\_peace\\_support.pdf](http://www.huntalternatives.org/download/38_peace_support.pdf).

11. Institute for Security Studies, 'The nature of peace support operations' in 'Peace support operations: A working draft manual for African peace practitioners', DWM-1, February 2000, <http://www.iss.co.za/Pubs/Other/PeaceSupportManualMM/Ch2.html>.

12. Johnston, 'Peace support operations', 33.

13. Ibid.; P. Wilkinson, 'Sharpening the weapons of peace: Peace support operations and complex emergencies', *International Peacekeeping*, 7:1 (2007); Bellamy and Williams, *Understanding Peacekeeping*.

14. L. N. Yusuf, 'Peace support operations: Nigeria's diplomatic and political engagements in perspective', in L. N. Yusuf (ed.), *Nigeria's Contribution to International Peace Support Operations* (Abuja, Prudency Concept Limited, 2008).

African Development Cooperation (SADC).<sup>15</sup> A new trend is the hybrid PSO, which entails collaboration between the United Nations and continental bodies, as in the case of the African Union/UN Hybrid Operation in Darfur (UNAMID).

From a post-conflict standpoint, 'PSOs are usually conducted in the context of a larger effort to reform and rebuild a nation, which can include confidence-building measures, power-sharing arrangements, electoral support, strengthening the rule of law and economic and social development'.<sup>16</sup> Some twelve years after the signing of Liberia's Comprehensive Peace Agreement in August 2003, Nigerian troops remain in the country and are involved in such activities as security sector reform and monitoring adherence to the agreement. In the past two decades, PSOs conducted by the United Nations and regional states such as Nigeria have had mandates ranging from monitoring cease-fires, using force to contain conflict, implementing disarmament, demobilization, and reintegration, and supervising elections. All these are conducted within the framework of conflict transformation and the rebuilding of war-torn states.<sup>17</sup>

## NIGERIA AND PSOS IN AFRICA

Nigeria's former military ruler Gen. Ibrahim Babangida contended, 'We [Nigeria] cannot afford to narrow our perspective to the belief that once our national security is assured, we need not worry about what happens in other countries'.<sup>18</sup> It was such conviction that informed Nigeria's decision to head ECOWAS's intervention in Liberia and subsequently in Sierra Leone. In view of its size, demography, military, and economic potential, Nigeria has impressive hegemonic capabilities in the West African sub-region and around the continent. This is particularly evident in the leading role the country has played in the sub-region. Nigeria was central in the establishment of ECOWAS in 1975 and has used its dominance in it to pursue political, foreign, strategic, and security policies and general self-interest through active participation in several PSOs on the continent and beyond.<sup>19</sup>

Nigeria's involvement and impact in peacekeeping, peace enforcement, and peacemaking through PSOs in Africa has attracted policy and scholarly attention over the past decade.<sup>20</sup> It was reported that those behind the UN peace initiative in Sierra Leone

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15. H. S. Galadima, 'Peace support operations in Africa' in S. G. Best (ed.), *Introduction to Peace and Conflict Studies in West Africa: A Reader* (Ibadan, Spectrum Books, 2006).

16. Johnston, 'Peace support operations', 33.

17. Ibid.

18. As quoted in A. Nweze, 'ECOWAS regional security initiatives: Challenges and opportunities', in D. A. Briggs (ed.), *Nigeria in World Politics: Trends and Challenges* (Kuru, National Institute for Policy and Strategic Studies, 2005).

19. D. J. Francis, *Uniting Africa: Building Regional Peace and Security Systems* (Aldershot, Ashgate Publishing, 2006).

20. M. A. Ashafa, 'Nigeria-led ECOMOG intervention in the Sierra Leonean crisis, issues and problems', *Journal of the Nigerian Defence Academy*, 10 (2000); see also N. M. Serafino, 'The global peace operations initiative: Background and issues for Congress', CRS report for Congress, Congressional Research Service, Washington, D.C., 11 June 2009, <http://www.fas.org/sgp/crs/row/RL32773.pdf>; F. Olonisakin, *Peacekeeping in Sierra Leone: The Story of UNAMSIL* (Boulder, Colorado, Lynne Rienner Publishers, 2008); and G. J. Jonah and I. S. Zabadi, *Peace Support Operations in the New Global Environment: The Nigerian Perspective* (Kuru, National Institute for Policy and Strategic Studies, 2009); A. G. Adewuyi, 'Nigeria's military capacity for regional and global peace support operations', in Jonah and Zabadi, *Peace Support Operations in the New Global Environment*.

viewed any international intervention incomplete without the involvement of Nigeria because of its strategic position in conflict and conflict management.<sup>21</sup> At one point, eight out of fifteen complex emergencies declared by the United Nations Department of Humanitarian Affairs were in Africa. Thus, within the context of Nigeria's foreign policy, which sees Africa as its centerpiece, the country became involved in a number of these emergencies through peacekeeping operations.<sup>22</sup>

Nigeria's involvement is driven in part by the reluctance of developed countries to contribute human and financial resources to PSOs in Africa. In addition, overextension by the United Nations means that regional actors like Nigeria come to bear the brunt of local challenges.<sup>23</sup> Nigeria has risen to the challenge and has consistently played a role in providing security and stability in the continent, as evident in the proactive role it played in Congo, Liberia, Sierra Leone, and Sudan within the context of what David Francis calls an 'alpha hegemon', meaning a state 'whose combination of size, finance and development and military might is overwhelmingly preponderant in relation to the sub-region', such as Kenya's role in East Africa and South Africa's position in Southern Africa.<sup>24</sup>

Nigeria was the single and largest provider of troops and finances in the ECOWAS Monitoring Group (ECOMOG) instrumental in the restoration of peace and stability in Liberia and Sierra Leone. These efforts by ECOMOG are in some quarters viewed as a model for Africa in addressing the challenges of future PSOs.<sup>25</sup> Nigeria has also played prominent roles in the PSOs of the African Union as a major contributor of troops and, as noted above, the United Nations. During the Chadian crises of the 1970s and early 1980s, Nigerian intervention took the form of unilateral action in 1979 before it received the diplomatic backing of the OAU, which had paid scant attention to the issues there. The Nigerian government contributed the bulk of troops, including the force commander.<sup>26</sup> A. Abubakar has noted, 'Nigeria contributed well over 70% of the troops and 80% of the funds used for ECOMOG. Despite all the huge commitment of manpower and national resources for the sake of peace in West Africa, Nigeria has gained quite a lot. Nigeria is now recognized as a sub-regional superpower and respected in the international community at both the AU and UN. Besides, a stable West Africa is a guarantee for Nigeria's economic development. Nigeria should therefore continue with its commitment to peace in West Africa and the world in general.'<sup>27</sup> This assessment is consistent with the perspective that Nigeria's location and demographic strength contribute to its self-perception as a regional hegemon with a vested interest in peace and thus the right to intervene in

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21. A. Essuman-Johnson, 'Regional conflict resolution mechanisms: A comparative analysis of two African security complexes', *African Journal of Political Science and International Relations*, 3:10 (2009), 410.

22. Galadima, 'Peace support operations in Africa'.

23. D. J. Francis, 'Nigeria' in J. Glenn et al. (eds.), *Neorealism versus Strategic Culture* (Aldershot, Ashgate Publishing, 2004); see also K. Annan, 'The causes of conflict and the promotion of durable peace and sustainable development in Africa', report by the secretary-general, New York, 1998.

24. Francis, *Uniting Africa*, 135.

25. C. Ero, 'ECOMOG: A model for Africa?' paper written at the Centre for Defence Studies, Kings College, London, February 2000.

26. Adewuyi, 'Nigeria's military capacity'.

27. A. A. Abubakar, 'Peacekeeping in West Africa: The Nigerian experience' in Jonah and Zabadi, *Peace Support Operations in the New Global Environment*.

West Africa whenever necessary, reinforcing the Afro-centric nature of Nigerian foreign and security policy.<sup>28</sup>

Between 1993 and 1998, Nigerian governments under General Babangida and Gen. Sani Abacha showed great determination in addressing violent conflicts in Sierra Leone and Liberia. Their efforts gained international legitimacy, despite Nigeria being under military rule. The country was the largest contributor of troops to the United Nations Observer Mission in Sierra Leone (UNAMSIL). To its credit, Nigeria also bankrolled the Sierra Leone and Liberia engagements. A battalion of troops from Uganda and Tanzania also participated.

Table 1 might indicate to some observers that the Nigerian armed forces are overstretched, largely because of the country's involvement in PSOs with their human and financial costs and commitments as well as use of force commanders.<sup>29</sup> Nigeria has directly participated in forty of fifty-five UN peace initiatives and has deployed 5,126 personnel in twelve UN missions. It has lost 2,000 soldiers in peacekeeping operations and expended \$2 billion over the past decade. The amount of money expended by Nigeria to finance ECOMOG operations in Liberia was pegged at \$800 million between 1990 and 1997.<sup>30</sup> Others have argued that involvement in Liberia has cost Nigeria more than \$7 billion in addition to human lives.<sup>31</sup> One might possibly consider a proportion of these figures as the cost of not outsourcing military and security functions.

A disturbing trend of PSOs as far as Nigeria's involvement is concerned is the increasing complexity of the conflict zones, which makes troops highly vulnerable to physical harm. The peacekeepers have had to contend with firepower from irregular forces as well as from militias with sophisticated weapons, thereby making counterinsurgency difficult. The lack of up-to-date equipment, inadequate maintenance, and poor intelligence capabilities have created challenges in mounting successful counterinsurgency campaigns.<sup>32</sup> On the other hand, PMSIs have organized themselves on a global scale and are ready to provide military and security-related services in a timely and efficient manner.<sup>33</sup>

## NIGERIAN OUTSOURCING?

Outsourcing in theory and practice in economic, political, and security terms is not a new phenomenon. Prior to independence, the Nigerian state was essentially 'outsourced' to the British-based Royal Niger Company, which administered the country before the amalgamation of the Northern Protectorate and Southern Protectorate in

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28. Francis, *Uniting Africa*; see also W. Adeyemi-Suenu and P. K. Inokoba, 'Commitment capability and Nigeria's strategic interests in West Africa: Lessons for statesmen', *Journal of Social Sciences*, 22:3 (2010), 182.

29. For deployment of force commanders, see Yusuf, 'Peace support operations', 15.

30. Aja, 'Battle management constraints'.

31. Adewuyi, 'Nigeria's military capacity'.

32. Galadima, 'Peace support operations in Africa'.

33. For example, on the capacity of Blackwater, the U.S. firm now called Academi (and formerly Xe Services), see Raja, 'And now the privatization of warfare'.

Table 1

**Selected Cases of Nigerian Involvement in PSOs in Africa**

Country	Period	Organizational Platform
Congo	1960–1964	United Nations
Western New Guinea	1962–1963	United Nations
Tanzania	1964	Bilateral
Chad	1979	Bilateral
Chad	1981–1982	OAU
Namibia	1989–1990	United Nations
Angola	1991–1998	United Nations
Mozambique	1992–1994	United Nations
Rwanda	1994–2008	United Nations
Sierra Leone	1998–present	ECOWAS / United Nations
Liberia	1990–present	ECOWAS / United Nations
Congo	2003	United Nations
Darfur / Sudan	2005–present	African Union / United Nations

Source: L. N. Yusuf, 'Peace support operations: Nigeria's diplomatic and political engagements in perspective' in L. N. Yusuf (ed.), *Nigeria's Contribution to International Peace Support Operations* (Abuja, Prudency Concepts, 2008).

1914. Outsourcing has become a common feature of PSOs,<sup>34</sup> so the issue here revolves around whether it is a viable option for today's Nigerian state. Practice globally shows that core military, security, and administrative functions are being ceded increasingly to the private sector. Nigeria has bought into the idea of outsourcing in some economic sectors, among them health, education, and agriculture, through public-private partnerships.

Some areas on which the Nigerian government has focused in regard to PSOs include unit training, based primarily on the UN Standardization Generic Training Models; Operation Focus Relief, a U.S.-supported tactical, operational, and logistics training program launched subsequent to its backing of ECOMOG operations in Liberia and Sierra Leone; capacity-building initiatives for the armed forces funded by Western multilateral organizations, agencies, and donor countries; training in organizing peacekeeping forces and operations and strategy; and providing background on laws of war, humanitarian assistance, and safety measures.<sup>35</sup>

The above measures do not directly capture the strategic role of the private military and security sector in Africa's PSOs, but there is a sense that the offers of support

34. D. Kuwali, 'Private corporations in peace operations: Keeping pace with peacekeeping', presentation at the conference Involvement of the Private Security Sector in Peacekeeping Missions, Institute for Security Studies, Nairobi, 21–22 July 2010.

35. S. Abdulrahman, 'Peace support operations in Africa: A perspective from Nigeria' in A. Lugert (ed.), *Peace Keeping Forces Today and Tomorrow, Proceedings of the Blue Helmet Forum Austria, Held in the Rothschild Castle in Reichenau, Lower Austria, 30 May–1 June 2005* (Vienna, 2005), [http://www.bmlv.gv.at/pdf\\_pool/publikationen/19\\_pkf\\_160\\_abdurr.pdf](http://www.bmlv.gv.at/pdf_pool/publikationen/19_pkf_160_abdurr.pdf).

and capacity-building programs for Africa by developed countries is anchored in a policy of outsourcing military and security roles, as evident in PMSC involvement in the provision of military, security, and humanitarian-related services in the Democratic Republic of the Congo, Liberia, Sierra Leone, and Sudan (Darfur). The responsibilities of these entities cover combat and non-combat operations. The involvement of PMSCs is justified in terms of their serving as force multipliers for African forces and by providing troops for outside intervention.<sup>36</sup> The end goal is restoring public confidence in mitigating violence and restoring public security.

The justifications for outsourcing PSO functions to PMSCs in Nigeria include challenges stemming from the absence of up-to-date and efficient equipment; a dearth of maintenance capability, manpower, administration, and counterintelligence; and a lack of helicopters and other aircraft.<sup>37</sup> PMSCs are also able to deploy quickly and without some of the constraints of domestic political considerations that hamper the use of national armies. Like the military, they have clear chains of command and personnel with histories of working together. Above all, they are unlikely to threaten those in power and in some instances may even be more loyal than members of national forces.<sup>38</sup>

The emergence and activities of the U.S.-sponsored African Crisis Response Initiative and African Command, as well as training provided by the African Centre for Strategic Studies, are part of a policy framework aimed at reducing the humanitarian and peacekeeping burdens of direct involvement in PSOs. It has been estimated that the value of U.S. logistics contracts with PMSCs in the context of outsourcing will reach some \$150 billion in the coming decade.<sup>39</sup> Thus the trend in outsourcing military and security functions should not be seen simply as a symptom of state weakness in the case of conflict-ridden countries, such as Liberia, Sierra Leone, and Sudan, among others. Rather, one should keep in mind that the developed countries of the West constitute the major outsourcers of these functions to private entities. In short, this approach has become a foreign policy strategy of wealthy states as well as supranational organizations in the contemporary global system.

African states have been cautious about outsourcing because of the continent's experience with mercenary activities in weak states, such as in Sierra Leone.<sup>40</sup> The use of private firms for various tasks involves a risk of national forces losing skills as well as effectiveness through increasing dependency on the private sector. There is also the possibility that the regular armed forces will forfeit legitimacy because of illicit activ-

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36. A. Leander, 'The market for force and public security: The destabilising consequences of private military companies', *Journal of Peace Research*, 42:5 (2005).

37. Galadima, 'Peace support operations in Africa'.

38. H. Howe, *Ambiguous Order: Military Forces in African States* (Boulder, Colorado, Lynne Rienner Publishers, 2001). See also, Singer, *Corporate Warriors*; and Ruth Roberts, 'The role of private military companies in African conflicts' (master's thesis, University of Stellenbosch, 2007).

39. U. Petersohn, 'Privatising security: The limits of military outsourcing', *CSS Analysis in Security Policy* 80, Centre for Security Studies, Zurich, September 2010.

40. S. J. Ndlovu-Gatsheni, 'Weak states and the growth of the private security sector in Africa: Whither the African state?' in S. Gumede (ed.), *Private Security in Africa: Manifestation, Challenges and Regulation* (Pretoria, Institute of Security Studies, 2007); see also D. J. Francis, 'Mercenary intervention in Sierra Leone: Providing national security or international exploitation?' *Third World Quarterly*, 20:20 (April 1999).

ities undertaken by members of the private entities.<sup>41</sup> Another potential implication of outsourcing core military and security functions is that doing so can make security a commodity. The focus of PMSCs on profit maximization transcends the traditional functions of national security and national militaries, reflecting the dominance of neo-liberal economic ideals through its marketization of security.<sup>42</sup>

Also countering the advantages associated with outsourcing are concerns raised about the lack or limited amount of oversight of contractors' activities, such as with DynCorp International and Executive Outcome in Liberia and Sierra Leone.<sup>43</sup> Another negative is the issue of transparency and accountability when handing over the military and security functions of the state to outfits such as Military Professional Resources Incorporated, which sells itself as having the world's greatest military expertise and has become an indispensable actor in Africa's peace and security architecture. The issue of secrecy is epitomized by its 2001 contract with the Obasanjo government that was outside the purview of parliamentary scrutiny.<sup>44</sup> Protests by the top ranks of the army led to the retirement of Lt. Gen. Victor Malu, chief of the army staff. Another concern is the ability to hold companies accountable in the event of errors.

In the long run, a major problem with outsourcing military and security-related functions to private entities is that these entities could in theory become opponents of state sovereignty and legitimacy. It is important to remember that they have the capacity to mobilize against the state, using the instrument of coercion. Despite these challenges, countries such as Nigeria, with a long history of contributing human and financial resources to PSOs, are unable to satisfy all the demands of peacekeeping.<sup>45</sup> Concerns have therefore been expressed about how Nigeria can continue to benefit from its contribution to PSOs in terms of external goodwill and helping establish peace in crisis-torn areas while limiting losses, especially in human terms.<sup>46</sup>

In essence, outsourcing to PMSCs in PSOs means relinquishing primary responsibility for maintaining peace and security on a number of levels. Advocates of the PMSI have argued, however, that private companies are better positioned to engage in PSOs in the event that the United Nations or its member states are unwilling to provide defensive humanitarian security for people in conflict-ridden societies. They envisage an environment whereby the United Nations and states would allow PMSCs to deploy to crisis areas, create conditions for peace and stability, and then hand over the territory to multinational peacekeepers.<sup>47</sup>

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41. Petersohn, 'Privatising security'.

42. M. Gichanga, 'Fusing privatisation of security with peace and security initiatives', ISS Paper 219, Institute for Security Studies, Pretoria, October 2010.

43. Leander, 'The market for force and public security'.

44. K. Aning, 'Whither Africa's security in the millennium: State or mercenary induced stability?' *Global Society*, 15:2 (2001).

45. B. Diop, 'What role for the private security industry in peace support operations on the African continent?' presentation at the Council for the Development of Social Science Research in Africa (CODESRIA), Governance Institute, Dakar, August 2009.

46. Yusuf, 'Peace support operations'.

47. Bellamy and Williams, *Understanding Peacekeeping*.

## CONCLUSION

The use of PMSCs raises a number of issues with which Nigeria may need to come to terms. With the recruitment of Nigerians by the PMSI nationally and internationally, it is pertinent that Nigeria evolve and adopt regulations for these entities through registration, licensing, control, and monitoring. The future of Nigeria will be shaped by the activities of the private sector in providing an array of services for providing and protecting what were once traditionally the exclusive responsibility of the state. To an extent, the PMSI is countering sovereign states' power in terms of control over the monopoly of the use of force. The Nigerian government must be critical and cautious on this issue within the ambit of a national security strategy.

The Nigerian military is in need of sufficient personnel and structures for long-term PSO operations on the continent. Since the military is involved increasingly in the management of domestic security stemming from rising insecurity, there is a sound basis for the state to consider utilizing PMSCs as a stopgap between private military and security entities and military forces as a long-term strategy. Alternatively, the government should work toward the establishment of a well-equipped and robust African Standby Force (ASF) to strengthen capability for effectively undertaking PSOs.

Given evidence that PMSCs and the PMSI do not provide a sound basis for long-term security or stability, which has been a major problem, the choice for Nigeria is between outsourcing some of its PSO roles as a way of limiting human and financial costs or carrying the burden of PSOs in Africa regardless of these costs coupled with the ever-growing governance and developmental needs of the people.



# The Imminent Defeat of the Lord's Resistance Army?

*Nene Mburu*

In October 2005, the International Criminal Court released public redacted versions of indictments against Joseph Kony, leader of the Lord's Resistance Army, and his top lieutenants. In May 2009, U.S. president Barack Obama signed into law the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act, which was approved by the Senate and House of Representatives in March and May 2010, respectively. Passage of the bill allowed the Obama administration to announce on 14 October 2011 that the United States would deploy 100 military advisors to support the efforts of the Ugandan government against Kony. The partnership extends also to South Sudan, the Democratic Republic of the Congo, and the Central African Republic. This strategy is more credible and thus more likely to succeed where previous initiatives have failed to eliminate or substantially weaken Kony's ragtag militia. Each partner state, however, presents obstacles that may hamper the effort to bolster regional security integration and sustain gains from the U.S.-led international effort.

THE LORD'S RESISTANCE ARMY (LRA) has rained untold terror upon the civilian populations of Uganda, the Democratic Republic of the Congo (DRC), and the Central African Republic (CAR) for the past twenty-five years. During this time, it is estimated to have abducted more than 60,000 children and forced them into serving as soldiers, sex slaves, and porters.<sup>1</sup> Before 2005, the LRA's core fighters numbered several thousand, but owing to successful operations by the Uganda People's Defence Forces (UPDF), the militia fields fewer than three hundred active combatants today.

The LRA was formed in the early 1980s as an Acholi-dominated militia opposing the perceived injustices of Uganda's central government. It later assumed an extremist Christian ideology and then transformed into a personality cult centred on Joseph

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1. See, Wafula Okumu and Augustine Ikelegbe (eds.), *Militias, Rebels and Islamist Militants: Human Insecurity and State Crises in Africa* (Pretoria, Institute for Security Studies, 2011), 17; Conal Urquhart, 'Joseph Kony: African Union brigade to hunt down LRA leaders', *Guardian*, 24 March 2012.

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Kony and today has no identifiable aim or collective philosophy. At the tactical level, the LRA is organised into small units of ten to twenty soldiers. Their mission is to carry out attacks on isolated villages and settlements from temporary bases nearby and force their residents into the LRA. This strategy has led government forces to divert their resources towards protecting civilians instead of engaging LRA fighters militarily. The LRA also attacks convoys travelling to outlying towns. The gunmen do not hold positional defences, instead spending only two or three nights at an encampment before dismantling their shelters, which are transported by press-ganged children. They avoid open terrain and use thick foliage for cover at the sound of aircraft or approaching vehicles, making hot pursuit difficult and frustrating for regular army forces.

The current U.S.-led international effort to support regional militaries in tracking and killing LRA soldiers stems from an incident in 2006, when the United Nations mounted a covert operation in Congo's Garamba National Park to capture or kill LRA leader Joseph Kony. In a battle that lasted several hours, at a loss of only five dead, the LRA killed all eight members of a Guatemalan special forces unit deployed for the UN mission.<sup>2</sup> Kony's soldiers beheaded the Guatemalan commander and seized state of the art weaponry and communications equipment. Whereas previous involvement in central Africa by the United States could be described as stemming from *realpolitik*, its current collaboration with regional militaries has international legitimacy and should be viewed as a genuine attempt to stop organised crimes against civilians.

### **ADVANTAGES AND DISADVANTAGES OF THE U.S.-BACKED STRATEGY**

The LRA's ability to coordinate disparate units across an area bigger than western Europe has thus far provided the rebels the advantage of elusiveness. Technology supplied by the United States can help trace, eavesdrop, and accurately pinpoint electronic signatures from LRA communications and possibly enable the military to prevent planned attacks. Advanced electronic counter-measures could also interfere with or cut communications between commanders and their units. Furthermore, the use of drones, helicopters, and other modern resources will enhance the effectiveness of local armies by providing them with unprecedented all-weather, all-terrain fighting capabilities. This assistance can help government ground forces detect night-time movements and compensate for poor ground visibility, which will enable them to maintain offensives and ambushes and attempt to manoeuvre LRA rebels into vulnerable environments where they can be captured or killed.

Operating from what is now South Sudan, the Democratic Republic of the Congo, and the Central African Republic since 2005, after being cleared from Uganda, the LRA has retained the strategic initiative of choosing safe havens and determining where, when, and with what strength the next battle will be fought. The local armies lack the mandate and resources for gathering intelligence beyond their national borders, but the U.S. partnership, by providing sophisticated technologies, including un-

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2. See Human Rights Watch, 'Q&A on Joseph Kony and the Lord's Resistance Army', 21 March 2012; David Lewis, 'Guatemala Blue Helmet deaths stir Congo debate', ReliefWeb, 31 January 2006, [reliefweb.int/node/198492](http://reliefweb.int/node/198492); BBC News, 'Guatemala probes UN troop deaths', 27 January 2006, <http://news.bbc.co.uk/2/hi/americas/4655884.stm>.

manned drones to augment human sources of information gathering, will deny the LRA critical advantages it has previously enjoyed.

The mandate for the deployment of U.S. Special Forces defines their role as 'advisors', which means they can engage in combat only in instances of self-defence. Given the limitations of some of their partners, the mandate is self-limiting. In addition, partnership issues need to be worked out in respect to each country on whose territory the LRA has operated or continues to do so. Uganda's internal military missions, especially Operation Iron Fist during 2003–2004, effectively denied the LRA the freedom to operate any longer on its soil. UPDF operations beyond its borders have not been as successful. For example, Operation Lightning Thunder against the LRA in the Congo during 2008–2009 and numerous skirmishes with al-Shabaab in Somalia suggest a lack of combat effectiveness when the UPDF operates outside the country. These episodes lead some to wonder whether Uganda's other priorities might get in the way of the common mission against the LRA.

The political situations in the other partner states might also hinder effective pursuit of LRA cadres. South Sudan is currently facing a high-priority military threat from its northern neighbour, the Republic of the Sudan, over oil and their undefined border. At the same time, its political centre is not sufficiently functional to control the geographic periphery; it lacks the communication, logistical, and bureaucratic infrastructure required to effectively contribute to the U.S.-backed strategy. The government will also have to deal with allegations that in 2006 the Sudan People's Liberation Army paid the LRA to stop attacking its civilians.

The DRC is more than twice the size of France and Spain combined and has vast areas that cannot be effectively policed by the central government. A history of mistrust between the civilian population and the army suggests that more than advice will be needed to make the DRC military a credible partner in the quest for regional security. The CAR is a failed state suffering from entrenched corruption, rampant violations of human rights, high mortality rates from preventable illnesses, and despite its significant wealth in gold, uranium, and diamonds, remains one of the poorest countries in the world. With several rebel groups active in the north, the CAR is always teetering on the edge of full-blown chaos. Any LRA unit laying-low in the CAR is most likely being hosted by one of these rebel groups. When the LRA spread its insurgency into the CAR in 2009, the country's ineffective security forces served essentially as bystanders while LRA soldiers unleashed terror that forced civilians of several towns and villages to flee their homes. Given such weak partners in South Sudan, the DRC, and the CAR, the U.S. Special Forces might be hamstrung in doing what is required to 'mitigate and eliminate the threat posed by the LRA to civilians and regional stability', as stipulated in the mandate for their deployment.

Although the LRA has never operated in Rwanda, the likely reason it was not included in the U.S.-led initiative, the country's light infantry has experience with the type of bush warfare the LRA employs. Furthermore, Rwanda's army has extensive knowledge of the remote jungle areas of the Congo, as it has operated there and has in the past collaborated with the DRC military. The advantage of including Rwanda in the partnership outweighs the fear that the Rwandan armed forces could adopt a separate agenda and pursue remnants of the Army for the Liberation of Rwanda (*Armée pour la Libération du Rwanda*), which had participated in the 1994 genocide in Rwanda and elements of which continue to hide out in the Congo.

## END GAME

Whereas many argue that it is appropriate for the indicted leaders of the LRA to be arraigned by the International Criminal Court for crimes against humanity, what should be the fate of the foot soldiers if captured? As most LRA fighters were kidnapped when they were children and then brainwashed and terrorised by Kony's men for more than two decades, they are victims of war. Will they be tried for war crimes and crimes against humanity as defined by the criminal justice system of European democracies, on which local jurisprudence is based, or is there the chance that they will be reintegrated into society using African customary arrangements in the fashion of Rwanda's successful use of *gacaca* courts?

It will be interesting to see how the U.S.-backed partnership employs former LRA child soldiers who have been successfully integrated into the UPDF. They know the various rendezvous locations and bases used by Kony, and having been victims of the LRA for many years, some of them likely see an opportunity to redeem themselves and might therefore prove to be vital assets for Uganda's army.

It is quite possible that given the LRA rebels' vast theatre of operation, the capture or killing of any of the LRA leaders will not immediately end the insurgency. If the war continues to drag on, questions might be asked that generate enough political pressure to force a premature disengagement.



# Youth Radicalization in the Coast Province of Kenya

*Fathima Azmiya Badurdeen*

COUNTRIES IN EAST AFRICA HAVE EXPERIENCED a number of terrorist attacks by and against their citizens in the supposed name of domestic and broader causes. That there exists a need for stabilization through counterterrorism is well established.<sup>1</sup> There is also a need for a broader, long-term strategy aimed not only at thwarting and responding to attacks, but also at preventing the radicalization of local populations that might be vulnerable to resorting to such attacks. This latter scenario, with youth radicalization processes featuring prominently, is one of the great strategic challenges in counterterrorism.<sup>2</sup> Meeting this challenge requires understanding the causes of violent extremism in order, as Anthony Ellis and his colleagues assert, to reduce and prevent identified enabling factors, such as ‘community support, legitimating ideologies, and perceived injustices and deprivations’.<sup>3</sup> The causes include a lack of effective governance structures and accountability, poorly structured decentralization, and ineffective youth integration mechanisms. It must be noted, however, that radicalization does not necessarily lead to extremism or terrorism. Nevertheless, the radicalization process can rationalize the use of violence, creating breeding grounds for acts of terror.

In Kenya’s Coast province, radicalization is a potential problem if the concerns and plight of the area’s youths remain unheeded. Among the internal factors are structural

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1. See Eric Rosand, Alistair Millar, and Jaso Ipe, ‘Enhancing counterterrorism cooperation in eastern Africa’, *African Security Review*, 18:2 (2009), 93–106; Cedric de Coning and Paul Romita, ‘Monitoring and evaluation of peace operations’, International Peace Institute, New York, 2009, [http://www.ipacademy.org/media/pdf/publications/ipi\\_rpt\\_m\\_and\\_e\\_of\\_peace\\_ops\\_epub.pdf](http://www.ipacademy.org/media/pdf/publications/ipi_rpt_m_and_e_of_peace_ops_epub.pdf); Anthony Ellis et al., ‘Monitoring and evaluation tools for counterterrorism program effectiveness’, Center on Global Counterterrorism Cooperation, Policy Brief, September 2011, [http://www.globalct.org/images/content/pdf/policybriefs/integrity\\_policybrief\\_1111.pdf](http://www.globalct.org/images/content/pdf/policybriefs/integrity_policybrief_1111.pdf).

2. P. Gastrow and A. Hübschle, ‘African perspectives on the international terrorism discourse’, *African Security Review*, 15:3 (2006), 70; Hassan Ole Naado, ‘Countering violent extremism among Kenyan Muslim youth’, Center on Global Counterterrorism Cooperation, Policy Brief, September 2011, [http://www.globalct.org/images/content/pdf/policybriefs/naado\\_policybrief\\_1112.pdf](http://www.globalct.org/images/content/pdf/policybriefs/naado_policybrief_1112.pdf). Rosand, Millar, and Ipe, ‘Enhancing counterterrorism cooperation’.

3. Ellis et al., ‘Monitoring and evaluation tools’, 5.

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failures in understanding the context of youth radicalization, thus obstructing the generation of recommendations for effective policy formulation. The same dynamic can also be seen in other African states grappling with burgeoning populations of young people amid poverty and political isolation. The root cause of youth radicalization in Coast stems from the region's desperate economic, social, and political conditions. Ineffective decentralization of development plans and governance issues since independence form the backbone of this situation, which is taken advantage of by an infrastructure of social networks of religious and political groups that provide communities with what the government does not and are in some instances extremist.<sup>4</sup>

## HISTORICAL CONTEXT

Coast province is situated in the southeast of Kenya along the Indian Ocean and was once a hub connecting colonial trade routes.<sup>5</sup> Today the region's youths require an increase in social provisions to address developmental lapses and plans aimed at future development. It is evident that Kenya's development models have failed in Coast. The region's historical context, land issues, and socioeconomic disparities are what fuel youth radicalization in Coast.<sup>6</sup>

In the 1820s, a ten-mile coastal strip of today's Coast province came under the domination of the sultanate of Zanzibar. The people there retained a form of sovereignty in conducting state affairs as long as they remitted taxes and duties to Zanzibar. In 1963 this protectorate was integrated into the Republic of Kenya.<sup>7</sup> Post-independence social exclusion and regional development that favored outsiders (and local elites) led to a crisis of state legitimacy and to the indigenous population referring to themselves as Coasterians and to newer settlers as Kenyans.<sup>8</sup> Fear of losing control of the land and other economic resources to these 'outsiders' fueled ideas of secession, mainly promoted through community structures, including the Mombasa Republican Council (MRC).

Along with grievances over unfair provisions on agricultural settlements for Coasterians and other land laws,<sup>9</sup> residents claim also to have experienced bias in civil service recruitment and thus exclusion from employment and government development plans. For example, a privatization project for Kilindi harbor created tensions between the central government and Coasterians because of the absence of an inclusive dialogue, with all stakeholders from the province. The government's attitude toward and plans for the coastal communities have led citizens in Coast to feel that their resources

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4. Naado 'Countering violent extremism', 3–4.

5. Ochieng Nyamanga, 'Land questions of the Kenyan Coastal people: The Bajuni and Swahili of Lamu', Archeological Department, Fort Jesus Museum Occasional Papers 2 (2000).

6. Lydia Ndirangu and Mary Mathenge, 'Decomposition of regional inequality in rural Kenya', Economic Development in Africa, paper presented at the Centre for Studies on African Economies, Nairobi, 2010, available online.

7. James Brennan, 'Lowering the sultan's flag: Sovereignty and decolonization in Coastal Kenya', *Comparative Studies in Society and History*, 50:4 (2008), 831–61.

8. Paul Goldsmith, 'Conflict assessment: Threats and opportunities for engagement', MRC Conflict Assessment Report, Kenya Civil Society Strengthening Programme, November 2011, 30.

9. One land issue concerns the lack of title deeds in the possession of Coasterians, and another is the real or perceived preferential treatment received by new settlers because influential politicians have at times represented their interest.

are being used for the benefit of others. A good example is the central government's top-down approach to development of the Lamu port. Coasterians, mainly from Lamu, felt that the project was being forced upon them, and then their pleas for resettlement of people displaced by the project went unheeded. The government's apparent lack of consultation with residents resulted in widespread resentment among them.<sup>10</sup> The indigenous living in conditions of poverty relative to upcountry inhabitants on the coast felt themselves becoming poorer while outsiders prospered in their homeland.<sup>11</sup>

Other hardships, such as securing IDs and other documentation, have been difficult for Coastal Muslims, leading them to argue that they are treated unfairly and considered to be second-class citizens. Their sense of discrimination has created a breeding ground for violence, such as the 1997 Kenya Bombo incident, during which the government of Daniel arap Moi used minority discontent to promote its agenda, and the postelection violence of 2007–2008 following the disputed victory of incumbent president Mwai Kibaki.<sup>12</sup>

While structural causes of youth radicalization need to be understood, it is also necessary to explore their place in the sociopolitical system. The radicalization process has political and religious dimensions susceptible to internal as well as external forces. While there are no reliable data specific to radicalized youth groups in Coast, informal data point to the existence of such outfits. According to Paul Goldsmith, 'Several well-placed sources confirm there are units [youth wings of the Mombasa Republican Council] in Kwale already undergoing training, although the activities are at best rudimentary from a military perspective: at this time it consists of classroom instructions on tactics, practicing fighting with wooden staves, and magical rituals called *mole* and *fungaliza* that purport to make combatants invisible'.<sup>13</sup>

## ENABLING FACTORS

Youth radicalization, whether political or religious, is not a new phenomenon in intrastate conflict. It does, however, represent a worrisome occurrence in ongoing conflicts and other turbulent environments, particularly when related to secession movements or other social movements seeking independence or autonomy, as in the case of Coast province.<sup>14</sup>

A direct link exists between poverty in Coast and youth radicalization in the area, as in other places around the world.<sup>15</sup> Poverty creates openings for nationalist politi-

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10. Focus group discussion, Kisimani, Coast, February 2012.

11. Interview with a Muslim leader, Kisimani, Coast, February 2012.

12. In the Bombo incident, Coasterians mobilized to chase up-country (new) inhabitants from Coast province because they felt that they were being deprived of jobs, land, and privileges seemingly only available to the up-country settlers. The incident was highly politicized and stoked by politicians.

13. Goldsmith, 'Conflict assessment', 30.

14. William Thomson, 'The process of Islamic radicalization in intra-state conflict: Insurgent grievance and leadership in the first Chechen war and the Tajik civil war', *Small Wars Journal*, 16 September 2011, available online; David Snow and Remy Cross, 'Radicalism within the context of social movements: Processes and types', *Journal of Strategic Security*, 4:4 (2011), 115–30.

15. See, for example, Moeed Yusuf, 'Prospects of youth radicalization in Pakistan: Implications for U.S. policy', The Brookings Project on U.S. Relations with the Islamic World, Analysis Paper 14, October 2008, available online.

cal parties to infiltrate communities and recruit members through their social service wings and operations. Political parties, through their ties and commitments to citizens, typically include help for the poor in their mandates.<sup>16</sup> This becomes crucial when a party is extremist or has an agenda to radicalize youths (and others) to gain advantage. One method that parties use to expand their power base is to provide charitable services to communities and people in need.

A sense of marginalization stemming from inequality or inequitable development also makes people and communities susceptible to extremist ideologies, thus contributing to youth radicalization. A dearth of government-provided social services or lack of mechanisms to effectively facilitate decentralization of resources from the center to the periphery (here, Coast province) opens the door to a flow of external and internal support from various forces, including extremist groups. Oftentimes, it is not the ideological appeal of an organization that lures people and communities into its circle, but the absence of alternatives for education, healthcare, or a livelihood.

The role of a variety of community institutions, such as schools as well as places of worship, is always subject to scrutiny in the promotion of extremism. In a number of places, religion has come to play an important role in the political radicalization of youth. In this case, it is Islam, as the majority of the people in the Coast region are Muslims. Religion offers hope. In a radicalization process, official and self-appointed religious leaders use the construction of a particular narrative as a lever for change by giving meaning and direction to the oppressed and to individuals and groups who feel marginalized.<sup>17</sup> Among Muslim youth in Coast, radicalization has both a religious dimension and a political dimension manifest in mistrust of the prevailing system, which is a source of marginalization and discrimination. These dimensions are independent of each other and may or may not be affected by the other.<sup>18</sup>

Where government fails to meet socioeconomic needs, charitable religious and donor organizations sometimes fill the gaps through employment-creation schemes, educational opportunities, and other needed community development initiatives. In Coast province, radicalization has focused attention on Salafist movements' involvement in mosques, madrasas, and community development initiatives.<sup>19</sup> Although evidence from the literature asserts that mosques and radical imams are instrumental in radicalizing potential recruits through religious ideology, this is not always the case. Mosque attendees are also influenced through social interactions with fellow worshippers, who also have the potential to build and reinforce ideological commitment.<sup>20</sup>

Madrasas are also places with the potential to promote radical views, but this only occurs in those supported by extremists; most of these religious schools' teachings are based on orthodox Islam. Because of the high cost of schooling, parents sometimes

16. Karin von Hippel, 'A counterradicalization strategy for a new U.S. administration', *Annals of the American Academy of Political and Social Science*, 618:1 (2008), 182–96.

17. See Sara Savage, 'Four lessons from the study of fundamentalism and psychology of religion', *Journal of Strategic Security*, 4:4 (2011), 131–49.

18. Randy Borum, 'Radicalization into violent extremism II: A review of conceptual models and empirical research', *Journal of Strategic Security*, 4:4 (2011), 37.

19. Naado, 'Countering violent extremism'.

20. Andrew Silke, 'Holy warriors: Exploring the psychological processes of jihadi radicalization', *European Journal of Criminology*, 5:1 (2008), 99–123.

choose to send their children to madrasas, which tend to be heavily subsidized or free of charge.<sup>21</sup> In Coast, madrasas play a particularly important role in poor communities, as they may also offer support in the form of clothing, books, and sometimes even food. It is interesting to note that even if a madrasa does not promote radical perspectives, it can still potentially contribute to radicalization by failing to focus on the practical skills that prepare youths for working and surviving in modern society. A lack of marketable skills often results in unemployment, which can lead to bitterness, anger, victimhood, and hatred of others.

A number of ‘push factors’ have been identified to counter youth radicalization processes. According to one theory, the central government would be responsible for addressing human needs in Coast, wherein the development gap in terms of regional disparities in education, economic, and political opportunities would be addressed.<sup>22</sup> Effective public policies in terms of education and social provisioning are key to bridging this gap. There is also a dire need for poverty alleviation programs in the Coast region. Programs should be designed with employment generation or livelihood support aimed at sustainability. To meet this goal, the government could collaborate with selective donors willing to fund the process. Charitable organizations also have roles to play in development, which needs to be carefully monitored by a central authority. Donors and other aid providers must be cautious in choosing program areas, which should focus mainly on addressing services for communities in locations where government is weak or incapable of providing the basics. Emphasis should also be aimed where local priorities have received societal acceptance, which can help in achieving desired outcomes.

Resolving entrenched structural issues—such as Coast’s land-related problems, top-down development plans, and constitutional reform—will not happen overnight. Nevertheless, appropriate public policies aimed at regional development need to be put in place, accompanied by appropriate decentralization mechanisms, such as funding for capacity building and infrastructure development.<sup>23</sup> This includes effective decentralization at all levels—administrative, political, fiscal, and economic. Decentralization, however, is not in itself a panacea for development in Coast, as it needs to be driven by long-term development goals rather than political imperatives.<sup>24</sup> The provisions in the new constitution on devolution or decentralization need to be clarified in regard to resolving local land issues and proper disbursement of funds for regional development. At the same time, however, the new constitution does not pro-

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21. There is a wide regional disparity in education in Coast province relative to other provinces, such as Central, Nairobi, and Western. See Alwy Alwiya and Schech Susane, ‘Ethnic inequalities in education in Kenya,’ *International Education Journal*, 5:2 (2004), 266–74.

22. For further discussion on human needs, see John Burton, *Conflict: Resolution and Prevention* (New York, St. Martin’s Press, 1990).

23. Caleb Opon, ‘Towards an integrated decentralization policy in Kenya,’ African Research and Resource Forum, Nairobi, 2007.

24. ‘A guide for understanding decentralization in Kenya,’ Institute of Economic Affairs, National Council of Churches of Kenya and Diakona, Sweden, 2011, available online; Wolfgang Fengler, ‘Decentralizing Kenya: Four paradoxes,’ posted to Africa Can . . . End Poverty, 2011, <http://blogs.worldbank.org/africacan/decentralizing-kenya-four-paradoxes>.

vide many Coasterians with a sense of inclusion because of their lack of input in its drafting and implementation.<sup>25</sup>

In regard to madrasas, competent and respected Muslim educators should be encouraged to design an action plan drawing on experiences from throughout the Islamic world. The reform plans must balance Muslim integration and the community's right to live according to its faith. Such an effort should be supported by teacher-training colleges and universities, as it is in Southeast Asia.<sup>26</sup> The role of community organizations, such as the Kenya Muslim Youth Alliance (KMYC) and the Kenya Community Support Centre, has been commendable. This includes such interventions as connecting young people and the government, using Islamic religious teaching to promote peace, creating livelihood opportunities, and raising civic awareness among youth in an attempt to prevent youth radicalization and extremism.

Many see a need to address the causes of regional disparities relatively soon for fear of more election-related violence in Kenya. Although educational and employment opportunities typically play positive roles in such changes, in Kenya a multi-faceted policy approach aimed at youth integration is also required to bring about desirable outcomes.

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25. Goldsmith, 'Conflict assessment'.

26. International Crisis Group, 'Kenya Somali Islamist radicalization', Africa Briefing no. 85, Nairobi/Brussels, January 2012.



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# Rethinking the Place of Faith in the Political Sphere

*Mathieu Bere*

Recurrent religious violence throughout the world casts doubt on the claim that religion, by nature, promotes peace. For the sake of peace, liberal theorists argue that religious convictions should be kept away from the public sphere or referred to only in secular terms. Others argue, however, that open, free, and constructive engagement among believers of different confessions, though a risky exercise, is possible and desirable; it is simply a matter of respecting religious freedom and basic individual liberties, both of which liberals seek to preserve. The liberals' concern about the risk of violence driven by interreligious engagement is acknowledged, but such engagement in democratic societies can be peaceful and constructive if one respects certain boundaries.

WHEN BELIEVERS HAVE TRIED TO IMPOSE the values and laws of their particular religious traditions in the public sphere, the result has often been violence. Boko Haram in northern Nigeria, the Taliban in Afghanistan, and the Muslim Brotherhood in Egypt provide contemporary illustration of this reality. Aware of the dangers involved in the utilization of religion as an instrument of politics and ideology, liberal theorists have argued that religion should be considered a private matter and kept away from political debates and the public square in general.<sup>1</sup> Despite the risks involved in the mingling of the religious and political realms, one can constructively engage others of different faiths and philosophies, participating fully as a citizen and a believer, in the political affairs of a pluralistic state. At issue is whether believers of different confessions can interact in a way that is fair to all and that contributes to peace, and, if at odds, the reconciliation of their divergent views on public issues.

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1. For a good summary of liberal arguments, see Robert Audi and Nicholas Wolterstoff, *Religion in the Public Square: The Place of Religious Convictions in Political Debate* (Lanham, Maryland, Rowman and Littlefield Publishers, 1997), 3ff.

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## FOR THE SAKE OF PEACE: PRIVATIZE RELIGION?

Liberals argue that the state in liberal democracies should observe tolerance, impartiality, and neutrality in religious matters because it must ensure the respect of individuals' fundamental liberties, especially freedom of religion and of conscience. Some who argue this position view religion as a source of division and conflict and think that religious divergences are rarely reconcilable, which in part warrants the principle of the separation of church and state. The American philosopher Robert Audi holds that the liberal argument is based on three principles that justify a separation of religion and politics.<sup>2</sup> The first principle is tolerance, which Audi calls the 'libertarian principle'. According to this precept, citizens in a free and democratic society should be allowed to practice the religion of their choice, though within certain limits for the sake of preserving public order and individual liberties.

Audi's second principle, the 'equalitarian principle', assumes that a democratic society should uphold the equality of the basic rights of its members and, therefore, refrain from exhibiting preference for or discrimination against any specific religious community. The third principle, the 'neutrality principle', requires that liberal democratic states be religiously neutral. This means that they should make no difference between religious and non-religious peoples. In other words, anything that is public, such as access to municipal services and civil positions, should never be subjected to religious criteria. Such an approach is warranted to protect citizens from religiously based governmental coercion and discrimination. When coercion is required, it should be based on rational, secular grounds (that is, persuasive argument), not on religious grounds (such as theological considerations, scripture, or revelation). According to Audi and Nicholas Wolterstoff, 'If fully rational citizens in possession of the relevant facts cannot be persuaded of the necessity of the coercion—as is common where that coercion is based on an injunction grounded in someone else's religious scripture or revelation—then from the point of view of liberal democracy, the coercion lacks an adequate basis'.<sup>3</sup>

Liberal policy aims at accommodating people from a diversity of backgrounds. It is meant to foster pluralism and to prevent a particular religion from having influence on the public sphere to the detriment of others. This justifies why citizens should resort, according to liberals, to 'secular reasons' (non-religious arguments) to support their claims in political matters (such as legislation, policy making, and so on). In a nutshell, for the sake of justice, peace, and public order in a democratic society, the state and individuals of different faith communities should be guided by the principles of tolerance, impartiality, and neutrality.<sup>4</sup>

The concern of liberals is understandable. Both historical and present-day events illustrate that politicization of religion and mixing of the political and religious realms too often generate violent confrontations between religious communities. This is the case because people often have strong attachments to their system of belief and its values, which gives meaning to their lives. For some of them, these princi-

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2. Robert Audi and Nicholas Wolterstoff, *Religion in the Public Square*, 4–8.

3. *Ibid.*, 16.

4. See Audi's 'secular rationale principle' and 'secular motivation principle' in *ibid.*, 25ff.

ples are non-negotiable, so they are not inclined to compromise with those who disregard or attack their system. Should then religion be restricted to the private sphere for the sake of peace?

Some believers would argue that ‘privatizing’ religion through laws ignores religion’s true nature and prevents it from playing the social role that it should. For religion is not merely a private matter, but an attempt by human beings in various ways and forms to give meaning to their lives by relating to the Transcendent, by celebrating this relationship in doctrines and rituals, and by assuming its implications in their daily lives. Religious faith is shared and lived within a community. As its etymology indicates, the term *religio* derives from the Latin verb *religere*, which means ‘to link’ or ‘to bind’. Religion is concerned with linking, in a paradigmatic way, the believer with the Transcendent and with fellow human beings. It is here that the social or political dimension of religion emerges, for politics is the art of organizing social life for human flourishing. In this process, religion and politics inevitably interact, because both, though from different perspectives, are concerned with human well-being; both are called to embrace the demands of reason and to contribute to the advent of a fully human world. The challenge lies in how to manage the ‘irreducible pluralism’, that is, the divergent perspectives and doctrines that the free exercise of reason inevitably produces in a liberal democratic society.<sup>5</sup>

### ASSUMING THE IMPLICATIONS OF AN IRREDUCIBLE PLURALISM

The divergence of religious, cultural, and political systems is irreducible—that is, cannot be suppressed—unless one resorts to coercion to restrict some basic individual liberties. These liberties—freedom of speech, opinion, religion, and conscience—are firmly grounded in a theology or philosophy that affirms the autonomy and dignity of the person. In the case of believers, it is this theological foundation that provides these liberties the basis of their legitimacy. In other words, the belief that each human being is created in the image of God, and the philosophical assumption that each human person is endowed with reason and has intrinsic value, requires that one strictly respect the uniqueness, value, and freedom of each individual. A lack of respect toward these attributes for each individual is likely to be interpreted as contempt and to lead to indignation, revolt, and possibly violent reactions. This suggests that harmonious interpersonal relationships are strongly connected with the respect of each individual’s uniqueness and freedom. Herein lies the reason that Western governments consider it a duty to defend and protect human rights and individual liberties.

As a result of this systematic policy, pluralism has replaced uniformity in the religious and political spheres. In Western democratic societies, there no longer exist official religions that enjoy the support of the state as in the medieval world of the crusaders and inquisitors. The separation of the state and religion preserves the possibility of pluralism by forbidding the use of the state’s coercive power to impose on others’ religious, political, and other values.

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5. John Rawls, *Political Liberalism* (New York, Columbia University Press, 1993), 80ff.

In the secular modern state, laws and rules find their source not in a religion, such as Islamists would like, but in what is set out by lawmakers through democratic processes. This has led to the creation of a regime of human rights and of individual liberties that establishes boundaries and requirements, for example, respect for religious differences, within which all, including religions, must operate. These boundaries set by human lawmakers sometimes create controversy, which may take violent turns, because some citizens, such as the members of Boko Haram, find them incompatible with their divine law and the demands of their faith. Hence, for the sake of peaceful coexistence among believers of different confessions within a political community, there is a need to reconcile the requirements of ‘divine law’—whether it derives from the Ten Commandments, sharia, the Torah, or other texts and traditions that shape religious consciousness—with the universal demands of fundamental rights and freedoms.

In addition to using the justice system and security forces to police these boundaries and requirements for mutually beneficial coexistence, political leaders would be well advised to seek to convince religious extremists to comply with such boundaries through dialogue as long as they do not reject the exchange of ideas. What then are the demands of the fundamental freedoms regarding religious conduct in the public sphere? The answer would appear to be, as acknowledged in contemporary democratic societies, that no attempt should be made to impose on others anything associated with a particular religion, and any religiously inspired claim that vies for public support must be subjected to critical reason as other (secular) claims are.

Another argument to counter attempts to kick religion out of the public square is to consider politics, in the vein of the French philosopher Paul Valadier, as a ‘possible field of humanization’.<sup>6</sup> According to Valadier, the state carries out humanization in three ways: through the education of citizens, the establishment of a peaceful and just order in society, and the moralization of social life. Thus, politics is intrinsically linked to morality; believers, no matter their religious affiliation, therefore should contribute to the moralization process. In this respect, religious freedom does not mean privatization of religion. Rather, as the Second Vatican Council suggested, it means that ‘[a]ll men should be immune from coercion on the part of individuals, social groups and every human power so that *within due limits*, nobody is forced to act against his convictions nor is anyone to be restrained from acting in accordance with his convictions in religious matters in private or in public, alone or in association with others’.<sup>7</sup>

In a pluralistic world of clashing value systems, humans must find ways to reconcile their religious identities with their civic duties and in ways that do not prevent their fellow citizens from exercising their freedoms through reasonable choices. As a consequence, the real challenge lies in the management of the relationship between religion and its social or political expressions in a constructive and life-giving way. This requires discernment through a systematic subjection of religious beliefs, practices, and behaviors to moral evaluation. Despite the plurality of moral perspectives that characterizes contemporary democratic so-

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6. See Paul Valadier, *Agir en politique: Décision morale et pluralisme politique* (Paris, Cerf, 1980), 158ff.

7. See ‘Dignitatis humanae: Declaration on religious liberty’ in Austin Flannery (ed.), *Vatican II: The Conciliar and Post-Conciliar Documents* (New York, Costello Publishing Company, 1984), 1:800 (emphasis added).

cieties, such a moral assessment may be done on the basis of three criteria or questions. First, does this religious belief and practice contribute to well-being and harmony or does it cause harm and destruction among its adepts and in the broader community? Second, does it uphold universally accepted norms of behavior, such as those defined by the Universal Declaration of Human Rights? Third, would this religious belief and practice be judged acceptable in the light of a global ethic, that is, an ethical code upon which representatives of the world's various religious and cultural traditions would agree after open and free discussion?<sup>8</sup>

Ethical scrutiny of religious beliefs and practices also needs to be pursued at different levels. At the personal level, believers must make use of ethical and practical discernment to ensure that their religious beliefs and practices are neither harmful to their physical or psychological health nor irreconcilable with others' basic liberties. At the collective and political levels, religious and political leaders must make determinations so as to teach, encourage, and promote only forms of religiosity that are life-giving and that contribute to human welfare. This would imply that they should have the courage to ban forms of religiosity that appear to the wise judgment of the majority of citizens as harmful and destructive for individual citizens and for the social body. Such measures are not restrictions on religious liberty; they are warranted by the fact that freedom of religion is not without limits and must be exercised with responsibility.

In short, in a responsible community, not all forms of religiosity are accepted indiscriminately. This reality provides common ground that reconciles the liberals, who want religion out of the public square, and believers, who wish to make a contribution in the public sphere in a specifically religious manner. For this win-win solution to be operational, religious and political leaders, after appropriate consultations, need to develop consensual criteria for determining politically acceptable religiosity. In this delicate matter, policy makers should not simply rely on their judgment or on the expertise of social and political scientists in making a well-thought decision. They would be wise to also seek the advice of theologians and religious leaders, for the latter may enlighten their judgments and help them reach a balanced conclusion.

To sum up, the liberal, secularist thesis hinges on principles that seem irrefutable: tolerance, equality of basic rights, and state neutrality (or impartiality) in religious affairs. Keeping religion off the political stage, according to this thesis, helps contemporary democratic societies avoid the divisions, violent rivalries, and conflicts associated with religious differences. Religion, however, cannot be kicked out of the public square without damaging the religious freedom and other fundamental liberties that citizens should enjoy in a democratic polity.

The very nature of religion imbues it with social dimensions, so it does not make sense to forbid believers to bring their religious convictions into political debates. It would be more realistic to require that in political deliberations, believers reference their particular religious convictions only in terms that allow open, rational discussion and a willingness to accept that others can refute them on rational grounds. It

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8. The idea of a global ethic was pioneered by Hans Küng in *Global Responsibility: In Search of a New World Ethic* (New York, Crossroad, 1991). The Declaration Towards a Global Ethic, drafted by Küng, was endorsed by the Parliament of the World's Religions in Chicago in 1993.

matters greatly that believers who use religious arguments in political debates are willing to subject their arguments to the moral evaluation of others. It is also important to ensure that citizens' religious beliefs and practices are not (potentially) destructive. Even more important, it must be made clear to everyone that religious beliefs and practices will not be allowed to violate human dignity and human rights. When a religious group rejects all forms of dialogue and becomes a threat to public order and to human rights, it has abused religious freedom and must be challenged. The difficult aspect is to determine the extent to which force might be used to discipline such groups by enforcing the law without falling into the trap of religious discrimination and a cycle of violence.