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Origins of Hybrid Governance and Armed Community Mobilization in Sub-Saharan Africa

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ABOUT THIS REPORT

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Origins of Hybrid Governance and Armed Community Mobilization in Sub-Saharan Africa is part of the RESOLVE Network's Community-Based Armed Groups research series, an initiative investigating the dynamics of community-based armed groups and the contexts in which they operate to identify potential approaches to engage, manage, and transform them.

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EXECUTIVE SUMMARY

This RESOLVE report, one of three, seeks to understand the origins, dynamics, and drivers of community-based armed groups (CBAGs) in Africa. As an explorative study, this report involves collecting, organizing, and synthesizing available information on non-state security actors and their relationships with local communities and formal state agencies, such as the law enforcement and justice systems. The report builds on academic literature that explores the relationships between the state and civil society, seeking to challenge simplistic renderings of these as distinctly separate entities with clearly defined boundaries. The report is also informed by interviews with members of the Civilian Joint Task Force (CJTF), a pro-state militia helping to repel the violent insurgency of Boko Haram in northeastern Nigeria.

A consolidated definition of CBAGs has proven difficult because of their multiple types and characteristics, and because CBAGs are typically located in zones of ambiguity between the presence and absence of law and social order. Across Africa, CBAGs have organized at various levels (from lineage to ethnic group), in various spaces (from village ward to city streets), and for various reasons (from crime fighting to political lobbying to counterinsurgency). CBAGs draw their legitimacy from various and, at times, competing sources, including traditional and communal establishments, religious establishments, and political establishments.

CBAGs are perceived as defining boundaries and protecting or caring for the communities encompassed within these boundaries; they involve surveilling and acting against any threats to these communities. Such boundaries, however, are permeable and shifting and, therefore, amenable to change and vulnerable to conflict. For instance, over time, the expectations of CBAGs may differ from the expectations of the communities, so much so that CBAGs may distance themselves from the communities or may become threats to those communities. In such cases, CBAGs morph from community-based to non-state armed groups with a message and method that alienates the communities.

A common assumption is that state-building is the preserve of official state apparatuses. Yet, so-called weak or fragile states are ordinarily not in a position to provide security and other public goods on their own. Giving their degree of embeddedness within communities and the popular legitimacy that they appear to enjoy, at least in the early phases, CBAGs may be well-placed to carry out basic governance responsibilities, establish public norms of compliance and cooperation with local populations, and provide order and dispute resolution services. This situation forces the research to go beyond the narrative of CBAGs as national security threats and consider their roles as contributors to state-building and peace-building.

A study of CBAGs—their origins, dynamics, and drivers—could clarify for researchers and practitioners the multiplicity and complex relationships between these groups and the state, as well as their prominent roles and responsibilities in security provision and service delivery. The results of such research, in turn, could support ongoing efforts to improve civil-military relations and to foster a more stable

and productive relationship between CBAGs and the state. Insights from this study could also enhance peace-building and state-building.

Heritage of Colonialism

Analyzing how CBAGs were forged in the course of a colonial occupation provides a deeper understanding of these entities in particular and the postcolonial state in general. The rise of CBAGs in postcolonial Africa echoes decades of selective, limited, and unrepresentative forms of colonial policing. The relative absence of protective policing under a weak and violent colonial state encouraged marginalized communities to devise their own solutions to violent crime and challenges to the social order. In areas where the colonial police had limited presence—often rural or peri-urban zones—the maintenance of law and order fell to local security actors. Vigilantes, hunters, and civic guards stepped in to enforce law and order, normally prosecuted outside of conventional policing norms or state procedure.

In general, colonial police and Native Authority police had little to do with serving the local communities. Their primary responsibilities revolved around coercing labor, dealing with threats to colonially imposed law, protecting white-owned property, and upholding the authority of colonial rule. These police forces, which had narrow bases in the communities, relied on coercion rather than authority for compliance. This pattern has continued in postcolonial Africa, where state police forces are often perceived as corrupt, ineffective, and unconnected to the communities they serve. This perception has fueled the rise of self-help groups (for example, vigilantes, militias, and gangs), some of whom exist to challenge predatory and unaccountable modes of governance.

Given the financial, logistical, and knowledge constraints of the colonial state—which would qualify it as a "weak state"—a prevailing ideology emerged that emphasized the responsibility of the African community to police itself (for example, the "indirect rule" system). This system of governance manifests itself in the way that failing states in postcolonial Africa increasingly turn to CBAGs to maintain law and order due to their perceived cost-saving measures, effectiveness, or popular legitimacy.

Categories of CBAGs

This mapping paper discusses three categories of CBAGs:

- CBAGs that organize to fight insurgents or terrorists

- CBAGs that emerge to fight crime

- CBAGs that are manipulated by state actors to target ethnic or political rivals.

Despite the diversity of the threats facing these CBAGs, they all seem to have emerged from a postcolonial context in which the state and its institutions are incapable of delivering security and other public

goods, and the primary objective of those who hold or compete for political office is self-enrichment. This combination of state fragility and elite rapacity has become a trademark of neo-patrimonial[1] states in Africa, giving rise to a range of security responses among local communities, one of which is a return to non-state forms of order.

INTRODUCTION

UNDERSTANDING COMMUNITY-BASED ARMED GROUPS

Most discussions about the provision of public goods, particularly security, focus on the role of formal state institutions. Yet the provision of security has always been a pluralized field of delivery rather than a state monopoly.[2] Against the backdrop of weak states[3] in Africa—characterized by often disempowered, under-resourced police struggling with corruption and politicization—local communities often have to rely on themselves for protection from security threats that range from petty crimes to insurgencies.[4] They do this, for instance, by mobilizing themselves into community-based armed groups (CBAGs) that may take the form of vigilantes, militias, or gangs.[5] The effectiveness of these groups in providing protection, and the local legitimacy they seem to enjoy, have been accompanied by a growing recognition that governance exists without government[6] and that the state does not have a legitimate monopoly over the use of violence. This is particularly true in weak or failing states, where the incapacity to deliver security has eroded trust in their power and authority.

The phenomenon of CBAGs invites us to rethink the common tendency to reduce local communities mired in armed conflict, or facing the absence of an effective state authority, to passive victims of armed conflicts rather than active participants. Describing the significant successes of governance efforts within some local Somali communities in the face of state collapse since 1991, Ken Menkhaus draws attention

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1   Neopatrimonialism is "a form of organization in which relationship of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines." See Christopher S. Clapham, *The World Politics: An Introduction* (Madison: University of Wisconsin Press, 1985), 48.

2   Alice Hills, *Policing Post-Conflict Cities* (London: Zed Books, 2009), 19; see also: Jean-Peirre Olivier de Sardan, "Local Powers and the Co-Delivery of Public Goods in Niger," *IDS Bulletin* 42, no. 2 (2011): 32–42; Mirco Göpfert, "Security in Niamey: An Anthropological Perspective on Policing and an Act of Terrorism in Niger," *Journal of Modern African Studies* 59, no. 1 (2012): 53–74.

3   A contentious term, "weak state" is generally used to define "a state that is weak in its core functions of providing security to its citizens (security gap), providing basic services to its citizens (capacity gap), and having legitimacy among its people (legitimacy gap)." See: Juhi Tyagi, "Weak States," *The Wiley-Blackwell Encyclopedia of Globalization* (February 2012); Robert I. Rotberg, ed., *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2003).

4   Betcy Jose and Peace A. Medie, "Understanding How and Why Civilians Resort to Self-Protection in Armed Conflict," International Studies Review 17 no. 4 (2015): 515–35; Keith Krause and Jennifer Milliken, "Introduction: The Challenge of Non-State Armed Group," *Contemporary Security Policy* 30, no. 2 (2009): 202–20.

5   This conforms to a recurrent thesis of state-failure, according to which non-state actors fill a security gap created by dysfunctional or absent state organizations. See Bruce Baker, "Living with Non-State Policing in South Africa: The Issues and Dilemmas," *The Journal of Modern African Studies* 40, no. 1 (2002): 29–53.

6   Ken Menkhaus, "Governance without Government in Somalia: Spoilers, State Building, and the Politics of Coping," *International Security* 31, no. 3 (2006): 74–106.

to "the obvious but often overlooked observation that local communities are not passive in the face of state failure and insecurity; instead, they adapt in a variety of ways to minimize risk and increase predictability in their dangerous environments."[7]

A definition of CBAGs has proven difficult due to their many types and characteristics, and the fact that they are often located in zones of ambiguity between the presence and absence of law and order. Moreover, CBAGs draw their legitimacy from various and, at times, competing sources, including traditional and communal, religious, and political establishments.[8]

In this report, CBAGs are viewed as entities that define boundaries and protect communities encompassed within these boundaries; they surveille and act against any threat to these communities.[9] Such boundaries are permeable and shifting, and, therefore, amenable to conflict and change. Over time, the expectations of CBAGs may differ from the expectations of local communities, so much so that CBAGs may distance themselves from the communities or may become threats to the communities.[10] In these cases, the CBAGs morph from community-based to non-state armed groups with a message and method that alienates the communities. The roles and activities of CBAGs are fluid as well.

The boundaries between CBAGs and the state are typically blurred because these groups tend to operate in the shadow of the state or mimic state institutions by delivering protection and punishment traditionally provided by formal state apparatuses. Existing literature repeatedly shows that CBAG roles and activities are closely related to ideas and structures of the state, from Kate Meagher's analysis of how the Bakassi Boys were hijacked by the Nigerian state, to Micheal Fleisher and Helen Kyed's ethnography of how the Tanzanian and Mozambican government outsourced policing by domesticating non-state vigilantes and turning them into local police forces.[11]

The forms and extent of CBAG engagement with the state exhibits wide variations, both geographically and over time. In some cases, the state may actively oppose CBAGs to maintain its monopoly on security and justice delivery. In other cases, it may lend CBAGs its tacit or overt approval. The state (or other states in the region) may look away, seek to infiltrate, and influence CBAGs or may actively assume control over them or reinvent them.[12] Two key advantages for states that condone or even sponsor CBAGs are cost and effectiveness. As Fleisher writes of the state-sponsored Sungusungu of Tanzania: "The government

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7   Menkhaus, "Governance without Government in Somalia," 75.

8   David Pratten, "The Politics of Protection: Perspectives on Vigilantism in Nigeria," *Africa* 78 no. 1 (2008): 1–15.

9   Pratten, "The Politics of Protection," 11.

10   Adapted from Göpfert, "Security in Niamey," 67.

11   Kate Meagher, "The Strength of Weak States? Non-state Security Forces and Hybrid Governance in Africa," *Development and Change* 43, no. 5 (2012): 1073–101; Michael L. Fleisher, "Sungusungu: State-Sponsored Village Vigilante Groups among the Kuria of Tanzania," *Africa* 70, no. 2 (2000): 209–28; Helene Maria Kyed, "State Vigilantes and Political Community on the Margins in Post-war Mozambique," in *Global Vigilantes: Perspectives on Justice and Violence,* eds. David Pratten and Atreyee Sen (Oxford: Oxford University Press, 2007), 393-415.

12   Fleisher, "Sungusungu," 210.

in effect 'deputizes' local people and sets them to work fighting 'crime' at little or no cost. It harnesses the energy of local people in this struggle, bypassing the lethargic, corrupt formal law enforcement system."[13]

Against this backdrop, adopting a state-centric approach (for example, a weak state thesis)[14] to security governance stops short of explaining the complex relations between CBAGs and the state and the roles and responsibilities that each assumes in security provision. Ideal-typical models of stable and democratic states fail to reflect the societal realities of failing states in contemporary Africa, in which the absent state has been replaced by hybrid security arrangements or CBAGs working "beside the state."[15] In Nigeria's Middle Belt, for instance, vigilante groups work beside the state in security delivery.[16]

A state-centric approach is likely to alienate local actors. Such an approach may not only undermine the sense of local ownership and agency for managing insecurity; it may ultimately weaken the potential of weak states to govern. In contrast, a hybrid security governance approach that recognizes and supports the roles and responsibilities of CBAGs as co-providers of security and justice can be an effective means to strengthen the capacity of weak states to govern and maintain a strong base in communal forces.

Acknowledging the effective roles and responsibilities of CBAGs with respect to the delivery of security and other public services involves recognizing their limitations as well, and debunking tendencies to romanticize CBAGs as the panacea to Africa's security challenges. Evidence suggests that CBAGs are capable of morphing from the "saving grace" of local communities to the primary threat to them, reproducing the same weaknesses and abuses of power that plague formal state institutions.[17] The challenge for researchers and policymakers is to recognize and build on the positive potential of CBAGs, while minimizing their negative potential.

EVOLUTION AND HISTORICAL DYNAMICS

Origins of CBAGs

Historically, community-based groups—such as hunter associations, night guard systems, and village patrols—have assumed security prerogatives and service provision in Africa.[18] The interactions between

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13   Ibid.

14   States are considered "failed," "collapsed," or "weak" according to the level of their effective delivery of public goods, the most critical of which is security, especially human security. As Robert Rotberg argues, "The state's prime function is to provide that political good of security—to prevent cross-border invasions and infiltrations, and any loss of territory; to eliminate domestic threats to or attacks upon the national order and social structure; to prevent crime and any related dangers to domestic human security; and to enable citizens to resolve their disputes with the state and with their fellow inhabitants without recourse to arms or other forms of physical coercion." See: Rotberg, *State Failure and State Weakness in a Time of Terror*, 2-3.

15   Alice Bellagamba and Georg Klute, *Beside the State. Emergent Powers in Contemporary Africa* (Köln: Rüdiger Köppe Verlag, 2008).

16   Other examples include the Koglweogos self-defense movement in Burkina Faso, see: Sten Hagberg, "Performing Tradition while Doing Politics: A Comparative Study of the Dozos and Koglweogos Self-Defense Movements in Burkina Faso," *African Studies Review* 62, no. 1 (2019): 173–93.

17   Meagher, "The Strength of Weak States?"

18   Laurent Fourchard, "A New Name for an Old Practice: Vigilantes in South-Western Nigeria," *Africa* 78, no. 1 (2008): 16–40; Raphael Garvin Abrahams, *Vigilant Citizens: Vigilantism and the State* (Cambridge: Polity Press, 1998).

these local security actors and the state have not always been those of resistance but also of complementarity.[19] To gain a deeper understanding of the contemporary dynamics and drivers of CBAGs, it is imperative to examine how the idea of the state was conceived and enacted.[20] Doing so entails delving into the historical circumstances that gave rise to CBAGs and other local security providers. We learn a great deal about the evolution and transformation of CBAGs when we analyze their historical dynamics and trace the elements of continuity and discontinuity in their roles, responsibilities, and relations with state security services.[21]

Foregrounding vigilantism in Nigeria as "a new name for an old practice,"[22] that is, as an activity that has its roots in pre-independence Africa, Laurent Fourchard shows how the role and activities of the Oodua Peoples' Congress (OPC), a Yoruba vigilante organization in southwest Nigeria, reclaimed the practices of former night guards and vigilantes of the 1930s, particularly with respect to their extralegal practices that involved the use of charms for crime control and extrajudicial killings tolerated on the grounds of community protection.[23]

This section is informed by Mahmood Mamdani's thesis that the key to understanding the state in contemporary Africa is the realization that it was forged in the course of colonial occupation.[24] The emergence and reach of CBAGs in contemporary Africa echoes decades of selective, limited, and unrepresentative policing in colonial Africa, which alienated communities and forced them to look beyond the state for protection and other public goods. The focus here is on British-ruled Africa and the maintenance of law and order, with intermittent contrasts with French-ruled Africa

The Disconnect between Colonial Police Forces and the Community

The emergence and legitimacy of CBAGs must be properly contextualized within the legacy of colonial policing in the region, when colonial administrations deployed indirect rule to maintain law and order.[25] Indirect rule meant building alliances with local elites and subcontracting security provision to local policing bodies and militias. Because colonialism involved the transfer of laws and legal institutions from one society to another, it resulted in a bifurcated legal system: one for the colonized and one for the colonizers. The prevailing attitude was that "natives" required different treatment under the law.[26] This bifurcated legal system applied to British Africa, as well as to French colonial Africa and its policy of assimilation.[27] Inhabitants of French colonies in West Africa, for instance, were divided into two groups: citizens

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19   See Jimam Lar, "Historicising Vigilante Policing in Plateau State, Nigeria," in *Police in Africa: The Street Level View,* eds. Jan Beek, Mirco Göpfert, Olly Owen, and Johnny Steinberg (New York: Oxford University Press, 2017) , 79-100.

20   Philip Abrams, "Notes on the Difficulty of Studying the State (1977)," *Journal of Historical Sociology* 1, no. 1 (1988): 58–89.

21   See: Fourchard, "A New Name for an Old Practice"; Lar, "Historicizing Vigilante Policing in Plateau State, Nigeria."

22   Fourchard, "A New Name for an Old Practice."

23   Ibid, 36.

24   Mahmood Mamdani, *Citizens and Subject: Contemporary Africa and the Legacy of Late Colonialism* (Princeton, NJ: Princeton University Press, 2018).

25   Martin Chanock, *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia* (Cambridge University Press, 1985), 5.

26   David Killingray, "The Maintenance of Law and Order in British Colonial Africa," *African Affairs* 85, no. 340 (1986): 411–37; Stacey Hynd, "Law, Violence and Penal Reform: State Responses to Crime and Disorder in Malawi, c. 1900-1959," *Journal of Southern African Studies* 37, no. 3 (2011): 431–48.

27   The ideological basis of French colonial policy in the 19th and 20th centuries, the French taught their subjects that, by adopting French language and culture, they could eventually become French.

and non-citizens; French citizens were subject to French law, and non-citizens (Africans) were governed by African law.[28] As a result, the legal arena became the site of contending interests among diverse and asymmetrical groups in colonial society.

As the most visible public symbol of colonial power and authority, colonial police forces were tools of direct colonial domination and agents provocateur. Colonial police forces served as the eyes and ears of the colonial government and enforced law and order against a largely hostile population.[29] Recruitment into the colonial police force was predominantly shaped by the technical needs of the colonial state (rather than the everyday needs of the subject population) and its prejudices about the attributes of different races and cultures.[30] Patterns of colonial police recruitment favored the so-called "martial races,"[31] commonly drawn from the peripheral regions of the colony.[32] Consequently, ethnic patterns of recruitment undermined the impartiality of the colonial police, creating and maintaining police forces that were neither representative of nor accountable to the local communities they served. Early colonial police forces were numerically small, hastily raised, and poorly trained. Many were recruited from former slaves, bandits, and brigands.[33] One agent of colonial administration described the Kenyan police as "an armed mob… of partially trained men."[34]

Colonial police forces had "hardly anything to do with serving the community."[35] Their primary duties included coercing labor, dealing with threats to colonial-imposed law, protecting white-owned property, and upholding the authority of colonial rule. This pattern continues to this day as many citizens in postcolonial Africa perceive the majority of formal state policing forces as corrupt and strangers to the communities they serve.[36] Colonial police institutions mirror the postcolonial state in Africa that "presented itself as an apparatus of violence, and while its base in social forces remained extremely narrow, it relied unduly on coercion for compliance, rather than authority."[37]

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28   Kwame Opoku, "Traditional Law under French Colonial Rule," *Law and Politics in Africa, Asia and Latin America* 7, no. 2 (1974): 139–53. See also: Mamadou Diouf, "The French Colonial Policy of Assimilation and the Civility of the Originaires of the Four Communes (Senegal): A Nineteenth Century Globalization Project," *Development and Change* 29, no. 4 (1998): 671–96.

29   Mathieu Deflem, "Law Enforcement in British Colonial Africa: A Comparative Analysis of Imperial Policing in Nyasaland, the Gold Coast and Kenya," *Police Studies: The International Review of Police Development* 17, no. 1 (1994): 45–68; John D. Brewer, *Black and Blue: Policing in South Africa* (Oxford: Clarendon Press, 1994).

30   John McCracken, "Coercion and Control in Nyasaland: Aspects of the History of a Colonial Police Force," *Journal of African History* 27, no. 1 (1986): 142.

31   According to the concept of "martial races," certain ethnic, religious, caste, or social groups were regarded by British army officials as possessing a more masculine character, as being loyal and therefore especially suited for military service.

32   David M. Anderson and David Killingray, eds. *Policing the Empire: Government, Authority, and Control, 1830-1940* (Manchester: Manchester University Press, 1991), 10.

33   Killingray, "The Maintenance of Law and Order in British Colonial Africa," 423.

34   Anderson and Killingray, *Policing the Empire*, 184.

35   Deflem, "Law Enforcement in British Colonial Africa," 52.

36   Pauline M. Wambua, *Police Corruption in Africa Undermines Trust, but Support for Law Enforcement Remains Strong* (Afrobarometer, 2015); Murray Last, "Nigeria's Boko Haram: The Anatomy of a Crisis," *E-International Relations* (January 2012).

37   Claude Ake, *The Feasibility of Democracy in Africa* (Dakar: Codesria Book Series, 2005), 16.

In post-apartheid South Africa, for example, the police are generally perceived as corrupt, incompetent, and non-responsive to the needs of the crime-ridden townships.[38] It is against this backdrop that CBAGs such as the Amadlozi emerged to deliver security and justice to black-occupied and crime-ridden townships. The Amadlozi gained popularity based on their effective use of local forms of knowledge (such as gossip and eyewitnesses), physical punishment, and violence to address crimes. The power of the Amadlozi derived from their capacity to react immediately to problems of theft and justice. As a leader of the Amadlozi said, "We act here and now. We do not, as the police do, drag our feet."[39]

Colonial Policing and Urban Bias

Colonial policing focused primarily on urban areas, and its principal aim was the protection of property and the propertied classes.[40] Even in certain urban areas, especially with high concentrations of Africans, colonial policing was sometimes "selective and often only superficial."[41] By contrast, rural areas and townships were notoriously under-policed and crime-ridden.

In much of colonial Africa, for example, there was only one policeman for every 1,000 inhabitants. In one "Letter from Unprotected" in Tanganyika (today part of Tanzania), it was noted that "majority of the people living in or around these forsaken [African areas] still have to teach children what a policeman looks like."[42] This selective nature of colonial policing had a snowball effect on crimes and gangsterism in African villages and townships. Against this backdrop, many postcolonial CBAGs have their origins in rural areas and periurban zones, where the presence of official state policing is generally limited or non-existent and crime abounds. Thandika Mkandawire observed that while postcolonial rebel movements in Africa tend to be fueled by "essentially urban issues," rebels tend to retreat to the countryside—whence they exact a terrible toll on the peasantry—since incumbent regimes possess a monopoly of force in urban areas.[43]

Indirect Rule, Native Authority, and the Politics of Predation

Colonial Africa

Given the financial, logistical, and knowledge constraints of the colonial state—which would qualify it today as a weak state—a prevailing ideology emerged that emphasized the responsibility of the African community to police itself. In the mid-1920s, Sir Geoffrey Archer of the Karamojong, an ethnic group of agro-pastoral herders in northeast Uganda, stated, "There is only one way to treat these [Africans] and

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38   Lars Buur, "Crime and Punishment on the Margins of the Post-Apartheid State," *Anthropology and Humanism* 28, no. 1 (2007): 37.

39   Cited in Burr, "Crime and Punishment," 37.

40   Anderson and Killingray, *Policing the Empire*, 10.

41   Andrew Burton, "'Brothers by Day': Colonial Policing in Dar es Salaam under British Rule, 1919–61," *Urban History* 30, no. 1 (2003): 65.

42   Burton, "'Brothers by Day'," 80–81.

43   Thandika Mkandawire, "The Terrible Toll of Postcolonial 'Rebel' Movements in Africa: Towards an Explanation of the Violence against the Peasantry," *Journal of Modern African Studies* 40, no. 2 (2002): 181–215.

that is (…) to leave them to their own customs, as far as possible, and under their chiefs."[44] This perspective is manifest in how failing states in postcolonial Africa increasingly turn to CBAGs to maintain law and order in communities outside their reach.

The distinction between the British and French approaches in Africa is worth noting. In theory, the French mode of governance—direct rule—was the antithesis of the British indirect rule. One of the most significant differences between British and French approaches in the region concerns the degree to which the natives were allowed to govern themselves. Under French administration, the French occupied all the important positions; British administration generally adopted the plan of governing, whenever possible, through native rulers.[45] Derwent Whittlesey comments that the French, "feeling for logical systems and order, would not accept a scheme of government [like the British] which varied from place to place in conformity with local usage."[46] The implications for contemporary security governance is that former French colonies are more likely to exhibit a stronger state-centric focus compared to British colonies. More research is required to better understand how contrasting systems of direct and indirect rule in colonial Africa affected the rise and evolution of postcolonial CBAGs, particularly their relations with local communities and the official state apparatuses.

British colonial policy from the 1920s was guided by the system of indirect rule or "decentralized despotism,"[47] underpinned by customary law.[48] The colonial state adapted local hierarchies and judicial practices by delegating some form of Native Authority to administer law and order under colonial oversight.[49] Writing in the early 1950s, Lord Hailey noted that "[o]rder is today largely secured by the system by which the native community polices itself, in the sense that only the major types of crime are dealt with by the Government Police Force, which has usually a very small establishment, the great majority of offenses or breaches of law being dealt with through the agency of Native Authority or Tribal Messengers."[50]

The structure of indirect rule varied greatly. In Nigeria, for example, it ranged from the continuing rule of the northern emirs (Muslim rulers), through Warrant Chiefs imposed on acephalous ("headless") societ-

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44   James P. Barber, "The Karamoja District of Uganda: A Pastoral People under Colonial Rule," *The Journal of African History* 3, no. 1 (1962): 119.

45   As Derwent Whittlesey wrote in 1937: "France is in Africa to make Frenchmen out of the Africans. To this end African life is given no official recognition. Administrative officers from France rule directly, native leaders being allowed to handle their own people only by sanction of custom, never of law." Further, "all land is French, except that which an individual African registers with the French authorities," see: Derwent Whittlesey, "British and French Colonial Technique in West Africa," *Foreign Affairs* 15, no. 2 (1937): 363; see also: Catherine Coquery-Vidrovitch, *Africa: Endurance and Change South of the Sahara* (Berkeley: University of California Press, 1992); A. Adu Boahen, ed., *General History of Africa, VII: Africa under Colonial Domination 1880–1935* (London: Heineman, 1989).

46   Whittlesey, "British and French Colonial Technique in West Africa," 371.

47   Mamdani, *Citizens and Subject*.

48   The first British experiment in indirect rule in West Africa took place in Northern Nigeria. See Whittlesey, "British and French Colonial Technique in West Africa," 363.

49   Jocelyn Alexander and Gary Kynoch, "Introduction: Histories and Legacies of Punishment in Southern Africa," *Journal of Southern African Studies* 37, no. 3 (2011): 395–413.

50   Lord Hailey, *Native Administration in the British African Territories. Part IV. A General Survey of the System of Native Administration* (London: H. M. Stationery Office, 1951), 2.

ies in the southwest, to small chiefdoms and sub-chiefdoms.[51] Many local chiefs were predatory in nature and abused their position to exploit those under their authority and to shore up patronage.[52] Consequently, many chiefs were "feared and disliked."[53] Colonial officials were under obligation to support the state-appointed Native Authorities against their opponents, which emboldened the despotic and venal nature of the chiefs.[54] Often, local chiefs abused their messengers to seize livestock and other property in what a colonial official graphically described as a "general civil war against the people."[55]

In Uganda's Eastern Provinces in the 1930s, African chiefs used forced labor to grow cotton. The indirect rule system allowed traditional African rulers to exercise a measure of control over Native Authority police, courts, and prisons, which opened up more avenues for authoritarian behavior and chronic opportunism. In northern Nigeria, Native Authorities administered many of the prisons, and until 1936, the courts had the authority to impose capital sentences. Despite the supposed civilizing mission of colonial administrations, many polities ran prisons and inflicted punishments that were at once "brutal and harsh."[56] Sir Lord Lugard even allowed northern emirs in Nigeria to retain the practice of beheading and drowning as "humane" methods of execution for principal crimes.[57] This is not surprising if we consider Whittlesey's argument that "the autocratic authority of the emirs [was] modified only in so far as necessary to make it conform with British ideals of fair play and justice."[58]

In colonial Nyasaland (today part of Malawi), the Native Authority police punished tax defaulters by burning down their houses, keeping wives as hostages until their husband paid, and forcing defaulters to labor at public works.[59] By and large, the central pillars of penal authority in Africa remained executions, floggings, imprisonment, and fines.[60] A uniform often provided a license to loot, and the people perceived the Native Authority police as predators; this popular perception was not untrue. As early as 1891, the consul general of the Oil Rivers Protectorates in Nigeria denounced the "numerous acts of lawlessness and pillage" by the Native Authority police, who were known in the local communities as the "forty thieves" in police uniform.[61] In Nyasaland, some members of the Native Authority police supplemented their wages by extorting "fowls, food, beer, and even women" from locals.[62] In Southern Rhodesia (today

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51   Killingray, "The Maintenance of Law and Order," 416.

52   Mamdani, "Citizens and Subject."

53   Killingray," The Maintenance of Law and Order," 93.

54   John Tosh, *Clan Leaders and Colonial Chiefs in Lango: The Political History of an East African Stateless Society, C. 1800-1939* (Oxford: Oxford University Press, 1978), 188.

55   Killingray, "The Maintenance of Law and Order," 417.

56   Chanock, *Law, Custom and Social Order*, 125.

57   Killingray, "The Maintenance of Law and Order," 434.

58   Whittlesey, "British and French Colonial Technique in West Africa," 372.

59   McCracken, "Coercion and Control in Nyasaland," 132.

60   Florence Bernault, "The Shadow of Rule: Colonial Power and Modern Punishment in Africa," in *Cultures of Confinement: A History of the Prison in Africa, Asia and Latin America*, eds. Frank Dikötter and Ian Brown (Cornell: Cornell University Press, 2007), 76.

61   Human Rights Watch, *Everyone's in on the Game: Corruption and Human Rights Abuses by the Nigeria Police Force* (Washington, DC: Human Rights Watch, 2010).

62   McCracken, "Coercion and Control," 144.

part of Zimbabwe), the Shona-speaking people taunted the Native Authority police as "imbga dza vasungate" that translates as "white men's dogs."[63]

Postcolonial Africa

The predatory and patronage politics that characterized Native Authority and policing in colonial Africa has bled into postcolonial politics where elites appropriate state institutions as a conduit for private accumulation.[64] This predatory and neo-patrimonial character of political economy, a legacy of colonial rule,[65] is a key driver of non-state groups throughout the continent, some of which exist to challenge unaccountable modes of governance.[66] Among the Boko Haram leadership, there is a firm belief that the problems within the Nigerian state are traceable to the corruption of its yan boko (Western-trained elites), who are seen as enriching themselves at the expense of the poor. As Andrew Walker argues in a U.S. Institute of Peace (USIP) report, the term yan boko refers to "the elite created by the policy of indirect rule used by British to colonize Nigeria— the people who have their heads turned away from Allah by easy money and corrupting Western values. To be yan boko is to be spiritually and morally corrupt, lacking in religious piety, and guilty of criminally enriching oneself rather than dedicating oneself to the Muslim umma (community)."[67]

In sum, the relative absence of protective policing under weak, corrupt, and violent states in colonial Africa encouraged marginalized civilian communities to develop their own solutions to violent crime and challenges to the social order. In areas where the colonial police forces had a limited presence, such as rural and periurban zones, the maintenance of law and order typically fell to local security initiatives.[68] Vigilantes, hunters, and civic guards stepped in to enforce law and order of a very "rough-and-ready type."[69]

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63 Lawrence Vambe, *An Ill-fated People: Zimbabwe before and after Rhodes* (Pittsburgh: University of Pittsburgh Press, 1972), 125.

64 See Richard A. Joseph, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic* (Cambridge: Cambridge University Press, 1987); Peter P. Ekeh, "Colonialism and the Two Publics in Africa: A Theoretical Statement," *Comparative Studies in Society and History* 17, no. 1 (1975): 91–112.

65 This is not to say that predatory politics did not exist in precolonial Africa. Between 1804 and 1808, for instance, we know that Shaikh Usman Dan Fodio waged the Sokoto (Fulani) jihad across a series of emirates (in what is today known as Northern Nigeria) against what he perceived as the hopelessly corrupt and apostate Hausa ruling elite of his time. Dan Fodio decried the prevalence of routine exploitative taxes and oppressive practices among officials of the "sarkis"—the sovereign authority on which the political, judicial and military powers of the Hausa were invested —which he perceived as unjust and alien to da al-Islam, to "true Islam." See Olufemi Vaughan, *Religion and the Making of Nigeria* (Durham: Duke University Press, 2016), 18; M.G. Smith, "Historical and Cultural Conditions of Political Corruption among the Hausa," *Comparative Studies in Society and History* 6, no. 2 (1964): 164–94.

66 Meagher, "The Strength of Weak States?"

67 Andrew Walker, *What is Boko Haram?* (Washington, DC: United States Institute of Peace, 2012), 7.

68 Gary Kynoch, "Friend or Foe? A World View of Community-Police Relations in Gauteng Townships, 1947–77," *Canadian Journal of African Studies* 37, no. 2 (2003): 310.

69 Killingray, "The Maintenance of Law and Order in British Colonial Africa," 419.

CURRENT TRENDS

This section traces the patterns of continuity and discontinuity between the colonial state and the post-colonial state in East and West Africa, with particular attention to the dynamics and drivers of contemporary CBAGs. The central thesis of this section is that to understand the circumstances that generated postcolonial CBAGs in the region, we must look closely at not only the functioning of the postcolonial state and its institutions but also the perceptions and responses of the communities on whose behalf CBAGs frequently claim to act.

For analytical clarity, three major categories of CBAGs are identified, with a caveat that the lines between these groups can be fluid in reality:

- CBAGs that organize to fight insurgents or terrorists, for example, the Civilian Joint Task Force (CJTF) in northeast Nigeria

- CBAGs that emerge to fight crime, for example, the Sungusungu village groups in Tanzania

- CBAGs that are manipulated by state actors to target ethnic or political rivals, for example, the Mungiki youth movement in Kenya

Despite the diversity of the security threats that these CBAGs encounter, they all emerged from a post-colonial context in which, on the one hand, state structures are unable to provide security and other public services on their own, and, on the other hand, the primary objective of elites or those competing for political power is self-enrichment. Such a potent mix of state fragility and elite rapacity has become a prominent feature of neopatrimonial states in Africa, generating a range of responses in local communities. Mkandawire describes these reactions as "voice," through which local groups openly articulate their discontent, and "exit," whereby local groups withdraw from state-dominated spaces.[70]

Counterinsurgent CBAGs: The Case of Nigeria's Civilian Joint Task Force

Nigeria's armed forces are often deployed in communities where they are strangers, with little to no knowledge of the local culture, terrain, and languages of the people whom they serve. This practice makes it difficult for these soldiers to gain the trust of those local communities. In the absence of a proper knowledge apparatus that made society intelligible, feelings rather than fact often became sufficient grounds for arrest, torture, and killings by state security forces in northeastern Nigeria.[71] One security official in Gombe state said: "We feel some civilians are obstructing us in the discharge of our duties.

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70   Mkandawire, "The Terrible Toll of Postcolonial 'Rebel' Movements in Africa," 184. See also: Albert O. Hirschman, *Exit, Voice and Loyalty: Decline in Firms, Organizations and States* (Cambridge, MA: Harvard University Press, 1970).

71   Human Rights Watch, *Everyone's in on the Game*.

We also feel others are frustrating our efforts by collaborating with Boko Haram, and providing them with information and even a safe abode to hide in, thereby endangering the lives of all those living nearby."[72]

As Nigerian security forces deployed to protect communities affected by Boko Haram began to stamp those communities with the label of "suspect," local residents in northeast Nigeria (particularly in Borno, Yobe, and Adamawa states) became a "happy hunting ground" for both Boko Haram insurgents and the Nigerian forces. While Boko Haram suspected and punished these communities for siding with government security forces, the Nigerian forces suspected and punished them for shielding Boko Haram insurgents and providing key information to the group. As another security officer noted, "When we can't see the enemy, civilians become the enemy."[73]

This section of the report is based on the author's fieldwork conducted in Borno State between August 2017 and January 2018, during which he carried out more than 60 in-depth, semi-structured interviews with sectorial commanders and volunteers of the CJTF in Maiduguri, the capital of Borno State and headquarters of the CJTF in northeast Nigeria.

THE CJTF AS A CHILD OF NECESSITY

Where a community is viewed as suspect, bonds may grow among the members of the community on the basis of shared experiences of persecution and interest in avoiding being constantly targeted as suspicious. As Breen-Smyth argues: "In the absence of the ability to turn to agents of the state in order to secure one's safety and freedom, those identified as suspects and the communities they come from have a sense of being left undefended, insecure and are thus more, not less, likely to turn to non-state actors."[74] Breen-Smyth further argues that alienation from state security forces can lead to perceptions among the suspect community that "the state, not terrorism, represents the source of greatest threat to their security."[75] Nowhere is this most evident than in the rise of the CJTF in Maiduguri.

The CJTF was a product of a brutal war against Boko Haram that targeted local communities. The group emerged in reaction to the twin threats of Boko Haram's jihad and the brutality of the Nigerian army. In an interview, the Super Overall Chairman of the CJTF in Maiduguri, Baba Shehu Abdul Ganiyu, confirmed that the CJTF was a direct result of "harassment by Boko Haram and harassment by Nigerian Army." He added that "because Nigerian army did not know who is really Boko Haram, they just come and cordon off any area and take everybody away for screening. Then later on, we the youth of Maiduguri decided that enough is enough. That's why we agreed to cooperate with the security agencies that we are going to fish those people out of our society. That's how we started this community-based work in June 2013."[76]

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72   Kyle Dietrich, *'When We Can't See the Enemy, Civilians Become the Enemy': Living Through Nigeria's Six-Year Insurgency* (Washington, DC: Center for Civilians in Conflict, 2015), 51.

73   Dietrich, *'When We Can't See the Enemy, Civilians Become the Enemy,'* 6.

74   Marie Breen-Smyth, "Theorising the 'Suspect Community': Counterterrorism, Security Practices and the Public Imagination," *Critical Studies on Terrorism* 7, no. 2 (2014): 231.

75   Breen-Smyth, "Theorizing the 'Suspect Community,'" 234.

76   Author's interview with Baba Shehu Abdul Ganiyu, November 2018.

Among Maiduguri residents, there is also a sense that the repressive tactics of Nigeria security forces generated the CJTF. "Let me tell you," says Mohammed, a taxi-driver from the Wulari area of Maiduguri, "we have three types of Boko Haram. We have a real Boko Haram. We have a military Boko Haram. And we have a political Boko Haram. You don't know who will save you. Just only God. If Boko Haram doesn't kill you, soldiers will kill you. This is why those CJTF boys took up sticks. Because they say if the state cannot protect us, let us protect ourselves."[77]

Formalizing the CJTF

Understanding the process through which CBAGs acquire formal recognition is imperative because it can tell us on whose behalf these local security actors will fight.[78] The CJTF emerged in Maiduguri in June 2013; by late 2013, the group had managed to flush Boko Haram members out of Maiduguri, forcing the insurgents to retreat to the countryside, especially to the mountain terrains and hills. Since then, very few attacks have occurred in Maiduguri, other than suicide missions targeting camps for internally displaced persons on the city's periphery. Given this achievement, former Nigerian president Goodluck Jonathan described the CJTF members as "new national heroes."[79] In addition, the counterinsurgent vigilante model of the CJTF began to be replicated throughout Borno State, spreading further across northeastern Nigeria, before making its way to neighboring countries in the Chad Basin, including Cameroon and Chad.[80] Today, the CJTF has an estimated strength of about 26,000 members across northeastern Nigeria.[81]

Operating as a pro-state paramilitary force, CJTF members deploy their intimate knowledge of the terrain, language, and people to identify and arrest Boko Haram members in their neighborhoods. "Sometimes when we arrest the insurgents, [and] we try them. If found innocent, we release them. If found guilty, we hand them over to the authority," says Alhaji Bulama Kawu, a hunter from Gubja area of Yobe State.[82] By supplying the local knowledge that was lacking in the counterinsurgency operations of the Nigerian military, the CJTF bolstered the war against Boko Haram and reduced the amount of arbitrary arrests and killings of locals by security forces. The CJTF effectively became the "eyes and ears" of the Nigerian military.

Upon seeing the effectiveness of the CJTF, and the popular legitimacy enjoyed by the group, the Borno State government felt compelled to invite the leadership of the CJTF to a security council meeting headed by the governor, Kashim Shettima. Notably, the involvement of the Borno State government came after much lobbying by the Shehu [traditional leader] of Borno State, Abubakar Ibn Umar Garbai El-Kanemi, who, very early on, was impressed by the brave acts of the CJTF and believed the group should be encouraged rather than left alone. Already overstretched by the threat of Boko Haram, the Borno State government officially endorsed the self-help group as a "voluntary organization" to support the Nigerian Joint

77   Author's interview with Mohammed in Wulari, Maiduguri, December 2017.

78   Meagher, "The Strength of Weak States?" 1096.

79   Akintayo Eribake, "The Maiduguri Civilian JTF Model as Solution to Boko Haram Insurgency," *Vanguard,* May 18, 2014.

80   International Crisis Group, *Double-Edged Sword: Viglantes in African Counter-Insurgencies* (Brussels: International Crisis Group, 2017).

81   Chitra Nagarajan, *Civilian Perceptions of the Yan Gora (CJTF) in Borno State, Nigeria (*Washington, DC: Center for Civilians in Conflict, June 2018).

82   Alhaji Bulama Kawu, interview by author, Gubja, Yobe State, Nigeria, December 17, 2017.

Task Force under the official moniker: "Civilian Joint Task Force." Thereafter, the group joined the official counterinsurgency network in Borno State, a hybrid security arrangement that strengthened rather than weakened the war against Boko Haram. The CJTF was organized into military-like "sectors" and select members received "Special Force" training from the army for about eight months under the Borno Youth Empowerment Scheme (BOYES), including training in firearms and intelligence collection. Those who completed this training became known as "Civilian Joint Task Force Special Forces."[83]

Accounting for the Effectiveness of the CJTF

Community Surveillance

The information derived from the CJTF's intimate knowledge of daily interactions greatly bolstered the official war against Boko Haram. In interviews conducted in Maiduguri, locals claimed that any newcomers settling in their neighborhoods would be quickly detected by the CJTF. A hotelkeeper in Wulari noted, "If you are a stranger coming to visit someone who lives in any of the wards [neighborhoods], members of the CJTF will send one of their boys to accompany that newcomer to the house of the person he is visiting, or they will call that person to find out if indeed they are expecting you. If the person you claim to be visiting cannot identify you, members of the CJTF will immediately arrest you and take you to the Nigerian military. If the person says you are their guest, they will tell that person they are responsible for you during your stay. If anything happens, that person you're visiting will be arrested."[84]

Children of the Community: Trust, Access, and Legitimacy

The perception of CJTF members as children of the respective communities afforded them a privileged and powerful position of trust and access that Nigeria security forces clearly lacked. As Ali Muhammed, a CJTF driver in Damaturu in Yobe State, explains: "You know we are indigenes. Like most people living here, we suffer and are oppressed by Boko Haram insurgents, with nowhere to go. People either have our phone numbers or those of our relations and they can always reach out to report anything unusual around them. The moment they notice any unusual movement of cars or motorcycles, they phone one of our members; if there is no network, they can use bicycles to connect with someone and give information to be acted on."[85]

Internal Disciplinary Measures and Accountability

Leaders of the CJTF attributed the group's effectiveness to the disciplinary and accountability measures within the group that binds leaders and members. "Actually, we in the CJTF don't tolerate nonsense," says Bakura Abba Ali, Chairman of CJTF (Sector 5). "If you are a CJTF, you must be law abiding. Whether you like it or not. If not, we ask you to leave. We dismiss you. Even me, Bakura Abba Ali, the Chairman. If I am in violation of anything that brings problem to the CJTF, I will be dismissed as well. But you know, in every society you must get the good ones and the bad ones. When we get a CJTF who stole something from a local, we lock him up in a cell for at least a month. Sometimes we take him to the police and say,

83   Field interview, CJTF headquarters in the NITEL area, Maiduguri, January 2019.

84   Author's interview with hotelkeeper in Wulari, Maiduguri, December 2017.

85   Author's interview in with a CJTF driver in Damaturu, Yobe, September, 2017.

'This is our CJTF member. Let the law work on him.'"[86] By keeping the discipline within the group, says Ali, the CJTF is well respected by the local community. To keep the discipline, leaders of the CJTF established some basic "rules of operations." Members who joined the CJTF are required to take a sacred oath before the Qur'an (if they are Muslim) or the Bible (if they are Christian) that "they will identify the insurgents where ever found even if related to you."[87] The oath represents an inward commitment to abide by three tenets: "One, you will not accuse or implicate an innocent person who is not associated with Boko Haram because of whatever differences between you and them. Two, you must produce a member of Boko Haram, no matter how close they are to you; even if they are your family or brothers. Three, you will not extort money from anybody or take anybody's property."[88]

CJTF: NIGERIA'S NEXT SECURITY THREAT?

Despite the celebratory discourses surrounding the counterinsurgency work of the CJTF in northeast Nigeria, mounting evidence suggests that some members of the group are abusing their power and access in the communities in which they serve. Such abuse can take several forms, for example, extorting money from motorists at checkpoints during "stop and search" operations; sexually abusing women and girls in camps for internally displaced persons; recruiting children into its counterinsurgent work; harassing members of the community; and acting as political thugs for self-serving politicians.[89] In light of these practices, some critical questions have emerged:

- What will be the fate of the CJTF when/if Boko Haram is defeated?

- Could this CBAG of predominantly unwaged young men, desensitized to violence and accustomed to having a sense of power and purpose, pose a threat to the future of the region?

These questions have tempered the celebratory mood of the CJTF as "new national heroes" and prompted a more sober reassessment.

Crime-Fighting CBAGs: The Case of Tanzania's Sungusungu

Several postcolonial states have encouraged CBAGs to take on community policing functions based on their local knowledge and/or perceived ability to be more effective than the state in instilling law and order.[90] This section looks at the case of a crime-fighting CBAG as exemplified by the Sungusungu village groups in Tanzania.

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86   Author's interview with Bakura Abba Ali, Maiduguri, September 2018.

87   Author's interview with Bakura Abba Ali, Maiduguri, September 2018.

88   Kayode Idowu, "Our Ex-Fighters Now Serving in Army, DSS—Civilian JTF Boss," *Punch,* July 24, 2016.

89   Eromo Egbejule, "They're Defeating Boko Haram but are They Nigeria's Next Security Threat?" *The New Humanitarian,* August 22, 2016; Alexis Okeowo, "The People vs. Boko Haram," *The New York Times,* January 28, 2015, https://www.nytimes.com/2015/01/28/magazine/the-people-vs-boko-haram.html; International Crisis Group, *Double-Edged Sword,* 14.

90   Suzette Heald, "Mafias in Africa: The Rise of Drinking Companies and Vigilante Groups in Bugisu District, Uganda," *Africa* 56, no. 4 (1986): 446–67; David Pratten and Atreyee Sen, Global Vigilantes: Perspectives on Justice and Violence, (Oxford: Oxford University Press, 2007).

The Sungusungu is a form of village vigilantism in rural Tanzania that emerged in the 1980s as an indigenous response to the widespread problem of cattle raiding and robbery and the failure of the law enforcement and justice system to prevent these crimes.[91] Fed up with their situation, rural villages started organizing their own self-help groups called Sungusungu. From the beginning, the Sungusungu faced stiff opposition from the official police and courts, who saw them as a serious threat to the state's administration of law enforcement and justice system; these officials argued that the Sungusungu was "attempting to turn the clock back to primitive punitive measures."[92] Over time, however, the effectiveness and popularity of the Sungusungu groups, combined with the growing dissatisfaction with the corrupt practices of the police, weakened the resistance to their activities. Ultimately, the state was forced to endorse the Sungusungu as a "revolutionary force within the villages that ought to be encouraged rather than harassed by bureaucracy."[93]

Dissatisfaction with the Police

The turn to the Sungusungu for law and order was an admission by the Tanzania government of the corruption and lack of trust in the police to deal with cattle theft. The local police routinely "demand a bribe before they will consent to investigate any complaint, and, having received it, they proceed to extort bribes from the alleged perpetrators and, having received those, will go on to demand more money from the complainant, and so on, until one or both sides are either broke or tire of the game."[94] This sentiment echoes the ways in which colonial police forces were frequently accused of supplementing their wages by extorting fowl, food, beer, and even women from the communities in which they worked (see Part 1). As with the British colonial state and its system of indirect rule, there was a perception among government officials that locals were best positioned to address security threats to their lives. In fact, "[t]he stated, and perhaps honestly intended, justification on the part of district government officials for the implementation of Sungusungu in the villages is that local people are the ones best equipped to identify the cattle thieves in their midst and bring them to justice—far better equipped, many argue, than the police, virtually all of them corrupt, all outsiders frequently contemptuous of local people and indifferent to their concerns."[95] The Sungusungu provided local communities with law enforcers who are members of the community and accountable to it.

Under government sponsorship and control, the Sungusungu were charged with the responsibility of policing cattle theft, with its hierarchy of village commanders accountable to government officials. As Fleisher explains, "[Sungusungu] village commanders were required to report to ward (kata) commanders, who reported to the divisional commanders, who in turn reported to their Division Officer, a district government official, who in turn reported direct to the District Commissioner, the district's highest-ranking government officials."[96] As locals, the Sungusungu groups were ordinarily trusted by members of the villages they serviced, who generally saw them as providing an effective alternative to the corrupt,

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91   Ray Abrahams, "Sungusungu: Village Vigilante Groups in Tanzania," *African Affairs* 86, no. 343 (1987): 176–96.

92   Ibid, 189–90.

93   Ibid, 189–90.

94   Fleisher, "Sungusungu," 220.

95   Ibid, 218.

96   Ibid, 214.

costly, and inept services of the formal police and courts. However, unlike the police, members of the Sungusungu could be voted out of office if they fail to consistently carry out their responsibilities because they are not "invulnerable to community sentiment."[97] Composed of men between ages 18 and 50, the Sungusungu routinely conduct house-to-house investigations, soliciting accusations against anyone suspected of cattle theft and seeking corroborating evidence from other accusers.[98] Those found guilty of cattle theft are often handed over to the state police to be incarcerated while they awaited official investigation of their cases. Also, to enhance village security, members of the Sungusungu routinely conduct night-time patrols.

SHORTCOMINGS OF THE SUNGUSUNGU

Although the rise of the Sungusungu and its alliance with the police forces led to a dramatic reduction in the incidence of cattle-thieving, the group's members succumbed to the same corrupt practices that undermined the official law enforcement agencies. For example, some Sungusungu village commanders were accused of soliciting pay-offs from cattle thieves in return for looking the other way. Other commanders were implicated in demanding advance payments from villagers who came to them with various security needs. After collecting these advance payments, the commanders made no efforts to perform the tasks. Others have actively cashed in on their privileged access to, and knowledge of, communal practices (for example, sleeping habits and security regimes) to weaponize their comrades in the cattle raiding business. In addition, some would incarcerate suspects, "sometimes for days, and beat them with a hippopotamus-hide whip."[99] All of these abuses notwithstanding, some villagers have argued that the Sungusungu is a "lesser evil" than the official police forces. These villagers are of the view that members of the Sungusungu often demand bribes that are considerably lower than those demanded by the police, and that, not infrequently, the Sungusungu delivers on its promise of security.

State-Manipulated CBAGs: The Case of Kenya's Mungiki

The dynamics and drivers of CBAGs in contemporary Africa cannot be properly understood outside of "the instrumentality of electoral violence for the political elites.'[100] Postcolonial states, including Kenya, Nigeria, and Uganda, are awash with examples of politicians competing for the services of youth-based vigilantes, militias, and gangs as political thugs to intimidate political opponents, win elections, and tighten their grip on power. This section draws on existing literature to explain how some CBAGs are manipulated by political actors to target ethnic or political rivals, deploying ethnic violence as a tool for winning elections. In particular, it focuses on the Mungiki movement, a largely Kikuyu[101]-based religio-political gang in contemporary Kenya. It locates this movement within Kenya's post-independence electoral politics and political violence, with a particular focus on how the state has been a key factor in the trans-

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97   Ibid, 218.

98   Ibid, 216.

99   Ibid, 226.

100   Söderberg Kovacs and Bjarnesen, *Violence in African Elections: Between Democracy and Big Man Politics*.

101   The Kikuyu (also known as Gikuyu) is Kenya's most populous ethnic group.

formation of the gang from a moral ethnic movement into a politically tribal one whose activities have "accentuated insecurity, violated human rights, and disrupted public order."[102]

ORGANIZATION AND POLITICS OF THE MUNGIKI

Formed in the late 1980s as a "principally cultural and spiritual movement promoting Kikuyu heritage and culture,"[103] the Mungiki movement demonstrates a continuity with the religio-political revivalism and anti-colonial resistance in Kenya that dates back to the Mau Mau anticolonial war for "land and freedom" in the 1950s. The term Mungiki may be translated as "we are the public," which implies that the movement seeks to reclaim the rights of the displaced, disaffected, and marginalized in a rapidly globalizing world. Most of the members of Mungiki are between the ages of 18 and 40 years. They were recruited from poor and disenfranchised Kikuyu youth from urban slums and other informal settlements and those displaced by land transition schemes of the 1990s.[104]

Communal violence intensified in the wake of Kenya's 2002 general election that ended Daniel Arap Moi's 24-year rule (and brought in Mwai Kibaki), resulting in the death of up to 4,000 people and the displacement of 600,000 others. Although Kenyan authorities blamed the violence on the spontaneous consequence of the return to political pluralism, human rights organizations and other sources all pointed to the fact that the Kenyan government provoked the ethnic violence for political purposes and has been reluctant to address the spiraling violence.[105] Government officials adopted a strategy of "informal repression" to "silence and disempower critics and to intimidate, displace and disenfranchise hostile voters in multi-ethnic electoral zones."[106] The outcome was a rise in bloody clashes implicating ethnic vigilantes and militias.

The Mungiki formed and mobilized in opposition to Moi's government, especially its system of patrimonial rule. The Mungiki blamed Kenya's problems on the influence of European colonialism and the injustices of state actors. Mungiki leaders yearned for a generational change in politics and a return to the traditional cultural values of egalitarianism and social order in precolonial society.[107] Central to the Mungiki's political and religious aims are poverty reduction, overcoming exclusion and marginalization, and tackling historical injustices. These themes reflect the marginalized position that many Munigiki members see themselves occupy within Kenyan society. In keeping with its struggle for the poor and the dispossessed, the Mungiki joined forces with other community-based groups in Nairobi, such as the Organization of the Villagers,[108] in protesting corrupt land-grabbers and oppressive landlords. In poor

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102   Peter M Kagwanja, "Facing Mount Kenya or Facing Mecca? The Mungiki, Ethnic Violence, and the Politics of the Moi Succession in Kenya, 1987-2002," *African Affairs* 102, no. 406 (2003): 28.

103   Human Rights Watch, *Organized Violence in the Rift Valley* (Washington, DC: Human Rights Watch, 2008), https://www.hrw.org/reports/2008/kenya0308/8.htm.

104   Jacob Rasmussen, "Outwitting the Professor of Politics? Mungiki Narratives of Political Deception and Their Role in Kenyan Politics," Journal of East *African Studies* 4, no. 3 (2010): 437.

105   Human Rights Watch, *Organized Violence in the Rift Valley*.

106   Kagwanja, "Facing Mount Kenya or Facing Mecca," 36.

107   David M. Anderson, "Vigilantes, Violence and the Politics of Public Order in Kenya," *African Affairs* 101, no. 405 (2002): 534; Kagwanja, "Facing Mount Kenya or Facing Mecca," 32; Rasmussen, "Outwitting the Professor of Politics?" 438.

108   A community-based group established among slum dwellers in Nairobi to fight evictions and protect tenants.

parts of Nairobi where state services were nonexistent, members of the Mungiki became involved in social welfare activities, such as "setting up illegal electricity connections, providing access to water, and supplying micro-loans to its members [and] local vigilante groups to provide security in areas with high crime rates."[109] The Mungiki also launched a successful crusade against drunkenness, drug addiction, broken families, and prostitution.[110]

However, the Mungiki's unconventional approach to the struggle for social justice often exacerbated rather than addressed insecurity, including its reputation for extortion and political violence.[111] Like the Mau Mau rebel movement, the Mungiki relies on strict discipline and tolerates no dissent[112] in the promotion of its violent brand of Kikuyu chauvinism. An ex-member of the gang told prosecutors at the International Criminal Court (ICC) that "if a member disobeys, they would cut that member's head off and put the head in public view at the place where they had a problem with the member."[113]

Mungiki-State Relations

At the outset, Kenyan government under Moi viewed the Mungiki as a secretive, anti-government, and anti-Christian group of criminals. Not surprisingly, the Mungiki's relationship with the authorities, especially after 2002, was characterized by harassment, including "persecution, intimidation, jailing of its members, and gross human rights abuse."[114] Under Moi's successor, Kibaki, the Kenyan police stood accused of "thousands of abductions and extrajudicial killings of Mungiki members."[115] The Mungiki countered with attacks of their own on government targets, especially state security forces who arrested their members and executed their leaders. "By resorting to confrontational methods," argues Kagwanja, "Mungiki unwittingly provoked further confrontations with the police, drew negative coverage from the press and opened itself to further repression from the state."[116]

From 2000 onward, the Kenyan police cracked down on the Mungiki and infiltrated its ranks with the intention of monitoring and controlling its activities from within.[117] Over time, the state co-opted the Mungiki, which became a political tool of violence, intimidation, and abuse of human rights in the slums and transit spaces of Nairobi, including organized crime, "extortion rackets, and gruesome punishments."[118] In 2003, Kenyan authorities banned the Mungiki after a 2002 clash with a rival gang that left 20 people dead. Yet the Mungiki remains strong due to its clandestine nature; its leaders maintain strong ties to leading politicians and pursue their own independent political agenda.[119]

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109   Rasmussen, "Outwitting the Professor of Politics?" 437.

110   Kagwanja, "Facing Mount Kenya. or Facing Mecca."

111   Rasmussen, "Outwitting the Professor of Politics?"

112   Christopher Goffard, "Court Sheds Light on Scary Kenya Gang," *Los Angeles Times*, November 27, 2011, https://www.latimes.com/archives/la-xpm-2011-nov-27-la-fg-kenya-mungiki-20111127-story.html.

113   Goffard, "Court Sheds Light on Scary Kenya Gang."

114   Kagwanja, "Facing Mount Kenya or Facing Mecca."

115   Rasmussen, "Outwitting the Professor of Politics?" 438.

116   Kagwanja, "Facing Mount Kenya or Facing Mecca."

117   Ibid.

118   Goffard, "Court Sheds Light on Scary Kenya Gang."

119   Human Rights Watch, *Organized Violence in the Rift Valley.*

In the aftermath of the disputed 2007 presidential election in Kenya, the Mungiki played a key role in the government-sponsored ethnic violence that killed more than 1,000 people. Its long-standing dispute with the Kenyan police notwithstanding, prosecutors at the ICC claim that the police allowed Mungiki members to conduct house-to-house searches, targeting mostly Luo[120] supporters of the opposition's presidential candidate Raila Odinga, a Kikuyu, who claims that the election was rigged against him. Kenyan authorities rounded up and killed 500 young men believed to be linked to the Mungiki, but these killings only provoked more reprisal attacks from the brutal criminal gang.[121]

The media and public discourse accept the state's perception of the Mungiki as violent and dangerous; personal narratives by members of the Mungiki present the movement as a victim of state harassment and highlight their position on the margins of Kenyan society.[122]

CONCLUSIONS

A state-centric approach to security governance in East and West Africa is less useful to explain the complex relations between CBAGs and the formal state, particularly the roles and responsibilities that each assumes in security provision and service delivery. Ideal-type models of well-functioning states are unlikely to accurately reflect governance in African societies where formal institutions are often absent or ineffective and have been replaced by local security groups and hybrid security arrangements. Moreover, a state-centric approach is likely to undermine the potential of local actors for security and service delivery.

The emergence of CBAGs does not necessarily spell doom for the power and authority of the state; it can help to expand and complement the state or rebuild trust in formal state institutions. A hybrid security approach has the advantage of helping to build up the sense of local ownership and agency for managing various security threats to their daily lives. A hybrid security approach that recognizes and supports the roles and responsibilities of CBAGs as coproviders of security and justice can strengthen the capacity of weak states to govern and to maintain a strong base in social forces. Although local security providers may be thought of as alternatives to weak or failing states, CBAGs as a phenomenon generally aim for "more state, not less state."[123] More often than not, their goal is to prop up a weak state by taking on some of its functions.

Acknowledging the effective role and responsibilities of CBAGs with respect to the delivery of security and other public goods, however, involves recognizing their limitations and debunking any tendency to romanticize them as the panacea to Africa's insecurity. There is sufficient evidence to suggest that CBAGs

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120   The Luo is an ethnic group in Western Kenya, northern Uganda, and the Mara region in northern Tanzania.

121   William DeLong, "Kenya's Machete-Wielding Mungiki Gang Is One of the Scariest in the World," *ATI,* April 30, 2018, https://allthatsinteresting.com/mungiki.

122   Rasmussen, "Outwitting the Professor of Politics?" 445.

123   Ibid.

are capable of morphing from the protector of local communities to the primary threat to those communities, replicating the same weaknesses that plague formal state institutions, such as the abuse of power. This was certainly the case with the Mungiki of Kenya. Sometimes, CBAGs may cash in on their powerful presence in local communities and abuse the civilians they are supposed to protect. This dynamic, in turn, undermines the order and security they initially sought to uphold. States may also use CBAGs to perpetuate certain types of violence against civilians.[124] The challenge for researchers and practitioners is to recognize and build on the positive potential of CBAGs, while mitigating their negative potential.

Early and ongoing oversight and accountability mechanisms by local authorities, such as the traditional and state authorities, can reduce the chances that CBAGs will morph into predators.[125] Furthermore, the rise of CBAGs establishes the need for state forces (including the police) that are part of the community and accountable to it; state security forces need to understand the local culture and language of the communities they serve. This reform will help to develop the trust, reciprocity, and local legitimacy of the police and courts system, which, although lacking in many contexts, remains a sine qua non for effective and responsible security provision. Any effort to address the issue of CBAGs must include reconfiguring the everyday culture and practice of bribery, corruption, and abusive policing in Africa.

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124 Corinna Jentzsch, Stathis N. Kalyvas, and Livia Isabella Schubiger, "Militias in Civil Wars," *Journal of Conflict Resolution* 59, no. 5 (2015): 755–69.

125 International Crisis Group, *Double-Edged Sword*, 7.

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