

State security, securitisation and human security in Africa: The tensions, contradictions and hopes for reconciliation

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Abstract: External actors have predominantly driven the securitisation agenda in Africa with the architecture traceable to Africa's immediate post-independence past. This article theorises about a double-faced securitisation process in Africa – 'securitisation from outside' influencing 'securitisation within'. The theoretical framework is used to identify three phases of securitisation in Africa. The first phase started during the Cold War era when Africa was inserted into the Cold War politics to fight proxy wars for either the west or the east. As a result, the big powers overlooked human rights and democratic concerns on the continent and focused on promoting their security interests by propping dictatorial and predatory regimes to do their bidding. The second phase connects with the fall of the Berlin Wall, which brought hope of ending the securitised environment in Africa with its attendant expansion of the political space for civil society and political party activism to flourish. This development resulted in the emergence of the African Union to replace the Organisation of African Unity and to introduce principles that shifted from a state-centred to a human-centred security focus. However, the human security project could not work due to tensions with the securitisation of the development agenda being promoted by the donor community. The third phase is the declaration of the 'War on Terror' which has moved the focus toward a 'risk/fear/threat' project. In response, most African leaders have adeptly exploited this new environment to their advantage

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by shrinking the political space and criminalising dissent. The securitised environment has done little to solve many of Africa's development problems. Rather, we see the rollback of advances made with regard to human rights, democracy and respect for the rule of law. The theoretical framework is also employed to do a case study of securitisation in three African countries – Uganda, Nigeria and the Democratic Republic of the Congo.

Key words: securitisation; security; human rights; human security; sovereignty

1 Introduction

The issue of securitisation generally has been analysed from a security, political science and international relations perspective (McSweeney 1996; Baldwin 1993). The present project seeks to add an international law/international human rights dimension to the discourse and apply it in the African context. It analyses securitisation within a Hobbesian framework of state sovereignty as well as the use of force, legal personality and human security.

The article first examines the traditional understanding of security and places the discussion in the context of interstate and intrastate use of force. This is followed by a discussion of securitisation in which it is contended that this may be divided into two categories, at least in the African context. That is, 'securitisation from outside', which connects with interstate security/use of force; and 'securitisation within', relating to intrastate security/use of force. The article argues that securitisation from outside influences, generates or complements securitisation in most African countries and in most securitisation scenarios. The next segment of the work deals with sovereignty, which is also grouped into the internal and external and is linked to interstate/securitisation from outside and intrastate/securitisation within, respectively.

The Hobbesian framework describing the dire conditions in the state of nature, the social contract made by the citizens to transfer all rights to the Leviathan and the absolute notion of sovereignty granted the Leviathan are utilised to depict the contentions made by securitising governments against the existing human rights framework and, by extension, democratic governance.

This is followed by a practical narrative of the situation of securitisation that has engulfed Africa from the time of independence, through colonial rule to the present and the impact of securitisation from outside on securitisation within. The article focuses on Africa generally through a discussion of the Organisation of African Unity (OAU) and its successor, the African Union (AU), followed by specific case studies on three African countries – Uganda, Nigeria and the Democratic Republic of the Congo (DRC). The work finally turns to human security as providing the panacea for securitisation in Africa.

2 Traditional security

The conventional idea of national security has centred on the state as the referent object with the military as the sector. The assumption is that the realisation of state security guarantees the security of its citizens. It relies,

among others, on the absolute sovereignty of the state to counter threats from outside sources (that is, other states) (Morgan 2007: 13; Lin 2011).

This traditional understanding of security enmeshes with the realist perspective on international relations which gives primary consideration to states, as the dominant actors in the international arena, that compete for power and security as a means to promote their self-interests, in the face of anarchy (the absence of a centralised form of governance on the international plane) (Morgenthau 1978; Waltz 2008). To attain security, states seek to increase their power and engage in power-balancing acts to deter potential aggressors (*Stanford encyclopedia of philosophy* 2010). In this scenario, there is little room for morality (Machiavelli 1985).

Some of the weaknesses inherent in the realist approach to security studies are exposed by the critical security studies school which sees security as a socially-constructed concept. The critical school also concludes that the state itself and its armed forces are a potential source of insecurity, rather than a guarantor of security (Krause & Williams 2003: 33).

Equally important to mention is Buzan's reconceptualisation of security to cover a broader, more holistic framework (Buzan 1991: 20) to incorporate concepts such as regional security, or the societal and environmental sectors of security and how people 'securitise' threats. By these means, Buzan is able to identify critical issues that affect security, such as political, military, economic, societal and environmental factors (Buzan 1991). He also seeks to establish the intricate and complex relationship that exists among these variables, which involves the individual, the society and the state. He argues (Buzan 1991: 432-433):

Security is taken to be about the pursuit of freedom from threat and the ability of states and societies to maintain their independent identity and their functional integrity against forces of change, which they see as hostile. The bottom line of security is survival, but it also reasonably includes a substantial range of concerns about the conditions of existence. Quite where this range of concerns ceases to merit the urgency of the 'security' label (which identifies threats as significant enough to warrant emergency action and exceptional measures including the use of force) and becomes part of everyday uncertainties of life is one of the difficulties of the concept.

Adding to this, the article contends that national security does not concern itself solely with interstate but also with intrastate conflicts (for example, civil wars). Further, the execution of external aggression is not limited to states alone but also involves non-state actors such as the Taliban, Islamic State in Iraq and Syria (ISIS), Al Shabab and Boko Haram (Gandhi 2001).

Further, the traditional understanding of security focuses on the use of force which, under article 2(4) of the United Nations (UN) Charter, is limited to the use of military force by one state against another. However, in the article 'use of force' is applied in the broad sense to cover not only the use of military force, but also economic force or other methods of non-military coercion, as contended in the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (Declaration).

Paragraph 1¹ of the Declaration provides that ‘armed intervention *and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements*’ are in violation of international law.

The Declaration (1970: para 2) further provides that

[n]o state may use or encourage the use of economic political or any other type of measures to coerce another state in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind.

In the context of the article, use of force is applied to generate, heighten or supplement internal securitisation. That is what constitutes the exportation or externalisation of securitisation, which has become the norm in Africa, occasioned by its dependence on the donor community which, in turn, has compromised the freedom to control the designing and implementation of their domestic/foreign policies. That is the essence of securitisation from outside or externalisation of securitisation in Africa. This postulation deviates from the Copenhagen School’s understanding of securitisation which is portrayed as purely generated within the borders of the state. The article seeks to bring both sources of securitisation to light, while emphasising that the two are interlinked but separate processes.

Intrastate use of force, on the other hand, is described as sustained political violence that takes place between armed groups representing the state, and one or more non-state groups (Byman & Van Evra 1998: 24). It could be civil war, political instability, vigilantism, and so forth. In the context of securitisation, this represents the struggle of civil society to challenge the excesses of the state in order to preserve and expand the existing democratic space from being captured or recaptured to protect the predatory machinations of the state.

3 Securitisation

The securitisation model adopts a Hobbesian approach to solving the security problem in a country. It equates the affairs of the state as having degenerated to that which existed in Hobbes’s anarchic ‘state of nature’. In this situation, because of the absence of law and order through the enjoyment of the ‘right to all things’, an endless ‘war of all against all’ (*bellum omnium contra omnes*) ensued (Warrender 2002). The result, in the words of Hobbes, is that the life of man has become ‘solitary, poor, nasty, brutish and short’ (Hobbes 1909-1914). To save this situation, the members of the polity agree to establish a civil society, through a social contract based on the surrender of all rights to an absolute sovereign, the Leviathan (who may represent one man or an assembly of men), in return for security. Although the sovereign’s edicts may well be arbitrary and tyrannical, Hobbes saw absolute government as the only alternative to the terrifying anarchy of a state of nature (Goldie & Wokler 2006: 347).²

1 Under the theme ‘The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any state, in accordance with the Charter’ (our emphasis).

2 A few scholars have conducted a discussion of Hobbes in the context of securitisation. See Baldwin (1997) and Taureck (2006).

Applying this realist model of anarchy to the securitisation architecture, the securitising state uses force to deal with the imagined threat through a Levianthic approach – the promotion of human rights through a denial of human rights, covering both military and non-military uses of force.

Thus, juxtaposing the Hobbesian approach to the Copenhagen School's view of securitisation, this School describes security as 'speech acts' that designate particular issues or actors as existential threats requiring emergency measures and justifying actions outside the normal bounds of political procedure (Buzan, Waever & De Wilde 1998). This situation then justifies emergency actions to do whatever is necessary to 'remedy' the situation (Okolie & Ugwueze 2015: 28). In their view, security practices are specific forms of social construction which narrowly address the question of 'who or what is being secured, and from what' (Abrahamsen 2005: 57-58). In the words of Buzan, Weaver and De Wilde (23-24):

Security is the move that takes politics beyond the established rules of the game and frames the issue either as a special kind of politics or as above politics. Securitisation can thus be seen as a more extreme version of politicisation. In theory, any public issue can be located on the spectrum from non-politicised (meaning that the state does not deal with it and it is not in any other way made an issue of public debate and decision) through politicised (meaning that the issue is part of public policy, requiring government decision and resource allocation or, more rarely, some other form of communal governance) to securitised (meaning the issue is presented as an existential threat, requiring emergency measures and justifying actions outside the normal bounds of political procedure).

The Copenhagen School's securitisation thesis focuses largely on the intrastate use of force by a state to supposedly promote or guarantee the security of the state. Referring to Buzan, this means that the issue is internally generated. Therefore, national security, at least with reference to the case study, is seen as 'state security', and 'state security' is seen as the security of those who hold political power (Afeni 2016: 115). Somewhere in that mix, individual security and human rights are forgotten.

Thus, it is the authors' opinion that securitisation is a redefinition of traditional security to foster the agenda or security interests of a particular political or economic elite in order to perpetuate themselves in power or enable the achievement of a particular objective which is against or is not in the larger interests of the state. Yet, this narrow, self-interested objective is camouflaged as a national security issue in order to gain legitimacy from the citizenry.

4 Sovereignty

Security, especially in the context of non-intervention and use of force, is strongly related to sovereignty. Thus, just as there are interstate and intrastate dimensions of security, so there are internal and external aspects of sovereignty.

The contention of securitising governments to have a hands-off approach to deal with internal disorders leans towards the application of the absolute internal sovereignty approach, as expressed by Hobbes, for example. In his *Leviathan*, Hobbes identifies 12 principal rights accruing to the sovereign which include, first, that the fact that a successive covenant

cannot override a prior one, and the subjects cannot (lawfully) change the form of government (Hobbes 1909-1914). The second principle according to Hobbes is that because the covenant forming the Commonwealth results from subjects giving to the sovereign the right to act for them, the sovereign cannot possibly breach the covenant and, therefore, the subjects can never argue to be freed from the covenant because of the actions of the sovereign.

Article 2(4) of the UN Charter affirms the absolute state sovereignty principle expressed in the classical definition (of sovereignty) by Kantorowicz (1957) as the exercise of '*supreme authority within a territory*'. This understanding of sovereignty subsumes popular sovereignty under the rubric of state security and is responsible for promoting securitisation.

The concept of sovereignty in international law also connotes external sovereignty which establishes the basic condition of international relations (Prokhovnik 1996: 7). This position seems to reflect Vattel's view on sovereignty as observed by Beaulac (2003: 237), namely, that '*Droit des Gens attempted the externalisation of power, which was transposed from the internal plane to the international plane*'.

Yet, internal and external aspects of sovereignty are not mutually exclusive. They coexist and reinforce each other. It means that sovereign authority, although exercised within borders, by definition is also exercised with respect to outsiders, who may not interfere with the sovereign's governance. Internal sovereignty equals jurisdiction which is defined by Shaw as concerning

the power of the state under international law to regulate or otherwise impact upon people, property and circumstances and reflects the basic principles of state sovereignty, equality of states and non-interference in domestic affairs.

It is about the freedom that a state has to operate within its boundaries but within the bounds of international law.

The traditional notion of securitisation, as propounded by the Copenhagen School, thrives in the context of intrastate use of force which connects with the application of the absolutist notion of internal sovereignty. However, in the context of the article, there is also external use of force to influence or generate securitisation from within which compromises the external sovereignty of the state. Thus, at least in the African context, one can talk of internal and external securitisation working together, the one influenced by the other.

5 Human rights and security

International human rights law provides a carefully-calibrated framework designed to enable governments to balance national security and human rights. For that matter, human rights are not absolute rights but are framed in a manner that the rights holders (individuals and other non-state entities) are limited in the ways they can enjoy their rights. Therefore, every right provided for is subject to general and specific limitations. At the same time, the balance is designed in such a manner as not to place an undue burden on the duty bearer (the state) in seeking to perform its duties to respect, protect and fulfil human rights for their citizenry. The

following structures, measures and processes have been inserted to give the state some flexibility in going about its duty of protecting rights: the recognition of claw-back clauses; the rights of state parties to a treaty to issue reservations; the application of the concept of margin of appreciation; the derogation of some rights during periods of emergency; and the progressive realisation of some economic, social and cultural rights.

Yet, securitising governments would contend that the human rights framework as it exists is a stumbling block to maintaining the security of the state because the balance is tilted in favour of human rights over national security. Therefore, the fetters placed on the state should be relaxed so that individuals and other non-state actors will not be able to hide under the cloak of human rights to commit various atrocities (Ubutubu 2005: 105). Thus said, the securitising state should be given more flexibility or unlimited fetters to place the state under permanent or prolonged pseudo-states of emergency which will allow for the clampdown of even non-derogable rights (McGoldrick 2004: 380).

However, the idea of a state of emergency being clamoured for by the securitising state is different from what obtains in international or constitutional law. States have five conditions to meet to justify derogation from their obligations during periods of emergency:

- (1) The state party must have officially proclaimed a state of emergency.
- (2) The emergency must threaten 'the life of the nation'.
- (3) The measures should be limited to those 'strictly required by the exigencies of the situation' and should 'not [be] inconsistent with its other obligations under international law'.
- (4) The measures should 'not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin'.
- (5) There can be no derogation from articles 6, 7, 8(1), 8(2), 11, 15, 16 and 18 of the International Covenant on Civil and Political Rights (ICCPR).³

Derived from customary norms in international law, these are principles common to the doctrine of necessity; the principles of exceptional threat; the non-derogability of fundamental rights; and proportionality (Oraá 1999: 413). However, the securitising state wishes to have these limitations watered down or simply removed.

Interestingly, in the context of the African Charter on Human and Peoples' Rights (African Charter), there is no derogation clause. In other words, even during periods of emergency, all rights are to be fully respected. Therefore, in the case of *Commission Nationale des Droits de l'Homme et des Libertés v Chad*,⁴ it was held that 'even a civil war in Chad cannot be used as an excuse by the state violating or permitting violations of rights in the African Charter'.

3 These are the right to life (article 6); protection against torture or cruel, inhuman or degrading treatment or punishment (article 7); slavery, slave-trade and servitude (article 8); imprisonment on the ground of inability to fulfil a contractual obligation (article 11); non-retroactivity of criminal laws (article 15); the right to recognition as a person before the law (article 16); and freedom of thought, conscience and religion (article 18).

4 (2000) AHRLR 66 (ACHPR 1995).

Yet, these basic criteria most often are not met because the standard is lowered to cover every disturbance or catastrophe as a public emergency which threatens the life of the nation, or the threat is imagined or exaggerated or sometimes artificially manufactured by the ruling government to justify the application of emergency powers. Even if it meets the strict test of an emergency, the restrictions required to be observed in order to protect life and property are not respected.

6 Securitisation and human security

Apart from the reference in the UN Charter to national security in article 2(4), it also refers to human security which is expressed, among others, in article 1(3), namely, that one of the purposes of the UN is

to achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.

The notion of human security introduces a new and important dimension to the security and human rights/democracy and development debate. It places the emphasis on the individual, as opposed to the state, as the referent and the sector as non-military. The threats posed to the individual in the human security framework include diseases; environmental problems; the violation of human rights; and bad governance. The security of the state depends first on the security of the individual. In other words, human security holds the key to national security. Therefore, popular sovereignty holds the key to ensuring state sovereignty. The human security discourse is supported by Buzan's broadened conception of factors that go into security (Buzan 1991)

7 Securitisation within the Organisation of African Unity

According to Tiekou (2007: 26), the OAU, which was adopted in May 1963 by then independent African states, 'focused primarily on legitimising and institutionalising statehood in Africa. [Therefore] protection of states and governing regimes in Africa became the referent of pan-Africanism' (Tiekou: 26). Consequently, they sidelined human rights and democracy on the grounds of there being obstacles to forging national identity, stabilising the fragile nation-state and attaining rapid development (Obaid & Appiagyei-Atua 1996: 819).

Keba M'Baye, the father of the African Charter, for example, wrote (M'Baye & Ndiaye 1982: 599):

Thus, the African governments appear clearly to have sacrificed rights and freedoms for the sake of development and political stability. This situation can be explained and even justified. In mobilising the masses in order to secure economic and social development, everyone's attention is directed exclusively towards the prospect of improved standards of living. Inaction or idleness thus came to be regarded as an infraction and the exercise of certain freedoms, even in the absence of any abuse, an attack on public order.

The 'securitised' environment thereby created provided fertile grounds for the insertion of Africa into the Cold War politics to fight proxy wars for

either the west or the east, that used the securitisation as a tool to achieve a particular ideologically-inclined foreign policy objective. This is where the extranationalisation of securitisation (securitisation from outside) comes into play, resulting in the breach of the internal sovereignty of African states and orchestrating or complementing the institutionalisation of intrastate securitisation (securitisation within). Consequently, the 'big powers' overlooked human rights and violations of democratic principles on the continent and focused on promoting their security interests, which involved supporting dictatorial governments, and relying on predatory regimes to do their bidding.

8 AU and securitisation in the globalisation era

The collapse of the Soviet Union and the creation of a unipolar world following the fall of the Berlin Wall led to the demise of the OAU and the coming into being of the AU in 2002. The end of communism ushered the securitisation project in Africa into a new phase when the west sought to project its capitalist triumphalism over communism to export its 'instant capitalism, instant democracy, instant prosperity' agenda to Africa and elsewhere (Appiagyei-Atua 2002). As noted by Clinton (1994), for example, 'the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere'. It sought to secure this arrangement by tying assistance to the pursuit of this goal, thereby securitising (from outside), democracy and development in Africa (Van Graan 2013; Atwood 2013).

While some achievements were made through the re-introduction of democracy and human rights in most African countries, it did not take long for African leaders to find ways around the limitations placed on constitutional governance. This phenomenon underlies the securitisation without influencing securitisation within. The result has been a dip in the continent's democratic credentials with the growing increase in unconstitutional changes of government – resurgence in military *coups* (Barka & Ncube 2012: 1); the doctoring of constitutions to allow for third or indefinite terms; the refusal by incumbents to step down after losing elections; and election fraud to favour incumbents (De Walle & Butler 1999). As Appiagyei-Atua (2015) argues:

Many citizens of the global south now have an ensemble of rights and freedoms enshrined in their national constitutions, yet rights violations are rife. In many countries of the global south, for example – and especially in Africa – governments resort to vote rigging, vote buying and altering the constitution to extend their stay in power.

Democracy has further been undermined after the events of 11 September 2001 by a shift to a paradigm of security first aid conditionality (Donnelly 2007). Through this securitisation project, dealings and interactions with Africa have shifted from the category of 'development/humanitarianism' to that of 'risk/fear/security' (Abrahamsen 2005: 56). For example, in its National Security Strategy document, released after the September 2001 attacks, the United States of America (US) identified Africa's underdevelopment and instability as threats to counterterrorism. In an effort to change the status quo, the new securitisation from outside agenda focuses on strengthening and establishing state structures to combat terrorism. As an example, the Millennium Challenge Account (MCA) was

established a year after the September 11 attacks to 'allocate aid based on previous good performance criteria and on presumed efforts by recipient countries in the war on terror' (Cammack et al 2006: 33). The focus now is on traditional security concerns and state capabilities at the expense of other national needs (Van Wyk 2007: 39; Aning 2007: 7).

Thus established, Africa's securitised space thrives on the collaborative-antagonistic relationship with the US (and its allies) whereby the donor community, on the one hand, would seem to support democracy and human rights, but at the same time give out military assistance and other support to dictators and human rights violators (Appiagyei-Atua 2015).

The rest of the work now focuses on some case studies of Uganda, Nigeria and the Democratic Republic of the Congo (DRC). These case studies affirm the thesis that the securitisation project in Africa is externally driven and involves the externalisation of securitisation from abroad to generate, heighten or supplement internal securitisation.

9 Securitisation in Uganda

Uganda gained independence from Britain in 1962. After periods of political instability and military dictatorship, the National Resistance Army (NRA) ultimately captured power in 1986 through a military coup and metamorphosed into the National Resistance Movement (NRM). Responding to the wind of democratic change that blew across Africa after the fall of communism, the NRM established a no-party system of governance in Uganda in 1996 by holding the country's first presidential elections in many years, which was won by its leader, Yoweri Museveni. Finally, in 2005 Uganda transitioned into multiparty politics through a referendum held on 28 July (Daily Monitor 2016). Museveni has since then won all presidential elections held, the most recent being in February 2016.

The ability of the NRM to hold on to power is attributed to its capacity to exploit the weak security architecture that Uganda has inherited since independence and its focus on repairing and improving it to ensure peace and development in the country. Thus, the 'speech act' that posed a supposed existential threat to Uganda was a lack of security. This is exemplified by Alice Lakwena and her Holy Spirit Movement and later Joseph Koni and the Lord's Resistance Army, which fought brutal civil wars in Northern Uganda (Behrend 2000). The NRM adeptly executed this agenda by trumping security that must be fought for, maintained and guaranteed over and above human rights. Consequently, the coercive arm of the state has been strategically positioned and continually strengthened to maintain its hegemonic influence over the people (Gramsci, Hoare & Smith 1971). By these means, security has become the smoke screen, with the support of a Constitution that is often breached to perpetrate and perpetuate corruption, nepotism, legal predation, and so forth, to keep the NRM in power.

Consequently, the government's military budget has been substantial and their operations shrouded in mystery. The Ministry of Defence Forces withdrew approximately US \$740 million from the Bank of Uganda without parliamentary approval to purchase military equipment from Russia. The Ministry's Permanent Secretary, when summoned before the

Public Accounts Committee of Parliament, offered no explanation for the purchase, citing 'orders not to talk about that particular transaction' (The East African 2011). The President justified the purchase to members of the NRM caucus as important for the country to strengthen its defence forces and protect itself from terrorism (Daily Monitor 2011). The budget for defence in the 2017 budget saw an increase in defence spending by over sh400b (27 per cent) from sh1.5 trillion to sh1.9 trillion. At the same time, the budget for health was slashed from 1.8 trillion (8,9 per cent) allocated in the previous financial year to 1,2 trillion (5.7 per cent), a figure almost 200 per cent lower than the minimum 15 per cent African governments committed to provide in their budgets for health in the 2001 Abuja Declaration and Frameworks for Action on Roll-Back Malaria (Mulondo 2017).

In Uganda, securitisation has been used as a powerful tool to 'facilitate' democracy for those in power. For example, during the run-up to the 2016 elections, in violation of the Constitution and the Uganda Police Force (UPF) Act, the UPF recruited a volunteer force called 'crime preventers' to complement the police in monitoring and reporting incidents of crime under the framework of community policing. However, these 'volunteers' were no more than party foot soldiers appointed to facilitate the return of the NRM to power. They are reported, among others, to have 'acted in partisan ways and carried out brutal assaults and extortion with no accountability, according to Human Rights Watch' (Human Rights Watch 2016).

Securitisation allows security forces to utilise wide powers to search, detain and arrest in order to preserve state security. In 2013, officials from the military police service raided the office of General David Sejusa and removed computers and files, among other objects. The raid followed General Sejusa's letter alleging that there were plots to assassinate some military officials opposed to President Museveni's plans to hand over power to his son, Brigadier Muhozi (known as the Muhozi Project), and that these plots ought to be investigated.

In connection with the Muhozi Project, the police force raided the premises of the Daily Monitor newspaper in search of a copy of General Sejusa's letter, describing the premises as a crime scene. According to Aljazeera (2013), the Minister for Information at the time, Mrs Mary Okurut, supported the raid on the basis of national security:

The General's utterances had unfortunately stirred national anxiety, tended to generate public disaffection against some officers in the UPDF [Uganda People's Defence Forces], as well as the First Family. This anxiety has the negative consequence of undermining national security.

The Ugandan authorities have also targeted human rights, democracy and governance civil society organisations as security threats, labelling them as partisan and supporters of 'regime change'. To restrict and control their activities, Uganda's Non-Governmental Organisations Act (2016) was enacted. Section 44(d) of this Act states that '[a]n organisation shall not engage in any act which is prejudicial to the security and laws of Uganda'. However, acts prejudicial to the security of Uganda are not defined, leading to fears that the ambiguous wording of the section may be used to restrict association rights (Human Rights Watch 2012). One human rights defender in Uganda reacted that the law promotes 'the erroneous view of

the sector as a security threat rather than a development sector' (Fallon 2016).

In addition, in 2013, Parliament enacted the Public Order Management Act (POMA) to regulate the conduct of public meetings. This Act was used by the police force, during the run-up to the February 2016 general elections, to violently arrest and or disperse opposition protests with the excuse that they did not meet the requirements under section 5 and posed a threat to national order.

The US counterterrorism war has been extended to Uganda (Fisher 2012: 404). Uganda entered into a bilateral agreement with the US on fighting terrorism, resulting in the 2002 Suppression of Terrorism Act which carries a mandatory death penalty for terrorists. The Act was amended in 2015 to broaden the definition of terrorism to include 'any act prejudicial to national security or public safety'. However, the Act does not define national security or the prejudicial acts. Due to this ambiguity, it is prone to abuse (Daily Monitor 2016). In addition, counterterrorism has been used to justify a crackdown on dissent, and arresting members of political parties. Dr Kizza Besigye of the Forum for Democratic Change party has on numerous occasions been arrested on terrorist-related charges. In 2005, he was charged with terrorism for allegedly being linked with the rebel Lord's Resistance Army (The Guardian 2005).

In conclusion, contrary to the principles of the rule of law, the Ugandan government does not adhere to legal processes, principles of accountability and the protection of human rights where it alleges that its actions are in the interests of national security. The Ibrahim Index of African Governance (2016) in its 2016 Report revealed a decline in the rule of law in Uganda, and this could be attributed to securitisation.

10 Securitisation in Nigeria

In 1960 Nigeria gained independence from British colonial rule. It experienced two *coups d'état* in 1966, culminating in the Biafran War in 1967 in which members of the Igbo ethnic community unsuccessfully sought to secede from the rest of Nigeria (Kirk-Green 1971; Madiebo 1980). This insurgency movement has generated others of its kind throughout the political history of Nigeria, all these situations having been securitised. One may mention, in more recent times, the rebellion in the Niger Delta and the Boko Haram insurgency mostly centred in the north-eastern part of Nigeria. However, as noted by Okolie & Ugwueze (2015: 33):

Prior to the Boko Haram threat, several issues had been securitised as [the] security situation in Nigeria continued to deteriorate. The perceived marginalisation of the south-east geopolitical zone was securitised, as MASSOB became a potent security threat. Again, the south-west geopolitical zone is equally nursing the feeling of unfair treatment. Hence the militant wing of Odua People's Congress (OPC) had been on the prowl. Also, following the annulment of the June 12, 1993 presidential election believed to have been won by late Chief MKO Abiola, the Yoruba political elites used the umbrella of NADECO to unleash unmitigated attacks on the military junta led by late General Sani Abacha. The state was heavily challenged as the survival of the Nigerian state hanged in symphony.

Okolie & Ugwueze (2015: 29) contend that the cause of insecurity in Nigeria may be attributed to 'agony, poverty, malnutrition, malnourishment, alienation and suffocation'. This, in essence, is non-military use of force by the government or its surrogates which ends up in poverty production (Appiagyei-Atua 2008: 4). Okolie & Ugwueze (2015: 33) contend that insecurity in Nigeria can also be situated

[w]ithin the character of the political elite[s] that control ... state power and the quest to use such power for material accumulation; in doing so, anything goes ... including formation and empowering of ethnic militias (by politicians) who ipso facto would be the vanguard for actualising what was impossible in a civilized process through a backdoor act.

These factors are responsible for generating 'reactionary and rebellious counter-reactions' which manifest themselves in 'unprecedented crimes and in the emergence of insurgent groups' (Okolie & Ugwueze 2015: 29).

There is also the role of multinational corporations in promoting or provoking insecurity as part of the securitisation from outside network. In this regard, the activities of Shell is worth mentioning. Apart from covering up oil spills, the company also is implicated in a billion-dollar bribery scandal over its 2011 acquisition of a vast undeveloped but lucrative Nigerian oilfield off the coast of the Niger Delta (*Quartz Africa* 2017). In this regard, one may mention the famous *SERAC* case in which the Nigerian government was found liable for various violations of rights against the Ogoni people in the Niger Delta.⁵ In reaction, various rebel movements, such as Movement for the Emancipation of the Niger Delta (MEND) and the 'Avengers' have emerged to pose security threats in the area (BBC 2016), which has also provoked a securitised response from the military (International Crisis Group 2007).

The activities of these insurgent groups at one time or another have led to the death of thousands of Nigerians, and the loss of properties and homes. In response to this, the Nigerian government utilised its security forces to bring the situation under control. This phase represents the militarised use of force.

In this situation, the fight against insurgent groups is securitised. One result of this securitisation is corruption occasioned by the huge financial outlay that is channelled to the military and other security agencies to fight the insurgency (BBC 2016). Another impact are rampant human rights violations being perpetrated by the soldiers on the ground. Consequently, the government and the military are not in a rush to end the insurgency (*The Telegraph* 2015).

Thus, spanning several administrations the Nigerian government has repeatedly turned a blind eye to the various acts of arbitrary executions, detentions and torture carried out by various security forces in a bid to protect the security of the country in the fight against insurgency.

5 *Social and Economic Rights Action Centre (SERAC) & Another v Nigeria* (2001) AHRLR 60 (ACHPR 2001).

With respect to the Boko Haram crisis,⁶ which is concentrated in the north-eastern part of the country, the government set up numerous joint task forces (JTFs) comprising the police; intelligence personnel; the air force; the state security service; and the navy, but mostly the Nigerian army (Odomovo 2014: 49). The JTFs have been brutal in their bid to restore order and advance state security, prompting Amnesty International (2016: 6) to report that '[t]he vast majority of arrests carried out by the military appear to be entirely arbitrary, often based solely on the dubious word of a paid informant'. These arrests usually were made during search missions by the JTF or at the aftermath of a recaptured Boko Haram territory. Anyone not readily identified by the CJTF as a member of the recaptured territory was marked as a 'suspect' and taken into military custody until further notice (Amnesty International 2015: 40-41).

Between January 2012 and July 2013, the military, in the name of state security, arrested 4 500 civilians whom they considered 'suspects' (Amnesty International 2015: 75). By 2015, it had been recorded that since 2011 the JTFs and CJTF had arrested 'at least 20 000 people' (Amnesty International 2016: 9). However, no proper record exists of the exact number of detainees. By March 2016, Giwa military barracks had at least 1 200 detainees, including boys between the ages of five and six (Amnesty International 2016: 5). Arbitrary arrest, detention, death and ill-treatment simply were seen as acts of 'sacrifice and contribution towards the return of peace to our country' (International Centre for Investigative Reporting 2016).

The Nigerian army is equally responsible for numerous other serious atrocities, including the gruesome acts of extra-judicial killings perpetrated on 12 to 14 December 2015 in Zaria, Kaduna State of Nigeria, which claimed the lives of about 350 members of the Islamic Movement of Nigeria (IMN) (JUDCOM 2015; Amnesty International 2016: 5). A number of panels immediately were set up to investigate the incidents. These include the Nigerian Senate; the National Human Rights Commission; and the Kaduna State Judicial Commission. A report by the Kaduna State Judicial Commission held that '[t]here appeared to be a disproportionate use of force by the NA (Nigerian army) to deal with the situation, hence the Nigerian army used excessive force'. Yet, to date no member of the Nigerian army has been held responsible for the atrocities committed.

Another example of a securitised situation relates to the brutal manner in which the Nigerian army has sought to quell the resumed agitation for self-determination by the Indigenous People of Biafra (IPOB) organisation, albeit done in a peaceful manner (Ojukwu & Nwaorgu 2016: 1). The combined actions of the Nigerian security forces in reaction to this demand have claimed the lives of more than 150 peaceful pro-Biafra

6 Boko Haram was started in 2002 by Mohammed Yusuf who garnered popularity for his radical teachings about Islam. In no time, he gathered followers and this grew into the movement called *Jama'atu Ahlis Sunna Lidda'awati wal-Jihad* (People Committed to the Propagation of the Prophet's Teachings and Jihad), also called *Boko Haram*, meaning Western education is forbidden. Yusuf was arrested and subsequently shot and killed by the military on the streets of Bornu State on 29 July 2009 following some rioting with the police. In July 2009, the more radical Abubakar Shekau took over the leadership of Boko Haram and it evolved into a deadly terror group. See 'Boko Haram: Behind the rise of Nigeria's armed group' Aljazeera Special Series (2016).

protesters across Nigeria between August 2015 and August 2016 (*Premium Times* 2016).

11 Securitisation in the Democratic Republic of the Congo

The DRC gained independence from Belgium in 1960. In 1967, a *coup d'état* brought Mobutu Sese Seko to power and ushered the country into a 32-year dictatorship with fundamental rights and freedoms absent from his agenda. During his presidency, Mobutu securitised the country to the extent that the state and his personality became the main components of national security. Mobutu was overthrown in 1997 by Laurent Kabila. After his mysterious death in 2001, his son, Joseph Kabila, succeeded him. Peaceful, free and fair elections were organised in 2006, following the promulgation of a new Constitution. The main concern of Joseph Kabila was to strengthen institutions and re-establish peace and national unity all over the country, yet the situation on the ground did not change and still has not changed.

Mobutu and his predecessors were able to secure and cling onto power due to the support the US and other Western states have given to such regimes in exchange for accessing the huge mineral wealth that the DRC possesses (BSR 2010). The securitisation project has been used to justify numerous legal and administrative measures to limit the enjoyment of human rights and fundamental liberties guaranteed by the DRC 2006 Constitution.

One example is the limitation placed on the exercise of freedom of expression and the right to information by establishing procedures for the exercise of freedom of the press. One piece of legislation that has been used to clamp down on the freedom of the press in the name of promoting national security ironically is named Freedom of the Press Act 96/002 of 22 June 1996. Among others, the rationale for this enactment is limiting the freedom of journalists, political opponents and civil society activists who may use the media to express dissent (Democratic Republic of Congo 1996: art 78).

Also, freedom of assembly is enjoyed subject to the granting of permission by the local authorities who often exercise their prerogative to deny the opposition the right to demonstrate for security reasons (Democratic Republic of Congo 2006: art 26). For example, in October 2015, the Mayor of Lubumbashi (in the former province of Katanga) forbade public protests for an undefined period (Amnesty International 2016: 32). In December of the same year, demonstrations were forbidden in the province of Tanganyika to ensure that the year ended smoothly. Although the organisers or every citizen have the right to challenge these decisions that are inconsistent with the Constitution before the Constitutional Court, the current configuration of the Court does not provide sufficient grounds of impartiality. The Constitutional Court is made up of nine judges. Three are directly appointed by the President; three by parliament, where the President holds a majority; and three others are chosen by the Council of Magistrates. Some other rights, such as the freedom of thought, religion and conscience, are exercised subject to respect for the law.

Different presidents in the DRC have relied on personal military units to secure themselves in power. Concurrent reports from Human Rights Watch (2008), the United Nations Joint Office on Human Rights and a few other national organisations reveal that the unit has been involved in extra-judicial killings or the disproportionate use of lethal force against demonstrators and political opponents.

In 2003 a national intelligence agency (ANR) was established to cover national security and public safety (Democratic Republic of Congo 2003: art 3). The law has been used, among others, to keep an eye on people who are suspected of conducting activities 'of the nature harmful to public national security'. Political opponents, civil society activists and pro-democracy militants have frequently been arrested and detained in the legitimate exercise of their fundamental liberties (Human Rights Watch 2008: 115). This Act was designed in such a way that the behaviour of ANR officials hardly can be challenged in the courts.

In the former mining province of Katanga, the national government has deployed soldiers and the presidential guards for national security purposes (Omanyundu 2016) simply because the province is considered a bastion of the opposition leader, Moïse Katumbi.

Activities of different pro-democracy organisations have been restricted or forbidden countrywide. This is aimed at reducing the power they had in mobilising mostly young people to protest against the ruling party. For example, two famous pro-democracy movements of the country, namely, *Lutte pour le Changement* (Lucha) and Filimbi have been forbidden in all 26 provinces of the country by a letter signed by the Vice President and Minister of the Interior.

12 Conclusion: The end result of securitisation in Africa

The article has sought to undertake a critical review of securitisation in Africa. The theoretical underpinning of the concept of securitisation is broadened to fit the African context. It asserts that securitisation is not simply an internal matter, but is also connected to 'larger politics' emanating from outside the confines of its territorial space and located in the Western capitals and, more recently, China and India. Among its findings is that securitisation is not a recent phenomenon in Africa. Rather, it is traced to the continent's post-independence past and reflected in the OAU Charter and the practice of African socialism.

The 'securitised' environment in Africa has done little to solve many of the continent's developmental problems. Rather, we see the roll-back of advances made in human rights, democracy and respect for the rule of law.

The continent's democratic credentials also have suffered a dip in fortunes with the growing increase in unconstitutional changes of government, exemplified in a resurgence in military *coups* (Barka & Ncube 2012: 1); the doctoring of constitutions to allow for third or indefinite terms; the refusal by incumbents to step down after losing elections; and election fraud to favour incumbents (De Walle & Butler 1999). Since the early 1990s, 24 presidents in sub-Saharan Africa have initiated discussions in an attempt to stay in office for more than two terms. In 15 countries,

presidents started the process of actually amending the constitutions. In 12 of these cases they succeeded.⁷

At the same time, corruption is on the increase. It is estimated that on average African politicians are richer than their counterparts in the developing world, while the number of ordinary Africans living on under \$1,25 a day has risen from 358 million in 1996 to 415 million in 2011. Conflicts have not abated, with its attendant negative impact on long-term development. Twenty-three African countries were involved in one or another form of conflict between 1990 and 2005, costing Africa \$284 billion (an average of \$18 billion a year), based on the analysis that on the average, armed conflict shrinks an African nation's economy by 15 per cent (IANSA, Oxfam & Saferworld 2007).

13 Recommendations

While the concept of human security is expressed in the UN Charter, it was not popularised until around the time of Kofi Annan's inauguration as Secretary-General of the UN. In one of the various definitions on human security attributed to him, Annan (2000) remarks:

Human security, in its broadest sense, embraces far more than the absence of violent conflict. It encompasses human rights, good governance, access to education and health care and ensuring that each individual has opportunities and choices to fulfil his or her potential. Every step in this direction is also a step towards reducing poverty, achieving economic growth and preventing conflict. Freedom from want, freedom from fear, and the freedom of future generations to inherit a healthy natural environment – these are the interrelated building blocks of human – and therefore national – security.

Annan also points out that restrictions of rights that undermine human security are made by human beings who possess a certain amount of power.

The shift in focus from the state to the individual affirms the recognition of the latter as possessing legal personality in international law, unlike previously where they could only act on the international plane through their states, as enunciated in the concept of diplomatic protection (Leys 2016). Through this extension of legal personality in international law, the individual is equipped to bring action against his or her own state as well as other states. This significant development also has altered a move away from the absolutist concept of sovereignty to one that gives room for the recognition of popular sovereignty.

The evolution of sovereignty as initially residing in God and finally located in the people came full circle in Jean-Jacques Rousseau's contention that sovereignty is inalienable and indivisible and that it 'always' remained with 'the collectivity of citizens', in other words, 'the people', the only ones who could exercise it. Interestingly, the notion of popular sovereignty is captured in the constitutions of all African countries. A few examples will suffice. Article 5 of the Constitution of the

7 These are Burkina Faso, Burundi, Cameroon, Chad, Gabon, Guinea, Namibia, Niger, Rwanda, Senegal, Togo and Uganda.

DRC provides that [n]ational sovereignty belongs to the people. All power emanates from the people who exercise it directly by way of referendum or [by] elections and indirectly by their representatives.’ Also, according to article 1(3) of the Ugandan Constitution, ‘[a]ll power and authority of government and its organs derive from this Constitution, which in turn derives its authority from the people who consent to be governed in accordance with this Constitution’.

Incidentally, in line with its policy of representing a major shift from its predecessor, the Constitutive Act of the AU of 2002 adopts a human security-centric approach to economic development, peace and security by adopting the principle of non-indifference, as opposed to the OAU’s acceptance of non-interference as sacrosanct, in order to protect ordinary people in Africa from abusive governments.⁸ Also, article 3(h) commits member states to a path where they will ‘promote and protect human and peoples’ rights in accordance with the African Charter on Human and Peoples’ Rights and other relevant human rights instruments’.

However, in practice the situation is that the will to commit to this compact does not exist. This is because of a conflicting agenda from external sources which tacitly or otherwise endorses autocracy in Africa to safeguard its economic interests. In response, African leaders are manipulating aid and the threat of terrorism to bolster their illiberal regimes (Carmody 2011). For a solution to this quagmire, one must turn back to the Declaration which expresses the conviction

[t]hat the strict observance by states of the obligation not to intervene in the affairs of any other state is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security.⁹

8 The AU human security agenda in the areas of peace and security is clearly expressed in art 4(h) of the Constitutive Act of the AU, which empowers the AU to intervene in the affairs of a member state in order to ‘prevent war crimes, genocide and crimes against humanity’. See Tiekou (2007).

9 Preamble para 7, para 16(c).

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