

AFRICA DEVELOPMENT AFRIQUE ET DÉVELOPPEMENT

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**AFRICA DEVELOPMENT
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Guerre et formation de l'État au Sahel

Abdoul Karim Saidou*

Résumé

Cet article analyse la formation de l'État au Sahel à partir du modèle « belliciste » développé par Charles Tilly. Il vise à élucider comment la guerre contre le terrorisme affecte les dynamiques de formation étatique dans cette région. En partant du cas burkinabè, les résultats montrent que la guerre secrète une double dynamique. D'abord, les politiques de lutte contre l'insécurité contribuent à étendre l'appareil coercitif de l'État et à relancer le projet de construction nationale. Ensuite, la coopération sécuritaire et la gestion des groupes d'autodéfense induisent une dynamique de délitement de l'État marquée par son déclassement et son hybridation. Tout en renforçant l'État sur le plan militaire et politique, la guerre accentue sa patrimonialisation, sa marginalisation et son informalisation. En clair, si la guerre accélère la formation de l'État, c'est un État à part, qui à certains égards, s'éloigne du modèle idéal-typique wébérien.

Mots-clés : Guerre, sécurité, État, Sahel, Burkina Faso

Abstract

This article analyses State formation in the Sahel based on the “warmongering” model developed by Charles Tilly. It aims at showing how the war on terrorism affects the dynamics of State formation in the region. From the Burkina Faso case study, the results show how war creates a double dynamic. First, insecurity-combating policies contribute to extending the coercive apparatus of the State and relaunching the national construction project. Security cooperation and self-defense management groups, then, induce a dynamic of State disintegration marked by its downgrading and hybridisation. While strengthening the State on a military and political level, the war accentuates its patronisation, its marginalisation, and its informalisation. If war accelerates State formation, it is a separate State, which, in some respects, departs from the ideal-typical Weberian model.

Keywords: War, security, State, Sahel, Burkina Faso

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Introduction

« *Barsalogo* sous le feu ! Nous demandons appui aérien, sinon nous allons tous mourir ! » Ces propos sont d'un soldat burkinabè en détresse lors de l'attaque du détachement militaire de *Barsalogo* le 10 juillet 2022 dans la province du Sanmatenga¹. Cet exemple illustre la crise sécuritaire que vivent certains États du Sahel depuis une dizaine d'années (Englebert & Lyammouri 2022 ; Bourgeot 2020). Cette violence s'inscrit dans les « guerres nouvelles » dont la dynamique diffère des guerres interétatiques (Kaldor 2007 ; Badie & Vidal 2016). Au-delà de ses implications sur la paix et la stabilité, cette guerre peut être abordée sous le prisme de la formation de l'État moderne, diffusé dans cette région du monde à travers le processus colonial (Badie 1992). Ces interactions entre guerre et formation de l'État, à la lumière des trajectoires sahéliennes, sont l'objet de cet article. Au sens de la science politique, toute organisation sociopolitique n'est pas un État (Roux 2019 ; Hay *et al.* 2006). L'État moderne se distingue par la spécialisation des agents, la centralisation de la coercition et l'institutionnalisation (Braud 2014:200-205 ; Tidjani Alou 2001a). En effet,

« l'émergence de l'État suppose la construction d'un centre qui, progressivement, impose à tous ses rivaux son double monopole : celui de prescrire le droit applicable et celui de recourir à la contrainte pour en garantir l'effectivité » (Braud 2004:106).

La science politique a quasiment sacralisé la définition canonique de Weber qui met l'accent sur le monopole de la contrainte légitime exercé par une autorité politique sur un territoire (Weber 1995:97). Ce modèle idéal-typique n'occulte pas la diversité des États de par leurs trajectoires historiques aussi bien en Europe qu'ailleurs (Diop 1981 ; Médard 2006). Au cœur de la sociologie de l'État se trouve le concept de souveraineté théorisé par des auteurs tels que Jean Bodin et Thomas Hobbes pour qui « le souverain est le détenteur ultime du pouvoir suprême » (Braud 2004:34). La souveraineté s'est transformée avec la mondialisation² (Roux 2018:75-76), d'où la notion d'État postmoderne, c'est-à-dire un État qui diffère du modèle westphalien, mais dont les contours sont encore flous (Sorensen 2006 ; Chevalier 2014 ; Le Galès & Vezinat 2014). En effet, outre l'érosion des croyances, l'État est confronté à une dilution de ses capacités d'action (Braud 2014:222). C'est la raison pour laquelle son avenir est questionné par les chercheurs (Ki-Zerbo 2007:118 ; Roux 2019:75 ; Braud 2004:229-243).

La littérature savante sur l'État en Afrique est très abondante (Ake 2003 ; Villalon & Idrissa 2020 ; Blundo & Olivier de Sardan 2007 ; Bayart *et al.* 1998 ; Hyden 2013 ; Young 1994). Ses dynamiques dans cette région sont

diversement appréciées (Bach & Gazibo 2001 ; Batchom 2018 ; Naomi *et al.* 1999). Les auteurs ont montré sa faible légitimité vis-à-vis des sociétés du fait de son extranéité (Sindjoun 2002a ; Badie 1992). En effet, l'État africain est un « produit importé » (Badie 1992) qui tient son origine de l'expansion internationale de l'État occidental (Braud 2004:135-146). Dès lors, il est décrit comme un « État orphelin », « qui doit son architecture, sa Constitution, son « esprit » même à l'héritage colonial » (Benkirane 2016:19). Sa différenciation par rapport à la société a été traitée au prisme des concepts de néo-patrimonialisme et de « politique du ventre » (Blundo & Olivier de Sardan 2007). Si certains auteurs évoquent une institutionnalisation ratée (Médard 2006 ; Badie & Birnbaum 1982), d'autres insistent sur son hybridité et son historicité (Bayart *et al.* 2019). Le débat sur le « retrait de l'État » du fait de la mondialisation est tantôt appréhendé comme un indicateur de crise, tantôt comme le signe d'une « formation continue » (Jourde 2009). Pour Jourde (2009:46), l'État en Afrique souffre d'un déficit de « pouvoir infrastructurel », du fait de ses capacités limitées à élaborer et implémenter des politiques publiques.

Le concept d'État failli est mobilisé pour décrire la réalité étatique en Afrique (Zartman 1995 ; Illy 2015 ; Belkacem 2020). Pour certains auteurs, cette « faillite » est délibérément entretenue par les élites politiques dans leur stratégie d'instrumentalisation du « désordre » (Chabal & Dalloz 1999). Pour d'autres, l'affaiblissement des États résulte à la fois des politiques des organismes financiers internationaux, des pratiques prédatrices des élites politiques et des actions des acteurs transnationaux (Chena 2014). L'insécurité au Sahel a relancé le débat sur l'État en Afrique (Englebert & Lyammouri 2022 ; Batchom 2016 ; Grégoire 2019). Les déterminants et les conséquences de cette crise ont été largement analysés (Pellerin 2017 ; Bonnacase & Brachet 2013 ; Coalition citoyenne pour le Sahel 2021 ; PNUD 2017). Certains travaux ont établi le lien entre l'État et l'insécurité (Quidelleur 2020 ; Loada & Romaniuk 2014 ; Assanvo *et al.* 2019). Plus concrètement, il en ressort que le déficit d'État a été l'un des déterminants de l'insécurité, l'État étant considéré comme « fragile et inégalitaire » (Institut Free Afrik 2018:47). L'État est également accusé d'alimenter l'insécurité par ses réponses inadaptées et parfois brutales (Zutterling 2020).

Cet article ne vise pas à analyser l'État en tant que déterminant de l'insécurité. Il s'agit plutôt d'étudier comment le contexte de guerre affecte sa dynamique de formation. Le modèle développé par Charles Tilly (1985) sert de cadre théorique. Pour cet auteur, la formation de l'État moderne est liée à sa fonction guerrière : « la guerre a fait l'État et l'État a fait la guerre³ ». Selon cette explication, repérable dans les travaux d'Elias (1975), l'intensité

des conflits au Moyen Âge en Europe a entraîné l'accroissement des besoins militaires ainsi que l'émergence des administrations civiles. C'est en faisant la guerre que l'appareil étatique s'est progressivement formé (Kiser & Linton 2001 ; Roux 2019). À la suite de Tilly, d'autres auteurs ont établi que la guerre accroît la capacité fiscale de l'État, car les citoyens tolèrent de nouvelles mesures fiscales (Kiser & Linton 2001). Ces « rackets » permettent à l'État d'asseoir sa base financière (Campbell 1993). Le modèle de Tilly a été appliqué aux cas africains (Bayart 1998 ; Spruyt 2011). Pour Leander (2003), le lien entre guerre et formation de l'État que développe le modèle « belliciste » de Tilly est incertain dans le contexte de la mondialisation. Le contrôle des ressources et du capital est décentralisé et n'est plus le monopole de bureaucraties centralisées. À partir des cas de l'Éthiopie et de l'Érythrée, Clapham (2000) abonde dans ce sens. Selon cet auteur, ces cas infirment l'hypothèse « belliciste » de Tilly (Clapham 2000:111). Cependant, il nuance son argument en soulignant que, comme en Occident, la relation entre guerre et État doit être saisie sur la longue durée (Clapham 2000:110).

La guerre au Sahel constitue un terrain fécond pour relancer cette réflexion. Comment la guerre contre le terrorisme affecte-t-elle la formation de l'État dans les sociétés sahéliennes ? Cet article se focalise sur la formation étatique à partir des processus de monopolisation de la violence et de construction d'une identité nationale. La formation de l'État désigne un processus non délibéré et souvent conflictuel par lequel émerge un appareil administratif et coercitif (Elias 1975). Elle se distingue de la construction étatique ou nationale qui renvoie à une politique délibérée et planifiée. Ce travail s'insère dans la sociologie de l'État saisi à travers ses politiques de sécurité. Ces politiques sont abordées au sens global, incluant les mesures strictement militaires mais aussi d'autres stratégies de type politique, économique ou culturel (Collins 2016). Sont également prises en compte aussi bien les politiques nationales que les politiques internationales (Petiteville & Smith 2006). Sur le plan méthodologique, le matériau empirique est constitué de données issues du Burkina Faso collectées et traitées manuellement entre 2016 et 2023. La collecte s'est faite à travers des entretiens, la revue de la littérature et l'observation participante. Une vingtaine d'entretiens semi-structurés a été réalisée avec des acteurs du secteur de la sécurité (policiers, militaires, gendarmes), des experts et chercheurs en sécurité, des leaders associatifs et politiques, etc.

Ces entretiens visaient à cerner les processus, les objectifs et les effets des réformes sécuritaires enclenchées depuis 2015. L'analyse de la littérature a consisté à effectuer une revue des travaux scientifiques sur l'État et sur la sécurité au Sahel. Sur l'État, nous avons privilégié ceux portant sur

sa sociogénèse, ses dynamiques en Afrique et plus spécifiquement les publications abordant le modèle de Tilly. Les travaux sur la sécurité consultés sont ceux traitant de la lutte contre le terrorisme au Sahel depuis une dizaine d'années. En plus, ont été analysées d'autres sources documentaires liées à la littérature « grise », aux rapports d'experts, d'instituts de recherche, à la presse en ligne, etc. Enfin, certaines données émanent de l'observation participante. En effet, nous avons participé à une dizaine de conférences scientifiques entre 2016 et 2022 sur la sécurité au Niger, au Mali et au Burkina Faso. Nous avons également été impliqué dans les réflexions sur les réformes de politiques de sécurité au Burkina Faso⁴. L'analyse des données montre que la guerre secrète une dynamique ambivalente. En effet, si le terrain sahélien corrobore en partie l'hypothèse « belliciste » de Tilly sur la formation de l'État, celle-ci mérite d'être nuancée, car autant l'État se renforce en faisant la guerre, autant il sème les germes de son délitement.

Des dynamiques consolidantes : retour vers le projet stato-national

Le cas burkinabè accrédite l'hypothèse de Tilly quant au lien entre guerre et formation étatique. En effet, face à l'insécurité, plusieurs politiques publiques ont été développées dans les domaines militaires et non militaires. Ces réponses ont *de facto* entraîné l'élargissement de l'État régalien et relancé le projet de construction nationale.

L'élargissement de l'État régalien

La crise sécuritaire est un moment d'accélération du processus de formation étatique. Elle a ouvert une fenêtre d'opportunité (Kingdon 2003) pour des réformes du secteur de la sécurité. L'État a en effet développé plusieurs stratégies de riposte qui ont permis d'élargir son appareil coercitif et de renforcer sa capacité de contrôle sur les citoyens.

L'extension de l'appareil coercitif

Face à l'insécurité, les autorités burkinabè ont priorisé la réponse militaire (Bagayoko & Savadogo 2022). Cette option illustre le lien entre guerre et extension de l'appareil coercitif de l'État⁵. Bien avant la crise, un processus réformateur s'est déclenché à partir de 2015 dans une logique de rupture avec le régime de Blaise Compaoré (1987-2014). Le régime de transition installé après le départ de ce dernier a lancé des réformes dans le secteur de la sécurité (Sampana 2015 ; Saidou 2020). En janvier 2016, sous la présidence de Roch Kaboré, le pays a connu sa première attaque terroriste spectaculaire à Ouagadougou (Institut Free Afrik 2018). La sécurité s'est alors imposée

comme priorité. La réforme lancée par Kaboré a conduit à élargir l'appareil sécuritaire. En 2016, il adopte une réforme de la police de proximité en vue d'inclure les citoyens dans la lutte contre l'insécurité (Saidou 2019). Un plan de réforme de l'armée assorti d'une loi de programmation militaire a été adopté en 2017. La même année, un Forum national sur la sécurité a été organisé, à l'issue duquel l'élaboration d'une politique de sécurité nationale a été lancée (Saidou 2020). Cette politique consacre un changement de paradigme selon l'approche de Hall (1993), car elle marque le passage d'une approche stato-centrée à une approche holistique (Collins 2016). En 2020, le président Kaboré crée un Centre national d'études stratégiques (CNES) dont la mission est d'éclairer la décision publique sur la sécurité nationale⁶. Le CNES a coordonné entre 2020 et 2021 l'élaboration de la stratégie de lutte contre le terrorisme.

En outre, depuis 2016, les budgets affectés à la défense et à la sécurité ont connu une hausse⁷. Pour réaliser cet effort budgétaire, l'État a réduit les budgets de certaines institutions telles que les ministères en charge de la Famille et du Genre, du Commerce, des Affaires étrangères⁸, etc. L'État s'est également tourné vers l'aide internationale en sollicitant le soutien de ses partenaires⁹. L'hypothèse de l'effet « racket » de Tilly ne s'est pas confirmée sous la présidence Kaboré; ce qui s'explique en partie par les tensions qui ont opposé le gouvernement aux syndicats en 2016 et 2017 (Institut Free Afrik 2018). La situation a évolué depuis l'arrivée au pouvoir du capitaine Ibrahim Traoré en septembre 2022. Ce dernier privilégie une stratégie de financement endogène face à la réticence des partenaires extérieurs à financer la formation et l'équipement des Volontaires pour la défense de la patrie (VDP). Les VDP sont des civils recrutés comme supplétifs de l'armée sur la base d'une loi adoptée en 2020 (Pellerin 2022; Zutterling 2020). Le capitaine Traoré a dans un premier temps proposé un prélèvement de 1 pour cent sur les salaires des travailleurs. Face aux réticences des syndicats, il a créé en janvier 2023 un Fonds de soutien patriotique (FSP) pour collecter des contributions volontaires des personnes physiques et morales, des dons et legs¹⁰, etc. À la date du 30 mars 2023, soit deux mois après sa mise en place, le Fonds a permis de collecter plus de 7 milliards de francs CFA¹¹. Ce contraste entre les régimes Kaboré et Traoré dans la capacité de l'État à mobiliser les ressources montre que l'effet « racket » en temps de guerre est tributaire des stratégies et de la nature des régimes politiques.

Sur le plan militaire, la guerre a conduit à des efforts pour rehausser la puissance de l'armée. Le président Kaboré a créé le 2 juin 2021 des « forces spéciales¹² » et a augmenté les effectifs de l'armée pour accroître son maillage territorial. Ses successeurs, le lieutenant-colonel Damiba et le capitaine

Traoré, ont poursuivi ces efforts¹³. En mars 2023, sous la présidence Traoré, les autorités ont réceptionné d'importants équipements au profit de l'armée. Le volontarisme du capitaine Traoré indique l'amorce d'un tournant dans la guerre avec la focale qu'il met sur l'option militaire. Dans le secteur de la justice, un pôle judiciaire spécialisé dans la répression des actes de terrorisme et une brigade spéciale des investigations anti-terroristes et de la lutte contre la criminalité organisée (BSIAT) ont été créés respectivement en 2017 et 2020¹⁴. Si ces mesures ont renforcé l'appareil coercitif, elles ont aussi accentué les rivalités entre forces de sécurité. Les coups d'État de janvier et septembre 2022¹⁵ ont mis en lumière les rivalités au sein de l'armée. Il existe également des tensions entre la police et la gendarmerie, dont les missions se chevauchent (Palenfo 2017). En plus, les policiers se sont souvent plaints d'être sous-équipés alors qu'ils sont déployés dans des zones de guerre. Ces frustrations liées à l'allocation des ressources et équipements sont source de tensions au sein du secteur de la sécurité. Il est significatif d'observer que les coups d'État au Burkina Faso (2022), en Guinée (2021) et au Mali (2020) ont été perpétrés par des forces spéciales créées pour lutter contre l'insécurité. Dès lors, l'augmentation de la puissance de feu de l'armée affecte sa cohésion interne et fragilise la démocratie. Il n'en reste pas moins que l'extension de l'appareil coercitif a renforcé l'État régalien, qui a accru ses capacités à délivrer le service public de la sécurité. Ces réformes se sont accompagnées de mesures de contrôle visant à faciliter la sécurisation du territoire.

La prolifération d'instruments de contrôle

L'État a développé un répertoire d'instruments d'action publique pour gérer la crise. Ces instruments ont contribué à étendre l'État régalien. L'État a mis l'accent sur les instruments de type *command and control* (Lascoumes & Le Galès 2004). Dans cette optique, les restrictions sur la liberté d'aller et de venir ont été instaurées dans les régions telles que celles de l'Est et du Sahel en application de l'état d'urgence. Les mesures de couvre-feu qui en ont découlé visaient à optimiser la sécurisation du territoire par l'armée et les forces de police. Le capitaine Ibrahim Traoré a décrété le 13 avril 2023 la mobilisation générale et la mise en garde¹⁶. Cette décision, que les autorités justifient par le contexte de guerre, est censée élargir les capacités d'action de l'État. Zoma et ses collègues ont montré comment l'insécurité a conduit à l'augmentation des postes de contrôle à l'entrée de la capitale Ouagadougou (Zoma *et al.* 2022). Les contrôles aux frontières ont été également intensifiés. En 2019, l'État a limité la liberté d'expression et de presse à travers un durcissement de la loi pénale¹⁷. L'objectif de cette mesure était de restreindre la liberté

des médias quant à la diffusion de l'information sécuritaire (Bocandé *et al.* 2023). Cette volonté de régenter la prise de parole dans l'espace public s'est aussi concrétisée par le contrôle des réseaux sociaux. Par exemple, sous la présidence Kaboré, le 20 novembre 2021, puis le 10 janvier 2022, le gouvernement a ordonné la coupure de l'internet mobile pour « des raisons de sécurité »¹⁸. Ces décisions ont été prises dans un contexte de contestation du régime Kaboré par certains opposants politiques tels que Monique Yéli Kam¹⁹. Les mesures de restriction de la liberté d'expression se sont renforcées avec le retour des militaires au pouvoir depuis janvier 2022. Les médias sont invités à « accompagner » la propagande gouvernementale et à s'interdire toute opinion critique, d'où l'émergence, d'ailleurs, d'une controverse sur le rôle de la presse en temps de guerre²⁰.

Les forces de sécurité ont intensifié leur veille contre la cybercriminalité afin de réprimer la diffusion des fausses informations et des discours de haine²¹. Le 20 juin 2022, les autorités ont créé des zones d'intérêt militaire où toute présence humaine est interdite²². Elles ont en plus interdit l'importation et l'usage de plusieurs marques d'engins à deux roues dans certaines régions pour un temps limité²³. À travers la Cellule nationale de traitement des informations financières (CENTIF), l'État a renforcé ses instruments de lutte contre le blanchiment des capitaux et le financement du terrorisme. Ces instruments de contrôle ont augmenté la capacité de pénétration sociale de l'État. Ils ont cependant contribué à éroder la légitimité de l'État du fait des frustrations suscitées dans les communautés. Autant le contrôle intempestif sur les axes routiers a un effet dissuasif, autant les rackets exercés par les agents de sécurité sur les citoyens creusent le fossé entre l'État et les citoyens (Zoma *et al.* 2022). L'instauration du couvre-feu et l'interdiction des engins à deux roues ont également des effets contre-productifs. Ces mesures accentuent la précarité des citoyens, comme le montre le cas du Niger (CNESS 2018). Or la vulnérabilité des citoyens est exploitée par les groupes armés, qui recrutent désormais localement (Quidelleur 2020). Les citoyens expriment leurs frustrations par la contestation à travers des manifestations²⁴, des conférences de presse et des stratégies de contournement. La contestation est l'expression d'un ras-le-bol, non seulement à l'égard de l'insécurité, mais aussi à l'égard des abus des forces de sécurité envers les citoyens²⁵.

Les syndicats de transporteurs ont à plusieurs reprises dénoncé les tracasseries sur les axes routiers à travers des conférences de presse et parfois des grèves. D'autres citoyens, pour échapper au contrôle, limitent leurs déplacements ou contournent les axes routiers en empruntant des pistes (Hagberg *et al.* 2019:60). Dans les régions comme celle du Sahel,

les stratégies de contournement de la mesure d'interdiction de circulation des engins à deux roues sont rendues aisées du fait de la faible présence de l'armée. Ces faits corroborent les résultats des travaux sur les résistances aux instruments de politiques publiques (Le Bourhis & Lascoumes 2014). Ils montrent que la quête du monopole de la violence se fait dans une logique patrimoniale, illustrant le caractère hybride de la formation étatique (Médard 2016; Bayart *et al.* 2019). Comme le soutient Chena (2014:130) :

« [...] la souveraineté de l'État ne tient pas uniquement aux moyens dont il dispose pour sa mise en œuvre, aux représentations qui le guident, mais aussi aux intérêts et aux préférences des agents de l'État qui peuvent développer des stratégies contradictoires à la politique officielle, ou alors peuvent tirer profit du contournement des règles formelles de droit à leur profit. »

Contrairement aux expériences occidentales (Kiser & Linton 2001), au Sahel, les « rackets » sont parfois opérés à titre privé. Plutôt que d'accroître la capacité extractive de l'État, la guerre accroît l'enrichissement illicite des agents publics. Les efforts de l'État face à la crise ont aussi pris la forme de politiques relatives au vivre-ensemble.

La relance du projet de construction nationale

La guerre a remis dans l'agenda institutionnel le projet de construction d'une identité nationale. En effet, la dynamique de consolidation de l'État se traduit par des stratégies visant à consolider l'idée de nation burkinabè. Celles-ci prennent la forme de politiques publiques à la fois tangibles et symboliques.

Le vivre-ensemble par le « concret » : les politiques tangibles

Tout comme le séparatisme touareg au Niger et au Mali (Mohamadou 2018), la guerre a mis en lumière les inégalités économiques entre les régions et groupes sociaux du Burkina Faso. Elle reflète les clivages structurels qui traversent la société burkinabè. L'exclusion de certains groupes comme les Peulhs a été considérée comme une des caractéristiques de l'État au Sahel (Bouquet 2013; Englebert & Lyammouri 2022:18). Cette exclusion se caractérise par des déficits d'investissements de développement dans les régions périphériques. Plusieurs analyses ont montré comment les inégalités qui datent de la période coloniale ont contribué à alimenter la violence²⁶ (Palm 2020:25). L'Institut Free Afrik (2018:47) a ainsi établi la corrélation entre le niveau de pauvreté et le niveau de violence; les régions les plus touchées par l'insécurité étant parmi les plus précaires du pays. Pendant des années, des régions telles que celles de l'Est et celle du Sahel ont souffert de

l'enclavement en raison de la vétusté du réseau routier. Des mouvements de protestations ont même émergé dans ces régions pour exiger plus d'investissements²⁷. Face à ce défi, l'État a depuis 2016 été à l'initiative de plusieurs stratégies qui ont eu pour effet de sauvegarder l'idée de nation, malgré les fractures sociales. En 2017, le président Kaboré a fait adopter le Programme d'urgence pour le Sahel (PUS-BF) en vue de réduire la pauvreté dans cette région (Burkina Faso 2017). Depuis 2019, ce programme a été étendu aux régions du Centre-Nord, du Centre-Est, de la Boucle du Mouhoun et de l'Est.

Le rapport de mise en œuvre du PUS-BF pour l'année 2021 fait ressortir plusieurs mesures concrètes, notamment la construction d'infrastructures de santé et de sécurité, l'appui à la sécurité alimentaire, la formation professionnelle, l'appui à l'autonomisation des femmes et des jeunes²⁸, etc. Le PUS-BF est donc holistique comme politique publique, car intégrant tous les secteurs du développement. Il traduit ainsi la réponse non militaire de l'État à la crise sécuritaire. Dans le même esprit, une stratégie nationale de prévention de la radicalisation et de lutte contre l'extrémisme violent a été adoptée en 2022 pour la période 2022-2025. Avec les déplacements massifs des populations, l'État a dû ajuster ses politiques éducatives en développant une « école en situation d'urgence » (Burkina Faso 2020). Ses interventions sociales se sont accrues avec une politique humanitaire plus ambitieuse soutenue par des organismes internationaux (Oxfam 2019). Cette transformation s'est matérialisée par l'insertion de la dimension humanitaire dans l'architecture gouvernementale²⁹. Avec les coûts humains (décès, blessures) enregistrés au sein des agents publics, l'État a élaboré à partir de 2018 plusieurs textes pour organiser la prise en charge des victimes du terrorisme issues de l'administration, de l'armée et des forces de sécurité intérieure³⁰.

En accordant une attention aux « gens d'en bas », aux couches vulnérables, les autorités tentent de préserver l'image d'un État social et le sentiment d'appartenance à la nation. Des déficits ont cependant été observés dans la mise en œuvre de ces politiques non seulement du fait du contexte de guerre, mais aussi en conséquence des logiques clientélistes. À titre d'exemple, l'élaboration et la mise en œuvre du Programme d'urgence pour le Sahel se sont faites comme par le passé, c'est-à-dire selon une méthode centralisée, sans concertation sérieuse avec les communautés locales³¹. Une telle démarche maintient la méfiance des communautés locales vis-à-vis de l'État. Selon Aziz Diallo, maire de Dori jusqu'en février 2022, aucun des maires de la région du Sahel n'a été consulté dans l'élaboration de ce programme³². Si certains leaders locaux des régions en état de guerre reconnaissent les efforts de l'État

depuis le début de l'insécurité, ils continuent de penser que les solutions sont loin d'aborder les problèmes structurels. Malgré ces frustrations, les efforts déployés par l'État pour réduire les inégalités ont permis de préserver l'idée de nation burkinabè. Cette volonté de déploiement de l'État vers ses périphéries et les groupes marginalisés est une tendance aussi observée au Niger et au Mali (Coulibaly & Lima 2013). L'État a également investi dans les symboles pour préserver le vivre-ensemble.

Le vivre-ensemble par la socialisation : les politiques symboliques

Comme partout ailleurs, l'État a des assises symboliques, d'où l'intérêt de la science politique pour les « liturgies politiques » (Braud 2004:76; Schneider & Ingram 1993:338). La formation de l'État ne se résume pas au monopole militaire, elle inclut également la création de l'imaginaire national (Rosanvallon 1993). L'État développe des politiques pour créer le sentiment d'appartenance à la nation, celle-ci étant une « communauté imaginée ». Selon Braud (2004:96), l'État apparaît comme l'architecte de la nation « à travers la conscience identitaire qu'il contribue puissamment à forger ». Il n'est donc pas toujours le bras armé ou le « bouclier » de la nation. Au Burkina Faso, la lutte pour la reconstruction de la colonie de Haute-Volta dans les années 1940 a été un moment catalyseur dans la construction nationale³³ (Sinon 2022). L'État postcolonial a élaboré des politiques de construction nationale en sacrifiant dans la foulée le pluralisme politique (Palm 2020:31-43). Le président Maurice Yaméogo (1960-1966) avait investi dans des instruments tels que le parti unique, l'hymne national, la devise, le drapeau national, etc. La conservation du nom du pays relevait de cette logique comme le souligne Palm : « le nom Haute-Volta préservait la cohésion et l'unité nationale en ce qu'il n'était issu d'aucune de la soixantaine d'ethnies du pays » (2020:32).

Le régime du président Thomas Sankara (1983-1987) a été un tournant déterminant dans cet investissement symbolique. Le changement du nom du pays (de Haute-Volta à Burkina Faso³⁴), la politique administrative, la suppression de l'ethnie sur la carte d'identité ont été autant d'instruments adoptés en vue de booster l'imaginaire national³⁵ (Palm 2020:37-38). Sous la présidence de Blaise Compaoré (1987-2014), un des instruments a été l'organisation tournante de la fête nationale dans les régions. Cette recette qu'on retrouve aussi au Niger consiste à délocaliser la fête hors de la capitale et à réaliser des investissements socioéconomiques dans les régions (Loada & Romaniuk 2014). Cette politique a donc des aspects à la fois tangibles et symboliques. Ces politiques sont renforcées par des mécanismes endogènes de préservation du vivre-ensemble tels que les relations à

plaisanterie³⁶. La violence à laquelle font face les États du Sahel traduit un début d'essoufflement de ces mécanismes de résilience. Depuis 2016, la guerre a remis ces politiques symboliques dans l'agenda institutionnel. Une stratégie de la réconciliation et une stratégie de la cohésion sociale ont été engagées, respectivement en 2021 et en 2022. Un pacte pour le vivre-ensemble est en gestation depuis 2021 au sein du Ministère chargé de la réconciliation. Des instruments communicationnels comme les spots et les émissions médiatiques se sont multipliés pour véhiculer le message sur l'unité nationale³⁷. La société civile s'y investit avec l'engagement des intellectuels³⁸, comme les chercheurs, les cinéastes, les chanteurs, etc.

Un élan de solidarité citoyenne s'est développé à travers une multitude d'initiatives en vue de ravitailler les zones sinistrées et de venir en aide aux déplacés internes³⁹. Pendant la campagne pour l'élection présidentielle de 2020, tous les candidats ont accordé une attention spéciale aux inégalités régionales dans leurs programmes⁴⁰ (Saidou & Bertrand 2022). Tous ont inscrit l'unité nationale et la reconquête du territoire comme priorités. Le débat électoral a été ainsi un moment de sensibilisation sur l'identité nationale et l'inclusion politique des minorités. L'équilibre ethno-régional dans la promotion des élites politiques et administratives a toujours été une loi non écrite visant à contourner le principe universaliste de la citoyenneté. Cette recette a été mobilisée depuis 2016 pour répondre à la demande d'inclusion des minorités⁴¹. Une telle stratégie vise à préserver le sentiment d'appartenance à l'État. Comme l'affirme l'émir du Liptako, chef traditionnel à Dori, «plus on est représenté dans l'appareil d'État, plus on s'identifie à lui⁴²». L'inclusion politique des minorités comme les Touaregs fait également partie des recettes auxquelles ont eu recours le Niger et le Mali dans le contexte de guerre (Saidou 2014; Mohamadou 2018). Ces stratégies symboliques ont eu pour principal effet de maintenir l'idée de nation burkinabè, de raviver la flamme du patriotisme chez les Burkinabè. Si elles renforcent l'État malgré l'érosion de sa souveraineté territoriale, d'autres mesures tendent à précipiter sa désagrégation.

Des dynamiques de délitement : entre déclassement et informalisation

La guerre au Sahel secrète un processus de délitement de l'État, confirmant ainsi les mutations auxquelles il est exposé depuis des décennies. Cette dynamique résulte de ses politiques internationales en matière de sécurité et de ses stratégies de canalisation des groupes d'autodéfense. Ces tendances conduisent à s'interroger sur l'avenir de l'État en tant que mode de régulation de la société.

La communautarisation de la sécurité : l'État doublement déclassé

Les politiques de coopération sécuritaire de l'État contribuent à son déclassement dans l'espace géopolitique régional. Ce déclassement résulte de deux processus. D'abord, la souveraineté de l'État se trouve émiettée du fait de l'action des organisations régionales. Ensuite, la souveraineté de ces organisations est elle-même captée par des puissances extra-africaines.

L'émiettement de la souveraineté étatique

La guerre accroît l'essor des acteurs transnationaux et supranationaux et accélère le délitement de l'État. Ce dernier se déploie dans l'arène internationale en quête de solution au défi sécuritaire (Chena 2014:118). La lutte contre le terrorisme renforce les dynamiques communautaires enclenchées dans le cadre de l'intégration régionale. Au niveau continental, l'Union africaine a élaboré une vision sécuritaire matérialisée par l'architecture africaine de paix et de sécurité (Ibriga & Fau-Nougaret 2015). Ces mutations sont observables en Afrique de l'Ouest avec l'élargissement de l'agenda de la Communauté économique des États d'Afrique de l'Ouest (CEDEAO). Créée en 1975 avec une vision économique, cette organisation a au fil des années intégré dans son agenda la sécurité et la démocratie (Sourwéma 2020). En 2016, la CEDEAO a adopté une politique sur les processus de réforme et de gouvernance du secteur de la sécurité. Elle s'est dotée d'une stratégie de lutte contre le terrorisme en 2013. Plus récemment, la CEDEAO a décidé lors du Sommet des chefs d'État et de gouvernement du 5 décembre 2022 de la création d'une force antiterroriste. La création en 2014 du G5 Sahel et de sa force conjointe marquent un tournant dans la communautarisation des politiques de sécurité. Sous l'égide du G5 Sahel, les États membres ont adopté des stratégies de prévention et de lutte contre la radicalisation et l'extrémisme violent (Bagayoko 2019). Ces transformations sont aussi visibles au niveau d'autres organisations régionales, telles que l'Autorité du Liptako Gourma (ALG) et l'Union économique et monétaire ouest-africaine (UEMOA). L'UEMOA a créé en 2016 une Délégation à la paix et la sécurité. La même année, l'ALG a révisé son Traité pour introduire la sécurité dans ses missions.

En 2017, l'ALG avait envisagé la création d'une force conjointe avec les armées des trois États membres (Mali, Niger, Burkina Faso⁴³). Le 16 septembre 2016, ces États ont créé l'Alliance des États du Sahel (AES) comme cadre de sécurité collective. Un autre mécanisme régional dénommé « Initiative d'Accra » a été lancé en 2017, regroupant le Togo, le Ghana, la Côte d'Ivoire, le Burkina Faso et le Bénin⁴⁴. Dans le bassin du lac Tchad,

face au groupe Boko Haram, le Nigéria, le Niger, le Tchad et le Cameroun ont mis en place en 2015 la force mixte multinationale (Cold-Ravnkilde & Plambeck 2015:52-54). Cette prolifération de mécanismes communautaires conduit à une gouvernance multiniveau (Sorensen 2006) et à un émiettement de la souveraineté⁴⁵. La sécurité cesse d'être un monopole étatique. Engagé dans une multitude d'organisations, l'État voit sa souveraineté sécuritaire se morceler. Cette dynamique est consolidée par la coopération bilatérale qu'il entretient avec des puissances étrangères. Plusieurs « stratégies Sahel » ont été recensées, portées par des États comme la Chine et la France, des organisations régionales comme l'Union européenne ainsi que de nombreuses ONG⁴⁶. Certaines ONG humanitaires ont tendance à concurrencer, voire à déclasser l'État dans la prise en charge des personnes déplacées internes⁴⁷. Les décisions des autorités burkinabè de suspendre les activités du Conseil norvégien pour les réfugiés en 2021 et d'interdire la distribution de cash aux personnes déplacées internes en 2022 attestent des tensions entre l'État et les organismes humanitaires internationaux. S'il a été reproché au Conseil norvégien pour les réfugiés de « discréditer » le Burkina Faso dans les médias internationaux⁴⁸, la distribution de cash a été perçue comme une source de conflit entre personnes déplacées et populations hôtes⁴⁹.

Ces acteurs internationaux sont devenus incontournables essentiellement en raison de la faiblesse financière de l'État. Les organisations régionales telles que l'ALG et le G5 Sahel dépendent financièrement des puissances occidentales. Ce poids de l'international est ainsi étroitement lié à l'aide publique au développement. Avec les régimes Goita au Mali et Traoré au Burkina Faso, l'on observe cependant un revirement diplomatique marqué par une réduction de l'influence française⁵⁰. Le Niger s'est engagé dans la même voie depuis le coup d'État de juillet 2023. L'influence internationale n'en reste pas moins prégnante puisque le Mali et le Burkina Faso se sont tournés vers la Russie comme partenaire en matière de défense. Au début de la crise, plutôt que de développer une capacité de « racket » vers leurs citoyens, les États ont sollicité l'aide internationale pour financer l'effort de guerre, notamment dans le cadre du G5 Sahel. Or, comme le montre le cas du Forum national sur la sécurité en 2017 au Burkina Faso, les partenaires étrangers encadrent subtilement les réformes à travers leur appui en expertise. Les experts du Projet d'appui au renforcement de la sécurité intérieure (PARSIB) financé par l'Union européenne ont pris une part décisive dans l'élaboration du rapport général du forum. Du reste, ces interventions internationales ont jusque-là échoué à résoudre l'insécurité (Bagayoko 2021:6; Englebert & Lyammouri 2022:16). Cette reconfiguration géopolitique accentue le déclassement de l'État qui

tend à devenir un acteur presque comme les autres. Si la souveraineté de l'État se trouve morcelée du fait de la prolifération d'organisations communautaires, celles-ci sont aussi l'objet d'instrumentalisation par des puissances extra-africaines.

La captation de la souveraineté communautaire

Ce phénomène de captation de la souveraineté des États ou des organisations internationales n'est pas en soi nouveau en Afrique (Badie 1992), mais il s'est accentué avec la guerre contre le terrorisme, dont les enjeux géopolitiques sont nombreux. L'un des problèmes de l'Union africaine est sa forte dépendance financière à l'égard des puissances telles que la Chine, l'Union européenne et le Japon. D'où ses difficultés à implémenter sa force en attente, un des piliers de son architecture de paix et de sécurité (Ibriga & Fau-Nougaret 2015). Le cas du G5 Sahel est un exemple éloquent illustrant la captation de la souveraineté des organisations communautaires dans le secteur de la sécurité (Bassou 2017). Dès sa naissance, cette organisation a été très vite récupérée par la France qui en a fait un instrument stratégique de sa politique sahélienne (Carayol 2023 ; Helly 2015). Comme le défend une leader de la société civile malienne, « ce ne sont pas les États du Sahel qui gèrent le G5 Sahel⁵¹ ». L'alliance stratégique que la France a établie avec le Tchad, véritable bras armé militaire du G5 Sahel, a facilité son emprise sur cette organisation. Le cas du Burkina Faso était plus problématique dans la mesure sous la présidence Kaboré, ce pays semblait être parmi les États membres les moins influents.

La France s'est, au fil des années, imposée comme le porte-parole *de facto* des États du G5 Sahel dans l'arène internationale. Cela explique en 2022 la décision du Mali de quitter les organes et instances de cette organisation, simple conséquence de sa rupture militaire avec la France. La CEDEAO n'échappe pas à cette logique de captation diplomatique par des puissances étrangères. La crise au Mali a permis d'observer des pressions diplomatiques exercées par la France sur cette organisation. Depuis le coup d'État d'août 2020 au Mali, le président français Emmanuel Macron et ses alliés sahéliens tels que Mohamed Bazoum du Niger ont eu des propos très virulents à l'encontre des autorités maliennes⁵². Le président Macron a eu la même attitude face au Niger depuis le coup d'État qui a renversé Mohamed Bazoum en juillet 2023. L'idée d'État fédéral entre le Mali, le Burkina Faso et la Guinée lancée par le Premier ministre burkinabè en janvier 2023 est l'expression d'une diplomatie de contestation face à l'influence que des puissances extra-africaines exercent sur la CEDEAO. Les influences étrangères sur les organisations africaines sont parfois plus subtiles et se

caractérisent par le transfert des modèles (Darbon 2009). Tidjani Alou (2012) a montré que les transferts de politiques publiques s'opèrent parfois à travers des organisations régionales africaines, telles que l'UEMOA. C'est par cette organisation que la réforme du LMD (licence-master-doctorat) s'est par exemple diffusée dans les huit États membres⁵³.

Comme le montre le cas du Burkina Faso, dans l'espace CEDEAO, c'est l'outil de la RSS (réforme du secteur de la sécurité), diffusé en Afrique par des organismes tels que le Centre pour la gouvernance du secteur de la sécurité de Genève (DCAF) qui sert de modèle pour les réformes sécuritaires (Saidou 2020). Comme le montre l'analyse de Bagayoko (2021:8), en matière de réformes sécuritaires, la tendance des États du Sahel est de s'aligner sur les standards étrangers sans véritable contextualisation. La guerre accélère ces processus de transferts de modèles et consolide le déclassement de l'État au Sahel. L'exemple sahélien relativise la thèse réaliste sur les organisations tendant à considérer celles-ci comme de simples instruments des États membres. En effet, les organisations régionales peuvent servir les intérêts des États autres que ceux qui les ont créées (Tidjani Alou 2001b). L'arène géopolitique africaine est ainsi fortement marquée par les influences des puissances extra-africaines telles que la Chine, la Turquie, la Russie, la France et les États-Unis. C'est en raison de cette asymétrie de puissance que Sindjoun souligne « l'impuissance des puissances africaines » (Sindjoun 2002b:220-230). L'État se transforme également par le bas à travers sa politique envers les groupes d'autodéfense.

L'État face aux groupes d'autodéfense ou l'ambiguïté d'une politique publique

La stratégie de l'État face aux groupes d'autodéfense est un site d'observation de la formation de l'État selon le modèle « belliciste » de Tilly. La politique de l'État envers ces groupes privés est marquée par une ambiguïté. En effet, si cette politique vise à assurer la monopolisation de la violence par l'État, ce processus s'effectue selon des règles hybrides. Dès lors, la quête du monopole militaire n'occulte pas les incertitudes qui caractérisent la formation étatique.

Les tentatives d'étatisation des initiatives privées de sécurité

Comme dans la plupart des États du Sahel, au Burkina Faso, la sécurité n'a jamais été un monopole strict de l'État (Saidou 2019). Sous le régime de Thomas Sankara (1983-1987), les Comités de défense de la Révolution (CDR) ont joué un rôle majeur dans la sécurité publique (Saidou, Semdé & Compaoré 2023:182-184; Kyélem de Tàmbèla 2012:131-154). En

outre, depuis plusieurs années, des groupes d'autodéfense participent à la production de la sécurité. Il s'agit notamment des Dozos, des Koglweogo, des associations Wend Panga et des Rugas (Compaoré & Bojsen 2020 ; Hagberg *et al.* 2019). Quidelleur (2022:4) décrit une « milicianisation de la société » où les citoyens s'impliquent dans les groupes armés et prennent en charge les fonctions de sécurité. La prolifération de ces groupes a conduit à une érosion du monopole de l'État dans les domaines militaire, fiscal, judiciaire et normatif. Les groupes Koglweogo existent depuis les années 2000 et se sont multipliés depuis 2016. Leur mode de fonctionnement reflète un rejet du droit public qui régit l'État moderne (Soré & Côte 2021). En effet, leur répertoire d'action exclut certains principes des droits humains tels que la présomption d'innocence et le droit à l'intégrité physique⁵⁴.

En clair, avec la pratique courante de la torture sur les présumés bandits, ces groupes affirment leur rejet de la conception officielle des droits humains. Dès 2016 déjà, les Koglweogo bénéficiaient de la bienveillance de l'État qui tolérait leurs actions illégales, comme au Mali où l'essor des groupes d'autodéfense date des années 1990 avec la rébellion touarègue. Comme le montrent Soré et Côte (2021:273), face à la crise, « l'État a laissé sa fierté [pour se focaliser] sur leurs aspects pragmatiques⁵⁵ ». Le Niger a une doctrine différente⁵⁶ (ICG 2021). Plutôt que de s'appuyer sur des supplétifs ou des groupes d'autodéfense, l'État nigérien a opté pour un recrutement massif des jeunes dans l'armée⁵⁷. Depuis 2016, les stratégies adoptées au Burkina Faso sur la participation citoyenne à la lutte contre l'insécurité visent à maintenir le monopole étatique de la violence sur le territoire.

C'est dans ce sens qu'il faut saisir la réforme de la police de proximité en 2016⁵⁸ et le recours depuis 2020 aux supplétifs à travers la loi sur les VDP (Zutterling 2020). Avec ces réformes, l'État cherche à encadrer la participation citoyenne à la guerre. Le décret de 2016 sur la police de proximité interdit par exemple la détention illégale d'armes, la torture, etc. L'inclusion des groupes d'autodéfense dans la police de proximité s'inscrit dans une « réorientation » de cette politique publique⁵⁹. L'adoption de la loi sur les VDP procède de la même logique, car l'objectif était de canaliser les efforts citoyens dans la lutte contre l'insécurité. D'ailleurs, dans certaines localités, les VDP sont d'anciens membres recyclés des groupes Koglweogo (Soré & Côte 2021:273). Ces processus confirment les résultats de travaux antérieurs selon lesquels la formation étatique se fait par l'abolition progressive de la violence privée (Tilly 1985 ; Schneckenner 2017). Cette volonté de formalisation des pratiques privées est un élément constitutif de la formation de l'État. Cependant, la forme que cette stratégie prend est loin de renforcer la bureaucratisation de l'État.

L'improbable bureaucratisation de l'État

Tout en reflétant une logique anti-État en rejetant certains de ses principes juridiques, les groupes d'autodéfense Koglweogo incarnent également une quête d'État. Ce dernier exerce une attraction sur ces groupes qui s'approprient ses codes et usages. Comme le montre Quidelleur, « [...] les représentants Koglweogo comprennent rapidement qu'ils ont intérêt à mimer les codes de l'État pour s'afficher comme partenaires incontournables » (Quidelleur 2022:8). Ils puisent dans le répertoire des « corps habillés » pour se légitimer et se distinguer des citoyens ordinaires (Quidelleur 2022:8). Ce mimétisme se traduit par exemple par la production des cartes de membres avec les symboles de l'État, des ordres de mission, la mise en place d'un « commandement national », l'élaboration de « codes » en matière pénale, etc. Ces faits corroborent l'analyse de Bayart sur le rapport des sociétés africaines à l'État : « l'imaginaire bureaucratique, la demande d'État sont résilients dans les sociétés subsahariennes, y compris chez les « en bas du bas » comme l'on dit en Côte d'Ivoire » (Bayart 2016:163).

Au Forum national sur la sécurité en octobre 2017, les chefs des Koglweogo ont exprimé leur volonté de coopérer avec les forces de sécurité. Ces processus, qui s'apparentent à un début de bureaucratisation des groupes d'autodéfense, facilitent les efforts déployés par l'État pour les canaliser. Ainsi, d'une part, l'État, jaloux de son monopole militaire, tente d'intégrer ces groupes dans sa sphère, et de l'autre, ces groupes eux-mêmes engagent un processus de bureaucratisation qui les rapproche de l'État. Ce double processus secrète un dépérissement progressif des groupes d'autodéfense en faveur des VDP et des associations de sécurité intégrées dans la police de proximité. La décision du gouvernement de donner désormais la priorité aux VDP dans le recrutement au sein de l'armée confirme cette étatisation des groupes d'autodéfense. Cependant, ce processus de monopolisation de la violence n'occulte pas les dynamiques d'hybridation (Bayart *et al.* 2019). En effet, si les Koglweogo s'inscrivent dans le système sécuritaire public, ils y importent leurs normes privées qui sont aux antipodes des normes bureaucratiques de l'État. Cela se traduit par le rejet par ces groupes du droit officiel au profit de leurs propres règles (Zutterling 2020). La présomption d'innocence par exemple, principe essentiel dans le droit pénal officiel, est souvent foulée aux pieds.

D'ailleurs, l'avènement des VDP n'a pas encore fait disparaître totalement les groupes d'autodéfense (Soré & Côte 2021:276). Les membres de ces groupes, recyclés au sein des VDP, agissent certes sous le contrôle de l'armée, mais il arrive que certains d'entre eux reproduisent les pratiques illégales et informelles telles que la torture, voire les exécutions sommaires de présumés

terroristes (Pellerin 2022). Dans certaines localités, des membres de la communauté peulh ont affirmé avoir été exclus du recrutement des VDP (Tisseron 2021:24). C'est pourquoi le lancement en octobre 2022 d'une opération de recrutement de 50 000 VDP a suscité des controverses. Qui plus est, le contexte de guerre fait que l'armée elle-même a parfois commis des abus contre les citoyens dans la lutte contre l'insécurité (Human Rights Watch 2021). En clair, si les faits confirment la thèse de Tilly en montrant comment en temps de guerre l'État tente de monopoliser la violence sur son territoire, ce processus secrète un État hybride dans lequel cohabitent normes bureaucratiques et normes informelles.

Conclusion

Cet article montre que le modèle de Tilly conserve sa fécondité heuristique pour saisir les dynamiques étatiques au Sahel. Il relativise l'argument selon lequel ce modèle serait obsolète ou sous-équipé pour analyser l'État en Afrique. En effet, le cas empirique du Burkina Faso montre que le Sahel reste un site d'observation privilégié des transformations de l'État à partir de son activité guerrière. Cet exemple met en évidence la manière dont la guerre contre l'insécurité induit une dynamique de formation de l'État. L'érosion de la souveraineté territoriale de l'État n'empêche pas ce dernier de développer son appareil coercitif et de maintenir l'idée de nation. Pour gérer l'insécurité, l'État a été contraint à une remise à plat de ses politiques de sécurité à travers une extension de son appareil coercitif, mais aussi des politiques publiques pour préserver le vivre-ensemble. Ce renforcement de l'État et de la nation n'occulte pas la tendance au délitement. En effet, les politiques extérieures de l'État et sa stratégie à l'égard des groupes d'autodéfense entraînent une dilution de sa souveraineté interne et externe. Sur le plan externe, la communautarisation de la sécurité renforce le déclassement de l'État dans l'arène géopolitique, tandis qu'au plan interne, son rapport aux groupes d'autodéfense consolide son hybridité.

Le cas burkinabè montre qu'en temps de guerre, la quête de monopole militaire par l'État se fait selon des processus complexes dans lesquels sont enchevêtrées normes bureaucratiques et normes informelles (Chabal & Dalloz 1999). La formation étatique s'accommode de l'informalisation des rapports sociaux et de la prédation des biens publics. Ce déficit d'institutionnalisation de l'État explique pourquoi la hausse des budgets des armées ne réduit pas de façon mécanique l'insécurité. La guerre est devenue une nouvelle opportunité d'enrichissement illicite pour certains acteurs au sommet de l'État, mais aussi à la base. Certes, la guerre étend l'appareil militaire, relance le projet de construction d'une identité nationale,

mais elle accentue concomitamment la patrimonialisation de l'État, son informalisation et son déclassement. Cette ambivalence appelle à rompre avec la vision téléologique selon laquelle tous les États auraient vocation à s'inscrire dans le modèle occidental. Si la guerre accélère la formation de l'État au Sahel, ce processus secrète un État spécifique, qui à certains égards, s'éloigne du modèle idéal-typique wébérien.

Notes

1. Ces propos ont été diffusés dans un audio sur WhatsApp auquel nous avons eu accès grâce à un proche d'un soldat.
2. Les débats théoriques relatifs à l'État et la mondialisation sont marqués par une forte controverse (Marsh, David *et al.* 2006 ; Sorensen 2006).
3. Pour une discussion critique sur la thèse de Tilly, lire Hendrik Spruyt (2011).
4. Ce fut en qualité de membre du Comité d'organisation du Forum national sur la sécurité en 2017 et du groupe d'experts sur la réconciliation nationale en 2021.
5. La première guerre contre le Mali (1974-1975) a contribué à augmenter la puissance de l'armée burkinabè (Lamizana 1999:299-323).
6. Décret n° 2020-0175/PRES/PM/MDNAC/MINEFID du 27 février 2020.
7. Selon l'Institut Free Afrik (2018:45), de 2018 à 2019, cette hausse a été de 23, 41 % pour la défense et 38,99 % pour la sécurité.
8. <https://www.leconomistedufaso.bf/2022/10/24/hausse-des-depenses-securitaires-et-terrorisme-pas-encore-efficace/>, consulté le 1^{er} décembre 2022.
9. L'Union européenne a financé par exemple le « Projet d'appui au renforcement de la sécurité intérieure » (PARSIB) de 2016 à 2019.
10. <https://www.sig.bf/2023/04/fonds-de-soutien-patriotique-plus-7-milliards-francs-cfa-mobilises-en-deux-mois/>, consulté le 10 avril 2023.
11. Ces fonds ont été principalement collectés à travers les prélèvements effectués sur les boissons par la Société de distribution des boissons (BRAKINA/SODIBO), soit 75,38 %. Les contributions volontaires représentent 4,77 %. Pour plus de détails, voir <https://www.wakatsera.com/burkina-fonds-de-soutien-patriotique-plus-de-sept-milliards-fcfa-collectes/> consulté le 10 avril 2023.
12. Ces forces ont été créées par le décret n° 2021-0480/PRES/PM/MDNAC du 2 juin 2021.
13. À titre illustratif, le président Damiba a rappelé dans les rangs d'anciens militaires en mars 2022 et le président Traoré a lancé un recrutement exceptionnel de 3 000 soldats en octobre 2022.
14. www.justice.gov.bf/wp-content/uploads/2021/10/Synthese-du-rapport-de-la-rentree-2021-2022-des-juridictions-du-Burkina-Faso.pdf, consulté le 1^{er} décembre 2022.
15. Le coup d'État de janvier a porté au pouvoir le lieutenant-colonel Paul Henri Damiba qui sera renversé en septembre par le capitaine Ibrahim Traoré avec l'appui des forces Cobra.
16. <https://lefaso.net/spip.php?article120799>, consulté le 14 avril 2023.

17. Les dispositions adoptées interdisent la diffusion d'informations en lien avec le déplacement des forces de sécurité, leur armement, leur position géographique, etc.
18. <https://burkina24.com/2022/01/10/burkina-faso-que-se-passe-t-il-encore-avec-linternet-mobile/>, consulté le 5 novembre 2022.
19. Plus tard, le 21 janvier 2022, celle-ci a appelé l'armée à « prendre ses responsabilités », infowakat.net/gouvernance-politique-monique-kam-appel-larmee-a-prendre-ses-responsabilites/, consulté le 9 août 2022.
20. Voir à ce propos le débat organisé par la télévision BF1 le 2 avril 2023, <https://www.youtube.com/watch?v=uxzmvOUTE6s>, consulté le 10 avril 2023.
21. C'est le cas des menaces de mort contre le journaliste Newton Ahmed Barry en juin 2022. L'auteur de la menace a été retrouvé et jugé, <https://minute.bf/appeal-a-violence-contre-newton-ahmed-barry-b-i-condamne-a-12-mois-de-prison-dont-6-mois-ferme/>, consulté le 6 septembre 2022.
22. Ces zones sont situées dans les régions du Sahel et de l'Est et couvrent respectivement 37 758 km² et 12 205 km², <https://www.rfi.fr/fr/afrique/20220621-burkina-creation-de-zones-d-interet-militaire-ou-toute-presence-humaine-est-interdite>, consulté le 13 septembre 2022.
23. Il s'agit notamment des motocyclettes de marque Aloba et des substances explosives. Ces mesures ont été annoncées par le ministre du Commerce et par des communiqués datés du 1^{er} juillet 2022.
24. C'est l'exemple de la manifestation du 27 août 2022 dans la ville de Dori dans la région du Sahel, <https://www.rfi.fr/fr/afrique/20220827-au-burkina-faso-les-populations-du-sahel-ont-marche-pour-denoncer-linsécurité>, consulté le 5 novembre 2022.
25. Un Collectif contre l'impunité et la stigmatisation des communautés (CISC) a été fondé en 2019 pour dénoncer les abus des forces de sécurité contre les civils.
26. Dans les années 1950, la capitale Ouagadougou bénéficiait de la moitié du budget de la colonie de Haute-Volta. Cela a conduit Nazi Boni à proposer en 1954 la création d'un nouveau territoire (Palm 2020:27). En 1977, cette demande sera reprise par le Mouvement autonomiste de l'Ouest « dont les objectifs affichés étaient la création d'un État, la République de Kénédougou » (Palm 2020:34).
27. C'est l'exemple de la manifestation organisée en 2021 à Fada NGourma à l'appel du Mouvement *U Gulmu Fi* pour protester contre l'insécurité et la marginalisation économique de la région de l'Est.
28. Ces données sont disponibles sur le site du PUS-BF, <https://pus-bf.org>.
29. Avec la crise sécuritaire, le ministère de la Femme a été rebaptisé pendant le premier mandat de Roch Kaboré « ministère de la Femme, de la Solidarité nationale, de la Famille et de l'Action humanitaire ».
30. À titre d'exemple, on peut citer le décret n° 2021-0913 portant institution d'une délégation de solde aux ayants droit du militaire décédé en opérations intérieures ou du fait d'acte terroriste et le décret n° 2019-0140 portant modalités d'indemnisation de l'agent des forces de la police nationale, de la garde de sécurité pénitentiaire, des douanes ou des eaux et forêts ayant subi des préjudices dans l'exercice ou en raison de l'exercice de ses fonctions. Entretien à Ouagadougou, 28 décembre 2021.

31. Entretien avec Moumouni Dialla, Ouagadougou, le 17 octobre 2019.
32. Nos notes lors d'une conférence publique à Ouagadougou le 29 juillet 2022 à laquelle s'était exprimé Aziz Diallo.
33. La colonie de Haute-Volta, créée en 1919, a été démantelée en 1932, puis rétablie en 1947 (Palm 2020).
34. Le nom Burkina Faso dérive de trois langues, le mooré, le dioula et le fulfuldé. Sankara a adopté également un nouvel hymne national dont le nom (le *Dyitané*) dérive du lobiri (Palm 2020:38).
35. Au Colloque international « Thomas Sankara et le développement » (Ouagadougou, 26-28 juillet 2022), plusieurs intervenants ont souligné ce volontarisme de Sankara sur l'unité nationale.
36. Sur ces relations à plaisanteries au Burkina Faso, lire Nyamba (2001).
37. Le 28 août 2022, le gouvernement a réuni 700 imams et prêcheurs musulmans pour échanger sur la cohésion et la conception d'un contre-discours face aux idées extrémistes des groupes armés.
38. Voir à titre d'exemple la tribune de Mathias Ollo Kambou et Yoporeka Somé, <https://faso7.com/2022/08/17/tribune-guerir-de-la-haine-de-soi-yoporeka-somet-et-mathias-ollo-kambou/>, consulté le 6 septembre 2022.
39. On peut citer comme exemple les campagnes de collecte de dons lancées par le Groupe d'action pour le Soum, <https://www.sidwaya.info/blog/groupe-daction-pour-le-soum-une-initiative-pour-soutenir-la-lutte-contre-le-terrorisme/>, consulté le 5 décembre 2022.
40. Voir à titre d'exemple le programme du candidat Roch Marc Christian Kaboré (Kaboré 2020:15).
41. C'est le cas de la nomination des élites peulhs comme le général Oumarou Sadou au poste de chef d'état-major général des armées en décembre 2016 et de Yéro Boly à celui de ministre d'État chargé de la réconciliation nationale en 2022. Plus récemment, le capitaine Traoré a nommé le 31 mars 2023 un autre officier peulh, le colonel Moussa Diallo, au poste de chef d'État-major adjoint des armées. Cf. journal *L'Événement*, n° 492 du 10 avril 2023.
42. Propos tenus à la Conférence régionale sur les défis sécuritaires, Ouagadougou, 21 juillet 2022.
43. Mamane Tahirou, Conférence régionale sur les défis sécuritaires, Ouagadougou, 21 juillet 2022.
44. <https://issafrica.org/fr/iss-today/linitiative-daccra-peut-elle-prevenir-le-terrorisme-dans-les-États-cotiers-de-lafrique-de-louest>, consulté le 14 septembre 2022.
45. Ainsi que le soutient Hassenteufel (2014:289), avec la mondialisation qui engendre une multiplicité d'acteurs et d'échelons de décision, la capacité de l'État à agir en toute autonomie se trouve érodée.
46. <https://www.crisisgroup.org/fr/africa/sahel/299-course-correction-sahel-stabilisation-strategy>, consulté le 5 novembre 2022.
47. Entretien avec Marino Compaoré à Ouagadougou le 9 novembre 2022.
48. <https://www.rfi.fr/fr/afrique/20211002-burkina-faso-les-activites-de-l-ong-norwegian-refugee-council-suspendues>, consulté le 2 décembre 2022.

49. Cette décision a été prise le 28 novembre 2022 par le gouverneur de la région du Sahel. Voir l'interview qu'il a accordé au *Sidwaya* (30 novembre 2022).
50. Les décisions des deux États de mettre fin à la présence militaire française sur leurs territoires en sont des illustrations.
51. Propos tenus à la Conférence régionale sur les défis sécuritaires, Ouagadougou, 21 juillet 2022.
52. <https://www.jeuneafrique.com/1203568/politique/mohamed-bazoum-assimigoita-duel-a-distance-dans-le-sahel/>, le 14 septembre 2022.
53. Il s'agit du Niger, du Togo, du Bénin, du Sénégal, de la Guinée-Bissau, de la Côte d'Ivoire, du Burkina Faso et du Mali.
54. Entretien avec Hamadou Guigma, Ouagadougou, 20 octobre 2017.
55. Cette stratégie face aux groupes vigilants est appréhendée par Béatrice Hibou (1999) comme une « décharge » permettant à l'État de faire remplir ses missions par d'autres acteurs.
56. Ali Bako, communication à la Conférence régionale sur les défis sécuritaires au Sahel, Ouagadougou, 21 juillet 2022.
57. Il tolère cependant certains groupes d'autodéfense comme à Tassara dans la région de Tahoua. Entretien avec Abdoul Aziz Garba, Niamey, 16 février 2022.
58. Entretien avec Sanoussa Gansoré, Ouagadougou, 4 août 2016.
59. Entretien à Ouagadougou, 4 avril 2018.

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Corruption and Human Rights: Positioning Judicial Activism as an Anti-corruption Strategy in Kenya

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Abstract

This article locates the conceptual foundations of corruption and human rights by examining the normative and definitional challenges of these terms. By focusing on socioeconomic rights and the principle of equality in access to public services, the paper demonstrates the implications of corruption for the realisation of human rights. It then examines how the thin and thick conceptions of the rule of law interact with corruption. The article further explores legal corruption and the mechanisms by which graft corrupts the law-making process and compromises the rule of law. At the same time, the paper studies the role of judicial activism in fighting institutionalised and legal corruption in Kenya. In conclusion, it maintains that public interest and human rights considerations should be central to the law-making and interpretation processes. To effectively deal with corruption, activist judges should pursue the ends of justice rather than the law in the case of conflict between the two.

Keywords: corruption; human rights; judicial activism; neopatrimonialism; rule of law

Résumé

Cet article situe les fondements conceptuels de la corruption et des droits humains en examinant les défis normatifs et définitionnels de ces termes. En se focalisant sur les droits socio-économiques et le principe d'égalité dans l'accès aux services publics, l'article montre les implications de la corruption dans la réalisation des droits humains. Il examine ensuite comment les diverses conceptions de l'État de droit interagissent avec la corruption. En outre, l'article explore la corruption juridique et les mécanismes de corruption du processus législatif et comment elle compromet l'État de droit. En parallèle,

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l'article étudie le rôle de l'activisme juridique dans la lutte contre la corruption institutionnalisée et légale au Kenya. En conclusion, il soutient que les considérations d'intérêt public et de droits humains devraient être au cœur des processus d'élaboration et d'interprétation des lois. Pour lutter efficacement contre la corruption, les juges militants devraient poursuivre des objectifs de justice plutôt que du droit, en cas de conflit entre les deux.

Mots-clés : corruption ; droits humains ; activisme judiciaire ; néo-patrimonialisme ; Etat de droit

Introduction: Defining Corruption

Corruption as a malpractice in governance is, perhaps, as old as humanity. However, despite its presence in various socioeconomic sectors, it has been conceived of mainly as an economic issue and most research has focused on its monetary and financial implications (Kumar 2003). Very little attention has been given to its human rights import. This explains why anti-corruption programmes have been (and continue to be) spearheaded by criminal justice systems and not by human rights bodies. The few human rights actors who engage in anti-corruption programmes have focused largely on its economic and financial dimensions (Kumar 2003). This failure to (re) position corruption as a human rights issue has deprived anti-corruption programmes of the additional voice of human rights agencies, thereby denying them the reinvigorated focus that is directed to other human rights concerns. Specifically, the absence of human rights has robbed anticipation strategies of the additional political capital that comes with human rights-based advocacy.¹ There is, therefore, a need for scholars to reconceptualise corruption as a human rights issue as a way of reorienting research towards understanding its implications.

One of the challenges of the 'fight' against corruption is defining corruption itself. Due to its multidimensional nature, prevalence in the private and public sector and the relativity of normative behaviour (which influences what is considered acceptable in various societies), researchers have often found corruption difficult to define. The word 'corruption' traces its roots to the Latin word *corruptio*, which means 'moral decay, wicked behaviour, putridity or rottenness' (Brooks et al. 2003: 12). This understanding is, however, too general and thus of little value to the law since it basically includes all forms of disapproved or immoral behaviour. Nevertheless, although corruption is difficult to define, it is generally 'a bad thing' since it undermines economic performance, weakens democratic institutions and the rule of law, disrupts social order and destroys public trust (Quina 2008).

The Organisation for Economic Co-operation and Development (OECD) defines corruption as the active or passive misuse of power by public officials (elected or appointed) for private, financial or other benefits (OECD 2013). This definition is also inadequate because it assumes that corruption takes place in the public sector only, yet research continually shows its prevalence in the private sector, too. Such a conceptual error exists, too, in the United National Development Programme (UNDP) definition of corruption: '[T]he misuse of public power, office or authority for private benefit – through bribery, extortion, influence peddling, nepotism, fraud, speed money or embezzlement' (UNDP 2004). By listing only a few acts of corruption and limiting it to the public sector, the UNDP fails to appreciate the multifaceted and systemic nature of corruption. Yet a similar limitation exists in the World Bank definition of corruption: the 'use of public office for private gain' (World Bank 1997). Transparency International gives a slightly more elaborate definition, referring to corruption as 'the abuse of entrusted power for private gain'.² This definition is broader because it captures corruption in the private and public sectors. However, it appears vague because situations of power such as that between a parent and child may involve abuses that would not necessarily be considered as corruption.

Sociologists generally embrace a broader conception of corruption. According to Deborah Hellman, corruption is a derivative concept that denotes a disease or dysfunction in an institution (Hellman 2013: 10–11). To Hellman, any violation of the norms guiding the operations of an institution could be perceived as corruption. Corruption, therefore, derives its meaning from the normative standards of an institution. But this conception is overstretched because it amounts to labelling any misbehaviour in a work setting as corruption. For instance, it implies that an employee who sexually harasses a colleague is corrupt. Thus, Hellman's 'inflation' of the meaning of corruption renders it an institutional or a behavioural issue and robs it of its socioeconomic and human rights dimensions. At the same time, such a broad definition makes it impossible for the law to deal with corruption – first, because the statutory instruments that establish anti-corruption institutions are often specific to the province of these institutions, and second, because law is generally indeterminate and widening the scope of the concept would make it vague and thus in violation of the principles of legality that require law to be clear, certain and unambiguous (Tucker 1965: 270–274). A narrower conception is necessary to guide the fight against corruption and to deepen scholarship on the subject.

The Institute of International Auditors (IIA) views corruption as:

... any illegal act characterised by deceit, concealment or violation of trust and perpetrated by individuals or organisations to obtain money, property or services, to avoid payment or loss of services and to secure personal or business advantage. (Institute of International Auditors, cited in Brytting, Minogue and Morino, 2011: 5–6)

Although this definition covers corruption in the public and private sectors, describing it as an ‘illegal act’ positions it as a violation of the law – that, besides all else, an act must first be illegal before it is labelled as corruption. However, Daniel Kaufmann and Pedro Vicente, in their paper on legal corruption, demonstrate that corruption exists with or without law and that the law can even be used to promote it (Kaufmann and Vicente 2011: 198–201). Thus, even in ancient societies where formal laws did not exist or operate efficiently, acts that would be considered as equivalent to corruption were present but were highly sanctioned. This paper therefore embraces the definition advanced by The Institute of International Auditors, subject to the deletion of the word ‘illegal’.

What are Human Rights?

The definitions of human rights are perhaps as varied as the number of scholars who engage in human rights discourse. For instance, some scholars view human rights as basic rights that must be guaranteed by governments to meet a minimum standard of moral legitimacy (Talbot 2013: 1030–1042). Supporters of this view argue that part of the social contract that the individual has with the government includes respect and promotion of the individual’s dignity and overall wellbeing. Any government that violates this contract (through omission or commission), while retaining its legality, loses the legitimacy to rule over the subject. This conception, which falls short of advocating for the removal of regimes that do not protect rights, is problematic because it ignores the high moral foundation of rights that locates human rights not in the state agency but within human identity (Sen, cited in St Clair 2006). Human rights emanate from a higher moral position than legal or constitutional rights and pre-date the state and the law. Thus, whereas all constitutional rights are human rights, not all human rights are constitutional rights. However, both sets of rights exist to increase the quality of human life and make it fulfilling.

Hohfeld perceives human rights as human moral claims; he insists that if one proceeds on the premise that something is one’s human right, one immediately creates the notion that there is someone with an obligation

to grant that right (Wenar 2020). In other words, all rights must be characterised by corresponding obligation. This conception, though suitable for litigation purposes, ignores the high moral content of rights, which supersedes obligation. James Nickel, a sharp critic of this view, has argued that a call for a human right does not necessarily translate into a call for a particular entity to grant it; rather, it is a call for the recognition of that right as an entitlement (Nickel 2013). Nickel's argument is premised on the idea that individuals may have rights which are not practically realisable and for which a specific duty-holder may not be identifiable, but this does not make them any less justifiable (Nickel 2013).

Jack Donnelly argues that human rights are rights that individuals have because they are human beings (Donnelly 2003). Rights, however, go beyond just the state of 'being' and stretch into the value and nature of 'beingness'. To adequately define human rights, we must first examine the key underlying principles of human rights. These are survival, dignity, equality and freedom. Based on these principles, we can define human rights as the necessities that human beings are entitled to so as to live a life of dignity, freedom and equality. These necessities are natural and can neither be given nor taken away. They can only be recognised or appreciated. Governments, therefore, exist to guarantee, protect and elevate these entitlements. Within this context, a government is obligated by domestic and international law to establish those structures that would help realise these aspects of wellbeing and improve the quality of its citizens' lives. Conversely, the state has a positive obligation to initiate programmes that would eradicate the challenges to rights realisation, such as corruption.

Corruption and Socioeconomic Rights Realisation

Socioeconomic rights realisation is one of the areas that has been undermined by corruption. Due to the centrality of socioeconomic rights in human fulfilment, they are key to the realisation of civil and political rights as well as the holistic development of the human person and dignity (Ngira 2017: 274–285). However, these rights are also the most vulnerable to corruption. This is because the guarantee of socioeconomic rights usually requires resources that have to be delivered by the principal – the state, through its agents, the street-level bureaucrats – to the citizens at the grassroots level. But, due to informational asymmetry, the state has to rely on the same bureaucrats to give feedback on the extent of the service delivery. This overreliance on street-level bureaucrats for implementation and reporting creates a monopoly of power and discretion, which leads

directly to corruption. This corruption translates into poor service delivery and the denial of government services or demands for bribes. For instance, whereas the International Covenant on Economic, Social and Cultural Rights (ICESCR),³ the African Charter on Human and People's Rights⁴ and the Constitution of Kenya⁵ guarantee access to the highest quality of health and security, corruption in hospitals and in the police service violates these rights by requiring citizens to pay bribes before accessing these services.

Rampant institutional corruption in the civil service violates article (21) (2) of the Universal Declaration of Human Rights (UDHR) and article 11 of the ICESCR. The core issue is that corruption locks out poor people or those unwilling to pay bribes for government services. Access to public services becomes a privilege that is availed to only those with resources rather than an entitlement for all citizens. Because, unlike rights, privileges can be withdrawn, corruption weakens the moral and philosophical justification for the provision of government services and negates the principle of the social contract.

Amartya Sen argues that rights are justifiable based on both a just procedure and a good outcome (Sen 1999). However, corruption not only renders the procedure of realising such rights unjust but also compromises the attainment of a good outcome. As a violation of just procedure, corruption compromises the principle of equality between persons by allocating resources based on norms that are not equally distributed. On the other hand, embezzlement of public funds meant for the delivery of socioeconomic rights negates the just outcome of rights realisation. For instance, consider the case in 2004 when Margaret Gachara was found guilty of embezzling millions of Kenyan shillings (KES) meant for HIV/AIDS management.⁶ This action led not only to the deaths of many HIV patients who could not access the necessary medication but also to the withdrawal of donor support for the programme. Thus, by compromising the delivery of health services as illustrated above, corruption affects the dignity of the citizens whose rights to health services are violated.

Because the moral legitimacy of any government lies in its capability to guarantee the human rights of its citizens (including the right to life), corruption can be said to rob governments of their moral legitimacy. Governments are therefore obligated to fight corruption, not only because of legal requirements but also because the nature of the social contract requires them to restrain from any omission and or commission that would affect citizens' rights. Taking decisive action to prevent corruption is therefore a contractual obligation between the state and the citizen.

Scholars like Jan Isaksen have linked budgetary corruption to poor service delivery and therefore, human rights violations. He notes that budgetary corruption misallocates scarce resources and diverts them from government coffers into private hands, propagates the reduction of important expenditures for development and for social safety nets and limits funds for priority social sector spending or reallocates them to areas that benefit few people (Isaksen 2005). He observes that corruption at the implementation stage of a budget process implies that actual spending differs markedly from original expenditure plans (Isaksen 2005). At the same time, the money that is then appropriated at the implementation stage is often pre-allocated in the budgeting process so that corruption can still take place even in instances when bureaucrats work within budgets.

Human rights violations thus occur when the public receives poor health, education and extension services occasioned by low budgetary allocations or pre-planned misappropriation. At the same time, the failure to effectively involve citizens and other non-state watchdogs in the budgetary process violates the rights of citizens to participate in governance as guaranteed by domestic and international human rights law (UN 1986). This exclusion creates room for corrupt budgeting. Isaksen also notes that influential bureaucrats and politicians often determine budgetary processes and disproportionately allocate resources to their regions and ethnic groups, thereby propagating economic and regional discrimination and marginalisation (Isaksen 2005). Commenting on this reality in Kenya, the Friedrich-Ebert-Stiftung organisation observed:

Ethno-regional disparities and marginalisation have been exacerbated by the discriminatory nature in which:

- a) the cabinet membership and other senior positions in government, the public sector and parastatal bodies have been allocated;
- b) the discriminatory nature of public spending, especially the manner in which the government-financed infrastructural development and other big contracts were awarded;
- c) national resource endowments;
- d) political patronage; and,
- e) corruption, bureaucratic discretion and elite excesses.

The latter reasons have influenced the manner in which public resources have been disproportionately used to provide public services such as education and health, which have exacerbated inequalities and marginalisation. (FES 2012: 7–8)

The marginalisation that emerges from political corruption not only threatens the doctrine of distributive justice but also undermines the principle of self-determination, dignity, national unity and cohesion. In some instances, such exclusion degenerates into ethnic conflict (Agbiboa and Maiangwa 2012: 108).

Corruption affects all rights that rely on state resources in several other ways. It takes away the resources that would have otherwise been used to guarantee health, food, housing and education in society. The prosecution of corruption cases is usually long, expensive and complex and thus directly puts strain on the judiciary. And citizens often suffer the most when projects that are tainted by corruption are suspended or altogether terminated by the executive or the judiciary (Muthoni 2020; Namatsi and Gisesa 2019). For instance, a multi-billion dam project in Kenya, which was meant to provide water to the residents of Elgeyo Marakwet County, was stopped by the President following claims that it had been overpriced and bedevilled by corruption. It is currently the subject of a court case following the sacking and prosecution of the Cabinet Secretary of Finance and his Principal Secretary.⁷ The citizens who were to access water from the dams have had to cope with continued scarcity.

Corruption also affects regulatory enforcement and compliance, therefore compromising the quality of goods and services in the market (Damania, Frederiksson and Mani 2004: 363–390). The neoliberal orientation of modern economies often means that businesses venture into the market to make a profit. In the process of doing so, they may engage in actions or inactions that compromise the wellbeing of citizens (Ibid.). Accordingly, regulatory agencies exist to ensure that businesses are aligned to the regulatory objectives of the government. The regulatory objectives of government in turn draw their validity from the constitutional and statutory obligations of the state. However, corruption interferes with this process in two ways. First, grand corruption or state capture may translate into weak regulatory frameworks that allow for the existence of industry players who engage in pollution or the sale of harmful products that violate human rights, such as harmful pesticides, or the use of harmful food substances. Second, weak enforcement of regulatory standards due to bribery may result in irregular or cosmetic inspections that give the impression that standards are being enforced.

The wide discretion enjoyed by regulators often makes them easily corruptible. Poor-quality goods and services, occasioned by this reality, are not only a violation of consumer rights under Article 46 of the Constitution but also a threat to the right to health and life. At the same time, corruption often translates into the existence of strong neo-patrimonial forces that protect

such commercial interests. In many instances, the neo-patrimonial forces in society have political interests through which they control commerce and the entire economic sector. Within this context, the consumer interests and rights of the citizen are sacrificed through the unwillingness of regulators to enforce standards due to bribery and the influence of the neo-patrimonial forces. Over time, corruption becomes so perverse in regulatory agencies that regulatory enforcement becomes the exception rather than the norm (Ibid.).⁸

Corruption and the Principle of Equality and Non-discrimination

One of the most fundamental principles of human rights is the doctrine of equality. Equality often requires that similar cases be treated in the same way unless there are reasons to treat them differently (Gosepath 2011). This doctrine underpins the judicial process. However, corruption interferes with this equality by tilting the scale in favour of the person who has bribed the judge to sway their decision. Due to the indeterminacy of law, both corrupt and non-corrupt judgments are usually attributed to the law. By introducing ‘impurities’ into the legal process, corruption not only creates inequality and discrimination but also corrodes the integrity of the law and legal system and contributes to the loss of public trust in the concept of law and judicial processes (Yusuf 2011: 57–83). Thus, instead of becoming an equalising factor, law becomes a means of legitimising inequality.

Such an outcome is much more destructive in common law, which relies heavily on precedence. Once a Judge of a superior court is bribed into making a ruling in favour of the briber, his or her decision becomes precedent and binding on lower courts. However, the doctrine of precedence presumes a certain level of purity of the law and integrity of the judges. Corruption, therefore, translates to precedents that are unjust to the person in the immediate case and to all those who will appear before magistrates and Judges in junior courts. The impact of corrupted judgments, especially in superior courts, could therefore outlive the Judge and the parties to the conflict and may take generations to overturn. Over time, the credibility of the judicial system suffers damages that may take a long time to undo. The UN Special Rapporteur on the Independence of Judges and Lawyers succinctly observed:

[C]orruption has direct damaging consequences in general on the functioning of state institutions, and in particular on the administration of justice. Corruption decreases public trust in justice and weakens the capacity of judicial systems to guarantee the protection of human rights, and it affects the tasks and duties of the judges, prosecutors, lawyers, and other legal professionals. (UNODC 2018)

Article three of the ICESCR asserts that all people have the right to equally enjoy every socioeconomic right enshrined in the Charter. Corruption compromises the attainment of these rights by violating the norms that guide their realisation. For instance, the norms that guide employment include merit and experience, yet corruption involves consideration of 'abnormal' factors, such as family relationships, friendship and ethnicity. Because such considerations are outside the control of some applicants, they end up disadvantaged by the corrupt recruitment process. In this way, corruption in employment allows less competent individuals to gain employment at the expense of those who merit the position, based on criteria that are unfairly allocated and thus violate the right to equal treatment (Gosepath 2011).

Consider another situation, in which a man invites only his family members to his wedding. Though familial relationship is a variable that excludes friends, work colleagues and even other members of the public, wedding invitations based on familial ties cannot be said to be corrupt acts. This is because the normative principles associated with weddings allow familial relationships to be used as a basis for invitation, unlike the norms that guide public appointments, which require the provision of equal opportunity for all potential applicants.

Corruption in the management of public resources also violates the rights of citizens to participate in the management of their resources as enshrined in Article 21 of the Universal Declaration of Human Rights (UDHR) and Article I of the International Covenant on Civil and Political Rights (ICCPR). Consider corruption in the public sector in which contractors bribe public officials to get mining contracts. Such an award is done not on the basis of public interest but in the interest of the public official carrying out the transaction. Moreover, awarding the tender to the bribe-giver violates the right of other applying contractors to equal treatment, in this way compromising the principle of equality. Supporting this line of thought, Raj Kumar argues that corruption violates human rights because it allocates resources on the basis of an unfair consideration, resulting in discrimination (Kumar 2003).

Other scholars have argued that corruption should be labelled a crime against humanity because of its negative impact on the victims' human rights. This conception perhaps mirrors Macleod's broader view of crimes against humanity (Macleod 2010: 281–302). According to Macleod a crime is against humanity if it endangers the public order of humankind, diminishes humankind and damages humankind (Ibid.). By indirectly resulting in the death of millions of patients, corruption in the health sector can be said to cause widespread damage and diminishes humankind. Though critics of this definitional expansion always cite the international criminal law

requirement of the presence of a policy element and systematic planning and execution of a crime, I take a consequentialist approach and argue that the substance of this crime lies not in the process but in the outcome. In other words, millions of deaths resulting from the corrupt practices of a few individuals should shock the human conscience just as genocide does.

One way in which a government can fulfil its part of the social contract is by strictly enforcing anti-corruption laws. As demonstrated in *The Republic v Grace Sarapay Wakhungu, John Koyi Waluke and Erad Supplies & General Contractors Limited*,⁹ where the accused, Mrs Grace Wakhungu and John Walukwe, were sentenced to sixty-nine and sixty-seven years' imprisonment, respectively, for masterminding a maize scandal in which the government lost KES 314 million,¹⁰ the law, if well enforced, can be useful in fighting corruption. Emphasis should be put on not only the imprisonment of the perpetrators but also the recovery of the stolen money as a means of realising the right that has been violated due to corruption and as a means of compensating victims.¹¹ This can be addressed by enacting strong anti-corruption legislation (in countries where they do not exist), enforcing existing laws and shielding anti-corruption agencies from neo-patrimonial and political interference. The biggest challenge, however, exists where the law itself perpetuates corruption, a situation that is discussed in the next section.

Corruption and the Rule of Law

Addressing the UN High Level Debate on 'Human Rights at the Centre of the Global Agenda' in July 2016, Director General Irene Khan stated: '[W]ithout rule of law, human rights are paper promises and without human rights, the rule of law becomes rule by law and a system for repression ...'.¹² The rule of law has become one of the mainstream mechanisms through which international human rights standards are translated to the domestic level. Human rights are therefore captured in Constitutions (Bills of Rights), statutes, case law and regulations. The interpretation of these statutes, to give meaning to their content, therefore translates to the promotion of the rule of law. Though considered to be a key pillar of human rights, the rule of law is one of the most disputed concepts in sociolegal studies. According to Rawls, the rule of law is the rule of a system of rational and comprehensible rules bearing some relationship to the functions of co-ordination (Rawls 1971: 235). Rawls's conception is problematic because it provides room for the reign of unjust laws. For instance, if a law allows the President to arbitrarily allocate himself a given amount of national resources, then observing this unjust law is still part of the rule of law. This 'thin conception' of the rule of law negates the 'spirit' of the rule of law.

Though not very explicit, the rule of law should be tied to some public good. Scholars who hold this thick conception, such as Rachel Kleinfeld (2006) and Raz (1979) consider the rule of law as the presence of a predictable and efficient legal and justice system which protects human rights and observance of the law by the government and the people. Within this framework, the rule of law flows from an efficient and just legislative process to the fair and just interpretation of these laws by the judiciary and finally to the respect for the law by the citizens and government. Thus, at the centre of the law-making and interpretive processes lies the issue of human rights and justice. Supporting this view, Carothers notes that the quality of legal institutions influences the degree of respect for the rule of law (Carothers 1998, 2003). In other words, citizens are more likely to observe the law if they feel that it is legitimate. Inferentially, it can be argued that since corruption compromises the quality of legal institutions, it directly compromises the rule of law.

Human rights law considers the law to be supreme to all citizens, a principle that borrows heavily from the doctrine of equality and implies non-discrimination before the law.¹³ Rampant corruption in the legislature corrupts the law-making process and creates unjust laws that are modelled to benefit either the parliamentarians or other parties with corrupt interests in the law. At the same time, 'legal corruption' makes a mockery of the rule of law because the very law that should be considered supreme (and probably helpful in fighting corruption) is part of the corruption system, making corruption easy to perpetuate or shielding the corrupt from prosecution.

Kaufmann and Vicente (2011: 198–201) define legal corruption as the presence and (or) enactment of legislations that perpetuate or tolerate corruption. Justice Mumbi Ngugi, in *Moses Kasaine Lenolkulal v Director of Public Prosecution*,¹⁴ concurs with this view. She laments that section 62 (6) of the anti-corruption and Economic Crimes Act, 2003, promotes impunity and corruption because it allows for the suspension of public officers but shields constitutional office-bearers from suspension from office pending a corruption investigation. She explains:

It seems to me that the provisions of Section 62(6), apart from obfuscating, indeed helping to obliterate the 'political hygiene'... are contrary to the constitutional requirements of integrity in governance, are against the national values and principles of governance and the principles of leadership and integrity in Chapter Six, and undermine the prosecution of officers in the position of the applicant in this case. In so doing, they entrench corruption and impunity in the land.¹⁵

Kenya has experienced increasing legal corruption in that Parliament has been involved in making laws that perpetuate corruption and (or) shield corrupt public officers.¹⁶ This is occasioned by two factors. First, a powerful neo-patrimonial system not only influences the law-making processes in Parliament but also acts as a watchdog for commercial and corruption interests (Akech 2011: 341–394). Such forces often influence political campaigns by funding political parties, thereby establishing political connections even before elections. Commenting on this reality, Akech observed:

... experience demonstrates that the legislature can also be influenced by private interests, and the making of public policy and law is often driven by strong and organised interest groups at the expense of the public interest. A need, therefore, arises to hold the legislature accountable. (Akech 2011: 352)

Second, Kenyan parliamentarians are members of the National Government Constituency Development Fund Oversight Committee, which is responsible for development projects at the constituency level.¹⁷ This fund came into being in 2015 after the High Court declared that the Constituency Development Fund Act, 2003 (CDF Act) was unconstitutional because it allowed members of Parliament to take part in project implementation and parliamentary oversight, thereby violating the principle of the separation of power.¹⁸ Specifically, the judges observed:

[T]he involvement of the Members of Parliament in the CDF implementation violates the core principle of separation of powers and to this extent, the CDF Act is unconstitutional ... to the extent that the Act conflates the executive and legislative functions, it obfuscates accountability mechanism envisaged under the Constitution underpinned by the doctrine of separation of powers. In that respect, the Act violates key national values and principles enunciated under Article 10 of the Constitution, to wit, good governance and accountability and we so find.¹⁹

Parliamentarians responded to this decision by recreating the Constituency Development Fund and renaming it the National Government Constituency Development Fund (NGCDF). However, this cosmetic change did not extinguish their control over the fund, and, to date, MPs still exercise a lot of control over the NGCDF. Since the court noted that the role of MPs ‘does not include involvement bodies whose functions entail co-coordinating, project approvals or actual implementation of projects as these functions are executive in nature’,²⁰ the current NGCDF can be said to violate this order (and is therefore equally unconstitutional). Because MPs perform both execution and oversight roles, they automatically entangle themselves in private sector business networks, which predisposes them to corruption. Their watchdog

roles, including through committees, are therefore compromised because many of them have significant business interests in public sector projects (including in their own constituencies), a fact which raises conflicts of interest.²¹

The rule of law in cases such as those cited above is thereby turned into a tool of human rights violation rather than a tool of emancipation and justice. Legal corruption compromises the integrity of the rule of law because it increases the likelihood that the law will be violated by other ‘common’ citizens (Appolloni and Nshombo 2014). In other words, if one’s corruption is normalised either through the law or in practice, one no longer feels the impetus not to be corrupt, thereby propagating more corruption. Brytting et al. (2011) have argued that corruption easily prevails if the ‘would-be-corrupt’ can rationalise their corrupt deeds. Laws that legalise tax evasion by members of Parliament can thus act as a ‘justification’ for others to evade taxes (AfDB 2010; Muna 2011). A similar problem exists for laws that punish corruption only mildly. Justice Ngugi, in *Moses Kasaine Lenolkul v Republic*, observed:

In this case, the applicant is charged with various corruption-related offences committed within and in his capacity as Governor of Samburu County. These are serious offences, particularly given the devastation that corruption wreaks on our society and the well-being of citizens. However, and regrettably so, Parliament does not seem to treat corruption offences with the seriousness they deserve ... Parliament urgently needs to look at the provisions of Anti-corruption and Economic Crimes Act, 2013 if any inroads against corruption are to be made in this country.²²

Justice for Sale

As noted earlier, the legal structure of modern democracies like Kenya often confers upon the judiciary the tools and legal capacities that could fight corruption. But this does not necessarily cushion the judiciary itself from corruption. The 2019 Transparency International Corruption index ranked the Kenyan judiciary as the most corrupt institution, with 47 per cent of citizens who sought legal services reporting that they had been asked to give bribes to access legal services (Transparency International 2020). The 2021 Afrobarometer corruption perception index indicates that 86 per cent of Kenyans believe that the judiciary is corrupt (Afrobarometer 2022). Recent contradictory judgments by the judiciary in corruption cases and the suspension of several judicial officers over corruption, coupled with the withdrawal of prominent criminal cases by the Director of Public Prosecution, have only served to worsen the perception of corruption in the judiciary (*The Standard* 2022)

Rampant corruption in the Kenyan judiciary has not only undermined its capacity to effectively determine cases of corruption brought before it but has equally eroded public trust in governance. However, as suggested by Gloppen, bribery in the judiciary does not just come to the judicial officers directly. Rather, it comes through pressure by judicial superiors who are often compromised by the political establishment to undermine justice in the interest of corrupt parties (Gloppen 2014). This is further aggravated by the fear of judicial superiors that a 'wrong' decision in an important case could have consequences for the judiciary as a whole and for senior judicial officials. This in turn results in the corrupt allocation of cases to judges who are likely to rule in a particular manner, often to suit the interests of the political regime, or the transfer of judges who are deemed to be hostile to the political establishment. Thus, as Gloppen suggests:

Where the judicial leadership – and in particular the chief justice – is (seen to be) close to the sitting regime, this can taint the entire judiciary. Even where judicial appointments are otherwise effectively regulated in ways that place them beyond executive influence, the executive often has a much stronger say over the appointment of the chief justice and judge presidents. (Gloppen 2014)

As argued by Okoth-Ogendo, in his now famous seminal work, *Constitution without Constitutionalism: Reflections on an African Political Paradox* (1988), the presence of a constitutional framework does not necessarily constitute constitutionalism. Thus, although the Kenyan judiciary has been conferred immense power by the Constitution, including being granted functional, operational and financial independence, it continues to be a captive of internal and external corruption networks and neo-patrimonial interests. It succumbs to executive pressure and influence, increasingly fails to dispense justice to corruption cases, and directly involves judges and other judicial officers in graft. Corruption in the Kenyan judiciary has been aggravated further by investigatory and prosecutorial negligence and incompetence, factors which have jointly undermined access to justice and negated constitutional gains and the rule of law.

Despite its ranking as one of the most corrupt institutions in Kenya, the judiciary possesses the highest potential and capability to fight corruption. This is because judicial officers are generally bound by a commitment to justice, which enables them to surmount inefficient or corrupted laws. The following section explores the question of judicial activism and how it could help address corruption.

Judicial Activism as an Anti-corruption Strategy

Charles Manga, an advocate of judicial activism, defines it as the process by which the courts adjudicate on constitutional matters not based on the black-letter law but with due consideration of public interests (Manga 2011: 1107–1108). Others have defined judicial activism as a philosophy which advocates that courts go beyond the adjudication of legal conflicts and focus on the ‘making’ of social policies that affect many more people and interests beyond the parties to a dispute. Overall, judicial activism implies that judges do not restrict themselves to the issues presented in a case but establish new rules that promote justice at individual and societal levels.

Once laws that perpetuate corruption emanate from Parliament, the burden is transferred to the judiciary to interpret the laws. It should be noted that once passed at the legislative level, very little can be done at the interpretive level because the courts are (mostly) bound by classical legal principles to interpret the law as it is, unless other concerns for public interest prevail and (or) the judge subscribes to judicial activism (Satyaranjan 2001). However, such interpretations have been subject to polemic contestation in legal theory and practice. For instance, the Hart-Fuller debate, and the realist–formalist divide in legal theory have essentially centred on this issue (Cane 2010; Tumonis 2012: 1361–1382). To avoid the attention of politicians, some judges opt to stick to the letter of the corrupted laws, on the basis that any legal amendments must come from Parliament. Others, such as the Supreme Court of Kenya, have often chosen to fence-sit on the matter of judicial activism. The court observed:

[O]ur Constitution neither endorses judicial restraint or expansive judicial activism: it simply creates the Judiciary as the institution through which the people of Kenya have bequeathed their sovereign power to exercise judicial authority and then mandates that Judiciary ... to enforce the Bill of Rights.²³ Notwithstanding the Supreme Court’s argument, courts stand the risk of losing moral legitimacy if they stick to the strict interpretation of unjust or corrupted laws (Akech 354–355). This is mainly because in the eyes of the citizenry, the role of the courts is to uphold justice, conceived as upholding just (good) laws. Although judges like Justice Mumbi Ngugi observe that courts should be committed to public interest and justice in corruption matters, critics note that justice is never at the centre of law formulation, hence it is unnecessary to expect the outcomes of the law always to be just, because judges are bound by rules and not by policy or public interest (Tumonis 2012: 1362–1364). Such, they argue, is the province of Parliament. But what happens if Parliament itself is corrupt or complicit in legal corruption? Judges must embrace judicial activism to minimise the severe implications of such laws on the public. The judiciary

should go beyond its role as arbiters and interpreters of law and become a public watchdog in instances where other watchdog institutions either fail to fulfil their mandate or become part and parcel of the corruption network. It must be observed that activist judges are very unpopular with legal conservatives and formalists, who see them as disruptive to the rule of law and social order (see, for example, Ornstein 2014). To them, judges must stick to the law even if that law promotes corruption and human rights violations and doing otherwise undermines the law. One such critic has referred to judicial activism as the ‘vanity of vanities’ and a ‘judicial sin’ (Allan 2015: 83–85). Faced with such criticism, the former Chief Justice of the Supreme Court of India wonders:

Can judges really escape addressing themselves to substantial questions of social justice? Can they simply say to litigants who came to them for justice and the general public that accords them power, status and respect, that they simply follow the legal text when they are aware that their actions will perpetuate inequality and injustice? Can they restrict their enquiry into law and live within the narrow confines of a narrowly defined rule of law? Does the requirement of constitutionalism not make of greater demands on the judicial function? (Bhagwati 1985)

Bhagwati’s argument sits at the very centre of the idea of having judges. By their very name (‘justices’) and that of their system (the ‘justice system’) judges are bound by the doctrine of justice more than they are by the doctrine of law in instances where justice and law conflict (see, for example, Campbell 2002). Ideally, the law should be commensurate with justice, but the disconnect emerges because the law-making process is undertaken by human beings with interests that sometimes may not be in line with the public interest, such as transparency and accountability. A clash between law and justice (understood as public interest, transparency and accountability) basically denotes a clash between the law-makers’ interest and justice. In such a clash, the judge is personally and professionally obligated to align himself or herself to the ends of justice, therefore, resulting in some level of judicial activism.

Judicial activism allows the judiciary to rectify the consequences that may result from legal corruption, such as the enactment of laws that shield legislators from taxation or security expenditures from any public scrutiny. Whereas advocates of the latter argue for this practice as a security measure, I hold that security considerations should not be a basis for locking out transparency and accountability measures. Public participation derives its justification from a higher moral position than security concerns. It is necessary, therefore, to strike a balance between security interests and standards of accountability and transparency. Such a balance can be managed best by the judiciary since the executive and the legislature often

have underlying personal and ideological interests in security laws and security matters in general (see Namunane 2015). Hailing ‘activist judges’, Arpita Saha postulates:

By stretching the letter of the law a little and acting according to the spirit behind it, the judiciary has intervened in cases where there is blatant misuse of discretion of executive authority or a lackadaisical attitude towards booking the corrupt and other anti-social elements in society. One of the meanings of judicial activism is that the function of the court is not merely to interpret the law but to make it by imaginatively sharing the passion of the Constitution for social justice (Saha 2008).

Through the doctrine of precedence, judges’ progressive interpretation of the law, especially in matters of governance and human rights, often go a long way to entrench the rule of law and the fight against corruption. For instance, Justice Mumbi Ngugi’s decision that required all Kenyan governors accused of corruption to step aside until their cases were concluded has become one of the most lethal instruments in the fight against corruption. The same has been upheld in at least two additional corruption cases concerning governors: *Ferdinand Ndungu Waititu Babayao & 12 others vs Republic* and *The Republic vs Mike Mbuvi Sonko*.²⁴ Advocates of judicial activism note that institutional failures in government, coupled with corruption and a dysfunctional legislature, leave the courts with the huge responsibility of not only interpreting the law but also acting as the people’s watchdog.

Judicial activism is therefore the last fallback of the citizenry in the case of institutional failure in the executive or legislature. Although judicial activism is a possible remedy for legal corruption, the practice is neither institutionalised in law nor widely practised and judges decide by themselves whether to be ‘activists or not’ (Coutinho, La Torre and Smith, 2015: 3). Entrenching the practice in law would be difficult as it most likely would be interpreted by the legislature as an onslaught on its law-making domain. The solution, therefore, lies in strengthening the judiciary beyond the level of any undue interference by the executive or legislature. This can be done by granting the judiciary full control of its budget, enhanced jurisdictional independence, allowing it to employ and control its staff, and providing a favourable working environment and remuneration.

Conclusion

Whereas several strategies such as active media, civil society and intensive audits have been proposed as measures to curb corruption (Riley 2000, 137–153), the human rights dimension of corruption has often been ignored. The result is that victims of corruption in the public sector continue to suffer

human rights violations at the hands of corrupt public officials. Corruption is indeed a violation of human rights because it violates the principles of dignity, equality and non-discrimination, which underpin the human rights doctrine. As has been demonstrated in this paper, corruption further goes against the right to access public services by preventing those who are unwilling or unable to pay bribes from accessing public services. To effectively handle corruption, a change in approach is necessary. Human rights activists should be engaged in the day-to-day operations of government to detect areas of weakness and loopholes that can be exploited by corruption cartels. To address legal corruption, it is important that the Constitution opens the door for public scrutiny of bills relating to transparency and accountability in government. Not only will this make it difficult for the legislature to manipulate a bill once in Parliament, it will also create room for an objective analysis to detect any cases of vested interest or conflict of interest in a bill, two factors that undermine the objective discussion of bills relating to governance and corruption in Parliament. Public scrutiny can be done through the involvement of civil society to provide technical expertise (Ayee 2000).

In a country where the law-making and enforcement process is held captive by neo-patrimonialism and political corruption, textual reading of the law cannot produce any positive results in the war against corruption. Institutional strengthening of the judiciary and promotion of judicial activism should be encouraged to ensure that judges interpret the law based on public interest, universal human rights principles and a thicker conception of the rule of law. This is buttressed by the fact that respect for a thinly defined conception of the rule of law may actually be counterproductive to the human rights regime if the law-making process is already compromised by corruption. This is not to say that anarchy should prevail in the fight against corruption. Rather, human rights activists and lawyers should pay keen attention to the law-making process to ensure that the outcome of this process does not perpetuate corruption. Second, since the legislature and executive in the law-making process sometimes operate on the basis of underlying institutional and (or) personal interests, thereby propagating legal corruption, a more robust and activist judiciary is necessary to align the law with public interest and/or human rights. This may require radical interpretation of the law in a way that would even be considered synonymous with law-making by the courts. Lastly, superior courts, such as the Supreme Court of Kenya, should see courts as platforms for the pursuit of justice and not simply the textual interpretation of law. Accordingly, they must be at the forefront in challenging judicial restraint on corruption matters and enhancing judicial activism.

Notes

1. The opinions expressed in this paper do not reflect the views of Amnesty International and reflect the opinions of the author solely.
2. For the political value of rights, see Fortman (2006).
3. www.transparency.org/en/what-is-corruption, accessed 15 June 2020.
4. Article 2.
5. Article 1.
6. Article 21.
7. *Republic vs Margaret Gachara and 2 others* (Chief Magistrates Court, Unreported).
8. *Republic vs Henry Rotich & 26 others* Criminal Case No. ACC 18, 19, 20 and 21 of 2019 cited in *Republic vs Kenya Revenue Authority & another; Director of Criminal Investigations & another (Interested Party)* Ex parte CMC DI Ravenna-Itinera JV [2020] eKLR.
9. Ibid.
10. Anti-Corruption Magistrate Court Criminal Case No. 31 of 2018 (Unreported).
11. About USD 3 million.
12. Anti-Corruption and Economic Crimes, Act, 2003 as well as The Proceeds of Crime and Anti-Money Laundering Act, 2016 provide a framework for the recovery of stolen wealth.
13. <https://www.idlo.int/fr/news/highlights/without-rule-law-human-rights-are-paper-promises>, accessed 20 July 2020.
14. See article 14 and article 2(1) of the International Covenant on Civil and Political Rights adopted and opened for signature, ratification and accession on 16 December 1966, entry into force 23 March 1976.
15. [2019] EKLK (High Court of Kenya)
16. Ibid. par 53.
17. See, for instance, section 62(6) of the Anti-corruption and Economic Crimes Act, 2003. See also Matiangi F. (2006).
18. Article 53 of the National Government Constituency Development Fund, 2015.
19. *Institute of Social Accountability & another v National Assembly & 4 others* [2015] Eklr (High Court of Kenya).
20. Ibid. Par. 132.
21. Ibid. Par. 135.
22. Ibid.
23. [2019] EKLK Par. 13.
24. *Republic vs Independent Electoral and Boundaries Commission Ex parte National Super Alliance and 6 others* [2017] EKLK (Supreme Court of Kenya) par. 65.
25. [2019] EKLK (High Court of Kenya). See also *Republic vs Mike Mbuvi Sonko* (Anticorruption Magistrates Court in Nairobi – Unreported, 2020).

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The Food Security Concept: Definition, Conceptual Frameworks, Measurement and Operationalisation

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Abstract

The concept of food security appeared in policy forums and documents during the 1970s as a concern largely for developing countries. Today, food security stands centre stage in developing and developed nations. It is a multidimensional concept, which rests on the four pillars of availability, access, utilisation and stability. As our understanding of this complex concept deepens, there are persuasive arguments to add the elements of food agency, food sovereignty and food sustainability, to make it a six-pillar framework. The argument is that this framework better informs policy and global responses to short- and long-term food security challenges. One of the main challenges of the concept of food security is its measurement. This arises due to the fact that there are multiple units of analysis at macro, meso and micro levels. Even the pillars of food security are measured at different scales. This has resulted in the proliferation of hundreds of food security metrics and definitions. The currently accepted definition of food security encapsulates the complexity of the concept but does not assist in developing appropriate metrics. Development projects in Africa that state food security as an objective need to develop relevant food security definitions to guide the assessment of achieving that objective, otherwise measuring its success is reduced to an evaluation of increase in food production—yet we know food security goes beyond production.

Keywords: Africa; food agency/sovereignty; food security; food sustainability; measurement; operationalisation

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Résumé

Le concept de sécurité alimentaire est apparu dans les forums et documents politiques des années 1970 comme une préoccupation majeure pour les pays en développement. Aujourd'hui, la sécurité alimentaire occupe une place centrale dans les pays en développement et développés. Il s'agit d'un concept multidimensionnel qui repose sur les quatre piliers que sont la disponibilité, l'accès, l'utilisation et la stabilité. À mesure d'une meilleure compréhension de ce concept complexe, des arguments convaincants viennent ajouter des éléments d'agentivité, de souveraineté et de durabilité alimentaires, pour en faire un cadre à six piliers. L'argument est que ce cadre éclaire mieux les politiques et les réponses mondiales aux défis de sécurité alimentaire à court et à long termes. L'un des principaux défis du concept de sécurité alimentaire est sa mesure. Il est dû à l'existence plusieurs unités d'analyse aux niveaux macro, méso et micro. Même les piliers de la sécurité alimentaire sont mesurés à différentes échelles. Cela a entraîné la prolifération de mesures et de définitions de la sécurité alimentaire. La définition actuellement acceptée de la sécurité alimentaire résume la complexité du concept mais ne permet pas de développer des mesures appropriées. Les projets de développement en Afrique qui font de la sécurité alimentaire un objectif doivent élaborer des définitions pertinentes de la sécurité alimentaire afin de guider l'évaluation de la réalisation de cet objectif, au risque de voir la mesure de leur succès se réduire à une évaluation de l'augmentation de la production alimentaire—pourtant nous savons que la sécurité alimentaire va au-delà de la production.

Mots-clés : Afrique ; agentivité/souveraineté alimentaire ; sécurité alimentaire ; durabilité alimentaire ; mesure ; opérationnalisation

Introduction

Food security appeared in scholarly discourse around the 50s but in policy discourse around the 70s, when it was developed as a concept relevant to developing countries (Clapp *et al.* 2022). The food crisis of 2008, which was triggered not by a lack of food production but by structural issues in markets (Warr 2014; Wald and Hill 2016), thrust the concept right in front of policymakers in developed and developing countries (AFED 2014; Candel 2014; Hopma and Woods 2014; Jarosz 2014; Lang and Barling 2012; Wald and Hill 2016; Bobe, Procopie and Bucur 2019). Estimates show that about 902 million people were malnourished in the developing world in 2008 and that about 795 million people in the world (not necessarily in the developing countries) were undernourished between 2014 and 2016 (Boratyńska and Huseynov 2017; Leventon and Laudan 2017).

When micronutrient deficiency is considered, this number is even higher (Leventon and Laudan 2017). It is also estimated that 1 billion people in the world suffer from chronic hunger (McCarthy *et al.* 2018).

In Sub-Saharan Africa, 25 per cent of the population is chronically hungry (Ashley 2016). Compared to 2019, in 2020 about 57 million more people in Asia, about 14 million more in Latin America and the Caribbean and about 46 million more in Africa were affected by hunger. Partly due to the lasting effects of the Covid-19 pandemic on food security, about 660 million people may still face hunger in 2030 (FAO *et al.* 2021). Some 20 per cent of children in the developing world are undernourished and half of all child deaths worldwide have some association with poor nutrition (Ashley 2016; McCarthy *et al.* 2018).

Malnutrition in all its forms remains a global challenge. It is not yet possible for the impact of the Covid-19 pandemic to be fully accounted for; however, in 2020, it was estimated that 6.7 per cent (45.4 million) of children under 5 years of age were suffering from wasting, 22 per cent (149.2 million) were affected by stunting and 5.7 per cent (38.9 million) were overweight (FAO *et al.* 2021). The necessary development of policies that address this situation requires a consistent understanding of the food security concept, which has not been the case over time or across interest groups (Candel 2014).

After the 2008 food crisis, the food security debate globally focused on emergency relief, followed by food production, ahead of all other concerns like improved markets or sustainability. This was essentially triggered by the need to feed the 9 billion people anticipated to populate the planet by 2050, which would require a 70 to 100 per cent increase in food production (Fouilleux, Bricas and Alpha 2017). Private foundations and transnational corporations have joined efforts to meet this need. These include Dupont, The International Fertilizer Development Center, Olam International, the Bill and Melinda Gates Foundation (such as through its alliance with the Rockefeller Foundation's Alliance for a Green Revolution in Africa, AGRA), Syngenta, Yara, Monsanto, Coca-Cola and many biotechnology companies (Fouilleux *et al.* 2017). The diversity of interest groups adds more variations to our understanding of the food security concept since private companies are motivated by profit. It is the existence of these various understandings and the complex and multidimensional nature of food security (Maxwell and Smith 1992; Maxwell 1996; Young 2004; Jones *et al.* 2013; Candel 2014; Ike 2015; Burchi and De Muro 2016; Upton, Cissé and Barrett 2016; Fouilleux *et al.* 2017; McCarthy *et al.* 2018) that leads to the myriad definitions of food security.

Clapp *et al.* (2022) correctly observe that ‘There have been many attempts to define food security as a concept and there exist several hundred definitions of it in the literature to date...’. Researchers report the existence of more than two hundred definitions in published writings (Maxwell and Smith 1992; Maxwell 1996; FAO 2003; Lang and Barling 2012; Shetty 2015; Ashley 2016; Zidouemba 2016; Gartaula *et al.* 2017). Maxwell (1996:169) lists thirty-two examples of definitions, which he argues reflect three paradigm shifts in food security thinking: from the global and the national to the household and the individual; from a food-first to a livelihood perspective; and from objective indicators to subjective perception. Food security is described in multiple ways (Wald and Hill 2016; Bobe *et al.* 2019), with economists generally perceiving it as a supply and demand relationship directly related to transfers and income growth (Boratyńska and Huseynov 2017).

There is an accepted and widely cited definition of food security (FAO 1996, 2000, 2006, 2009; Young 2004; Lang and Barling 2012; Clapp 2014; Hopma and Woods 2014; Warr 2014; Shetty 2015; Upton *et al.* 2016; Fouilleux *et al.* 2017; McCarthy *et al.* 2018), which states:

Food security, at the individual, household, national, regional and global levels [is achieved] when all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life. (FAO 2003:28)

This definition was officially established by the 1996 World Food Summit (Fouilleux *et al.* 2017) and officially reaffirmed by the Food and Agriculture Organization (FAO) in the 2009 Declaration of the World Summit on Food Security (Shetty 2015). This definition immediately raises the question of levels or scales of analysis. Food security can be discussed, conceptualised, analysed and operationalised at different scales—micro (individual), meso (household and community) and macro (community, national, regional and global) (Wald and Hill 2016; Fouilleux *et al.* 2017; Clapp *et al.* 2022).

The objective of this paper is to present concisely the food security conceptual frameworks, food security measurements and the operationalisation of the food security concept, as well as the associated challenges. We have not found a paper that accomplishes this in the literature. The following section describes the food security conceptual frameworks, after which there is a review of the different measurements of food security. Finally, a case study which illustrates the operationalisation of food security is presented, highlighting some of the challenges faced.

Food Security Conceptualisation Frameworks

The Four-pillar Food Security Conceptualisation Framework

It is generally accepted that the food security concept rests on four pillars: availability, access, utilisation and stability (FAO 2006; Hopma and Woods 2014; Ike 2015; Shetty 2015; Upton *et al.* 2016; Gartaula *et al.* 2017; McCarthy *et al.* 2018; Bertelli 2020; Clapp *et al.* 2022). In this framework there is an inherent hierarchy, as follows: availability is necessary but not sufficient for access, which is necessary but not sufficient for utilisation, with all three being necessary for stability. The pillars are referenced, for example, by the Integrated Food Security Phase Classification (IPC) guidelines, which stress that field assessors should view these pillars as interacting with one another in a sequential manner (IPC 2021:31). The four pillars are almost always referenced in a specific order: availability, access, utilisation, stability (Clapp *et al.* 2022).

The FAO Food Security Policy Brief (2006:1) clearly lays out the four-pillar food security conceptualisation framework, as follows:

1. **Food availability:** The availability of sufficient quantities of food of appropriate quality, supplied through domestic production or imports and including food aid.
2. **Food access:** Access by individuals to adequate resources (entitlements) for acquiring appropriate foods for a nutritious diet.
3. **Utilisation:** Utilisation of food through adequate diet, clean water, sanitation and healthcare to reach a state of nutritional wellbeing where all physiological needs are met.
4. **Stability:** To be food secure, a population, household or individual must have access to adequate food at all times without risking losing access to food as a consequence of sudden shocks.

Whether the four-pillar approach to conceptualising and defining food security sufficiently captures the full range of dimensions that matter for food security has recently been questioned. This has resulted in suggestions to incorporate two more dimensions, namely agency/sovereignty and sustainability to the food security definition, policy and analysis frameworks (Clapp *et al.* 2022).

The Six-pillar Food Security Conceptualisation Framework

Lang and Barling (2012:320) note that ‘The history of food, a basic human need, is a long one of power politics, yet policy and scientific reports usually side-step the issue, preferring to offer themselves as neutral, leaving the

terrain to NGOs ...'. Furthermore, for decades hunger and malnutrition have been linked with structural problems within food systems across the world. It is puzzling therefore that social movements, scholars and activists have not explicitly recognised and advocated for the inclusion of the politics of food systems, and therefore sovereignty, in the food security analytical framework (Wald and Hill 2016). The adoption of the six-pillar framework would address this concern.

As Lang and Barling (2012) point out, the inclusion of more civil society participation in the FAO's Committee on Food Security after the 2007–2008 food price crisis was probably one of the biggest steps towards considering food sovereignty as part of the food security concept. Clapp *et al.* (2022) stress that the need to shift the framing of food security to the six-pillar framework is urgent because the way in which governments and multilateral organisations conceptualise food security has important implications for food policy design and the implementation of food security programmes as well as for monitoring efforts. The urgency of this reframing lies in the current circumstances of rising global hunger. Clapp *et al.* (2022) also point out that, currently, food security assessments do not include agency and sustainability. This may be so because those two factors are excluded from the conceptualisation and definition of food security.

Agency and sustainability are important food security dimensions at the macro level, as follows: it is important 'to give formal recognition to agency and sustainability as dimensions of food security alongside the four established pillars since its recommendations influence policy and programs at both the national and international levels' Clapp *et al.* (2022:6). The explicit recognition of agency and sustainability will help to close the gap between the implementation of food policies on the ground and broad policy statements at national and international levels (Clapp *et al.* 2022). It may also assist smallholder producers in developing countries who have few frameworks for participation in food system decision-making and generally lose control of their food system beyond the farm gate.

Sustainability as a Food Security Dimension

The growing awareness of the interconnections between food systems and ecological systems, among other global systems, has encouraged the inclusion of sustainability as a dimension in the conceptualisation and analysis of food security (Clapp *et al.* 2022). Sustainability refers to food system practices that achieve the long-term regeneration of social, natural and economic systems while meeting the food needs of current generations, without detrimental

effects on the food needs of future generations. Sustainability is concerned with the connections between livelihoods, society, political economy and ecosystems in supporting food security and maintaining food systems into the distant future for the purposes of future generations (Clapp *et al.* 2022; Mapiye 2022).

Sustainability is enshrined in the UN's Sustainable Development Goals (SDGs), explicitly in SGD 2, which calls for more sustainable, healthier and more equitable food systems. Sustainability has been foregrounded because of the degradation of ecological systems, especially in light of climate change. Ecological systems deserve special attention in relation to the sustainability of food systems (Clapp *et al.* 2022; Mapiye 2022) and, therefore, food security because they provide the necessary material foundation for the production of food. It has been recognised that ecosystems have limits and therefore they need restoration.

It is clear from the extant literature that the major food production systems are not sustainable and that, although technology has improved short-term food security by enhancing the ability to produce food, largely through improved yields (Fischer, Byerlee and Edmeades 2009), technological development has generally worsened the sustainability of food systems (Clapp *et al.* 2022). Private companies, which are leading the technological frontier, are motivated by profit which often acts against sustainability. As a result, they often exclude or ignore the dissonant voices of civil society (Fouilleux *et al.* 2017) whose vision of global food systems often seeks to protect sustainability and the rights of smallholders in developing countries. Wald and Hill (2016) argue that current food security discourses are not adequate for ensuring sustainable and just food economies. Therefore, the world needs a solution to the paradox of increased food security coupled with decreasing sustainability, especially the sustainability of small-scale agriculture (Gartaula *et al.* 2017).

It also appears that we may need to pay more attention to what Jarosz (2014: 168) refers to as '... the geographic context and the political economy of development and underdevelopment'. These contexts become more and more relevant as the differences between the understanding of sustainable food systems and food preferences are shaped by environments. For instance, in the developed world, where there is a general overconsumption of meat, there is a movement to reduce the consumption of meat because it is perceived to be produced under environmentally unsustainable practices and systems that are insensitive to animal welfare (Neff *et al.* 2018; Sahlin 2022). However, in the developing world, there is a general underconsumption of meat and there are vulnerable groups, like lactating and pregnant women

and children, whose food security and health would benefit from consuming more, not less, animal source foods (Paul *et al.* 2021). Also, in developing countries, it is possible to reduce the negative environmental impacts of livestock by developing sustainable systems of producing meat rather than by reducing meat consumption (Farmer Angus, 2021; Paul *et al.* 2021; Mapiye 2022). Given this, it appears that the conceptualisation of sustainability and, therefore, food security is developing differently for the global North and global South. The question then is, where do these differences need to be captured? The answer is, probably in the sustainability dimension.

The arguments to include sustainability in the six-pillar food security framework are persuasive. But despite this, and even though agency and sustainability have become generally recognised as dimensions of food security in recent literature, they are not explicitly recognised in a systematic way at the international level (Clapp *et al.* 2022). Clapp *et al.* (2022: 3) lament that:

‘In the absence of a formal adoption of a six-dimensional conceptualisation of food security in policy settings, the scholarly literature continues to utilise the four-pillar framework, sometimes with supplementary frameworks to capture missing elements.’

Meanwhile, the (mis)understanding or exploitation of the food security concept is leading to a new scramble for Africa through landgrabs (Jarosz 2014). These are justified through export ambitions and/or claims of improving (national) food security, yet they lead to the displacement of peoples who lose their income and ability to produce their own food and therefore end up being food insecure. Sometimes these landgrabs negatively affect sustainability either because of where the displaced population is settled or through the unsustainable practices of the land grabbers, or both (Fisseha 2022).

The Agency/Sovereignty Food Security Dimension

Fouilleux *et al.* (2017) observe that there is evidence of a fragmentation in global food security governance, with competition between some stakeholders that results in global governance failure while food insecurity persists on the ground. Given the unending hunger among society's least advantaged, the ever-widening inequalities (some of which were distinctly highlighted, although not necessarily all caused, by Covid-19) and the food security complexities that are implied in the definition of food security just described, the calls to expand the four-pillar framework to include agency and sustainability get louder (Clapp *et al.* 2022). The addition of

the agency dimension is often justified by the fact that there are power imbalances and inequalities at household, community, national and global levels, and these consistently constrain the ability of food systems to reduce poverty and achieve equitable and sustainable livelihoods (Clapp *et al.* 2022). The addition of agency is therefore, generally argued from a human development perspective.

Agency gives people the ability to address power imbalances (inequalities) in the food system and shape their own relationship with the food system. Even though we understand that there is no linear relationship between reduced inequalities and food security, we understand that poverty can be most effectively and sustainably eradicated by empowering the poor, who are vulnerable to food insecurity. This includes boosting the opportunities and capacities of the poor and vulnerable through the more equitable redistribution of resources like income, land and social protection, by using progressive and not regressive taxation, education, state infrastructure investments and related approaches (Neufeld, Hendriks and Hugas 2021). Wald and Hill (2016:205) also contend that the ‘... scale at which processes take place is intimately connected with struggles over the economy and society’. These processes expose the tensions, especially about resource control over food systems (global food chains versus smallholders in developing countries), between transnational corporations and civil society and their seemingly divergent visions of the future of food systems. One way to address this is the concept of ‘glocalisation’, a dynamic, hybridised scalar arrangement of global and local processes (Wald and Hill 2016).

Broadly defined and based on Sen, agency means a person has the freedom to do and achieve the pursuit of whatever goals or values he or she regards as important (Clapp *et al.* 2022). When interpreted in the context of food security, agency means the ability to exercise voice, make decisions and act upon them to improve one’s own and the community’s wellbeing. Agency has tended to focus on the fact that societal inequities deter people’s ability to control their own circumstances, and this affects their ability to determine their own wellbeing. Agency, therefore, affects how people participate in their food systems and is concerned with issues of self-determination and autonomy, especially with reference to cultural acceptability and the upholding of human dignity (Clapp *et al.* 2022).

Proponents of the inclusion of food sovereignty in the conceptual framework of food security argue that farmers should have a stronger voice in shaping food institutions and systems (Clapp *et al.* 2022). They contend that decision-making should be more equitable and accountable to those

involved in the current food systems who are most adversely affected by their and our outcomes (Neufeld *et al.* 2021). The food sovereignty supporters also argue that it can give us a better understanding of the politics of scale (Wald and Hill 2016). Food sovereignty emphasises peoples' right to define the food systems that apply to them and their access to culturally acceptable foods (and, therefore, their own livelihood). The proponents argue that it is important to consider the whole process of production to final consumption—that is, where food is produced, who produces it, who controls the means of food production, where food is consumed and how food gets from the plant or field to the plate (Hopma and Woods 2014). Political mobilisation around peasant rights is the aim of this explicitly normative concept (Clapp 2014). Although it is often argued that agency and sovereignty can be oppositional, agency also is often perceived as necessary for the achievement of food sovereignty (Patel 2009; Clapp 2014; Wald and Hill 2016).

Food sovereignty is defined as '...the right of nations and peoples to control their own food systems, including their own markets, production modes, food cultures and environments ...' (Wittman *et al.* 2010: 2). La Via Campesina (1996, an organisation which positions itself as a worldwide movement that defends small-scale sustainable agriculture and opposes corporate-driven agriculture, which it often accuses of causing inequality in (local) food systems (Leventon and Laudan 2017), states:

Food sovereignty entails the sustainable care and use of natural resources especially land, water and seeds. We, who work the land, must have the right to practice sustainable management of natural resources and to preserve biological diversity. This can only be done from a sound economic basis with security of tenure, healthy soils and reduced use of agro-chemicals ... Peasants and small farmers must have direct input into formulating agricultural policies at all levels. This includes the current FAO World Food Summit from which we have been excluded. The United Nations and related organisations will have to undergo a process of democratisation to enable this to become a reality. (La Via Campesina 1996:2)

Thus, food sovereignty emphasises the 'right to have rights' (Hopma and Woods 2014:777) while taking cognisance of sustainability.

As Hopma and Woods (2014) note, La Via Campesina leaves it to individual communities, nations and regions to determine the meaning of food sovereignty based on their own set of unique circumstances. It thus avoids imposing a definition of food sovereignty on its participants. This raises the concern that food sovereignty has many interpretations and operational definitions which interact with different operational contexts

(Wald and Hill 2016; Leventon and Laudan 2017). But, one could argue, so does food security, hence the existence of the 200-plus food security definitions. However, in the 2007 Declaration of Nyéléni in Mali, La Via Campesina defines food sovereignty as the ‘... right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods and their right to define their own food and agriculture systems’ (La Via Campesina 2007; Jarosz 2014:174; Leventon and Laudan 2017:23). This definition incorporates consumption and sustainability, the latter of which transnational food corporations, given their profit orientation, do not seem to pay much attention to.

Hess (2008), cited in Leventon and Laudan (2017:23), interprets food sovereignty as ‘... a form of localism, whereby sovereignty is regained over the economy. ... Food sovereignty emphasises the positive synergies between agriculture, social justice, dignity and the conservation of nature’, elements of which are clearly incorporated in the La Via Campesina definition, and which clearly link with sustainability.

The idea of food sovereignty as a dimension of food security is still debatable. Some argue that it should be included within the definition of agency (Clapp *et al.* 2022). Some actually view food sovereignty as an alternative approach to achieving food security at the local level by protecting the environment and biodiversity while delivering broader social values by using non-industrial agricultural production methods, which causes tensions between food security and food sovereignty (Hopma and Woods 2014). While this debate rages on, there are governments like those in Mali, Bolivia, the Dominican Republic, Venezuela, Senegal, Nicaragua and Ecuador that have already integrated food sovereignty into the legislation of their food security strategies (Leventon and Laudan 2017). This is despite the concern raised by Wald and Hill (2016) that theoretical impoverishment still characterises food sovereignty. It is important to analyse the impacts of capitalist developments and power relations on local ecologies and agricultural development (Jarosz 2014) and to incorporate the basis of these analyses into the definition and operationalisation of food security.

Yet fundamental questions linger. For instance, does adding more pillars to the conceptual framework of food security add to the plurality of pathways in which food systems can be transformed so as to address hunger? (Hopma and Woods 2014). If it is generally accepted that more pillars should be added, do they also have to be incorporated into the definition of food security as the other four pillars/dimensions have been, thus possibly adding to the 200-plus definitions of food security that already exist?

Measuring Food Security

Food security is notoriously hard to measure (De Cock *et al.* 2013; Ashley 2016; Clapp *et al.* 2022). For a long time, the FAO used two elements to assess food security. The first was food availability. Based on a Food Balance Sheet by food type, an estimate of calories of food produced was added to an estimate of calories of food imported and divided by the population. One could refer to this as the supply side. This was then compared to individual energy nutritional needs based on WHO standards, which require 2,500 Kcal per day for a working adult to be in good health. The second element used budget and consumption data from national surveys to compute a population's mean caloric consumption. This could be called the demand side. Food availability and consumption thresholds below which a population was deemed food insecure were then applied. Even though heavily criticised, these measures dominated food security measurement and debate probably due to their economy and simplicity. One major weakness of this approach is that annual changes often cannot be tracked due to the irregularity of the collection of national survey data (Fouilleux *et al.* 2017).

The 2008 food crisis led to heavy criticism of the FAO approach. As a result, new indicators, some introduced by private actors, and previously marginalised indicators, like International Food Policy Research Institute's Global Hunger Index, received more attention. In 2014 the FAO started using the Food Insecurity Experience Scale (FIES) by leveraging private data (Fouilleux *et al.* 2017). This approach was probably motivated by the United States Agency for International Development (USAID), which started collecting food security data from surveys that asked about peoples' food security experiences over the previous 12 months.

The metrics used to describe the global food security situation in the first paragraph of this article demonstrate the complexity of food security measurement. There is a profusion of food security metrics, which is a direct result of the copious food security definitions. Sometimes the results of the different measurements are not easy to reconcile, largely because they address different food security dimensions whereas most indicators focus on one aspect/dimension/scale of food security at a time (Upton *et al.* 2016). For instance, empirical evidence shows that estimates of the share of food-insecure households differ considerably depending on the metrics used. Jones *et al.* (2013) observe that the options of food security measurement are dizzying. Gartaula *et al.* (2017) mention that there are no less than 450 food security measurement indicators. As Ike (2015: 31) puts it: 'Each of the ... food security measures has been developed based on a particular

understanding of the concept of food security and with a specific aim in mind. Each measures a different dimension of food security, while some measure a combination of dimensions.’

Measurement efforts have historically focused on food availability as an important policy issue (Fouilleux *et al.* 2017; Bertelli 2020). Warr (2014) asserts that the amount of food produced currently seems enough for everyone, leaving ‘only’ the problem of food distribution to individuals. However, as indicated by the food security dimensions, food security goes beyond availability and distribution. Thus, there is still a considerable amount of debate surrounding food security measurement (Bertelli 2020) and the subject is contentious and unclear (Upton *et al.* 2016) despite being high on the development agenda for the past seventy years (Bertelli 2020). Some of the metrics used to measure and describe food security status are described in the following section.

Food Security Measurement at National Level

Food availability is mostly assessed and measured at national level using measures that include but are not limited to prevalence of undernourishment; Global Hunger Index (GHI); Global Food Security Index (GFSI); The Integrated Food Security Phase Classification (IPC).

Prevalence of Undernourishment

Widely used by the FAO, this measures national food supply and therefore food availability. It is based on national food balance sheets that calculate food produced nationally minus exports plus imports minus nonfood uses. Assumptions in this calculation and the level of aggregation are problematic in describing food security, so complementary indicators—such as share of energy supply derived from cereals, roots and tubers; average supply of protein of animal origin; prevalence of undernourishment considering energy needs for higher amounts of physical activity—are used in interpreting the prevalence of undernourishment (Jones *et al.* 2013; Warr 2014; Upton *et al.* 2016).

Global Hunger Index (GHI)

Also used at national level, this index measures hunger using three equally weighted indicators: undernourishment (as a percentage of people in a population); child underweight (the proportion of children younger than 5 years who have a low weight for their age); and child mortality for those under 5 years. A 100-point scale is used to rank countries as having ‘low’

to 'extremely alarming' hunger. Data for this index comes from the FAO (undernourishment), UNICEF (child mortality) and WHO and UNICEF (low weight for age). A major criticism of this measure is that some of the determinants of the child health and undernutrition indicators are not necessarily a direct function of food insecurity (Jones *et al.* 2013; Warr 2014; Upton *et al.* 2016; Lv *et al.* 2022).

Global Food Security Index (GFSI)

This index is sponsored by DuPont. The Economist Intelligence Unit developed it using thirty indicators that represent three food security domains: availability (ten indicators), affordability (six indicators) and quality and safety (fourteen indicators). It is also used to rank a country's food security status. It is recalculated quarterly to account for shifts in price data. The data is sourced from World Bank, the FAO, the World Food Programme (WFP) and the World Trade Organization (WTO). Expert panels and analysts from the academic, non-profit and public sectors provide scoring for the qualitative indicators used in the GFSI. A criticism of this metric is that, with thirty indicators, it has a high data requirement and is complex and difficult to interpret (Jones *et al.* 2013; Warr 2014; Upton *et al.* 2016).

The Integrated Food Security Phase Classification (IPC)

This is derived from a consultative process by experts who arrive at a consensus regarding the interpretation of evidence from multiple domains, including livelihood change, food consumption, nutrition and health, vulnerability and hazards. IPC was developed from the USAID-funded Famine Early Warning Systems Network (FEWS NET), which produces monthly food security updates for twenty-five countries. Using IPC, food insecurity is classified into phases, from 'minimal' to 'stressed', 'crisis', 'emergency' or 'famine', which can be applied to geographic units ranging from villages to provinces. An important data source for the IPC is WFP's Comprehensive Food Security and Vulnerability Analyses (CFSVAs) (Jones *et al.* 2013; Upton *et al.* 2016, IPC 2019).

Food Security Measurement at Household Level

Household-level food access metrics include but are not limited to: household consumption and expenditure surveys (HCES); the dietary diversity proxy; food consumption score (FCS); household dietary diversity score (HDDS); coping strategies index (CSI); United States Household Food

Security Survey Module (HFSSM); household food insecurity access scale (HFIAS); household hunger scale (HHS); and the Escala Latinoamericana y del Caribe de Seguridad Alimentaria (ELCSA), or Latin American and Caribbean Household Food Security Scale.

Household Consumption and Expenditure Surveys (HCES)

Although these surveys are not a metric in themselves, they are increasingly used as a source of data for food access. Usually, they measure access by estimating food acquisition and assume that acquisition equals consumption. However, acquired food could be lost, fed to animals, wasted, go bad or be gifted. Improvements are being made to this data source, which is important because these surveys are less costly to conduct compared to detailed dietary intake assessments. The surveys are becoming increasingly popular and have been adopted by many countries (Jones *et al.* 2013; Larsen and Lilleør 2014; Ike 2015).

The Dietary Diversity Proxy

This instrument has been demonstrated to correlate with anthropometry and household food security proxy indicators, such as per capita daily caloric availability, food expenditure, asset ownership, household income and education. Data on dietary diversity is easy to collect and therefore this metric is easy to use. However, there is no single definition of dietary diversity as it is a function of culture (Jones *et al.* 2013).

Food Consumption Score (FCS)

For this measure, households are asked to report on the frequency of consumption of eight food groups, which include foods like maize, rice, sorghum, cassava, potatoes, millets, pulses, vegetables, fruit, meat and fish, dairy products, sugar and oil. Each food group is assigned weights, which are determined by a team of food analysts based on their energy, protein and micronutrient densities—for example, meat, milk and fish = 4, pulses = 3, staples = 2, vegetables and fruits = 1, sugar and oil = 0.5. The frequency of consumption of a food group is then multiplied by the weight and summed for a household to get a food consumption score. The score is used to classify households using categorical variables. These describe households as poor (households that fall short of consuming at least one staple food and one vegetable each day of the week) and acceptable (households that are expected to consume oil and pulses daily, in addition to staples and vegetables). This is an easy-to-use indicator for which the data is also easy to collect.

Evidence from Africa shows that consumption scores correlate with asset indices, kilocalories consumed per capita per day and total monthly household expenditure. However, cut-off points for categories can sometimes underestimate food insecurity as measured by calorie consumption per capita. Furthermore, in areas where fruits are not easy to find, fruit consumption can be an indicator of food security, yet the low weighting of fruits does not reflect this. Even though the food consumption score is measured at household level, the WFP uses it to establish food insecurity prevalence in a country or region (Jones *et al.* 2013; Upton *et al.* 2016).

Household Dietary Diversity Score (HDDS)

This measure was developed by the Food and Nutrition Technical Assistance Project of USAID. Similar to the FCS, the person responsible for food preparation in the household is asked if any household member consumed food from any of the twelve food groups, namely, cereal grain staples, roots and tubers, vegetables, fruits, meat, eggs, fish, pulses and nuts, dairy products, oils and fats, sugar and condiments. Summing up the results produces a score between 1 and 12. There is evidence that there is an association between this metric and some indicators of food security like employment and income (De Cock *et al.* 2013; Jones *et al.* 2013; Ike 2015, Upton *et al.* 2016).

There are also household level food security measures based on participatory adaptation. These are context-specific metrics that use context-specific information from groups of stakeholders in the districts and communities where food security is being measured.

Coping Strategies Index (CSI)

This index was developed by WFP and the Cooperative for Assistance and Relief Everywhere (CARE) International. It is based on a generic list of strategies that households use to manage food access problems. Participants in focus groups are then asked to adapt the generic coping strategies to specific contexts. Respondents are asked about their relative use of coping strategies over the previous month. Once the coping strategies are identified, focus groups then attach severity weightings to the coping strategies. The information on severity weightings and the frequency of use of coping strategies is then combined to compute a final index score. The score is not very useful for interpreting the food security circumstance of a household, but when compared with other households and when computed over time for the same household/s it provides a very sound

indication of food security status and changes over time. Evidence from Africa shows that CSI correlates with other indicators of household food security, like total expenditure per capita. CSI uses rapid rural appraisal techniques that make it easy to use and cost-effective in comparison to indicators that require costly survey data collection procedures (Jones *et al.* 2013; Upton *et al.* 2016).

United States Household Food Security Survey Module (HFSSM)

This survey contains eighteen questions that ask households about their subjective experiences of four domains of food insecurity:

1. perceptions that the quality or quantity of accessible food is not adequate;
2. anxiety about household food supplies;
3. reduced food intake by children;
4. reduced food intake by adults.

The information is used to classify households as food secure, having low food security, or very low food security. This is a direct food-security experience measure that does not rely on second-generation food security indicators, like household income and expenditure. This metric has been adapted and used in sub-Saharan Africa, Latin America and South Asia, yielding results that show an association with other food security indicators like total expenditure per capita and total daily per capita food expenditure (Jones *et al.* 2013).

The Household Food Insecurity Access Scale (HFIAS)

This measure is a modification of the HFSSM above. Instead of asking twelve (and possibly eighteen) questions, HFIAS uses nine generic questions, including those that assess frequency, asking if the food (in) security condition was experienced often, sometimes or rarely. A score from 1 to 27 is calculated and a four-level categorical variable can be calculated that reflects the prevalence of food insecurity, which can be used for targeting, monitoring and evaluating food security programmes. Evidence shows that there is an association between this indicator and other food security indicators, like household per capita income and dietary adequacy. However, there are some questions about whether HFIAS measures the same constructs across contexts and cultures. This is because the food security aspects covered in questions 1 to 6 may be open to different interpretations across cultures and especially when translated to local languages; there may be no direct translations for some concepts, leading to questions about this

method's cross-cultural validity. There are also concerns about item ordering and severity calibrations (De Cock *et al.* 2013; Jones *et al.* 2013; Sharaunga, Mudhara and Bogale 2016; Ike 2015).

Household Hunger Scale (HHS)

This measure uses only the last three questions from HFIAS:

1. Question 7: Was there ever no food at all in your household because there were not resources to get more?
2. Question 8: Did you or any household member go to sleep at night hungry because there was not enough food?
3. Question 9: Did you or any household member go a whole day and night without eating anything because there was not enough food?

These questions are less open to interpretation than questions 1 to 6 of HFIAS. Also, a three-item scale, including the three frequency responses of never, sometimes and rarely, is used instead of the four-item scale used in the HFIAS. Evidence shows that this structure is more consistently understood across contexts and cultures and therefore has been found to have more cross-cultural validity. However, the three questions measure experiences about hunger, not food security, so HHS should be used in combination with other food security measures (Jones *et al.* 2013).

Escala Latinoamericana y del Caribe de Seguridad Alimentaria (ELCSA)

Translated into English as the 'Latin American and Caribbean Household Food Security Scale', this is a sixteen-item scale variation of the HFSSM, which has been adapted for and tested in Latin America and the Caribbean Islands and found to be regionally valid. This is the only regionally validated food security metric of its kind and raises questions about whether regions like sub-Saharan Africa and parts of Asia, where food insecurity is a persistent concern, need similar adaptations for regional comparability (Jones *et al.* 2013).

Anthropometry

It is important to emphasise that the metrics used to measure food access actually measure food acquisition, not actual consumption (Jones *et al.* 2013; Borlizzia, Delgrossib and Cafieroa 2017). They are also usually applied across contexts without adaptation (Jones *et al.* 2013). Regarding the metrics for food utilisation, anthropometry is considered the gold standard. Anthropometric indicators have been linked to morbidity and mortality outcomes, chronic disease and cognitive development. Anthropometry uses measures of height, weight, mid-upper arm circumference and measurements

of skinfolds, in combination with age and sex. The indices computed from these measurements—for example, body mass index (BMI)—are then compared to population standards. However, anthropometric indicators are influenced by access to health services, hygiene and the sanitation environment and not just by food intake. Also, they do not measure intra-household food distribution, and it is possible for a food-secure household to contain some members who are undernourished (Jones *et al.* 2013; Upton *et al.* 2016; Bobe *et al.* 2019).

Challenges of Measuring Food Security

It is important to note that individual and household-level data is costly and difficult to collect and is usually subject to quality concerns, especially for comparability and aggregability across groups. The variable definitions of food security, especially across countries, make international noncomparability a challenge. Also, data is rarely collected consistently over time. Worst of all, these challenges tend to be more prevalent where food security challenges are high (Upton *et al.* 2016), for instance in Africa.

The metrics reviewed display a distinct absence of one that concurrently addresses all four dimensions encapsulated in the accepted definition of food security. Upton *et al.* (2016), using complex econometric procedures, demonstrate how recent advances can be adapted to address all the elements in the accepted definition of food security. Although their effort is insightful and commendable, their method is complex and suffers from the data availability and aggregation issues that plague other food security measures. A simple, cost-effective measure of food security that satisfies all four elements in the accepted food security definition at the different scales remains elusive. Indeed, the question remains, is there a need for the development of such a measure, or would it be satisfactory to use different indicators depending on scale and or element/s of interest?

Upton *et al.* (2016: 135) observe that: 'A primary purpose of a precise, agreed definition is to provide a template for understanding the problem, designing solutions, targeting policies and assessing progress.' Assessing progress requires measurement and the use of indicators. However, it is difficult to develop a single indicator that covers all four food security dimensions (Ike 2015). Bertelli (2020), therefore, asks whether we should regard the currently accepted definition of food security as a comprehensive but diplomatic definition, but the operationalisation of which across the different food dimensions is challenging, if not impossible, especially in resource-poor areas where food security measurements really need to be undertaken because of the (high) prevalence of food insecurity.

Jones *et al.* (2013: 502) observe that: ‘The definition’s comprehensiveness, although well suited as a political tool to motivate action around food security and hunger on multiple fronts, may preclude its use as a guide for operationalising food security metrics.’ Ksenofontov *et al.* (2018) also wonder whether, since the definition stipulates access to food by all and at all times, it is an ideal that cannot be realised in practice and therefore cannot be measured. Warr (2014: 521) observes that the problem with this definition is that it is non-quantitative and, based on this definition, ‘It is not obvious how varying degrees of departure from full food security could be quantified ... [yet] ... An operational definition of food security must support quantification’. Ike (2015) also supports this notion. The only meritorious aspect of this definition is that it introduces the several food security complexities (Young 2004), but food security still is often measured by looking at just one single dimension or a couple of dimensions at a time. For example, food supply interventions usually address food availability exclusively, even though ignoring food accessibility could fail to effectively reduce food insecurity (Bertelli 2020).

Even though they are not officially included in the conceptualisation of food security, there are metrics that measure agency and sustainability. Those that measure agency in relation to women include the Women’s Empowerment in Nutrition (WEN) grid, the Women’s Empowerment in Nutrition Index (WENI), the Women’s Empowerment in Agriculture Index (WEAI), women’s decision-making ability with respect to expenditure, the status of employment, perceptions of domestic violence, and the Women’s Empowerment in Livestock Index (WELI). These mostly measure the participation of women in food system decision-making in relation to men (Clapp *et al.* 2022). Metrics that measure agency at macro, meso and micro levels could be developed—for instance, metrics that measure the empowerment of consumers over food purchase and consumption and those that measure the participation of farmers in local food system decision-making and governance, national food self-sufficiency, numbers and types of food producers and measures of domestic market concentration.

The measurement of the sustainability dimension happens already to some extent. For instance, the FAO tracks soil nutrient budgets, livestock patterns, fertiliser, pesticide and land use indicators, as well as food system indicators (Clapp *et al.* 2022). However, these factors need to be formally incorporated into food security assessments so as to inform food security policy formulation. The sustainability of diets can also be assessed, and this has led to metrics like Sustainable Nutrition Security (SNC) (Clapp *et al.* 2022). The challenge with the sustainability metrics is their ability

to move in opposite directions and thus they fail to provide a composite indication of whether a food system is becoming more or less sustainable over time.

Operationalisation of the Food Security Concept

After independence in many African countries the project approach to development was adopted and is still used particularly in the agricultural sector, which plays a central role in many African economies (Hofisi and Chisimba 2013). Many of these development projects aspire not only to improve the livelihoods of the beneficiaries but also to improve their food security status. For example, the South African government uses the project approach to develop and improve the food security and livelihoods (Sharaunga *et al.* 2016) of the previously disadvantaged Black smallholder farmers who contribute significantly to the national agricultural GDP. Although South Africa is considered food secure at the national level in terms of the availability of food (De Cock *et al.* 2013), Bobe *et al.* (2019) observe that many people in the world cannot access already available food. Even though access to sufficient food is a constitutional right in South Africa (Republic of South Africa 1996), De Cock *et al.* (2013) found that 53 per cent of the households in Limpopo Province, for instance, are severely food insecure. Clover (2003) corroborates this by observing that in some parts of the world, the number of undernourished people is growing. This is the case in some parts of Africa, where the problem of food security sometimes reaches crisis proportions. This is despite the fact that world food production has generally grown faster than the world's population. Therefore, in Africa food security is an important development objective.

The Limpopo IDC Nguni Cattle Development Project

One of the development projects at work in South Africa is the Limpopo IDC Nguni Cattle Development Project. The centrality of livestock to many smallholder communities in many developing countries, and especially in Africa, is unquestionable. This is true in the Limpopo Province where the project is being implemented (Mapiye *et al.* 2019). The smallholders who are beneficiaries of this project are largely subsistence farmers, but among them are farmers who, through different provincial efforts, are transitioning between subsistence and commercialisation. These are referred to as emerging (smallholder) farmers. Such projects that can generate household income and or create jobs are encouraged by the Department of Agriculture, Forestry and Fisheries (Republic of South Africa 2013).

The Limpopo IDC Nguni Cattle Development Project is described in detail by Mapiye (2017), Mapiye *et al.* (2019), Nkadimeng (2019) and Makombe (2022). Farmers who already have grazing and infrastructural capacities are selected for this project (Nkadimeng 2019). Since smallholder farmers generally do not have access to grazing land, the selected farmers are mostly beneficiaries of the South African land reform programme (Makombe 2018). When potential beneficiaries meet the selection criteria, they are given a herd of cattle which comprises thirty pregnant Nguni heifers/cows and a bull, a package worth about ZAR 370,000 (USD = ± ZAR 16 at time of writing) (Mapiye *et al.* 2019). Farmers who have sufficient land resources apply to be part of the project; their herds can be topped up to fifty pregnant cows/heifers and two bulls, a package worth an estimated ZAR 634,000 (Mapiye *et al.* 2019). After a period of five years, each beneficiary is expected to pay back exactly the same herd components, which are passed onto another beneficiary (Mapiye 2017; Mapiye *et al.* 2019; Nkadimeng 2019). The project started in 2006 with sixty-two beneficiaries (Mapiye 2017; Nkadimeng 2019), a number that is increasing through the livestock pass-on system (Makombe 2022). The Limpopo Department of Agriculture manages the livestock pass-on system on the project (Mapiye 2017). The objectives of the project include, among others, improving cattle production through the reintroduction of the Nguni breed into the province and improving food security.

Projects like the Limpopo IDC Nguni Cattle Development Project, where alleviating poverty and increasing food security nationally or among participating households are explicitly stated as overall intervention development objectives (Larsen and Lilleør 2014), are not uncommon in national development programmes. The question is how the achievement of the objectives can be assessed. In the case of the Limpopo project, given the farm sizes on which beneficiaries operate, which average 1,835 ha (Nkadimeng 2019), it is logical to assume that the project should be able to contribute to both national and household food security but more to national than household level. Thus, the food security impact of the project should be analysed at household and national levels.

The FAO (2003:25) explicitly states that: ‘Whenever the concept of food security is introduced in the title of a study or its objectives, it is necessary to look closely to establish the explicit or implied definition.’ Thus, to assess the achievement of the food security objective for the Limpopo project, two working definitions of food security (one at household and the other at national level) should have been developed at the start. These should have read something like, ‘For the Limpopo IDC Nguni Cattle Development

Project the national food security objective is achieved when ...'. Without a working definition/s to guide measurement, analysing the achievement of the food security objective is at best reduced to assessing the increase in production (Fouilleux *et al.* 2017), even though food security is understood to be more complex than this.

Since the indicators for measuring the achievement of food security at household level are not necessarily the same as at individual and national levels, the project should ideally have had two such statements—one defining the national objective and one the household food security objective. This is unless, of course, a priori the project was focusing on only one of the objectives. Having the appropriate number of definitions to assess achievement addresses one of the sources of ambiguities when analysing food security—that is, what the unit of analysis should be (Maxwell 1996). Should it be the individual, the household, the community, the nation, the region or the globe? Should it be the micro, meso or macro level? In the case of the Limpopo project, we have already posited that it should be the household and national levels, with the national taking precedence over the household. Hopefully, this discussion of how the Limpopo IDC Nguni Cattle Development Project's food security objective could be measured also demonstrates how impossible it is to use the accepted definition of food security to guide food security measurement. The accepted food security definition cannot be applied in its entirety to the Limpopo IDC Nguni Cattle Development Project, although the project can clearly accomplish food security objectives within the food availability and food access dimensions. Clearly, therefore, each project should develop or identify its own food security definition if improving food security is one of its objectives. Examples where a definition is developed based on needs are provided by Lang (2009) and Ksenofontov and Polzikov (2020).

Conclusion

Our understanding of the food security concept has not been consistent over time or across interest groups. This is demonstrated by the fact that there are more than two hundred definitions of the concept. The accepted and widely cited definition of food security was officially established by the 1996 World Food Summit and reaffirmed by FAO in the 2009 Declaration of the World Summit on Food Security. It captures the complexities of the food security concept and is based on the four pillars of food availability, food access, food utilisation and stability. However, there are persuasive calls to include food agency or sovereignty and food system sustainability to make a six-pillar food security conceptualisation framework. The

inclusion of more civil society participation in the FAO's Committee on Food Security after the 2007–2008 food price crisis marks a significant step towards considering food sovereignty as part of the food security concept. It also suggests that the participation of householders should be encouraged to gather on the ground concepts of food security.

Food security measurement is critical because it is only through this that we can compare different degrees of food security achievement and quantify varying degrees of departure from full food security so as to guide policy. But the measurement of food security is also problematic. This is because there is such a variety of scales to be measured—individual, household and community, and national, regional and global. As a result, there is a plethora of food security metrics—estimated at 450—and, predictably, the results of the different measurements often are not easy to reconcile. What should be agreed upon is how and what they measure, how to interpret it and, when differences occur, how to reconcile them. Thus, the search for a single metric that measures all the food security dimensions continues.

In Africa, where governments use projects as development vehicles, largely in the agricultural sector, some of the projects explicitly state food security as an objective. Given the complexity of the food security measurement terrain, it is important that such projects guide the measurement of the achievement of the food security objective.

The cultural validity of food security metrics is also questionable, partially due to the fact that it is sometimes not easy to find words that describe the important food security concepts in other languages. This applies very much to Africa. Thus, in Africa, where food insecurity sometimes reaches crisis proportions, the cultural validation of food security metrics is long overdue.

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China in Africa: The Soft Power of Media Development

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Abstract

Mass media has not only changed the mode of information-sharing but has also changed the mode of policy, foreign policy-making and people-to-people contact in being used as a means of soft power. This paper focuses on Chinese investment in the media sector of African countries and explores what motivates China's huge investments in the African media landscape. The study is descriptive, based on primary and secondary sources of literature. Methodologically, it uses qualitative research through content analysis of 'soft power politics' and 'public diplomacy' theories. China's media development assistance in Africa is a manifestation of the Chinese strategy of soft power politics and the application of public diplomacy. This study claims that China's media development assistance programme is helping Africa to develop its media infrastructure, techniques of broadcasting and cultural exchanges, which influence African public opinion and offer media content that is entirely different from Western-dominated media groups. In return, this helps China to promote a positive image and win the hearts and minds of people on the African continent.

Keywords: Africa; China; development assistance; media; public diplomacy; soft power

Résumé

Les médias de masse ont, non seulement, modifié le mode de partage de l'information, ils ont transformé le mode de politique, d'élaboration de la politique étrangère et de contact entre les peuples, dans leur utilisation comme moyen de *soft power*. Cet article porte sur les investissements chinois dans

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le secteur des médias des pays africains et explore ce qui motive les énormes investissements chinois dans le paysage médiatique africain. L'étude est descriptive et basée sur des sources documentaires primaires et secondaires. Sur le plan méthodologique, elle utilise la recherche qualitative à travers l'analyse du contenu des théories de la « politique de *soft power* » et de la « diplomatie publique ». L'aide chinoise au développement des médias en Afrique est une manifestation de la stratégie chinoise de politique de *soft power* et d'application de la diplomatie publique. Cette étude affirme que le programme chinois d'aide au développement des médias soutient l'Afrique dans le développement de son infrastructure médiatique, ses techniques de diffusion et ses échanges culturels, qui influencent l'opinion publique africaine et offrent un contenu médiatique totalement différent de celui des groupes médiatiques dominés par l'Occident. En retour, cela aide la Chine à promouvoir une image positive d'elle-même et à conquérir les cœurs et les esprits des peuples du continent africain.

Mots-clés : Afrique ; Chine ; aide au développement ; médias ; diplomatie publique ; *soft power*

Introduction

In the past, it took days to spread news from one part of the world to another. Today, advances in communication mean that an event occurring in one part of the world can be broadcast to the rest of the world in the blink of an eye (Nassanga and Makara 2014). Given the importance of global media and China's history of engagement in Africa, which dates back to the Cold War era, China has invested millions of dollars in Africa's media industry. This has increased in the twenty-first century, particularly in initiatives around media co-operation. With the signing of the Forum on China–Africa Cooperation (FOCAC) in 2000, the later initiation of the Beijing Action Plan (2006) and the finalisation of the Johannesburg Action Plan (2016), the development of media institutions and training of journalists (sponsored by China) in Africa has been greatly boosted.

In the last few years, the institutionalisation of China and Africa in the media landscape has received much publicity. The strengthening ties between the two regions are due to some concrete policy measures. Using a strategy of soft power politics and public diplomacy initiatives, China is trying to create a positive image of itself in the world. More specifically, through the hydra-headed network of Chinese media actors, like Xinhua News, China Radio International (CRI), China Central Television (CCTV) and *China Daily*, China is trying to present a benign image of itself in Africa (Yanqiu 2014).

As part of the grand political and economic aspirations of the Belt and Road Initiative, China is investing a huge amount of money in Africa and other parts of the world (Lim and Bergin 2020; Tangen 2020; Thussu 2018). In addition, the various Chinese media players are trying to make the Chinese public aware of Chinese efforts in Africa's digital media industry. The growing interaction between China and Africa also has the objective of removing the 'China Threat Theory' that is propagated by Western media (Cavlak 2019; Chahine 2010; Zou 2021).

The ties between China and Africa are viewed differently by different scholars. Some perceive China as a neocolonial and neo-imperial power, trying to extract Africa's resources (Makara 2016; Robinson 2018; Umejei 2020). Others perceive Chinese investments in Africa, whether in the media industry or other businesses, as deeply motivated by economic interests (Nassanga and Makara 2014). The increase in number of Chinese firms in Africa is nothing less than the result of China's 'Open Up' policy (Nassanga and Makara 2014). Yanqiu (2014) highlighted how China has been active in the communications industry of African countries, and in particular Chinese firms have invested in the media and digital communication industry of southern African countries to create a softer image of China (Jenkins 2021; Jiang, Li, Ronning et al. 2016; Wu 2014). Chinese political and economic interests in Africa are also challenging the hegemonic power of the US, which is of concern to some who view China as a violator of human rights—its censorship of press freedom is well known (Grassi 2014: 5; Matanji 2022). However, there is a gap in the literature that could reflect another perspective. This study intends to fill this gap by focusing on China's media development assistance for African nations and the promotion of Chinese soft power politics.

Research Methods

In its review of the literature, this paper explores the topic in detail, using the methodology of qualitative research through content analysis. Primary as well as secondary sources of information were consulted, including relevant books, policy papers, journals, briefing papers and annual reports. In addition, inductive and deductive approaches were applied. It is important to highlight that only state-sponsored media actors in China were used for the analysis.

Theoretical Framework

The study seeks to answer the question of how China's media development assistance programme and strategy of soft power politics has shaped the media landscape in Africa. It draws on the theories of soft power politics and public diplomacy as a framework. Its efforts in this regard are very timely. According to the theory of soft power politics, China is trying to create an attractive force to help it achieve its goals (Lin 2017; Rodrigue 2018). The interaction of Chinese and African broadcasters, Chinese assistance to African media networks and capacity-building of African journalists meet the tenets of the theory of public diplomacy. In addition, the establishment of Confucius Institutes, scholarships, academic and think-tank exchanges are meant to portray a positive image of China, which is the essence of the theory of public diplomacy.

Soft Power Politics

The 'soft power' theory of Joseph Nye came to prominence in the late 1990s and is viewed as a supplement and improvement to international relations (IR) theory. The concept emanated in the aftermath of Cold War global politics as an alternative to the philosophy of realism, which emphasised the acquisition of hard power. Nye (1990) believed that culture, policy and sense of values were becoming more useful in international relations and should be adopted by countries. These new sources of power in combination are known as soft power (Lin 2017).

In his book *Bound to Lead: The Changing Nature of American Power* (1990a), Nye defines soft power as 'the power which guides the capabilities, culture, ideology and social system of other countries' (Nye 1990a: 69). This was the original definition of the term. Nye believed that soft power could affect popular behaviour (1990b: 169). In daily politics, dictatorial countries use force, whereas democratic countries use their attraction to change the behaviour of other states. Soft power uses a sense of values to create attraction. Thus, Nye held that soft power could help to realise its goal through attraction instead of through violence or temptation. It is a country's culture, political ideals and foreign policy that create the attractiveness. Soft power is enhanced when it is seen by other states as legitimate (Lin 2017).

In traditional IR theory, population, territory, natural resources, the size of a country's economy, military force and political stability are commonly known as the sources of power. Power is defined as the ability to alter the behaviour of others to get what you want. Nye (2008) cited

American historian Arthur Schlesinger, who maintained that power is the ability to attract and move the opinions of others. And such power was used by Woodrow Wilson, Franklin Roosevelt and John Kennedy, among others (Wu 2014). Three forms of power are recognised: coercion (the stick), payment (the carrot) and attraction (soft power) (Nye 2006). Notwithstanding Russia's invasion of Ukraine and Russia's Wagner Group intervention in the affairs of several African countries, in contemporary international politics, providing military and security support by all means to conquer territories is losing its value. Geography, population and raw materials are also growing less important as sources of power (Nye 1990b). In contrast, technology, economic resources and education are becoming more relevant in international relations. Co-operative relations mark today's world and it is hard for nations to go to war. The notion of militarisation and security is becoming less relevant today because of the interconnectedness of the states in multiple sectors. Such interconnectedness is termed 'complex interdependence' by Keohane and Nye (Singh, MacDonald and Son 2017). Besides this, the creation of knowledge communities and networks has increased the importance of soft power. Countries also manifest soft power in the form of an overwhelming volume of information and communication, which itself is a symbol of power in this digital world.

In the contemporary world system, the realisation of goals by attracting co-operation through communication and skilled leadership is also soft power. In other words, it is the power of attraction (Kokkinos 2012). Nye (1990b) also maintains that the power to change the behaviour of states lies not in resources but in soft power. Soft power is a staple of democratic politics. The attractive personality of a leader, culture, political values, institutions and policies of a country establishes preferences for a state. All these values play a role in creating legitimate or moral authority. Hence, soft power is one of the factors that influences the behaviour of other states. Persuasion and the ability to move people by argument are essential to it (Nye 2008).

Soft power is co-operative power because states might support other countries whose agenda in world politics they value. In this scenario, the appeal of the agenda-setting and policy formulation of a state makes other states join hands with it. This nature of soft power is known as 'the second face of power' (Nye 2004). Hence, the state that sets an agenda for a global cause is valued by other states, because of soft power (Nye 1990b).

The soft power of a state depends on three sources: political values, culture and foreign policy (Nye 2008). Political values are the core element, for they express the political ideals of a country; culture is the support element, because it has an important influence on the country; foreign policy is the

method because it is through this that a country advocates its universal ideals and their concrete measures. All three resources are interlinked and interconnected (Lin 2017).

Culture is the active manifestation of soft power. A country's culture is followed if it has attraction and penetration. Though culture is intangible, it has immense power to change the behaviour of other states. In international politics, even sports and entertainment play an essential role in the promotion of culture. The development of democratic values by Western countries and the broader acceptance of such ideals are because of the attraction and penetration of these values globally (Lin 2017).

Similarly, the political ideals of a country are represented in a country's political values which enjoy international recognition. The propagation of liberal ideals by Western countries has global influence. These ideals are followed because they serve a country's economic and social system. If the preferred ideologies stop serving a country's interests, this would result in a collapse of the legal and political system.

The third source of soft power, foreign policy, represents the advocated international and diplomatic ideals of a country. The foreign policy of a state helps to fulfil that country's international strategic goals. If the foreign policy of a country represents general long-term interests, it will attract the attention of other countries in a very short span of time. In contrast, narrow and short-sighted foreign policy lacks this value of attraction on a global level. The foreign policy of a country will have great appeal if it conveys essential benefits that are also shared by others (Lin 2017).

In international politics, some objectives are easily achieved with soft power, such as the promotion of democracy and human rights, and some objectives are established through hard power, such as the control of borders with standing armies. Nevertheless, both soft power and hard power have some flaws. Nye suggests the use of another strategy, called smart power. It is a combination of hard and soft power and integrates both forms of the desired outcome in world politics (Nye 2004; Kokkinos 2012).

Public Diplomacy

The concept of public diplomacy is as old as the history of international relations. According to Hocking and Melissen (2015), the history of public diplomacy can be traced to ancient Rome, ancient Greece, Byzantium and Renaissance Italy, civilisations that were very well acquainted with the use of diplomatic practices (Hukil 2015). Public diplomacy is a political activity, whereby governments of different nations try to establish relations

with each other. It is the skill and practice of statecraft at the international level. With advances in the means of communication it has changed its form, but the essence of diplomacy still rests on interdependence and ease of communication. In contemporary times, public diplomacy is the practice of governments to maintain relations with other nations of the world by creating a positive image of themselves through the activities of education, broadcasting, cultural exchanges and the use of modern media.

The term ‘public diplomacy’ was used for the first time in 1965 by Edmund Gullion, who was the dean at Fletcher School of Law and Diplomacy at Tufts University (Hukil 2015). Various scholars have defined the term in different ways. According to the Edward R Murrow of the Center of Public Diplomacy:

Public diplomacy deals with the influence of public attitudes on the formation and execution of foreign policies. It encompasses dimensions of international relations beyond traditional diplomacy; the cultivation by governments of public opinion in other countries; the interaction of private groups and interests in one country with those of another; the reporting of foreign affairs and its impact on policy; communication between those whose job is communication, as between diplomats and foreign correspondents; and the processes of inter-cultural communications. (Kayani and Rehman 2015)

The importance of public diplomacy has multiplied with advances in the field of information technology (IT), which today is considered a power. The nations that have influence on global communications systems are more powerful than those that do not. Knowledge about global crimes, diseases, environmental issues, migration, population explosion, famine, natural disasters, etc. makes public diplomacy much more relevant and vital. Through public diplomacy, information about these issues can be gathered broadly and serve as a tool for planning, policy formulation, information-sharing, the prevention of conflicts, mediation and management, networking, communication-building and understanding and enhancing the political will of national leaders (Tseng 2009).

In addition, public diplomacy helps in understanding the cultures of the world. In the conduct of international affairs through public diplomacy, news media, academics, students, youth groups, technologists, artists, cultural organisations, community and regional entities and private enterprises play an important role (Wu 2014). An efficient and effective public diplomacy is necessary to ensure long-term and two-way communication (Tseng 2009).

The operationalisation of public diplomacy must be differentiated from traditional diplomacy and propaganda. Though these terms are sometimes used as synonyms, in fact they are different in their meaning and scope.

Traditional diplomacy is conducted between governments. It is limited to the interaction between officials of respective countries. Public diplomacy, however, deals with not only international governments but also individuals and organisations. Christopher Ross (2003) pointed out that public diplomacy is a multidimensional enterprise where non-state actors and foreign publics play an increasingly prominent role.

The difference between public diplomacy and propaganda lies in the fact that propaganda is based on information that could be true or false. In other words, it could be disinformation, which lacks credibility (Nye 2008), unlike public diplomacy, which aims to communicate directly with a foreign audience to create change in their thinking. The content of public diplomacy involves activities related to education, information and culture. Mass media and broadcasting are the channels of public diplomacy, but these also include the cultural and scientific exchange of students, scholars, intellectuals and artists, participation in festivals and exhibitions, building and maintaining cultural centres, teaching languages and establishing local friendship leagues and trade associations (Tseng 2009).

Nye (2008) proposed three dimensions of public diplomacy: daily communication, strategic communication and the development of a lasting relationship. Daily communication involves explaining the context of domestic and foreign policy decisions. Strategic communication consists in developing a set of simple themes, just as in a political or advertising campaign. The development of lasting relationships involves developing connections with key individuals, through scholarships, exchanges, training, seminars, conferences and access to media channels (Singh *et al.* 2017). All three dimensions help in creating a country's attraction, which results in the achievement of various outcomes for a state. If policies are designed narrowly with self-serving interests and projected in an unskilled manner, this could result in tarnishing the image of a country (Nye 2008).

According to Nye, public diplomacy influences the behaviour of others. It is an instrument that the government uses to mobilise soft power (Chahine 2010). The state draws the attention of other nations through the use of broadcasting, educational and cultural exchange programmes, public information and political action (Hukil 2015). Recognising the intricate link between public diplomacy and soft power, Shambaugh (2015) – a veteran political scientist – describes soft power as ‘a magnet that pulls and draws others to a nation simply because of its powerful appeal by example’. Soft power is a society's capacity to attract others and public diplomacy is an instrument in the hands of government to persuade others (Hartig 2015).

Results and Discussion

The presence of Chinese media in Africa and the relationship between the African continent and China has roots in the pre-Cold War era. In 1958 China initiated its media engagement in Africa by opening the New China News Agency in Cairo. In 1963 and 1964, during his visit to Africa, the Chinese premier, Chou, enumerated eight principles for the long-term relationship between China and Africa. These principles are followed even today and serve as a guideline for the technical and economic relationship between Africa and China (Jinyuan 1984). In 1967, Radio Peking started transmitting twenty-one hours of weekly service in English in East Africa. In addition, translations of Chinese poems, quotations of Mao Tse Tung and the magazine *China Pictorial* were made available in Africa during the Cold War era (Leslie 2016).

With the end of the Cold War, the influence of Chinese media in Africa increased and changed outlook. The formal engagement of Chinese media on the continent began in 2000 with the establishment of the Forum on China–Africa Cooperation (FOCAC). The forum stressed the development of media infrastructure. For example, in 2000, Xinhua provided satellite equipment for a television station in Uganda; in 2004 China assisted Gabon in building its national broadcasting station. Under the auspices of FOCAC, in 2006 forty-eight African countries joined China in the Beijing Action Plan (2006–2009). The plan charts three key aspects of African media: African media institutions, the practice of journalism and African journalists. The plan also highlights five areas for media intervention: enhanced contact between news media for promoting mutual understanding; multilevel exchanges and co-operation; reporting and coverage of news media by both sides; the arrangement of workshops for African correspondents in China; and the improvement of telecommunication infrastructure in African countries. In addition, during FOCAC 2006 summit, China called on the international community to help Africa fight the problems of hunger, disaster, poverty and debt reduction to meet the Millennium Development Goals (Leslie 2016). Beijing also published China's African Policy document which exclusively outlined the engagement of Chinese media in Africa. The document maintains that:

China wishes to encourage multi-tiered and multi-formed exchanges and cooperation between the media on both sides, to enhance mutual understanding and enable objective and balanced media coverage of each other. It will facilitate the communication and contacts between relevant government departments to share experiences on ways to handle the relations with media both domestic and foreign and guiding and facilitating media exchanges. (Wu 2014)

Also in 2006, the Forum on China–Africa Cooperation (FOCAC) policy document was launched to enhance co-operation between the respective media sectors. In the subsequent year, French-speaking African journalists were given training at China Media University which aimed to provide African journalists with first-hand experience of the workings of the media sector in China (Wu 2014). The fourth summit of FOCAC was held in Sharm el Sheikh (Egypt) in 2009. That summit's focus was on strengthening co-operation in the priority areas, with an emphasis on economic and social development (Xinhua 2009).

The Beijing Action Plan meeting held in 2018 under FOCAC was a landmark development for Chinese media engagement in Africa in that it institutionalised the communication and co-operation of Chinese and African media with the formation of the China–Africa Press Exchange Centre. The aim of establishing such a centre was to enable African foreign journalists based in China to observe and report on China (Wu 2014). The action plan provided for the establishment of the China–Africa Radio and Television Cooperation Forum. The plan also called for the full participation of China in African film and TV festivals and exhibitions to promote the African entertainment industry. In addition, the plan envisaged facilitating co-operation in the publication of literature related to fields like medical care, health, agricultural technology, culture and education (Wu 2014).

Institutionalising the engagement of Chinese media in Africa, the Johannesburg Action Plan (2016–2018) was formulated. The action plan postulated enhancing people-to-people co-operation and proposed training and capacity-building for 1,000 African media professionals each year. Further, the plan called for the digitalisation of African radio and TV services and industrial development in Africa. It was also agreed that both sides would provide films and TV programmes to each other's national broadcasting agencies to further long-term co-operation in the media sector. Moreover, the action plan stated that Chinese enterprises would donate books to African libraries and higher secondary institutes to promote Chinese language learning. In addition, a forum on China–Africa Publishing Cooperation would be held at a suitable time and would be institutionalised later as a sub-forum of FOCAC (Jiang et al. 2016).

Over time, China has developed in-depth media exchanges with African states. It has strengthened collaboration in creating audiovisual content, news coverage, training media-related professionals and advanced media technologies. Beijing is helping African media to develop information production and broadcasting facilitation and capacity, with the slogan

‘Smart Africa’. Under the China-Africa Cooperation Vision 2035, China and Africa will enhance exchange and cooperation on publishing and share the stories of cooperation and friendship between China and Africa with books as the media (Ministry of Commerce of China 2021).

Chinese Media Actors and Inroads into the African Media Landscape

China uses multiple channels to reach the African continent, key among them being the central government, provincial governments and Chinese-based multinational companies (Kokkinos 2012). Discussing the activities of all these actors is beyond the scope of this paper, but in the following paragraphs we give an overview of China’s media engagement on the African continent.

In 2015, China enhanced its international communication capacities by investing approximately USD 6.6 billion (Hartig 2015: 87) towards expanding media outlets and broadcasting services across the globe (Yanqiu 2014). The following section highlights the role of several state-owned media channels in Africa: Xinhua News Agency, China Central Television (CCTV), China Radio International (CRI) and press and publication organisations. Apart from state-owned media platforms, private media companies like Star Times are also active on the continent. Due to the limitations of this paper, only state media actors are discussed.

Xinhua News Agency

Xinhua is the most significant news agency in China, being the mouthpiece of the Chinese Communist Party (CCP), and therefore has a highly influential role in the hierarchical media system of China. Since it is under the command of the State Council, Xinhua serves as a torchbearer for other media outlets when it broadcasts news on politically sensitive events. It broadcasts round the clock. In 2010 the English TV channel, China Xinhua News Network Corporation (CNC World), was launched with the aim of competing against international counterparts like BBC and Al Jazeera. However, it failed in its goal of creating a positive image of China in the West, because the West considers Xinhua a propaganda tool of the CCP. However, China succeeded in building its soft image in the South (Hartig 2015). Currently, Xinhua operates 200 stations at home and abroad and broadcasts in fifteen languages to more than half the world’s population. In 2021, the services of Xinhua were being used by 8,000 media institutions across the globe (Huaxia 2021) in eight languages (Chinese, English,

French, Russian, Spanish, Arabic, Portuguese and Japanese), transmitting the content to almost 80,000 subscribers worldwide. Xinhua employs about 10,000 employees worldwide (AFP 2023).

Xinhua News Agency was the first Chinese media organisation to start operations in Africa, in the 1950s (Gagliardone and Geall 2014) and supported African news agencies during the liberation struggles of the 1950s and 1960s. In 1955 the first delegation from Egypt visited China, and Chinese journalists reciprocated during the Cold War era (Li and Ronning 2013a). Today, Xinhua News has wide coverage on the African continent, which also feeds into local media (Grassi 2014). Xinhua covers most of the African news stories that other media networks ignore, such as positive investment opportunities in Africa, tourism and stories of local leadership (positive journalism) (Grassi 2014), whereas the Western media presents the role of China through a stereotypical lens and focuses on the negative aspects of China (parachute journalism) (Grassi 2014; Xiang 2019; Xiaoling Zhang 2016). However, the credibility of Xinhua News is doubted because of its affiliation with CCP (Li and Ronning 2013b; Umejei 2020).

Several Xinhua News African bureaus were set up in the 1980s, but the number has soared in recent years. Presently in Africa, there are more than thirty Xinhua bureaus with sixty journalists, employing more than 400 local employees (Li 2017: 107). Xinhua has also signed MoUs with Zimbabwe, Kenya and Nigeria to share its content (Grassi 2014).

After the formation of FOCAC, a number of new initiatives were undertaken to encourage people-to-people contact and enhance the integrated management of media resources in Africa (Jiang et al. 2016). Under the auspices of FOCAC Xinhua helped Uganda develop satellite equipment in 2004 (Wu 2014). In 2006, Chinese Media University welcomed more than twenty radio and TV journalists representing fifteen African countries. In the upcoming year, a two-week workshop was organised by Chinese Media University which trained more than thirty journalists from French-speaking African countries (Gagliardone, Repnikova and Stremlau 2010).

In April 2011 Xinhua reached another milestone in the African media landscape when it initiated a partnership with a Kenyan mobile operator to provide news feeds for mobile subscribers (Yanqiu 2014). It also started an SMS service in the Democratic Republic of Congo (DRC) and outdoor screens in Harare and Johannesburg. Kokkinos (2012) claimed that, regarding the quantity of news, Xinhua surpassed its counterparts, Associated Press (AP), Reuters and Agency France Presse (AFP).

China Central Television (CCTV)

China Central Television (CCTV) is the national TV station of China and one of the most important news sources for the Chinese. Along with TV programmes, CCTV has a range of multimedia operations which include movies, newspapers and internet channels. CCTV is the primary channel that transmits the news of the outside world to the Chinese public and, similarly, the global audience learns about China through CCTV. It operates six international channels in six different languages—Chinese, English, French, Spanish, Russian and Arabic. The English-language channel CCTV News is known as CCTV 9; it broadcasts round the clock. Since 2012 CCTV has become thoroughly global, expanding its business in new media platforms like Internet TV, Mobile TV, Bus Mobile TV and Internet Protocol TV, provided by CCTV.com. Its signals can be received everywhere in the world. The extent of this coverage is possible through co-operative agreements with 241 media outlets in 140 countries and regions. CCTV has also invested in keeping correspondents in nineteen locations and has bureaus on most continents (Hartig 2015).

As a national TV channel, CCTV aims at spreading Chinese culture, values, language and diplomacy around the world. With the help of CCTV the Chinese government is trying to use Chinese soft power (Yanqiu 2014; Li 2017: 109). In its global outreach, CCTV launched its first overseas news broadcasting station in Nairobi in January 2012. CCTV Africa is a unique initiative for CCTV because it is its only non-African news channel that gathers news from the continent and broadcasts it globally. The establishment of CCTV Africa also provides news feeds to metropolises such as London, Washington DC and Moscow, which helps to represent the soft power of China in different parts of the world (Wu 2014; Jiang et al. 2016). CCTV Africa presents stories that not only highlight issues of corruption and problems of governance but also focus on Africa's developmental problems, through programmes like 'Africa Live, Talk Africa and Faces of Africa' (Yanqiu 2014). These programmes can be watched in twenty-five African countries (Grassi 2014). More than 100 journalists are employed at its headquarters, most of them Africans representing different nationalities (Leslie 2016).

CCTV Africa presents African news stories that are different from those in the mainstream Western dominated media but also has a special focus on China (Jiang et al. 2016). The West has inherently different socioeconomic interests and questions China's engagement in Africa, whereas the Chinese media actors follow a strategy based on Chinese diplomacy and balance the Western criticism by spreading a positive image of China to the rest of the world (Xiaoling Zhang 2016; Armel 2021). The mission statement

of CCTV Africa is to: '[...] provide a platform for its Chinese audience to understand Africa better and promote the China–Africa friendship so that the real China can be introduced to Africa and the real Africa can be presented to the world' (Li and Ronning 2013a).

In addition to reporting news on Africa and China, CCTV Africa has partnerships with national TV broadcasters to host their content—for example, it signed a MoU with the Zimbabwe Broadcasting Corporation (ZBC) to broadcast CCTV Africa's news programmes (Gagliardone and Geall 2014). Regarding journalism exchange, CCTV Africa is contributing significantly towards the media landscape of Africa (Jiang et al. 2016). Another initiative of CCTV Africa is the mobile TV service known as 'I Love Africa'. This initiative is part of a series of efforts to digitalise the media landscape of Africa (Leslie 2016).

China Radio International (CRI)

China Radio International (CRI), formerly known as Radio Peking, was founded in 1941. It is owned and operated by the state. CRI broadcasts 1,500 hours of programmes each day in forty-three foreign languages, four Chinese dialects and five Chinese minority languages (CRI 2019). CRI launched its online services in 1998. In February 2006 CRI launched its first FM radio station abroad and started broadcasting on 91.9 FM directly from Nairobi, the capital of Kenya. By the end of May 2009, CRI operated a total of twenty-one FM or MW radio stations abroad, as well as eighteen different radio stations on the internet. In addition, China Radio International's website, CRI-Online, is currently available in forty-four languages. This makes CRI-Online the website with the greatest diversity of languages in the world (CRI 2019).

In the African media landscape, CRI also played an active role in the liberation movement of African nations. Transmission in Africa began in 1956 (Grassi 2014) and by 2007 it had established editorial departments in English, French, Arabic, Hausa and Swahili at its Beijing headquarters. In 1967, Radio Peking transmitted twenty-one hours of service weekly in English in East Africa. In 2006, CRI launched its first overseas FM radio station in Nairobi. CRI Nairobi broadcasts different programmes related to China's economic, social and cultural development, for nineteen hours, in English, Kiswahili and Chinese languages. It also sends its live localised programmes to Kenya Broadcasting Corporation (KBC) (Kokkinos 2012; Grassi 2014). CRI now has offices in many African countries, like Kenya, Nigeria, Zimbabwe, Senegal, Tunisia, South Africa and Niger, where it broadcasts news on shortwave radio and the internet (Grassi 2014; US-China Institute 2021).

With the formation of FOCAC, the engagement of African journalists in China and their training and capacity-building has increased significantly. Further, co-operation in broadcast advertisements has seen an upward trend, which has led to an enhancement of trade and infrastructure development in the African media industry (Nassanga and Makara 2014). The Johannesburg Action Plan (2016–2018) led to China helping Africa in digitalising radio and TV services. The initiative is welcomed by Africans for building the capacity of African journalists and their employability through training by Chinese think tanks and academic institutes.

Like CCTV and Xinhua News Agency, CRI also strives to present the soft image of China and change the negative perception of China (Jiang et al. 2016). In 2011 Tanzania Broadcasting Corporation (TBC) launched the first Chinese soap opera translated into Kiswahili by CRI. This programme aimed to promote Chinese popular culture in Africa, as expressed in the Beijing Action Plan (2013–2015) (Li and Ronning 2013b).

China Daily

China Daily is a national English-language newspaper that was founded in 1981. The main purpose of this publication is to create a more positive image of China in mainstream Western media. Over time the China Daily group expanded its market beyond China and now prints in thirty-four overseas sites (China Daily, 2023).

The launch of *China Daily Africa* in 2012 marked a significant point in China and Africa's relationship in the media landscape. This publication is also known as *Voice of China* and *Window to China*. It sends news and information about Chinese politics, economy, society and culture to its readers all over the world (Mboya 2015). China Daily is published from its Johannesburg and Nairobi offices and is printed by Nation Media Group, the largest media company in East Africa. The Monday to Friday editions contain twenty-four pages and sixteen pages are added to the Saturday and Sunday editions, which are circulated throughout the continent (Yanqiu 2014).

The launch of *China Daily Africa* in 2012 was aimed at giving coverage to Sino–African relations and improving communication and co-operation between China and Africa, which implies that another objective was to encourage greater Chinese involvement in the continent (Grassi 2014). The comments and views published in *China Africa Daily* are contributed by many international readers including those from China and Africa (Wu 2014). This feature makes a unique contribution to the African media landscape. Before the launch of this daily publication only the Western media view of China was presented to Africa and it was not without bias.

However, the image of China presented by *China Africa Daily* is a projection of the Chinese understanding and its interests and thus, according to Mboya (2015) the image and standing of China has improved on the continent.

Other print media include the China Foreign Language Publishing Bureau, commonly known as the China International Publishing Group (CIPG), which was established in 1993. It supervises the activities of ten publishing houses and is one of China's leading international publishing companies. CIPG targets foreign audiences through the publication of books, magazines and websites. It publishes 200 titles per year, with the aim of creating a soft image of China (Hartig 2015).

Criticism of the Chinese Media Development Assistant Programme

The engagement of China in Africa, especially in its media landscape, has led to much criticism from scholars and authors. These opinions can be summed up in two narratives – the political and the economic – as discussed below.

The Political Criticisms of Chinese Engagement in Africa

China's increased engagement in Africa is perceived differently by different stakeholders. Some scholars view China's presence as a continued form of colonialism and neocolonialism mainly motivated by imperialistic designs (Gagliardone et al. 2010; Yanqiu 2014). Another view, stated in Nassanga and Makara's (2014) study 'Perception of Chinese Presence in Africa as Reflected in the African Media', suggests that due to the increasing pressure of China's population and the scarcity of its resources China and Chinese firms have adopted the strategy of 'open up', 'go out' and 'go global' (Nassanga and Makara 2014).

Fackson Banda (2009) claims that the intervention of Chinese media in Africa is 'part of China's long history of anti-colonial and anti-imperialism struggles'. In contrast, the Chinese presence in Africa is seen favourably by Melnyk (2021) and Matanji (2022), who state that Africa perceives that China will help to focus attention on long-neglected areas such as infrastructure development, market competition, business partnerships, strengthening Africa's capacity to conquer diseases like malaria and HIV/AIDS, and promote economic growth (Gill, Huang and Morrison 2007). There has been an exponential investment in Africa's natural resources and the presence of Chinese firms in countries like Angola and Sudan is very evident (Gagliardone et al. 2010). For these reasons, Africans view China favourably, unlike the Western perception of China as a land-grabber, resource-extractor or neocolonial power (Nassanga and Makara 2014).

The Politico-economic View of Chinese Engagement in Africa

There are multiple political explanations for China's presence on the African continent. The strengthening ties between China and Africa are viewed by the West as the rise of the 'Beijing Consensus', an approach that is more relaxed and guided by the policy of non-interference. The Western world operates on the principles of the 'Washington Consensus', which is based on much stricter rules and the principle of intervention in the domestic affairs of other countries. Chinese investments in African markets are perceived as a threat to Western donors who grant loans on strict conditionality criteria, whereas the Chinese do not ask for compliance with human rights or an agenda of good governance (Nassanga and Makara 2014), nor do they push for a policy with strings attached (Gagliardone and Geall, 2014). Due to the peculiar style of Chinese investment in Africa, Western countries characterise the model as based on rapid economic growth, centralisation and containment of democratisation forces (Gagliardone et al. 2010). The success of the Chinese model in Africa is viewed as the rise of South–South co-operation marked by mutual benefits and a win-win situation (Axelsson 2009; Gills 2016).

Some intellectuals view Chinese engagement on the continent as one of give and take, where China needs resources and Africa needs cheap Chinese-manufactured products, ranging from clothes and jewellery to electronic devices. The entry of Chinese firms in Africa is viewed as a threat to Western interests which once dominated Africa but are now being replaced by Chinese multinational firms (Nassanga and Makara 2014). In the context of the presence of Chinese businesses in South Africa, Yu-Shan Wu comments in the article 'China's Media and Public Diplomacy Approach in Africa: Illustrations from South Africa' that the presence of Chinese media in South Africa serves multiple purposes, most significant being the use of the press as a tool of public diplomacy (Jiang et al. 2016). The huge export of Chinese media technology and technical know-how to Africa has led to comments that it is a new mode of dependency (Banda 2009). A perfect example of such a dependency relationship is China's provision of much media technology to Uganda (Nassanga and Makara 2014).

Beijing claims that its media expansion and support to African media is the continuation of China's soft power strategy along with resource diplomacy, student exchange and foreign aid (Gagliardone and Geall, 2014). This approach came to prominence in 1999 when China decided to 'Go Global' and incorporated this policy into its Tenth Five-Year Plan (2001–2005). The aim implied by this policy intervention was to encourage Chinese enterprises to invest overseas, improve competitiveness and secure an international business presence. Moreover, the policy implied the target

of improving public opinion in the world (Gagliardone and Geall 2014). In analysing the presence of Chinese media in the African media landscape, it would seem that it is the direct result of the Chinese policy of going global. Whether through state-run media like Xinhua News, CCTV, CRI, China Daily Africa or private media companies like Star Times, the objectives of all these initiatives are to present China's soft image (Yanqiu 2014), counter the anti-Chinese narrative of Western media in Africa and offset the China threat theory (Hartig 2015).

According to the FOCAC manifesto, the third phase of FOCAC (2015–2021) was to see the establishment of multiple sub-categories of China–Africa co-operation. These included the China–Africa People-to-People Forum, China–Africa Youth Leaders Forum, China–Africa Think Tank Forum and China–Africa Media Cooperation Forum. These civic activities obviously underscore Chinese soft power in Africa (Yu 2022). China enjoys media business in Africa because it exerts not only the Chinese version of business model but also shapes the minds of Africans by removing the negative perception of China (Li and Ronning 2013a).

Conclusion

China's media development assistance in Africa is a manifestation of the Chinese strategy of soft power politics and of promoting a positive image of itself. As prescribed by the theory of soft power, technology, economic resources and education are used to create the power of attraction. This is what China is doing in Africa to achieve its goals, particularly through the power of communication and co-operation. China serves its interests in Africa by using its skills of public diplomacy to develop the latter's media infrastructure. Some studies point out that Chinese media channels are more popular in Africa than the Western media, mainly sponsored by the USA. But since these studies are limited to a few cases we cannot generalise. It is clear, though that there is a hybridisation of journalism.

The Chinese government has invested heavily in Africa's digital communication industry and has supported the interaction between Chinese media firms with African counterparts. The coverage of African news stories by Chinese media actors also indicates Chinese interest in the domestic affairs of the African states. The formation of multilateral forums like FOCAC, the Beijing Action Plan and the Johannesburg Action Plan reiterate the institutionalisation of Chinese ties with various African states. Moreover, in the bid to improve its image, China has hosted thousands of African journalists in capacity-building training and workshops. These growing ties between the two regions are viewed with scepticism by the

Western powers, which project China as a neocolonial and neo-imperial power, engaged in the economic exploitation of the resources of Africa. At this stage, given that Africa is such a large and varied continent and that there is no comprehensive study that could be used as a barometer to authenticate Western claims against Chinese media, it is difficult to testify who is right about China's aims. Its development assistance in Africa is motivated either by promoting Chinese soft power or by Chinese imperialist designs (as claimed by Western media). Nevertheless, China is presenting an alternative to the Western media, is covering what is not reported by the Western media, and influences African public opinion by providing a benign view of China. There is more than one perspective and the world needs to know the positive side of China's grand designs, such as the Belt and Road Initiative and the revival of the Old Silk Road tradition.

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Covid-19 Border Policing in Ghana and its Impact on Trans-border Migration and Healthcare in West Africa

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Abstract

The discourses and practices surrounding migration and health have taken a dramatic turn since the outbreak of the Covid-19 pandemic. Experts are more concerned about the consequences of the pandemic on these factors in Africa, given the continent's weak economies and poor health sector, which portends a difficult post-pandemic recovery. However, the discussions have not engaged with two key effects of the coronavirus: the health implications not only on the general populace but also along border towns, and the dilemma of a 'new' (il)legal migration. Drawing on Ghana's border policing as a Covid-19 pandemic governance strategy, coupled with existing debates on health, politics, migration and development, we argue that border policing is likely to create two emerging threats. First, it could cause a 'new' health dilemma – hindering long-standing cross-border healthcare access by ECOWAS citizens. Second, sustained border restrictions could deepen the intricacies of migration in West Africa, including the promotion of 'elite migrants' over migrants who are seeking a basic livelihood, the changing fate of undocumented migrants, new security threats at border towns, and a possible redefinition of traditional rural–urban migration in Africa.

Keywords: Covid-19, cross-border migration, health, pandemic governance, Ghana, West Africa

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Résumé

Les discours et les pratiques autour de la migration et de la santé ont pris une tournure dramatique depuis l'apparition de la pandémie de Covid-19. Les experts sont davantage préoccupés par les conséquences de la pandémie sur ces facteurs en Afrique, compte tenu de la faiblesse des économies du continent et de la faiblesse du secteur de la santé, ce qui laisse présager une difficile reprise post-pandémie. Cependant, les discussions n'ont pas abordé deux effets clés du coronavirus : les incidences sanitaires, non seulement sur la population en général, mais également sur les villes frontalières, et le dilemme d'une « nouvelle » migration (il)légal. En nous appuyant sur la police des frontières du Ghana comme stratégie de gouvernance de la pandémie de Covid-19, et les débats actuels sur la santé, la politique, la migration et le développement, nous soutenons que la police des frontières pourrait faire émerger deux menaces. Premièrement, elle pourrait provoquer un « nouveau » dilemme en matière de santé, en entravant durablement l'accès aux soins de santé transfrontaliers des citoyens de la CEDEAO. Deuxièmement, des restrictions prolongées aux frontières pourraient aggraver les complexités de la migration en Afrique de l'Ouest, notamment la promotion d'une « migration d'élite » au détriment de migrants à la recherche des moyens de subsistance de base, le sort changeant des migrants sans papiers, de nouvelles menaces sur la sécurité dans les villes frontalières et une éventuelle redéfinition de la situation de la migration rurale-urbaine traditionnelle en Afrique.

Mots-clés : Covid-19 ; migration transfrontalière ; santé ; gouvernance pandémique ; Ghana ; Afrique de l'Ouest

Introduction

At its peak, the Covid-19 pandemic threw the world into a frenzy, disrupting global and domestic governance, commerce, migration and healthcare delivery. The crisis did not respect countries' military or security sectors, economy, political institutions or healthcare sector. Consequently, the devastating effect of the coronavirus has created and exacerbated various vulnerability contexts across the globe thus creating new socioeconomic and political threats. Policy and academic research led by the World Health Organization (WHO) has mainly diagnosed the extent of the impact of the pandemic across the globe. Experts are particularly concerned about the consequences of the pandemic on Africa.

Although giant economies in the Americas, Europe and Asia have recorded more cases and deaths from the coronavirus pandemic, Africa has become the focus concerning the impact of the crisis in other respects. Predominantly weak economies, porous institutions and the poor health sector in Africa

heightened doubts about Africa's efficient handling of the pandemic and its ability to achieve a good post-pandemic recovery. For instance, in April 2020, the World Bank estimated a contraction of sub-Saharan Africa's economy of up to 5 per cent, the worst recession in the last twenty-five years (World Bank 2020). Similarly, Melinda Gates expressed fears of the likelihood of Africa's streets being littered with dead bodies due to Covid-19 (Africa Check 2020). Besides the economic and health concerns, scholarship on democracy has also expressed fears about governments' application of dictatorial tendencies globally and especially across Africa, characterised by state-sponsored attacks on the media and individuals on account of the spread of 'fake news' about how states are tackling the pandemic – causing widespread state repression. Examples of these episodes of widespread state repression could be seen in Tanzania, Nigeria and Uganda (Amat et al. 2020).

A seminal publication which captures the burgeoning challenge of Covid-19 in Africa in almost every department within the social, economic and developmental discourse is *Covid-19 in the African Continent: Sustainable Development and Socioeconomic Shocks* (Osabuohien et al. 2023). Given the earlier limited output on the pandemic in Africa, we focus on this important piece of literature to give our contribution a more nuanced perspective. In this edited volume, the authors explore the social and economic challenges and the resilience to address the complexities associated with Covid-19 in Africa, with a critical view on current and prevailing trends. They give an in-depth understanding of the societal consequences of the challenges and policy space adopted by governments and non-governmental organisations (NGOs) to boost post Covid-19 recovery.

The useful empirical discourses include a focus on women in agroforestry, especially the need to mobilise them to obtain proper financial credit, as well as price shocks and exchange rate variability and their effect on African socioeconomic practices. The volume also studies factors such as inflation, government spending, money supply and exchange rates, which created coffee price shocks in Ethiopia, for example. Further, it examines the linkage between exchange rates and palm oil export. It concludes, among other things, that exchange rates could be stabilised to favour producers' prices and improve welfare (Osabuohien et al. 2022).

The book also focuses on households and emerging socioeconomic shocks in the African continent, critical factors such as agricultural income level, value chain development, digital transformation and the effects on non-health issues faced by households, especially in the critical period of the Covid-19 pandemic. It examines, too, the role of information and communications technology (ICT) in the food supply chain, which became very necessary

during Covid-19 and calls for more investment in ICT and agricultural ICT solutions to improve the agricultural value chain. Closely related to this are the continuous challenges that the African continent faces in realising the benefits of digital transformation. The authors offer policy recommendations to shape African economies to make them more resilient and adopt a conceptual approach to explore the critical non-health effects and broad socioeconomic challenges related to the spread of the Covid-19 pandemic. They also emphasise the need to identify and engage with relevant stakeholders in the intervention processes to enhance commitment, prioritisation of issues through boundary critique and joint development of a practical approach to address the non-health effects of Covid-19 (Osabuohien et al. 2022).

Another topic covered by the book is human resource productivity in a critical and challenging period like the pandemic, as well as knowledge creation, environmental development and human welfare practices during crisis periods. The study urges learning from an African perspective, focusing on small and medium-sized enterprises (SMEs), stakeholder policy and peaceful co-existence on the continent. The edited volume discusses the disruptive effects of Covid-19 on the management of vital natural resources. It also details national policy approaches to crisis management, the strength of the legal system in managing oil wealth, and the poverty levels on the continent, and suggests emancipatory models across African countries (Osabuohien et al. 2022).

Notwithstanding the discussions on Covid-19 and the research of Osabuohien et al. (2023), including other empirical research, two key effects of the coronavirus on the African continent have received less attention. These include the implications of the pandemic along border towns and the changing meaning(s) of (il)legal migration. According to the International Organization for Migration (IOM) (2020), the coronavirus pandemic and the consequent public policies have had an unprecedented effect on human mobility, especially in Africa. This, the organisation observes, has caused dire consequences for people's movement and health, and the economy. While IOM raises this concern about Ghana and West African borders, it does not disaggregate the individual security and health dynamics. As Horton (2019) has argued, in cross-border pandemic governance, micro-level issues such as pre-existing social relations must be taken into consideration because they are central to health and economic resilience. This paper aims to address how pandemic governance in Ghana's border towns may have affected micro-level issues such as decades of foreign migrants' access to healthcare and how the border restrictions could create 'new' migration dilemmas in the subregion. Pandemic governance refers to the policies and measures

put in place to address the Covid-19 pandemic and assist socioeconomic resilience and recovery.

Using the case of Ghana's border policing against neighbouring West African countries as a Covid-19 pandemic governance strategy, we argue that such measures are likely to create two emerging threats. First, it could cause a 'new' health dilemma – hindering cross-border healthcare access by the Economic Community of West African States (ECOWAS) citizens, especially the neighbours from Côte d'Ivoire, Togo and Burkina Faso. Second, the sustained border restrictions could deepen the intricacies of migration in West Africa, including the promotion of 'elite migrants' over migrants who are seeking a basic livelihood, the changing fate of undocumented migrants, new security threats at border towns and a possible redefinition of traditional rural–urban migration in Africa.

In interpreting and analysing the above propositions, we employ a qualitative thematic analysis, using existing secondary data or theories and debates on intraregional migration, health, politics and development. The analysis indicates that the sustained closure of land borders hinders the movement of low-income and poor West African citizens to access primary healthcare in border towns in Ghana, exposes the possibility of a widening inequality between 'elite' and lifeline migrants and suggests new threats of security and the redefinition of in-country migration, among other key emerging dynamics that have a profound impact on Africa's post-pandemic recovery.

Unlike Ebola, which did not affect the people of Ghana, the Covid-19 pandemic did break out there and raised questions relating to what could be done to manage the country's borders to prevent the exacerbation of the pandemic, with its concomitant social, economic and security challenges. In 2020, the WHO Africa office warned against complacency and that relaxing vigilance could ramp up infections again (Potgieter, 2022). Among other issues, this alert foregrounded the need to look at the Ghanaian context in particular to guide future actions during pandemics that might have ramifications for neighbouring countries like Togo, Burkina Faso and Côte d'Ivoire, and the West African sub region in general.

The rest of the paper proceeds as follows. The first section examines the debates on cross-border migration and health in West Africa, which exposes the importance of micro-level analysis of how pandemic governance affects complex cross-border relations created by colonial territorial demarcations. This is followed by an examination of the Ghana government's policies for tackling Covid-19, highlighting the issue of border restrictions. In the third section, we illustrate key themes of the emerging health and migration

dynamics of pandemic governance in border towns in Ghana. Here, the vulnerabilities of ECOWAS citizens accessing healthcare in border towns, and of so-called undocumented (and low-income) migrants using road transport, uncovered important implications for holistic healthcare and migration policies in West Africa. The conclusion confirms the dual challenges created by the pandemic governance, health and migration, and recommends that some innovative policies be devised to address such difficulties to reduce the risk of unintended consequences in fighting infectious diseases in the region.

Cross-Border Migration and Health in West Africa

The West African subregion is one of the very busy cross-border migration regions in Africa owing to the ECOWAS regional bloc's 1979 protocol on the free movement of persons and trade. Over the past forty years, this has allowed increased migration and resettlement of migrants across various West African countries. In 2019, ECOWAS commemorated forty years of this protocol and cited its multisectoral benefits (ECOWAS 2019). This context provides the basis for an assessment of how cross-border migration and health management are connected.

Although this paper focuses more on the policing of Ghana's land borders to curtail the spread of Covid-19, the authors draw much information from the measures adopted during the Ebola epidemic. This is because the protocols deployed to tackle the Covid pandemic are deeply rooted in those taken to manage the spread of Ebola. This study considers the Ebola virus disease (EVD) outbreak in West Africa between 2013 and 2016 as one of the most recent and comparative reference points for an analysis of Covid-19 management policy in the region. In 2015, the United Nations Development Group (UNDG) asserted that the EVD outbreak was 'the longest, largest, deadliest and the most complex in history', lasting more than a year and causing over 22,859 EVD cases and over 9,162 deaths (UNDG 2015: ii). Though HIV/AIDs has also triggered considerable cross-border management policies across West Africa in the past (Sullivan, 1998), its mode of transmission and communicability limit its parallels with Covid-19. Besides, Ebola's outbreak in West Africa is closer in time to Covid-19.

In terms of international travel restrictions, the policy in most West African countries was heavily influenced by policies beyond the region. Organisations such as WHO and the government of the United States took a special interest in shaping travel policies to stem the tide of Ebola's transmission and keep it from reaching other countries. For instance, Joseph

et al. (2019) found that the Ebola pandemic led to enhanced entry screening and post-arrival monitoring in West African states under the sponsorship of the US government. Cohen (2016) also reported that the Centre for Disease Control (CDC) staff provided in-country technical assistance for exit screening in countries in West Africa with Ebola outbreaks. Thus, because of geopolitical concerns the West African Ebola management policy became an extension of the United States policy.

The WHO largely determined regional and national policies for pandemic management in other ways. Cohen (2016: 60), for instance, identified that the organisation 'coordinated improved mapping of geo-positional landmarks, including official and informal border crossings, villages and markets and other areas of congregation, as well as mapping of population movement patterns' to improve cross-border operations. This data informed the 'preparedness checklist' that the WHO used in assessing the pandemic management competence of West African countries (Olu et al. 2020). Similarly, the IOM developed the Health, Border and Mobility Management Framework (HBMM) for use in locations where the risk of disease transmission is high between migrant and sedentary communities (IOM 2018). These international linkages and approaches became the cornerstone of the Ebola management policies in West African countries.

Within the subregion itself, the policy template adopted by most member states to contain Ebola was characterised by sustained restrictions on the movement of persons and goods. When the disease was declared a pandemic in August 2014, the three main countries hit by the outbreak (Guinea, Liberia and Sierra Leone) closed entry points and set up quarantine areas at the remaining open ports of entry. In addition, authorities were authorised to restrict anyone who exhibited symptoms of Ebola from travelling for commercial purposes (Kilberg 2014). Côte d'Ivoire also closed its borders with Liberia and Guinea on 22 August 2014 (UNDG 2015: 67). During the crisis, Roos (2014) reported concerns at the time that post-harvest migration across the region would lead to an increase in the outbreak. These concerns were used to justify border restrictions.

The restrictions affected, among others, business people and refugee populations. In the specific case of the latter, the voluntary repatriation of some 50,000 refugees in border communities between Côte d'Ivoire and Liberia was halted and Ivorian authorities turned back a refugee convoy for fear of Ebola. Though Côte d'Ivoire reopened its borders later, there were still more than 38,000 refugees who still were awaiting repatriation (Kilberg 2014). Another area of concern was food insecurity. During the EVD outbreak, the UNDG reported that the impact on food security would be

severe in the bordering communities of Guinea, Liberia and Sierra Leone. Being the most vulnerable economically among these countries, Guinea Bissau was the most affected by food insecurity (UNDG 2015: 66).

It is apparent that the regional body itself, ECOWAS, refrained from an explicit recommendation for border closure and instead recommended strategies such as border surveillance and synchronisation of cross-border activities (ECOWAS 2019). The omission of border closures was understandable considering the protocol on free movement sanctioned by ECOWAS. For member states, the health emergency and its human security implications warranted the closures.

With hindsight, however, Horton (2019: 1494) has argued that the fundamental mistakes made by governments in their Ebola response was that the policies 'were designed around the disease, not those affected. Money was invested in global surveillance and response systems, but little attention was given to standards of care and the effects of the outbreak on families, communities and health workers.' This argument is based on the observation that many border communities in West Africa are connected across borders by family and ethnic kinship ties rather than geopolitical boundaries. Therefore, any hard and fast border closures were likely to hit hard at such social ties and support systems. Meanwhile, it was these very fluid social interactions that worried governments and moved them to close borders. Indeed, governments were in a dilemma concerning the negative impact that could be felt by the local population by the closure of the borders and the equal or higher adverse impact that could be felt if they did not close the borders.

To support the border restrictions, governments introduced heightened community monitoring, especially in border communities. Yet this effort was fraught with challenges. Previous research cited that border screening difficulties included inadequate personal protective equipment and supplies, and insufficient space or isolation rooms. Other problems included delays at the border crossings, too few trained staff, lack of capacity to confirm cases locally, lack of co-operation from travellers, language barriers and multiple entry points along porous borders (Awoonor-Williams 2021).

In part, the policy panic that leads to border restrictions stems from the warnings that are issued by international organisations in times of pandemic. For Ebola, the UNDG, for instance, said the outbreak in Guinea, Sierra Leone and Liberia was a 'warning to others in the region' and therefore recommended 'cross-border contact tracing' (UNDG 2015: vii). The group also warned that cross-border activities and family travel across borders could fuel the spread of the disease and referred specifically to Guékédou, a border town between

Sierra Leone and Liberia, as a case in point (UNDG 2015: 2). In 2014, a few kilometres away from the emerging Ebola epidemic in Guékédou (Guinea), infected individuals had crossed the border into Sierra Leone.

This study also notes that whereas governments quickly restricted borders based on international recommendations, they were slow to reverse those restrictions, even though the reversal was recommended by the same organisations. This inertia moved the UNDG to indicate that ‘efforts to ensure that borders are opened should be given a priority by Mano River Union, ECOWAS as well as UNDP and relevant UN agencies’ (UNDG 2015: 74). Yet many governments kept the closures in place. As Horton (2019: 2) argued, since the Ebola outbreak response was securitised and politicised, ‘the emphasis was placed on deterrence, compliance and punishment’ rather than paying attention to the principles of public health and the protection of human rights.

It is common to look for the economic impacts of cross-border restrictions. However, as this review of the Ebola situation has shown, whereas the economic implications may be limited, other impacts deserve attention. The UNDG indicates that since the three primary affected countries did not contribute much to the ECOWAS economy, the impact on trade and their economy was low. However, the group notes that:

While this may be the case at the macro and formal levels, the situation for people who depend on the informal cross-border trade may be different. It is important, therefore, to undertake some micro assessments on this issue to further examine the detailed impact on people whose livelihoods depend on cross-border trade. (UNDG 2015: 45)

Such micro-level assessments form an important objective of this study, in relation to the Ghana government’s governance of the Covid-19 pandemic.

Covid-19 Management by the Government of Ghana

As elsewhere, governments in the West Africa sub-region responded in many ways to the coronavirus pandemic. In Ghana, after the first two cases were recorded on 11 March 2020, the government adopted a ‘hybrid management approach’ to contain the crisis, which was grounded in several different legislations. It adopted WHO’s guidelines together with domestic management measures to address the spread of this novel health threat to human and national security. The management strategies included the following:

1. Health infrastructure and national disinfection exercise
2. Border closure and movement restrictions
3. Socioeconomic needs support and financial (re)construction.

These three vital management measures were grounded in several different legislations as legal backing to the directives issued in respect of the government's containment strategy. These included:

Executive Instrument (E.I.) 63 on Establishment of Emergency Communications System Instrument, 2020, gazetted on 23 March 2020; E.I. 64 on Imposition of Restrictions (Coronavirus Disease (Covid-19) Pandemic) Instrument, 2020, gazetted on 23 March 2020; E.I. 65 on Imposition of Restrictions (Coronavirus Disease (Covid-19) Pandemic) (No.2) Instrument, 2020, gazetted on 30 March 2020; and E.I. 66 on Imposition of Restrictions (Coronavirus Disease (Covid-19) Pandemic) (No.3) Instrument, 2020, gazetted on 3 April 2020. (Nkansah 2020)

Health Infrastructure and National Disinfection Exercise

The most pertinent Covid-19 management effort by the Ghanaian government was the improvement in the healthcare system of the country. Through the Ministry of Health (MOH), Ghana Health Service (GHS) and external support, the government provided personal protective equipment (PPE) and other essential health equipment, such as oxygen concentrators and accessories, to be used in the existing and newly created Covid-19 treatment centres across the country. The government's priority was to increase testing and testing facilities, revamp existing healthcare points and construct new ones to fight the pandemic. With the support of UNICEF, the government reinforced laboratory and testing capacity for Covid-19, including the newly created Wa and Tamale Public Health Reference Laboratory (which processed approximately 2,500 samples in the course of this research) and the Public Health Reference Lab in Kumasi (UNICEF 2020; Sibiri, Prah and Zankawah 2021). This complementary effort reduced the pressure and stress on Ghana's key testing centres – Noguchi Memorial Institute for Medical Research and Kumasi Centre for Collaborating Research (KCCR) – which until then were the only two testing facilities for the entire nation. In terms of vaccination, the government of Ghana aimed at getting 20 million of its 32 million residents vaccinated by the end of October 2021 (Quakyi et al. 2021). Indeed, Ghana was the first country in Africa to receive a vaccine shipment from the COVAX facility (600, 000 Oxford-AstraZeneca vaccine doses), which was delivered on 24 February 2021 (Quakyi et al. 2021).

Due to the crowded nature of trading and business centres in Ghana, they were highlighted as potential points where the disease could easily spread. Consequently, the Ministry of Local Government and Rural Development in collaboration with Municipal Authorities and Public Health experts

designed a National Programme for Market Disinfection Exercise (NPMDE) to disinfect 1,806 marketplaces across the sixteen regions of the country. In addition, starting from the Greater Accra Metropolitan Area on 23 March 2020, all open spaces and lorry stations in Ghana were fumigated as a precautionary measure against community transmission (Nkansah 2020; Sibiri et al. 2021). In many markets across the country, all traders and shoppers were obliged to wash their hands before entering and exiting (Nyarko 2020). The NPMDE was informed by the thinking that infectious diseases such as Covid-19 spread rapidly in insanitary conditions, which are a common phenomenon in developing countries like Ghana (Asante and Mills 2020).

Border Closure and Movement Restrictions

Border closure and human movement curtailment became the central management strategies of the Ghanaian government to contain the spread of the disease. This was enforced quickly in a collaboration between the Ministry of Defence, Ministry of Interior and the Ministry of National Security and the services of the Ghana Armed Forces, Ghana Police Service, Ghana Immigration Service and national security intelligence. The closure of all land, sea and air borders to human traffic (except goods, supplies and cargo) was expected to stop bringing the disease into the country. It was also expected to help curtail transmission within communities. Yet internally there were concerns that the spread could not be stopped because new arrivals continued to engage with friends and family. Also, the border closure management effort increased the dilemmas of other nationals of neighbouring countries like Togo, Burkina Faso and Côte d'Ivoire who attempted to access healthcare in Ghana (Yendaw 2021).

Through the Imposition of Restrictions Act (2020), Act 1012, the Ghanaian government legitimised the partial lockdown of suspected disease hotspots. The temporary lockdown of major cities or epicentres of the diseases such as Greater Accra, Greater Kumasi, Tema and Kasoa, was intended to contain the disease. Similarly, all places of public gathering (except for marketplaces and points of other essential services) were closed, including schools, churches, beaches and cinemas, and events such as funerals, parties, festivals, political activities and conferences were suspended (Asante and Mills 2020; Sibiri et al. 2021). The Ghanaian populace were mandated to wear face masks (Executive Instrument, E.I. 164) and adhere to social distancing of at least 1 metre (or 3 feet) from all other persons at home, at the marketplace and other essential service areas to prevent internal community spread of the disease. Under the law, violators faced a ten-year imprisonment or a fine between GHS 12,000.00 and GHS

60,000.00. Ghanaians were also advised by the government to use alcohol-based sanitisers regularly and wash hands frequently, as part of the personal hygiene and Covid-19 protocols put forward by WHO.

Socioeconomic Needs Support and Financial (Re)Construction

Through the Ghana Water Company, the government of Ghana designed a special initiative to supply water to the citizenry between April and June 2020, free of charge (Lartey, 2020). The free water initiative was to encourage regular handwashing, personal hygiene and frequent drinking of water to manage community spread of the disease. In addition, through the support of the government, the Electricity Company of Ghana provided electricity free of charge for at least three months, primarily for lifeline consumers, and a 50 per cent reduction in fees for all other consumers (including businesses). The aim was to support financial needs, especially those of vulnerable groups and the average Ghanaian whose daily business had been hindered by the lockdown and could not pay their electricity bills. For instance, an estimated number of 42,000 people lost their jobs in the first two months of the crisis in Ghana (Aduhene and Osei-Assibey 2021).

Moreover, through special initiatives the government and some private organisations distributed dry food packages and hot meals to needy households and communities in restricted areas (Asante and Mills, 2020). In addition, as part of the attempt to manage and prevent the community spread of Covid-19, on 26 March the President granted amnesty to 808 prisoners based on Article 72 of Ghana's Fourth Republican Constitution, which provides that in consultation with the Council of State, the president may pardon a convicted criminal (Nkansah 2020).

Furthermore, it was estimated that money used in trade and business transactions could be a source of contamination. As a result, an adjustment from cash-based transactions to digital forms of payment was encouraged. From 20 March 2020, the Bank of Ghana agreed with mobile network operators that all mobile money transfers of GHS 100 (USD 18.16) and below would attract no fee, and cashless transactions (wire transfers, online payment) were encouraged (Asante and Mills 2020). Even though market transactions remained primarily cash-based, to some extent digital payment managed to limit person-to-person cash transfers. More importantly, commercial banks, with the support of the Bank of Ghana, granted a credit facility and a stimulus package of GHS 3 billion to local companies, particularly those in the pharmaceutical, health, services and manufacturing industries, to cushion their production efforts towards the containment of the disease (Sibiri et al. 2021).

Emerging Health and Migration Dynamics and Concerns

As the preceding sections have suggested, the discourses and practices surrounding the past and present pandemic governance in Ghana and West Africa have not addressed cross-border travel for healthcare and changing human mobility during these critical periods. Rather, since the policy focuses on preventing the spread of emerging and epidemic diseases and reducing their economic implications, this has been the focus of scholarly debate. Nonetheless, how the healthcare system of border towns with complex pre- and post-colonial relations are affected by border closures and policing is also important. As Horton (2019) opined, cross-border health policies must not concentrate only on the disease and regional macro-economic outlooks, but significant attention must be given also to the effects on families, communities and healthworkers directly affected by daily routine cross-border migration for health reasons.

Many border communities in West Africa are connected across borders by family and ethnic kinship ties, although divided by the geopolitical boundaries created by colonialism. As a result, it is common that citizens on one side of a border may be entitled to government services on the other side. The free movement of ECOWAS citizens seeks to improve such access across countries. Thus, the hard and fast border closures were likely to disrupt not only social ties but also the healthcare support systems from which border communities benefit. Literature on the historical relations between border communities across Ghana and West Africa in general (Griffiths 1986; Heath 2010; MacKenzie 2016) emphasises that assessments at this micro level could provide an important policy dynamic for discussing and governing intraregional movement in times of pandemic.

People migrate in and out of Ghana along three main routes. These are by air, via the Kotoka International Airport (the principal air entry point to Ghana), by sea through the country's two major ports (Tema Port in the Greater Accra Region and Takoradi Port located in the Western Region), and by land through three major entry points. The Elubo border in the Western Region represents the western entry point between Ghana and Côte d'Ivoire, the Aflao border is the entry point between Ghana and Togo to the East, and in the north are the Paga and Hamile entry points between Ghana and Burkina Faso. These routes and border towns form the official access points to Ghana and are all manned by personnel from the Ghana Immigration Service.

However, there are several unofficial cross-border points into Ghana dotted across the country, especially via land, located in at least 50 per cent of Ghana's sixteen regions. These regions include Bono, Bono East,

Upper West, Upper East, Northern, Savannah, Western and Volta regions (Modern Ghana 2021). At each of these points, there are long-standing social relations between communities in Ghana and others across Burkina Faso, Togo and Côte d'Ivoire. These relations and movements are important in Ghana in many arenas: politics, business and cultural activities such as festivals. For instance, during the 2020 voter registration exercise in Ghana, military forces were deployed to major border towns to prevent foreigners from registering to vote as Ghanaians, which different political parties have accused each other of encouraging.



Figure 1: The old map of Ghana depicting neighbouring West African countries

Source: Encyclopedia Britannica (1998)

Health Concerns Along Border Towns

At official and unofficial border towns, shared healthcare is central to cross-border relations. Communities across the borders, especially citizens of Ghana's neighbouring countries, access healthcare in Ghana. For instance, the Korle-Bu Teaching Hospital, the leading public hospital in Ghana's capital, Accra, provides healthcare support to patients from Burkina Faso, Nigeria, Côte d'Ivoire and Togo. This is not only because of the hospital's relatively higher expertise in critical areas such as plastic surgery, radiotherapy, burn treatments, and cardiothoracic and nuclear medicine, among others. More importantly, it is because citizens cannot access medical care in their home countries either because it is not available or the costs are prohibitive and so they travel to other countries to meet their healthcare needs. Consequently, citizens from many West African countries travel through both approved and unapproved routes to Ghana for different healthcare services (Kuwonu 2017).

Some of these foreign citizens cannot afford the higher-priced treatment at the Korle-Bu Teaching Hospital and other modern health facilities. Most of these migrants are low-income earners from poor households who depend on the nearest clinic or Community-based Health Planning and Services (called CHPS), usually in rural communities in the country. There they seek treatment for common tropical diseases such as malaria, as well as typhoid, skin diseases, diabetes, asthma, eye and ear infections and rheumatism, among others. Confirming Kuwonu's (2017) claim that Ghana is a centre of healthcare delivery in West Africa, Teye (2019) asserts that the country has become the ideal transit and a suitable destination for migrants not only for businesses but also healthcare support. Although Teye (2019) reported on the discrimination against foreigners in accessing hospital treatment and in prices paid at pharmacies, she indicated that most foreigners are still able to receive treatment largely because of Ghana's obligation to observe the ECOWAS protocol on the free movement of West African citizens within the subregion. Besides, as Horton (2019) opines, the enduring cross-border social relations help foreigners to seek healthcare support in Ghana.

The sustained restrictions on the movement of persons during the coronavirus pandemic, therefore, signalled health challenges for communities that normally benefitted from primary healthcare in border towns. Whereas, for instance, the UNDG, IOM and scholarly works have raised concerns about food insecurity, economic challenges and the spread of infectious diseases, this research seeks to draw attention to the unintended consequences of border closures and strict policing on foreign primary healthcare seekers in and around border towns in Ghana. Although UNDG (2015) argued that border restrictions have a severe impact on the people who depend on informal cross-border movements and transactions and called for a detailed micro-level analysis of their livelihoods, its focus was on trade, as in most other accounts. The border closures posed a dilemma for other nationals of neighbouring countries, particularly those from Togo, Burkina Faso and Côte d'Ivoire, who attempted to access healthcare in Ghana. The challenges of displaced persons as a result of emergency border closures due to the Covid could also be likened to the challenges associated with conflict-prone states. For example, the water, sanitation and hygiene (WASH) indicators are lower in displaced populations. These WASH conditions were rife for Covid-19 transmissions in displaced populations in places like South Sudan and elsewhere (Bwire et al. 2022).

Cross-border Migration Dilemmas

The management of previous pandemics and the measures against coronavirus set aside the ECOWAS protocol on the free movement of West African residents, even though the regional organisation did not explicitly or officially recommend border closure but instead suggested strategies such as border surveillance and synchronisation of cross-border activities. Member states, however, followed the health emergency panic and human security logic to effectively close borders, as in many other regions and subregions across the globe. Beyond the border closures and policing, Ghana's security heightened community monitoring, especially in border communities (Awoonor-Williams, 2021). This caused three migration-related vulnerabilities to emerge, besides the immigrants' inability to access healthcare services along border towns in Ghana.

First is the promotion of 'elite migrants'¹ over migrants seeking a basic livelihood. From March 2020, the security apparatuses in Ghana arrested ECOWAS citizens who flouted the border closure order and successfully entered Ghana (*Citi News*, 24 March 2020). Most of these immigrants had used unapproved routes or even official entry points where border policing was ineffective. As it was only land borders that were closed, the border restriction mainly affected poor households and petty traders who relied on cross-border transactions along a few kilometres for their livelihood. This threatened to widen the inequality gap because those who had the means to travel by air to Ghana and abroad for healthcare and other activities could do so, but the low-income earners and vulnerable groups who used road transport were cut off from their businesses activities and access to healthcare.

The second emerging migration issue concerns the apparent changing fate of undocumented migrants. Discrimination against migrants in Ghana increased as a result of the 'fear of the foreigner' in the spread of pandemics. Whereas Teye (2019) observed some discrimination against migrants in access to healthcare in Ghana, the 'hostile treatment of West African nationals by Ghana's security in the Covid-19 governance, led even to increased vulnerability of so-called undocumented migrants'. This discrimination and stigmatisation arose because migrants were usually perceived as carriers of the virus from their country of origin to their destination. This caused intense community surveillance and deportation of many West African nationals from Ghana, mostly those using the road as entry points. Consequently, even those who succeeded in settling at their destination through 'illegal' migration via land mostly resisted seeking healthcare assistance for fear of detection and deportation and refused to report illness (Reissig 2020).

Third, the heightened border security slowed down migrant processing and thereby caused a new security threat due to overcrowding at border towns across West Africa. It also redefined the traditional understanding of in-country migration altogether. The IOM reported that as a result of the sustained border restriction in Ghana, groups such as merchants, farmers and itinerant traders were stranded at cross-border markets, such as Aflao, Elubo and Sampa. The IOM (2020) estimated that, in addition, more than 20,000 migrants were stranded at various borders in the West and Central Africa region, while another 1,800, including Ghanaians, were stranded in transit centres in countries such as Niger. The increasing number of migrants at the borders made it even more important for them to tighten restrictions further. The lack of security capacity at these border posts threatened to make it easier for smuggling-related activities and trafficking networks to slip by. It also threatened to increase irregular immigration routes across Ghana's borders. In addition, the securitisation of the pandemic had the propensity to exacerbate internal migration dynamics in Ghana. Instead of crossing borders to avoid being infected, people moved from crowded cities and urban areas to rural areas where the pandemic had the least effect, thus redefining the long-held understanding of the flow of migration in Africa (UN-Ghana 2020).

Notwithstanding the impact of the securitisation of the pandemic and other emerging dynamics reported by earlier studies, there was an urgent need for broad-based regional collaborations to bolster Africa's readiness to manage disease outbreaks. More importantly, argued Otu et al. (2020), there was the need for a combination of intersectoral government/community planning and collaboration and the enactment of some travel restrictions as viable strategies to combat the pandemic (Otu et al. 2020). Beyond arguing for a consideration of the burgeoning cross-border migration dilemmas highlighted in this study, earlier studies have shown other aspects that could be considered. For example, Osabuohien et al. (2022) affirmed the need for improved social services structures that would enhance Africa's readiness to address social and economic shocks in future pandemics. Respective authors in Osabuohien et al. (2022) argued for the legal system to support social and economic recovery from the Covid-19 pandemic. Other authors in the same volume highlighted the insecurity during the Covid-19 pandemic in Nigeria, and the need to analyse the policy gaps and prospects for inclusive security outfits in the country. They identified bandits, kidnappers and violent protests as critical factors affecting security in Nigeria and concluded by recommending that government should take advantage of the existing security loopholes in the

country to establish a state police force, which would lead to significant improvement in police service delivery (Osabuohien et al. 2022). Clearly, there is room for further research into cross-border arrangements and discussions of disease/pandemics as a security issue beyond the subject of epidemiology and healthcare.

Conclusion

Although initially Covid-19 might have been perceived as essentially a health crisis, the reality has proven to be dramatically different (Potgieter, 2022). We also agree with Otu et al. (2020) that the Covid-19 pandemic might provide a unique opportunity to strengthen the continent's regional health security measures (surveillance, control, treatment/mitigation, regulation).

This study, therefore, set out to examine the impact of Covid-19 pandemic governance on health and migration in West Africa. We focused on how Ghana's border policing strategy has negatively impacted long-standing practices of some ECOWAS citizens' access to primary healthcare in border towns in Ghana and how the sustained border restrictions could affect the dynamics of migration in the subregion. We engaged qualitatively with the pandemic governance policies *vis-à-vis* the literature on development, politics, health and migration in West Africa, especially during the pandemic.

The analysis indicates that the sustained closure of land borders hindered the movement of low-income and poor West African citizens to access primary healthcare in border towns in Ghana. This created a situation of unintended health consequences for families that have depended on cross-border primary healthcare for decades. Since only a few West African citizens could travel to Ghana via air or afford expensive healthcare in their countries with no or weak health insurance systems, the border restrictions exposed the possibility of a widening inequality between 'elite' and lifeline migrants. Besides, given that many West African migrants and those in transit were stranded at border towns, the resultant overcrowding had the potential to create a new security threat characterised by increased smuggling, criminal networks and illegal routes, which could further worsen the security threat in the subregion. In addition, the situation increased the level of discrimination suffered by so-called undocumented migrants in Ghana, who were often seen as carriers of infectious diseases and were treated with contempt by Ghanaians. A further point was that as the borders remained closed, a new form of migration could have emerged, with people tending to migrate internally, from urban to rural areas within Ghana where the effect of the coronavirus was believed to be less severe.

We recommend that in the present scheme of things and for the future, some innovative policies should be devised to address the difficulties discussed above and reduce the potential for unintended consequences of fighting infectious diseases in the region. At the same time we urge academic discourses to complement macro analyses with a ground-level understanding to reduce the negative impacts of otherwise well-intended policies to address infectious diseases in Africa. Thus, we recommend that the government should continuously review the country's border closure policies to include provisions that can accommodate the health and livelihood needs of cross-border migrants.

Note

1. Elite migrants as used here refers to people from political and business classes who can afford air transport, as against those who rely solely on cheap road transport not because of choice but because of their economic circumstances.

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The African Diaspora in Times of Covid-19: Tourism and Itinerant Street Vendors on the Southern European Border

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Abstract

Within a conceptual framework proposed by the African Union, which views the diaspora as a sixth African region, this article analyses the economic situation of Senegalese street vendors in the city of Seville, in the southern European border region. For this community, street trading is the most important economic activity and source of income, of which tourism is a significant market. Using an ethnographic methodology, including interviews with street vendors, City Council officials, a lawyer-activist and observation, the study examines institutional perceptions and the treatment of Senegalese street vendors within the administrative and planning processes of the public administration, and the relationship this has with tourism. The results show how ethnocentric prejudices and criminalising stereotypes influence local administration policy. The analysis also examines the impact of the Covid-19 pandemic in terms of the lack of institutional assistance for this population group, how the Senegalese population coped with the economic impact of lockdown through their own networks and support systems, and by migrating outward. The results presented in this article are part of a broader research project on urban development and sociospatial impacts of tourism in large cities in Andalusia, Spain (PAIDI-FEDER 2020: R+D+i Project).

Keywords: African diaspora; itinerant street trading; Senegalese economy; Seville

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Résumé

Dans un cadre conceptuel proposé par l'Union africaine, qui considère la diaspora comme la sixième région africaine, l'article analyse la situation économique des vendeurs ambulants sénégalais de la ville de Séville, dans la région frontalière sud de l'Europe. Pour cette communauté, le commerce de rue constitue l'activité économique et la source de revenus les plus importantes, le tourisme constituant un important marché. Utilisant une méthodologie ethnographique, comprenant des entretiens avec des vendeurs de rue, des responsables du conseil municipal, un avocat-activiste et des observations, l'étude examine les perceptions institutionnelles et le traitement des vendeurs de rue sénégalais dans les processus administratifs et de planification de l'administration publique, et la relation de ces facteurs avec le tourisme. Les résultats montrent comment les préjugés ethnocentriques et les stéréotypes criminalisants influencent la politique de l'administration locale. L'analyse examine également l'impact de la pandémie de Covid-19 en termes de manque d'assistance institutionnelle pour ce groupe de population, la manière dont la population sénégalaise a fait face à l'impact économique du confinement grâce à ses propres réseaux et systèmes de soutien, et en migrant vers l'extérieur. Les résultats présentés dans cet article font partie d'un projet de recherche plus large sur le développement urbain et les impacts sociospatiaux du tourisme dans les grandes villes d'Andalousie, en Espagne (PAIDI-FEDER 2020 : Projet R+D+i).

Mots-clés : diaspora africaine ; commerçant ambulant ; économie sénégalaise ; Séville

Introduction

The African Union has denominated the diaspora as the sixth African region, defining it as 'peoples of African origin living outside the continent, irrespective of their citizenship and nationality and who are willing to contribute to the development of the continent'.¹ In an increasingly interdependent world, the dispersal of large numbers of expatriates around the globe presents a challenge to the physical borders of states. In 'diasporic states' (Zoomers and Adepaju 2008), borders are redefined by the emergence of transnational communities in which people organise their lives simultaneously in various geographic spaces. Processes of identity construction take the territory of origin as the point of reference for *African existence* (Izard Martínez 2005), but the realities of this existence – social, economic, cultural, etc. – are territorialised beyond the continent. The reconstruction of identity therefore also entails the reconstruction of territory. This is the case with the diaspora economies that are rooted in the cultural logic of Africa but inserted in the economic, legal-political and social reality of the destination country.

The 600,000 Senegalese immigrants living abroad in 2019 are part of this African diaspora (Naranjo 2019) and can clearly be considered a 'diasporic state'.² That Spain is part of this diasporic state is evident in an abundant body of academic work on this population in relation to themes such as religion (Moreno-Maestro 2019; Massó Guijarro 2013), co-development (Llevot Calvet and Demba Fall 2017), and migratory networks (Jabardo 2006), among others. At a political level, the existence of social security agreements between Senegal and Spain is a good example of the transnational dynamics of this population and territorialisation on both continents.³

This article analyses the economic activity of the Senegalese population in the city of Seville, located in the southern European border region of Andalusia (Spain), many of whom engage in legal and illegal itinerant street trading.⁴ The article examines the administrative regulations and practices that govern and define legal street trading, attitudes towards legal and illegal vendors, and the diffuse relationship between legal and illegal street trading in the Senegalese population.

The fundamental questions that guided the research are the following: given Seville's heavy reliance on tourism, what place does street trading, the main activity of the Senegalese in Seville, occupy in the local authority's urban development and design plans? How is the existence of the African population in the city, especially the Senegalese, affected by local planning policies? And finally, what are the impact and repercussions of the Covid-19 pandemic on itinerant street trading, and what are the responses by public institutions and the Senegalese community themselves to the consequent loss of income?

The structure of the article, after explaining the methodological aspects, questions the social imaginary that surrounds street trading and the people who practise it. To this end, the analysis explores the problems shared by all street vendors and those specific to the migrant population, particularly the Senegalese. In the second part, the article analyses, on the one hand, local administration policy regarding street trade and the relationship with the tourism sector and, on the other hand, the organisation of Senegalese street vendors. Finally, the article analyses how the Covid-19 pandemic has affected street trade and the responses in this regard given by the local administration and the Senegalese community in the city of Seville.

Methodology

The study is framed by an Afrocentric approach in order to avoid essentialist categories that tend to invisibilise the perceptions and experiences of the African diaspora, in particular the importance of the connection between the economy and other spheres of life.

During the fieldwork, I conducted interviews with the Seville City Council officials who are responsible for street trading,⁴ Senegalese street vendors, and a lawyer-activist who defends street vendors' rights. The data collection also involved observation in various street markets, including the Parque Alcosa Street Market, one of the largest weekly markets in the city, and others in the historic centre of the city.

The interviews were conducted in the period following the lockdown that resulted from the Covid-19 pandemic, from March to September 2021. The interviews were semi-structured with two objectives:

1. to obtain concrete answers about local administration policy and social issues related to street trading;
2. to bring out perceptions and issues felt to be important by the actors.

Observations in street markets were fundamental to perceive the dynamics and meanings of these contexts.

Taking the local Senegalese population of street vendors as the unit of observation permitted a twofold analysis: on one side, the relationship between tourism and immigration, and on the other, the practices of local institutions in terms of perceptions and the administration of street trading and vendors.

To organise, understand and interpret the information gathered in the course of the research, I used thematic analysis processes. I transcribed all the interviews and ordered the descriptions and annotations of the fieldwork. In this way, I identified the main themes of the problems to be analysed and constructed the text based on the understanding and interpretation of the information gathered through the methods used (semi-structured interviews, informal conversations and observation).

The article includes quotations from interviews with informants that were recorded and transcribed. In order to safeguard informants' identities, the City Council officials are identified by their departments only, whereas the street vendors are identified by pseudonyms.⁶

The Context of Itinerant Street Trading in Times of Covid-19

The Social Imaginary of Itinerant Street Trading

Street vendors are at a fundamental disadvantage because, in the social imaginary, the type of business they carry out is often not perceived as being of equal measure to other economic activity. This is reflected in their treatment by public institutions, as evident in the following extract from an interview with a City Council official:

... they are business people just the same, the type of business, they do it differently, but most of them are proper self-employed business people.

(Official, Department of Economy and Commerce, Relations with the University Community and Metropolitan Area)⁷

Thus, while recognising the validity of their status as business people, the 'different' way they carry out their activity means that they are differentiated by policymakers and this is subsequently translated into administrative practice.

The institutional interpretation of itinerant street vendors' business activity is strongly influenced by perceptions of this group that are both ethnocentric and criminalising. This can lead to an invalidation of ways of working, forms of life and, therefore, of specific cultures (Espinosa Zepeda 2017). At present, itinerant street trading in Seville is mostly carried out by members of the Gypsy, Ecuadorian and Senegalese communities. Increasingly, it has become a survival strategy for people in situations of extreme economic precarity, which, to a large extent, is a result of ethnic-based institutional discrimination and exclusion. In terms of the Senegalese population, the impact of institutional policy has been enormous because, as Mbaye, a street vendor, pointed out: 'The majority, almost 90 per cent or more of us sell, men and women do itinerant trading in the street market, illegal or not, but most of us are street vendors.'

Institutional discrimination stems mainly, although not exclusively, from the legal framework for third-country foreigners in Spain (Moreno-Maestro 2015). This is compounded by the social imaginary that surrounds Africa and African people, which defines them as permanently in need of assistance and also as victims of heartless organised crime groups.

Even a cursory observation of street trading activity by Senegalese vendors in the street markets in the centre of Seville, such as Plaza del Duque and Parque Alcosa, shows that it is practised by legal licence holders (acquired from the City Council) and illegal vendors or *Manteros* [displaying and selling on blankets]. However, even though non-licensed or illegal street trading is only a part of the overall spectrum of activity, the attitudes of the City Council officials are strongly influenced by media discourses that link all Senegalese street vendors to criminality and organised crime:

Yes, but it's true that the great majority ... There is a problem which is causing a lot of problems for us in Parque Alcosa, which is the illegal immigration around that area. Many of them, or the great majority that you tend to see, are Senegalese ... they go there, I mean, around the itinerant street markets. But I want to make it clear, everybody needs to eat, to earn money, so for them that's the only way. [...] Unfortunately, I'm sure that behind it all is ... the mafia, because, otherwise, it's hard to understand it. (Official, Department of Economy and Commerce).

Itinerant Street Trading and Immigration: A Clarification on 'Papers' and Licences

Among the Senegalese population, legal trading with a stall licence and illegal street trading by Manteros occupy the same urban spaces in the street markets and around shopping centres. However, to understand why one vendor may have a licence to trade in a particular place and another does not, it is necessary to consider the immigration status of the person. Whereas people with irregular immigration status – also known as undocumented or those without papers – are obviously excluded from applying for trading licences, the reality is more complex as even vendors 'with papers' also engage in illegal street trading:

If they see you with the blanket, they chase you. Wherever you are, whatever you're selling. It's because you don't have a licence. It's not for selling fake goods, it's because you don't have a licence. You have to live, so you have to sell, it's illegal selling. Until the police catch you. (Mbaye, vendor)

For those caught by the police, the consequences are not the same for vendors with regularised immigration status and those without. To start with, it affects the possibility of recovering merchandise seized by the police:

In Seville, I sell in Puerta Jerez, Plaza de España, but always trying to stay one step ahead of the police. That's the dodgy part, but I always sell around there. The police have caught me many times, of course. They take the merchandise off me. At the time I had papers.⁸ They take it off me, I say, 'we're going to count the merchandise'. Then, they give me the fine and I go and pay it. It was 90 something euros, less than 100. But now they have put the fines up a lot. (Pap, vendor)

In some cases, when the fine is very high, the vendors say it is not worth getting the merchandise back. If the vendor is undocumented, however, recovering the confiscated merchandise is not even a possibility:

It's very dangerous, from the moment you leave your house until you get home, you're really worried. Because you're going to say, what I have is worth X amount and that's what I have left to pay the rent and eat this month. So, if they take it off me... (Ibrahim, vendor)

The way the vendors are treated by the police depends, in large part, on the product they sell. Normally, vendors who sell counterfeit brands do not have regularised immigration status and, if ever caught trading illegally by the police, it would make the regularisation of their status extremely difficult.

The Local Police caught me in the Nervión [Plaza, shopping centre]. They always say that it's the mafia, that you are involved in counterfeiting. It's an

industrial crime. You have to compensate Nike ... There are people who have paid 300 [euros], there are people who have paid 400. I've paid off the 900 [euro fine]. I was paying 115 every month. I deposited the money in the court. That will go against you, they won't give you papers. When I tried, they said I was a danger to the public. (Ibrahim, vendor)

The Viability of Itinerant Street Trading

The mistreatment that Senegalese street vendors experience by law enforcement, public institutions and the media is a reality they share with other members of the Senegalese diaspora in places such as Argentina (Paccecha, Canelo and Belcic 2017; Marcús and Peralta 2021), Brazil (Brignol and Costa, 2018) and Italy (Ragone and Avallone 2022), or in other parts of Spain such as Barcelona (Espinosa Zepeda 2017; Pérez Rabasa and Jaramillo 2019), Madrid (Vázquez-Aguado 1999) and Grenada (Fernández and Blanco 2017). However, they face other difficulties related to market changes that have had a significant impact on the profitability of street trading, such as an increase in the number of Chinese bazaars, the exponential growth in online shopping through internet giants such as Amazon, and the establishment of large low-price retailers, such as Primark, in local shopping centres.⁹ As the lawyer-activist who specialises in the rights of street vendors explained: 'Before, there were only small shops and El Corte Inglés.¹⁰ We were the cheap alternative.' Thus, itinerant street trading has been experiencing more intense competition that is increasing with the development of new shopping centres, some of which open all day on Sunday. In this respect, there is a similarity with the crisis faced by traditional food markets (Crespi and Domínguez 2016).

From the perspective of the local authorities, however, the reality is almost diametrically opposite. Itinerant street trading is seen as an obstacle to the interests of large retail chains. This point was made by the lawyer-activist:

When IKEA set up its business, where it is, the first thing they did was to talk to the mayor about getting rid of the Castilleja de la Cuesta Street Market.¹¹ The Mayor didn't take the vendors into account, the vendors had to protest, they burned tyres in the middle of the road, cutting off the A49, and because of that they got what they wanted. The same has happened in Huelva. They moved the Friday market to Sunday so there wouldn't be any competition for the shopping centres. (Lawyer-activist for the defence of the rights of street vendors)

This gives an idea of how the occupation of public spaces by itinerant street vendors is directly linked to the interests of large investors, who often exert pressure on the local authorities to prevent them from operating. This is

consistent with Oriard Colin's (2011) observation that when competition for urban space is low, local administrations tolerate street trading, but when investors lobby, they prevent vendors from setting up in 'high-value' streets.

Itinerant Trading in Seville: Regulations and Administrative Competencies

Street trading in Andalusia and the city of Seville is governed by regional law, the most recent of which was passed in 2012,¹² and local authority laws, such as the Seville Municipal Ordinance of 2014.¹³ The city ordinance defines three types of street trading: street markets, street trading and itinerant trading.¹⁴ However, the rationale for this typology requires exploration. To begin with, we can consider that while the Department of Urban Management [Gerencia de Urbanismo] is responsible for issuing licences for all types of trading, authority over the different types of trading is divided between two departments: the Department of Economy and Commerce is responsible for street markets,¹⁵ while the Department of Urban Habitat, Culture and Tourism (a sub-section of the Department of Urban Management) is responsible for street trading and itinerant trading. Although both activities are nominally the same, in terms of frequency of activity (weekly) and exterior locations, City Council officials make a clear distinction between street markets and street trading:

The type of vendor in street markets is different. There, we're talking about artisans, people who make their living from this type of activity. Itinerant street trading is a specific case and in specific occupations. (Official, Department of Urban Habitat, Culture and Tourism)

It is important to observe that, although the Department of Economy and Commerce is supposed to be responsible for the management of markets, the artisan street market in Plaza del Duque (Wednesday to Sunday) and the Historic Thursday Market in Feria Street – both in the historic centre and occupied by trading stalls – are actually under the remit of the Department of Urban Habitat, Culture and Tourism. This points to other criteria for the organisation of responsibilities for street markets. One of the City Council officials responsible for the division of competencies across the two departments made a distinction based on the product being sold, which revolves around the 'artisanal' issue:

Normally, the people from the Duque [street market] are more ... it's a type of occupation and activity that is more artisanal. That's an important difference with the [neighbourhood] street markets. (Official, Department of Urban Habitat, Culture and Tourism)

As a quick search on Google reveals, Plaza del Duque Street Market is called an artisanal street market. However, the Senegalese vendors who have licensed stalls in the market and some other markets run by the Department of Economy and Commerce, such as Parque Alcosa, sell the same products everywhere they operate: wallets, belts, sunglasses, bracelets, leather handbags, backpacks, etc. These are products that they buy wholesale from industrial estates in the city.

The division of responsibility between departments seems to be more closely related to the location of the street markets in the city centre and the implications of this for large investors and tourism. In this respect, the definition of Plaza de Duque as an 'artisanal street market' and the Thursday market in Feria Street as a 'historical street market' are clearly related: both are key to advertising the old town as part of the Seville brand and to make it more attractive to tourists and investors.

The current Plaza del Duque Street Market incorporates the stalls that were previously part of Plaza de la Magdalena Street Market in the old town of the city. This street market disappeared ten years ago to improve the city's spatial planning and provide better services in the commercial area of Seville's old town.¹⁶ That is, the declared purpose responds to what should be the objective of the City Council: the improvement of the living conditions of the city's inhabitants. Following the reorganisation and unification of the two markets, fifty-one stall licences were made available for Plaza del Duque, although the number of active stalls is currently much lower.

A visit to Plaza de la Magdalena following the works to pedestrianise and refurbish that area of the city showed that the two new buildings occupied by the luxury hotel Magdalena Plaza Seville (Radisson Collection Hotel) take up one entire side of the plaza and that the hotel has about twenty covered tables on the newly pedestrianised area.¹⁷ The refurbishment of the plaza also meant that the number 41 and 43 bus stops were relocated to Reyes Católicos Avenue, causing complaints from residents and business owners. The following testimony, from Bibiano Hijón, the owner of the La Flor de Mi Viña bar, was published in the local press and indicates the extent to which local visitors to this part of the city decreased after the redevelopment: 'We have lost a lot of customers that came from Triana on the bus, they had a coffee, walked around the centre, they got back on the bus and went home.'¹⁸

This prompts the question: who was the redevelopment of this public space actually for? The EUR 422,218 that the hotel owners invested in the refurbishment of the plaza would seem to answer this question, in part at least.¹⁹ It appears that the city's management of urban heritage, which

includes changes of regulations for the use and remodelling of spaces, depends, to a great extent, on private interests. Pap, a Senegalese vendor who had a stall in Plaza de la Magdalena before the move to Plaza del Duque, told me:

Before, in Magdalena, yes, they gave you space, but they also took it away. They are taking away spaces, even in Duque they have tried to take them away. Street selling is getting worse and worse. They ask for more, they give you a space, you pay EUR 10 per metre. Next year they ask you for EUR 30 or EUR 25 and so on. (Pap, vendor)

Among the Senegalese vendors who are currently operating in Plaza del Duque, many believe that the City Council wants to remove the market: 'they are making it more and more difficult, it's like they don't want street trading' (Amadou). The perception that the street vendors are not part of the city's modernisation plans would seem to correspond to the same model of neoliberal urban development that Molinero-Gerveau and Avallone (2020) have analysed in Salerno, Italy.

Street Trading: Service, Goods or Both?

By examining the two departments of the City Council that are responsible for street trading, the logic of the distinction in the management of street trading becomes more evident. In the Department of Economy and Commerce, street trading comes under its remit as part of 'Consumption and Trade'.²⁰ In this respect, it is understood to be an activity that, on the one hand, provides essential goods to residents of peripheral neighbourhoods at affordable prices and, on the other hand, allows a sector of the population in a situation of growing precariousness to earn a living as vendors. The following district street markets are managed on this basis: Parque Alcosa, Cerro Amate, Charco de la Pava, Polígono Sur, Pino Montano-Cortijo de las Casillas, Mercatemático, Pino Montano Estrella de Oriente, Polígono San Pablo, San Jerónimo, Tamarguillo, and Torreblanca.

For its part, the Department of Urban Habitat, Culture and Tourism can only be responsible for street trading under the remit of tourism. In other words, according to the City Council's website, 'the promotion of the image of the City of Seville, foreign promotion of Seville and the organisation of events aimed at promoting the image of the city' (authors' translation).²¹ Within this ambit, the department is also responsible for organising the stalls that are set up at different times of the year, such as the Festival of Nations in the Prado Gardens in San Sebastian, which, in the words of its director:

... was born in the spirit of Expo 92. The first festival was held in 1993 at the Casino de la Exposición [cultural centre], where we were fortunate to keep the spirit of the Expo going. In a very modest way, we picked up that small baton.²²

This is similar to the Nativity Fair [Feria del Belén], which takes place next to the Cathedral and the General Archive of the Indies [Archivo de Indias] and which is organised by the *Asociación de Comerciantes del Belén de Sevilla* [Association of Traders of the Nativity of Seville] (ACOBES). The aim of the fair is to showcase the shops and businesses in the area:

The nativity market, well the same. More Sevillians go there, I mean, because they go for the Nativity Fair, to buy ... But in the end, with all these kinds of things we try to increase the product offering so that tourists go and spend. In the end, it is a whole cycle. (Official, Department of Urban Habitat, Culture and Tourism)

This alone would explain the division of responsibility for street trading into two departments of the City Council and their differentiated management. One relates to consumption for a population with scarce economic resources in peripheral districts (not strictly geographical but in terms of management by the City Council) and another related to tourism and the construction of 'brand Seville', where the artisanal and historical serve as a lure, as long as this does not conflict with the interests of large investors:

Street trading, not just in Seville, but in any tourist city, is a more attractive element. I mean, it's something more to offer. Let's just say it's a very topical issue in cities. Cordoba,²³ for example, has a conception of tourism that is very similar to ours, with its historic old town. If you go for a walk in the old town in Cordoba, you see a lot of street trading of artisanal products and all that type of thing. (Official, Department of Urban Habitat, Culture, and Tourism)

The 'Self-Production' of the City: Regulatory Versus Social Reality of Street Trading

Cities are constructed not only by the interventions of public administrations and private investors, but also through the customs and practices of its inhabitants – that is, by people and their everyday lives, what Oriard Colin (2011) calls the 'self-production' of the city. Although regulations enacted in the city of Seville establish an administrative division in order to implement planning policy and urban design proposals, particularly in the historic centre, they are much less relevant to street vendors, even though they obviously must take the different types of customers, local or tourist,

into account. Most commonly, street vendors work on the basis of specific routes and require a licence for each place where they set up. Routes may include the historic centre of Seville and other parts of the city frequented by tourists, as well as neighbourhood markets in the capital and nearby towns and provinces.

As well as Plaza del Duque Street Market, Senegalese vendors have been granted licences for fixed stalls in other parts of the city, such as the neighbourhoods of Triana and Remedios, around the Nervión Plaza Shopping Centre, in locations such as the Gran Plaza, Su Eminencia and Jardines de El Prado, etc. Although a stall licence is in the name of a specific person, other family members may operate it, as street trading is often a family business: 'My husband is a vendor, like most of us. At the moment, I'm helping my husband. I work with my husband, helping him' (Tako, vendor). Fairs and beaches, which are closely linked to seasonal tourism, are also of fundamental importance to the vendors' trading routes: 'I've always gone to the fairs to sell' (Aïcha, vendor).

Selling to tourists, domestic or foreign, and other local customers is part of the daily practice of street trading. The main question is how to diversify sales strategies:

I went to all the markets. I went everywhere. Every day we had a different street market. On Mondays, [I went] to a town near here, Guillena. It's a street market that's worthless, but you have to go, you don't know what day it might be good. On Tuesdays, I went to Los Palacios.²⁴ Wednesdays, Palma del Río.²⁵ Fridays, Huelva in the morning, Mazagón beach in the afternoon. [...] To the fairs, to a part of the mountains, I went to almost all the towns. To the Sierra Norte. And to Huelva too. To Aracena, to Aroche, and all over the place. You have a route. (Pap, vendor)

At the time of the research, Pap sold earrings, bracelets and anklets to shops that specialised in African products and to other Senegalese vendors, who were often undocumented and sold on different beaches in Andalusia. In other words, the vendors used a variety of sales strategies that incorporated different places, forms of business, and people with regular and irregular immigration status.

Support for the Self-employed During the Pandemic: The Collective Organisation of the Senegalese in the Face of Indifference from Public Institutions

The charges for each licence the vendors buy vary according to the size of the stall space. This means that it is not uncommon for vendors to be behind on payments, as well as having difficulty keeping up with self-employment taxes and social security contributions:

It is so easy to fall behind with payments, such as local taxes, because on each route you have to pay licence fees to set up on public roads, apart from general taxes [social security contributions and personal tax]. [Licence fees for] setting up on public roads also includes the cost of security, access to the market circuit, and also rubbish collection. (Lawyer-activist)

In relation to this, Mbaye told me:

Street trading is getting worse and worse. It's not because of competition. You have to pay the licence and that. And no one applies for it, for street trading. You don't make enough to pay for it. Everyone is in debt. (Mbaye, vendor)

In relation to the cost of licence and stall fees, Seville City Council permits the payment of debts in instalments. It has also allowed deferrals and exemptions due to the difficulties caused by lockdown measures during the pandemic. However, a key issue relates to access, or lack of it, to municipal assistance for the self-employed to help with financial difficulties caused by the pandemic. In many cases, street vendors may have been registered as self-employed and paying the appropriate tax when they took out the trading licence, but at the time that they required financial assistance had signed off the register due to lack of work. This issue is recognised by City Council officials: 'When they were given the licence, they were registered as self-employed, but I guarantee you that today ...' (Official, Department of Economy and Commerce).

Others may have accumulated debt which disqualified them from accessing financial support. In other words, street vendors have been excluded from this type of institutional assistance, even though the official I interviewed in the Department of Economy and Commerce recognised that 'in general, they were self-employed, self-employed and small and medium-sized businesses'. But also, 'None of them got it because they had signed off the register, others because they had debts. So, there was a large number of people that didn't get the government assistance.' The official explained the reasons for lack of support:

The assistance we gave was to people who had closed their businesses. It's true that street trading also closed down. What happened? We didn't think about giving assistance to street vendors because the first criteria that the general law for subventions sets out is that you have to be registered [as self-employed] and up to date with all taxes. If we start to give financial assistance to that group, unfortunately, they owe this, and this and this. (Official, Department of Economy and Commerce)

Due to the lack of assistance from public institutions during lockdown, Senegalese street vendors had to rely on their own resources and networks. For this reason, they decided to use EUR 6,500 from a community fund to

purchase food for Senegalese and some other African families in the city. This money included EUR 3,000 from the Social Fund,²⁶ EUR 3,000 provided by the *dahira* Mouride,²⁷ and EUR 500 by the *dahira* Tidjanne:

When the pandemic came, we thought that as most Senegalese are in their homes, and cannot go out, we would try and do something. And we decided to buy food to give to the Senegalese. In the end, we reached 160 families. We included Senegalese and Africans because there were some people from Mali and others from Guinea, others from I don't know where, and we helped them. Only during the lockdown because that's not the objective of the association [the Social Fund]. (Mbaye, vendor)

In terms of paying rent, sharing an apartment with people of the same origin made the situation more bearable for many in the community, because 'if one has nothing because they have no job, it is understood [that they cannot contribute at that time]' (Pap, vendor). Other networks, mainly local neighbourhood ones, for example around Plaza del Pumarejo in the city, were also used to help families pay rent and electricity.

Without doubt, these resources and assistance made the difficulties of the pandemic easier, but they did not solve them. Following long periods of inactivity in street trading, many Senegalese decided to leave Seville for Huelva 'when they were looking for people to work in the fields' (Amadou, vendor) or other places.

'If We Stop People Selling, Where Can We Go?': Perspectives of the Senegalese Diaspora Post-Covid

The Department of Economy and Commerce of the Seville City Council stated that the reopening of the street markets after the lockdown:

... is a regulatory issue at central and regional level, because of social distancing. They opened 100 per cent of the [street markets] they could: Cerro Amate, which has 36 [stall licences], Polígono Sur, which has 41, they opened from the beginning at one hundred per cent. But, for example, Parque Alcosa was at 50 per cent for a while. (Official, Department of Economy and Commerce)

In terms of fixed stalls in the city centre, the Department of Urban Habitat, Culture and Tourism stated that there were places where stalls had traditionally been established but that following the lockdown it had not been possible to set them up again:

hasn't been possible, for Covid safety reasons, because of capacity limits, related to the shopping centres, to more commercial areas of the city, for example. If I recall, in Nervión, in the area close to Nervión shopping

centre, I think there were specific areas where there were always stalls for street trading and the year before, well, there were less, because the reasoning behind the Covid measures meant that the entries and exits were ..., well, all the health security issues. (Official, Department of Urban Habitat, Culture, and Tourism)

Although a significant number of Senegalese have resumed street trading following the lockdown, many stalls have not returned. Some, as we have just seen, were not allowed to return. However, the reality is that while most of the licences are still active, many street vendors have not set up stalls, because, according to them, it does not pay.

Right now, sales are getting worse and worse. Right now, it's very difficult because people are reluctant to buy, because of everything that has happened ... People are still afraid. (Pap, vendor)

This fear of buying from street vendors was corroborated by a worker in an association for the rights of migrants.

In early 2022, various waves of the pandemic and the implementation of health measures continued to see the suspension of fairs and festivals, reduced capacity, fear of buying, local customers with less income, and a drop in tourism (although there was a rapid return of tourists to almost pre-pandemic levels, which contrasts with the persistent restrictions in other sectors, such as culture):

There isn't any money. My stall, before, was full of people, with what I sell, things that are not too dear and good quality. But not now ... There isn't any money. (Mbaye, vendor)

All of these questions relate to the street vendors' lack of financial capacity to buy merchandise. Faced with this exceptionally difficult situation, the responses are varied: some vendors who had left for Senegal before the pandemic, but with the intention of returning to Seville, had not returned: 'I don't know, girl, I don't know when I'll go back. For now, I'm here' (Marième, vendor). Others, who had stalls in Plaza del Duque and other markets and who also had residency and work papers, returned to Senegal as soon as the pandemic permitted it: 'Things are terrible, I'm going to Senegal to rest with my family. There's no business, so I'm going' (Mbaye, vendor).

Mbaye and others later returned to Seville as conditions in Senegal had got much worse with the Covid-19 crisis. This was largely due to the consequences of restrictive health measures based on international protocols developed in the interests of Western states (De la Flor 2020). Even so, in some cases, the reality of living in Seville is not much better, particularly when lack of money means being unable to buy merchandise to sell:

They don't even have money to eat, how are they going to have money to buy merchandise. Many of them are in shanties now. Yes [it's true], because in shanties you don't pay anything. If you go to Lucena del Puerto, you'll be shocked, there are many shanties now. There are also new ones [people] that arrived during the pandemic and they have found people without any money or anything and they have sent all those people to Huelva. Of course, because there are shanties there. (Pap, vendor)

Thus, of those who had not returned to Senegal nor stayed in Seville, a significant number had gone to Huelva, Almeria or Lleida to work picking fruit and vegetables. Others, through their migratory networks, had gone to England, Germany or France. Of those who had remained in Seville, some had stopped street trading to do other work, such as the orange harvest in Cordoba, because they could do a daily commute.

It is still difficult to draw precise conclusions as to whether this is a transitory or more definitive issue, but the outflow of Senegalese street vendors from Seville to other places is currently incontestable.

Conclusion

The analysis of the economic activities of the Senegalese diaspora in the city of Seville reveals how macro power relations are reproduced at the micro level. In this respect, Africans' existence in Spain is determined by the legal framework for third-country foreigners, and the colonial imaginary results in institutional discrimination. This was apparent in events before and after the paralysis of street trading due to government measures to tackle the Covid-19 pandemic, which required the Senegalese street vendors in this study to resort to their own forms of social organisation and resources to survive.

The reality is that street trading continues to be underrepresented in municipal responses compared to other self-employed categories. The way that street trading is carried out makes it largely incompatible with the receipt of public assistance, as evidenced by the lack of access to financial support aimed at alleviating loss of income caused by the pandemic.

The analysis also shows that the treatment of street vendors by the City Council is differentiated on the basis of two models. On one hand, the Department of Economy and Commerce regulates activity in the eleven district street markets, with the objective of offering affordable goods to low-income populations. On the other hand, the street trading controlled by Department of Urban Habitat, Culture and Tourism is subordinate to the touristification of the city and the interests of private investors who determine the use of public spaces. Thus, although street vendors, including the Senegalese, may rely on the tourist population as customers, their

interests are not of primary concern for the regulation of licences and stall spaces, but rather to what degree street markets contribute to the image of the city.

Events during the pandemic have brought to light how both institutional discrimination and the Seville City Council's modernisation project have generated uncertainty and precariousness for Senegalese street vendors. Although this lack of institutional support is compensated for by local actions and networks that make it possible for many in this population to subsist, the substantial loss of income has forced many of the Senegalese residents to migrate to other areas.

Achieving a balance that permits a plurality of local uses for a population characterised by its diversity (ethnic, national, gender, class, age, etc.) is a great challenge for local public administration. Enabling and caring for street trading as a livelihood, as a service and as an attraction is, therefore, an imperative.

Notes

1. Unión Africana. Report of the Technical Experts Meeting on the African Diaspora (TCEM), Pretoria, South Africa: African Union, 2011.
2. The organised African diasporas identified by Sow (2007) include: the Nuer and the Dinka (in Sudan), the Wolof, the Tukulör and the Soninkél (in Senegal), the Fula (in West and Central Africa), the Luba (in the Democratic Republic of Congo), the Masai (between Tanzania and Kenya), the Mandingo (Côte d'Ivoire), Sierra Leone, Liberia, Mali, Burkina Faso), the Eritreans, the Somalis, the Cape Verdeans, etc. What these diasporas have in common is that while not being completely nomadic they are 'transient peoples' whose culture is far from any idea of 'territorially fixed communities' (Sow 2007: 139–140).
3. It is estimated that 41,000 Senegalese are currently registered on the Spanish social security system. On 1 May 2022, the bilateral social security agreement between Spain and Senegal came into effect. This agreement 'guarantees workers' contributions made in both countries and their reciprocal calculation'. <https://www.mites.gob.es/es/mundo/consejerias/senegal/index.htm>
4. This study is part of a broader research project, *Desarrollo urbano e impactos socio-espaciales del sector turístico en grandes ciudades andaluzas* [Urban development and socio-patial impacts of tourism in large cities in Andalusia] (PAIDI-FEDER 2020: Proyectos I+D+i), that I have been conducting on the Senegalese population in Spain. For more information, see: <https://personal.us.es/susanamm/>
5. The City Council officials are political appointees.

6. All informants agreed to participate, having been informed of the aims and objectives of the research, with the ethical principles of respect, beneficence and justice derived from the ethical codes for research (Nuremberg Code, the Belmont Report and the Declaration of Helsinki, among others) prevailing at all times.
7. Hereafter, Department of Economy and Commerce.
8. Pap did not have papers at the time of the interview. His regularised administrative status had been suddenly withdrawn.
9. Primark's website states: 'Buy the latest trends at incredible prices at the Primark store in the Torre Sevilla shopping centre. Primark is the favourite place for fashion lovers and bargains in Seville and is the best place to find must-have items for this season. [...] Visit the Primark store in Torre Sevilla shopping centre to find the best fashion at incredible prices.'
10. El Corte Inglés is one of the oldest and largest Spanish-owned chain of department store.
11. Located in the outskirts of the city of Seville.
12. BOJA number 63, 30 March 2012.
13. Official Bulletin of Seville Province, Number 169.
14. While street markets take place one day (or more) a week in a designated urban location, street trading markets move from location to location (between urban districts) each day of the week. Itinerant street trading is trading from a vehicle at locations and along routes specified by the City Council.
15. At present, the 11 street markets correlate, more or less, to the 11 city districts.
16. As reported in various local newspapers: https://www.diariodesevilla.es/sevilla/mercadillo-artesanal-Magdalena-traslada-Duque_0_586741517.html, https://sevilla.abc.es/sevilla/sevi-mercadillos-magdalena-duque-unidos-201205150000_noticia.html
17. On the City Council's website announcing the plans for the 'historically respectful development' of Plaza de la Magdalena, there was nothing about a hotel, only the removal of vehicular traffic, the creation of pedestrian routes, the expansion of gardens and trees, the creation of spaces for recreational use, the restoration of the Baroque fountain as the centrepiece of the plaza, and the elimination of parking areas: <https://www.sevilla.org/actualidad/blog/plaza-de-la-magdalena-una-intervencion-respetuosa-con-la-historia>.
18. https://www.diariodesevilla.es/sevilla/nueva-Plaza-Magdalena-sevilla-quejas-ausencia-autobuses-cabreo-bares_0_1575144399.html
19. <https://www.sevillaactualidad.com/sevilla/185277-sin-autobuses-y-con-veladores-asi-luce-la-nueva-plaza-de-la-magdalena/>
20. <https://www.sevilla.org/ayuntamiento/areas-municipales/area-economia-comercio-relaciones-comunidad-universitaria-area-metropolitana>

21. <https://www.sevilla.org/ayuntamiento/areas-municipales/area-de-habitat-urbano-cultura-y-turismo>
22. https://sevilla.abc.es/sevilla/sevi-festival-naciones-sevilla-2021-recorrido-50-paises-sin-salir-sevilla-202109232223_noticia.html
23. Another of the great capitals of Andalusia.
24. A town near Seville.
25. A town in the province of Cordoba.
26. Social Fund refers to the Union of Senegalese Women and Men of Seville for Solidarity [*Unión de las senegalesas y senegaleses de Sevilla por la Solidaridad*], an association created in 2013 from the union of two *dahiras* (the Mouride and the Tidjanne), the Association of Senegalese Women of Seville [*Asociación de Mujeres Senegalesas de Sevilla*], and the *tontine* of young Senegalese women. The objective of the fund is to provide financial assistance to members or their families in three circumstances: the repatriation of the body in the case of the death of a member; if a member is hospitalised or suffers a disability; and in the case of the death of a member's parent.
27. The *dahiras* are groups of Muslims whose aim is one of collective religious practice and solidarity, built around kinship and friendship. In the context of immigrant communities, these groups are very important as more than 90 per cent of the Senegalese population practises Islam through *tariqas* of Sufi brotherhoods, of which the two main ones are the Mouride and the Tidjanne.

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Exploring Covid-19 Lockdowns in Nigeria, South Africa and Botswana: Issues, Contexts and Controversies

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Abstract

The coronavirus-19 (Covid-19) pandemic has impacted the world in unprecedented ways. To contain the virus, countries across the world had to implement lockdowns and other Covid-19-related protocols, which included physical distancing, frequent handwashing, wearing masks and restricting the movement of people. Although literature on the impact of Covid-19 is emerging, it is still relatively unknown how countries in sub-Saharan Africa (SSA) dealt with lockdowns. Applying nudge theory to three case studies—Nigeria, South Africa and Botswana—this paper explores the viability of Covid-19 lockdowns in SSA. The three cases shed light on the dynamics of Covid-19 lockdowns across different contexts in SSA. The paper argues that lockdowns were not ideal for regions like SSA, which has one of the world's poorest populations. Nudging people's behaviour in an effort to protect them from harm should, we submit, consider their socioeconomic context. More importantly, there is a need to decolonise, adapt and domesticate Western-style interventions like Covid-19 lockdowns to suit different situations. To this end, the paper provides some critical insights into the experience of lockdowns with some policy implications for future pandemics on the African continent and other parts of the global South.

Keywords: Covid-19; Botswana; lockdowns; Nigeria; nudge theory; South Africa

Résumé

La pandémie de coronavirus-19 (Covid-19) a eu des conséquences sans précédent sur le monde. Pour contenir le virus, les pays du monde entier ont dû mettre en œuvre des mesures de confinement et d'autres protocoles liés au Covid-19, dont la distanciation physique, le lavage fréquent des mains, le port de masques et la restriction des déplacements des personnes. Même si la littérature sur l'impact du Covid-19 émerge, la manière dont les

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pays d'Afrique subsaharienne (ASS) ont géré le confinement reste encore relativement méconnue. En appliquant la théorie du nudge à trois études de cas – le Nigeria, l'Afrique du Sud et le Botswana – cet article explore la viabilité des confinements liés au Covid-19 en ASS. Les trois cas mettent en lumière la dynamique des confinements liés au Covid-19 dans différents contextes en ASS. Le document soutient que les confinements n'étaient pas adaptés pour des régions comme l'ASS, qui compte l'une des populations les plus pauvres du monde. Encourager les gens à des comportement dans le but de les protéger contre tout préjudice devrait, selon nous, se faire en tenant compte de leur contexte socio-économique. Plus important encore, il est nécessaire de décoloniser, d'adapter et de domestiquer les interventions de type occidental, comme les confinements liés au Covid-19, pour les adapter à différentes situations. À cette fin, le document fournit des informations essentielles sur l'expérience du confinement, avec certaines implications politiques pour les futures pandémies sur le continent africain et dans d'autres régions du Sud.

Mots-clés : Covid-19 ; Botswana ; confinements ; Nigeria ; théorie du nudge ; Afrique du Sud.

Introduction

The Covid-19 pandemic has now been present for quite some time. Since the virus was first reported in Wuhan, China at the end of 2019 (Bulut and Kato 2020), it has spread to almost all regions of the world and impacted populations in significant ways. After three years of fighting the virus, through health protocols and vaccines, the world is now more knowledgeable about the nature of Covid-19 and its ramifications. Covid-19 protocols and associated interventions were rolled out in many countries. These included the World Health Organization (WHO) recommendations of handwashing, physical distancing, mask-wearing, lockdowns and vaccine roll-out to contain the spread of the virus. These preventive measures championed by the WHO were adopted by many countries as they are considered to be the best option to slow down the rate of infection.

As the virus spread across the world in early 2020, lockdowns proved to be helpful for many governments. This was also at a time when the world had little knowledge about the virus and the risk of infection (Cato and Inoue 2021). In a global village where Covid-19 posed an existential threat, lockdowns became a blueprint for countries to deal with the imminent threat of the virus. There is evidence to suggest that lockdowns were widely supported, especially in the early days (Foad *et al.* 2021). Some studies also concluded that lockdowns were necessary to relieve health systems from being overwhelmed (Alobo 2021; Elebesunu *et al.* 2021; Gebremeskel *et al.*

2021). Pro-lockdown advocates argued that restricting people's movements and confining them to their homes allowed countries to 'flatten the curve' (Lee *et al.* 2020). It is important to emphasise that lockdown strategies were first used in China and then adopted by countries as they registered Covid-19 cases. The Chinese model has always been strict, directional and targeted. For example, as specific areas in China were identified as Covid hotspots, they were put under strict lockdown and everyone was subjected to the same confinement until the virus was brought under control. In the early days, the world perhaps saw lockdowns as a viable strategy to curtail the spread of Covid-19.

Almost all countries in the sub-Saharan African (SSA) region fully embraced lockdowns, especially in the first quarter of 2020 when they started to register Covid-19 cases. Many countries adopted a stringent type of lockdown, in which citizens were subjected to various laws and regulations that limited their movement outside their homes for a specific period of time (Mboera *et al.* 2020). These restrictions excluded emergency and essential service workers. Haider *et al.* (2020) distinguish between geographic containment, home confinement, prohibition of gatherings and the closure of establishments and premises. They argue that geographic containment targeted Covid 'hotspots' and restricted the movement of people within a given geographic area. Home confinement corrals people 'to stay at home for prescribed amounts of time' (Haider *et al.* 2020: 2). Prohibition of gatherings restricted and limited crowding in places that usually attract many people. The most common form of lockdown adopted by many countries in SSA was a combination of home confinement and the prohibition of public gatherings. Law enforcement agencies were deployed in the streets to enforce these lockdowns. In some cases, individuals had to obtain permits to access grocery stores and other critical services like hospitals during this period.

The adoption of lockdowns in SSA and other parts of the global South were not without controversy. A number of questions were raised about their viability in a region with one of the world's poorest populations (Chirisa *et al.* 2022; Lytras and Tsiodras 2021). A concern was also raised about the tendency of lockdowns to nudge people's behaviour, in the process trampling their individual rights and liberties (Block 2020). Some critics of lockdowns argue against their coercive nature, especially their effect in undermining the different lived experiences of people.

The logic of Covid-19 lockdowns assumed a universalistic stance in that they were perceived to work for every nation. Maholtra and Kunal (2020) believe that lockdowns are a 'double-edged sword' that puts countries into

a catch-22 situation. They argue that although lockdowns provide some benefits they are likely to bring significant harm to populations especially if they are prolonged. Citing India as an example, they posit that 'long duration lockdowns carry a risk of aggravating and losing control of the treatment of chronic illnesses' (Maholtra and Kunal 2020:286). They challenge the essentialism and Western-style approaches that have dominated responses to Covid-19.

For this reason, some call for the need to decolonise these lockdown measures and adapt them to suit the contexts of people in SSA (Fofana 2021). More importantly, imposing lockdowns in SSA might exacerbate the already dire socioeconomic situations among populations. Haider *et al.* (2020) note that harm caused by lockdowns might be influenced by how a country implements them—that is, the 'breadth, depth and length of the different lockdown measures' (2020:7) determines the extent of harm within given populations. Concern has been raised about whether lockdowns might not compound the situations of people who are already suffering and be more harmful than the virus itself (Mboera *et al.* 2020). This explains why apprehensions about the sustainability of lockdowns among poor populations continue to inform debates in SSA.

There is a need to investigate the impact of lockdowns in regions like SSA that are complex with diverse territories. While lockdowns have been viewed as necessary to control Covid-19 across the world, it is important to disentangle them and explore their impact. This analysis is necessary to counter global and Westernised interventions (such as lockdowns) that have proved to be insensitive to the social and cultural contexts of people in non-Western environments. Therefore, this paper explores SSA's experience of Covid-19 and adopts a comparative analysis by looking at Nigeria, South Africa and Botswana. Using nudge theory, it outlines the experience of Covid-19 lockdowns in these three case studies. The idea is to demonstrate that lockdowns could be applied to SSA differently. In the quest to deal with health pandemics, countries in the global South might need to decolonise global measures and adapt them to effectively serve their populations. For SSA, the paper provides critical insights that have implications for how African countries could manage pandemics and other public health crises in future.

Nudge Theory in Health: Understanding Covid-19 Lockdowns

Nudge theory originates from behavioural economics and focuses on individuals' decision-making processes. The theory is usually associated with Thaler and Sunstein (2009) and their concept of libertarian

paternalism. Thaler and Sunstein (2009) argued that a policy is usually favoured by a state to guide individual choices (Binns and Low 2017); the state essentially becomes a 'nanny state' that puts in place measures to guide individual choices for people's own benefit. Libertarianism, on the other hand, refers to the need to respect individuals' choices to act and decide for themselves. Libertarians usually 'assign fundamental importance to individual freedom' (Cato and Inoue 2021:446). Nudges are therefore strategies that are used to apply a libertarian paternalistic policy. The idea is to nudge people's behaviour in certain ways to protect them and make their lives better. Nudges have been used as public health policy to influence people's behaviour across many contexts—for example, to redirect people's alcohol use (Petticrew *et al.* 2020), food choices (Ensaff 2021), smoking (Houk, DiSilvestro and Jensen 2016) and gambling (Newall 2019). The justification for nudges is to protect individuals who cannot make good and healthy choices for themselves.

Although this approach has been a popular public policy choice, it has been criticised for being paternalistic and undermining individual agency. In the context of Covid-19, Block (2020) called for an agnostic strategy to deal with the virus because Covid-19 'facts' were always evolving and unknown. He charges that inconsistencies in the predictions and threats caused by Covid-19 indicated that a measured approach was preferable, especially in terms of the state's involvement. People should not be 'nannied' over an evolving condition whose realities are uncertain (Block 2020).

The onset of Covid-19 recentred debates on nudge theory. In a global pandemic, lockdowns could be seen as an effort to nudge individual behaviour to contain the spread of the virus. Indeed, for some countries, this justification was true. During lockdowns, individuals were expected to surrender to the state their right to protect themselves. Yet some people opposed lockdowns and protested against measures that restricted their movements. Protests against Covid-19 lockdowns occurred not only in SSA but also in Western countries such as the United States. Protests became more frequent as lockdowns were prolonged, because people struggled with being confined to their homes over an extended period of time. Some protesters thought lockdowns undermined their agency, trampled their individual freedom and interfered with their life (Cato and Inoue 2021). In SSA and other parts of the global South, prolonged lockdowns attracted the wrath of especially those citizens whose livelihood was affected by these restrictions. Many poor people in marginalised communities violated Covid-19 regulations as some continued to trade 'illegally' during lockdowns (Dzawanda, Matsa and Nicolau 2021). Nudges in the form of

Covid-19 lockdowns therefore subjected individuals and communities to experiences that were not aligned to their socioeconomic context. Efforts to nudge behaviour while undermining the social and cultural contexts of people are unlikely to achieve the desired results.

Covid-19 Lockdowns in Sub-Saharan Africa

The SSA region was significantly impacted by Covid-19. By April 2022, the continent of Africa had registered an estimated 8 million cases with about 170,000 deaths (WHO 2022). These numbers were spread widely, although South Africa, Egypt, Morocco and Algeria reported a higher cumulative caseload of Covid-19 cases compared to other countries. Countries with high Covid-19 cases had a higher activity of international tourism and socioeconomic globalisation (Farzanegan, Feizi and Gholipour 2021).

Despite early predictions that anticipated a dreadful public health crisis in Africa due to Covid-19, the situation across the African continent was much better than expected. For example, the United Nations (UN) predicted about 44 million cases of Covid-19 in the African continent by the end of 2020 with about 190,000 deaths (UN 2020). These predictions did not materialise and SSA was not as severely affected by Covid-19 as other regions of the world. Even so, the impact of the pandemic was felt across all economies in SSA. As countries implemented lockdowns, global trade ground to a halt and most SSA countries experienced an economic downturn, reflected in the contraction of their gross domestic product (GDP) (Lone and Ahmad 2020). The WHO report (2021) estimated that 40 million people in SSA experienced poverty and hardship due to the effects of Covid-19. This included mostly women, young people and low-skilled workers in the informal sector.

The negative effects on economies within SSA resulted from a dependence on commodities from outside the continent. When lockdowns were implemented and the importation of these commodities stopped, most economies within SSA experienced significant losses. For instance, Ozili (2020) points out that most African countries depend on commodities that are imported from China. This meant that when the Chinese economy temporarily stopped their exports, this in turn affected the economies of African countries. Specifically, the trade restrictions and a reduction in imports in SSA led to an increase in 'food and security challenges, heightened debt-over-hang and revenue shrinkage due to decline in commodity price volatility' (Ujunwa, Ujunwa and Okoyeuzu 2021:2).

The Covid-19 lockdowns and associated restrictions had ripple effects on poor and marginalised families across SSA, who do not have sustainable jobs, work in the informal sector and can ill afford to work from home. Adebiyi *et al.* (2021) identify several ways in which families were affected—financially, economically and socially. They argued that in South Africa, for instance, because many people do informal work, the lockdowns left many people without a job. The lockdowns also were found to increase some parenting stressors (Brown *et al.* 2020), affecting children with disabilities (Mbazzi *et al.* 2022), educational outcomes (Spaull and Van der Berg 2020) and the levels of domestic violence (Stiegler and Bouchard 2020).

One of the sectors that was severely affected by Covid-19 in SSA was tourism. For those SSA countries that largely depend on this sector, lockdowns and travel bans negatively affected their economies. The African Union (AU) estimates that the tourism sector accounts for 10% of the GDP of fifteen countries across Africa (AU 2020). Furthermore, an estimated 1 million people are actively employed in this sector across SSA. As tourist numbers dwindled, many workers in the tourism and hospitality industry across SSA were furloughed or became unemployed (Rogerson and Rogerson 2020). Lockdowns affected downstream actors that indirectly benefit from tourism in SSA, such as part-time workers, small and micro enterprises and the tourism-related informal sector. Airlines incurred significant losses because of the fewer passengers and the grounding of flights. For example, by March 2020, major African airlines had lost an estimated USD 4.4 billion in revenue, with Ethiopian Airlines reporting a net loss of about USD 190 million (AU 2020).

At a macroeconomic level, lockdowns devastated African countries in general and negatively affected poor and vulnerable populations who were already grappling with political turmoil, malnutrition and relatively weak health systems. In the next section, I discuss lockdown experiences in Nigeria, South Africa and Botswana and demonstrate the perils of this measure. These are good examples through which to illuminate lockdown experiences.

Nigeria is Africa's most populous country, with a diverse population and vibrant economic zones that attract large volumes of international travellers. Yet its rate of inequality is ranked as one of the highest in the world (Umokoro 2014). An analysis of lockdown measures in Nigeria, with its diversity and vast resources, provides valuable lessons for other countries in SSA. South Africa is an economic hub in southern Africa and has for a long-time been Africa's biggest and most valuable economy. It attracts international tourism, and has a high rate of urbanisation and of inequality (Ziervogel 2019). Moreover, South Africa's apartheid history provides a

unique perspective on whether this history had an effect on the experience of lockdowns within the country. Lastly, Botswana contrasts sharply with the other two cases. It has a small population, is landlocked and is generally considered to be a democratic and peaceful country.

Nigeria

Nigeria is Africa's most populous country with an estimated 216 million people in 2021 (UNFPA 2021). It is the tenth-largest producer of oil in the world and is West Africa's economic powerhouse. Its expansive economic activities and cultural diversity attract large volumes of tourists, regionally and internationally. Nigeria announced a national lockdown on 30 March 2020 to contain the spread of Covid-19. At that time, the country had relatively few cases of Covid-19. It registered its first case on 27 February, an Italian expatriate in Lagos (Onuoha, Ezirim and Onuh 2021). The logic behind the lockdown was to control the spread of Covid-19 across Nigeria's vast territories. Places that usually attract crowds, such as schools, churches and sports venues, were closed. Curfews were introduced. Other measures included banning travel from countries that had reported high cases, and isolating returning citizens for two weeks (Oginni *et al.* 2020). To mitigate the effects of the Covid-19 lockdown, the Nigeria government gave out food parcels and cash to the most vulnerable populations to cushion them against the effects of the virus (Eranga 2020). It was estimated that there were around 3.6 million vulnerable people in Nigeria, representing about 5 per cent of Nigeria's poor population (Odii *et al.* 2020).

After the first case was reported in Nigeria, the state of Lagos saw a higher number of Covid-19 cases than other states. This could be attributed to its high population density, commercial activity and its popularity with international travellers (Oginni *et al.* 2020). The evidence suggests that poor and vulnerable Nigerians felt the effects of the lockdown the most. Nudging people without contextualising the impact of the change on their lived experiences usually results in protests or revolts, which is what happened. The ensuing protests led to the lifting of restrictions on 4 May 2020 (Ajide, Ibrahim and Alimi 2020).

Some scholars have criticised Nigeria's government for adopting an 'elitist' and 'Westernised' lockdown strategy that undermined the lives of ordinary Nigerians (Iwuoha and Aniche 2020) and did not take into account the experiences of especially the poor, marginalised and socially isolated. Oginni *et al.* (2020) further argue that the poor infrastructure across many regions in Nigeria created several challenges to giving aid to poor people during lockdown. This included inaccessible roads that made it difficult to provide some communities with food parcels.

Poor settlements in urban areas were severely affected. Iwouha and Aniche (2020) emphasise that the living conditions of people in slums is antithetical to the lockdown strategies adopted by the Nigerian government. They charge that because slums are densely populated, lack critical infrastructure such as power and water and generally have poor sanitary conditions, handwashing and social distancing was difficult among poor populations. This resulted in the lack of proper enforcement of Covid-19 regulations and constant violations of the protocols, which were met with force by law enforcement agencies in some regions. For instance, between 30 March and 15 April 2020, eighteen people were reportedly killed and thirty-three tortured by law enforcement officers (Odigbo, Eze and Odigbo 2020). Furthermore, Onuoha *et al.* (2021) state that about 34 per cent of human rights violations by law enforcement were reported during lockdowns in Nigeria. Furthermore, they reported rampant corruption and bribery, what they call ‘extortionate policing’, which made lockdown enforcement difficult. Most of these encounters happened in poor urban settlements, where people do not have a sustainable income or cannot work from home, and so protocol violations and resistance to lockdowns were frequent. As a result, the virus case load was disproportionately high among poor populations. As Iwouha and Aniche (2020) have rightly argued, the Western-style lockdowns were not suitable for the lives of poor Nigerians in poor urban settlements. Nudging poor people’s behaviour without a consideration for their socioeconomic context usually leads to violations.

South Africa’s Covid-19 Lockdown and Alert Levels

South Africa’s lockdown strategy was unique, yet similar to Nigeria’s in some respects. South Africa implemented a hard lockdown on 23 March 2020 to curb the spread of the virus. Like Nigeria, the first case of Covid-19 in South Africa was a male who had travelled to Italy with his family and a group of other people (Drain and Garrett 2020). When the lockdown was announced, the country was experiencing a surge in Covid-19 cases and was considered an epicentre of the pandemic in southern Africa. By that time, South Africa had already registered 128 cases and was averaging almost fifty-seven cases a day (Moonasar *et al.* 2021).

The Government of South Africa was intentional about controlling the virus from the early stages. First, it declared a National State of Disaster and then developed five alert levels that would be implemented to manage the spread of the virus. The fifth level was the most stringent and the first level was the least strict (Greyling, Rossouw and Adhikari 2021). In the first lockdown, level 5, citizens were not allowed to leave their home except

for essential services. Places that attracted crowds were closed and workers were encouraged to work from home. The President of South Africa, Cyril Ramaphosa, led the war against Covid-19, keeping the public up to date in constant television addresses about how the virus was progressing in the country. Over time, the South African strategy oscillated between the different lockdown levels depending on the severity of virus. For example, on 1 June 2020 the country was on level 3, when certain businesses were allowed to operate (Greyling *et al.* 2021).

The evidence in South Africa suggests that the poor and marginalised were significantly affected by the lockdown measures, specifically poor Blacks who live in 'townships' adjacent to urban areas across South Africa. Townships are equivalent to slums in West and East Africa. The history and development of townships in South Africa was not a natural occurrence but a result of discriminatory and exclusionary policies during the apartheid era. Mbambo and Agbola (2020) cite various race-based legal instruments used by the apartheid regime, such as the Stallard Commission, Urban Areas Act of 1923 and Group Areas Act of 1950, that led to the development of townships. Like slums, townships house the poorest members of society, lack basic necessities, are overcrowded and unsanitary. South African townships also have higher crime rates compared to other neighbourhoods (Breitzke 2012). An estimated 14 per cent of the South African population live in townships (SERI 2018).

Evidence from the South African experience points to tensions during the lockdowns, especially in townships. These related, first, to disbelief about the existence of the virus and, second, to violations of state-sanctioned health measures. Sitto and Lubinga (2020) argue that framing Covid-19 as a virus that was imported by white people who had travelled to Italy might have fortified 'perceptions that it was indeed a disease of the white and privileged' (2020:6.2). These perceptions, laced with historical meanings and Black experiences, might have influenced how people reacted to the lockdown restrictions. This demonstrates the centrality of context when implementing global interventions like the Covid-19 preventive measures.

Lockdown violations were reported in many townships especially among younger age groups. Police reports estimate that about 400,000 arrests for lockdown violations were made between March 2020 and February 2021 (Business Tech 2021). Most of these arrests were in townships and poor rural areas and related mainly to breaching social gathering prohibitions and evening curfews. Dukhi *et al.* (2021) found that young people in townships and informal settlements were likely to socialise outside their homes. They

argue that ‘with overcrowded environments in informal settlements, people are more likely to step out the house for personal space’ (Dukhi *et al.* 2021:53). The structure of housing in townships essentially made physical distancing impossible.

Several cases of beating, torture and death at the hands of law enforcement were reported across townships in South Africa (Bowman 2020). This led to outrage from human rights activists. One case that drew public attention was that of Sibusiso Amos, who was allegedly shot dead by the police in the Vosloorus township near Johannesburg after they accused him of violating lockdown regulations (Stockenstroom 2021). Unconfirmed reports stated that he was in his yard and standing behind the gate (Stockenstroom 2021). This case was one of many deadly encounters between law enforcement and township residents in South Africa.

South Africa’s experience of lockdown was a microcosm of the wider SSA experience, in that it was harshest among poor and marginalised communities. Although there are similarities with other countries, apartheid and its discriminatory policies have inordinately affected and shaped the Black experience in South Africa and might have influenced people’s perceptions of the Covid-19 lockdowns and associated measures. The use of excessive force and ‘violent policing’ mirrors an apartheid-era practice (Langa and Leopeng 2020). In essence, the South African experience points to the challenges of nudging poor people in townships. It shows that global interventions that seek to direct and control health behaviour might be impossible to apply to poor people in unique situations.

Botswana’s Lockdown and the State of Emergency

Botswana is a different case from South Africa and Nigeria. First, unlike the two cases discussed, Botswana is a relatively small country, with a population of about 2.3 million, and is landlocked in the heart of the southern African region. Second, it is generally perceived to be a beacon of democracy and a model for other African countries (Robinson and Acemoglu 2003). Third, the country enacted a State of Public Emergency on 2 April 2020 following a strict lockdown on 28 March 2020. Initially, this was to run for six months but was extended for eighteen months. The State of Public Emergency empowered the president to apply emergency regulations to curb the spread of the virus. This declaration meant that the Constitution was suspended and all the powers were vested in the president.

Like other countries in SSA, Botswana implemented a stringent lockdown between 28 March and 2 June 2020 (sixty-seven days). This was before the country registered any case of Covid-19. The move was seen as cautionary,

to prevent the virus spreading. During the lockdown, no movement was allowed in the country except for essential service employees. All persons were required to apply for a Covid-19 travel permit to shop for critical supplies such as food or to go to health facilities. Foreign nationals were not allowed to enter Botswana except those with a valid working permit. The military and police force were deployed to enforce the Covid-19 regulations.

Samboma (2020) reports that, as in other SSA countries, Covid-19 lockdowns in Botswana resulted in high numbers of child abuse. She argues that although lockdowns were meant to protect children in general, child abuse increased in poor and crowded areas in Botswana. The lockdown effects were also severe among individuals with chronic diseases. Mandiyanike and Moeti (2021) state that individuals with chronic illnesses suffered because they could not get a permit to access medication and other health necessities as a result of the strict and uncompromising law enforcement. In essence, 'achieving lockdown as an end in itself may amount to a pyrrhic victory—the authorities may successfully achieve total lockdown but with heavy costs on gains made in combating other ailments' (Mandiyanike and Moeti 2021:241).

Several newspapers documented cases of assault, beatings and excessive force by the military and police in Botswana. For instance, on 6 April 2020, the *Gazette* newspaper published a story about citizens who were assaulted by law enforcement officers while on their way to a regular check-up at a local hospital. Another case was that of James Selelo* (pseudonym) who was accosted by the police on his way to a grocery store and was forced to do fifty bare-knuckled push-ups on a gravel surface. The report states that even after humiliating Mr Selelo the police and military physically abused him (*Gazette* 2020). The abuse and mistreatment of poor people was a general trend in Nigeria, South Africa and other countries in SSA.

Although Botswana had a somewhat different strategy to Nigeria and South Africa, and does not have slums or townships at least to the same extent as those two countries, lockdown violations by the poor were evident from the start. Poor people in Botswana live in Self Help Agency Housing (SHHA) areas, which were established in 1973 to assist lower income households to access housing in urban areas. SHHA areas are considered poor in Botswana, but they are much better than slums as they have clean water, electricity and some have paved roads. The poverty in SHHA is mostly relative as residents have access to basic amenities such as education and health services. Covid-19 violations were mainly reported in poor urban areas and in the rural areas. This supports the argument that poor people, regardless of where they are, might not be served adequately by global measures and interventions.

Conclusion

This paper has argued that the lockdowns that were implemented across SSA countries in the first quarter of 2020 disadvantaged poor populations. It proposes that nudging the behaviour of poor people through draconian and coercive means cannot work. The three country cases that have been studied in this paper show that global measures such as the Covid-19 lockdowns are not necessarily viable in the lived experiences of people in resource-poor settings. That is, Western-style interventions with their unipolar orientations and homogenising persuasion might not be appropriate for people in poor regions like SSA and other parts of the global South. While Nigeria, South Africa and Botswana might be different in terms of Covid-related strategies, populations and magnitude of issues, they are similar in demonstrating the peculiarity of the poor. The pattern of violating regulations indicates a struggle with interventions like lockdowns that are insensitive to poor people and highlights the need to consider the socioeconomic contexts of people in poor regions when formulating global interventions.

The paper challenges widely held perspectives about the functionality of global interventions like the Covid-19 lockdowns and preventive measures. It critiques and contests the notion that Western-endorsed interventions are pristine, uncontroversial and serve the world in similar ways. It also emphasises the centrality of context in nudges and nudge theory. In certain regions like SSA, context-specific interventions might be better suited to serve poor populations (Afriyie *et al.* 2020). The onus is on SSA countries and other parts of the global South to decolonise, adapt and domesticate these global interventions to suit the context of their specific localities. Adopting global interventions wholesale might lead to resistance and violations, as was the case with Covid-19 lockdowns.

The paper provides useful insights on the need to consider the lived experiences of the 'other' and their unique contexts when implementing global interventions like Covid-19 protocols. This is critical especially in the era of globalisation, which trumpets cognate interventions and pay little attention to the complex and nuanced ways that 'other' people might appropriate these global measures.

Declaration of Conflicting Interests

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