

Review Article

Increased state control of the use of violence, and the disregard of human rights in Africa as principal causes for the immigration of Africans

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Received: 18-May-2023, Manuscript No IJLLS -23-66933; Editor assigned: 20-May-2022, PreQC No IJLLS -23-66933 (PQ); Reviewed: 05-June-2023 QC No. IJLLS -23-66933; Revised: 12-Jun-2022, Manuscript No. IJLLS -23-66933 (R); Published: 21-Jun-2023.

ABSTRACT

African states have suffered immense victimization as a result of colonialism before independence and from neo colonialism after independence. During colonization, there were constant challenges of resistance groups resisting the imposed colonial systems of governments carried over to Africa by the colonizers. Upon independence, new challenges arose such as managing newly formed independent governments pre designed to be permanently dependent on imperialists who failed to train the leaders of the respective states and contestations from unwanted groups such as civil wars, and insurgencies. However, the adoption and consequently, poor economic development and leadership in African states degenerated into most states falling victim to conflicts of management relative implementation by many African states of democracy and human rights practices in the nineties had in a way reduced the desire for politico economic incitement and violence aimed at destabilizing the state. In addition, the birth of the African Union in 2004, instituted the call for a peaceful Africa that cannot be ignored. Despite the relative trend of serenity African states seemed to have been enjoying, for a considerable time, peace, and security, most notably in the last decade of the twentieth century. There has also been an increased shift in violent threats on the state control of violence that has caused great loss of lives and economic retardation. Again, concerted efforts by external forces such as the NATO on Libya in 2011, Muslim brotherhoods in Egypt, the Al-Shabaab in Kenya, and Somalia, rebels in the Central African Republic and the Boko Haram in Cameroon, Chad and Nigeria, and the Southern Cameroon (Ambazonia) war for independence explain there is increase disregard in the sovereignty of those state, a reason which allows for such threats. This article looks at the reasons for such disregard of sovereignty, the effects on the public administration, which culminate into wanton human rights abuses, and mass migration within and out of the home country and African continent. It concludes by providing possible recommendations for these problems.

Keywords: Human rights, Immigration, Control of violence, Sovereignty, Threats in Africa

INTRODUCTION

A state as a political entity was first intended according to the concept of power coined by early philosophers such as Thomas Hobbes to maintain public order. The state was regarded metaphorically as sovereignty with an “artificial soul”, a description which demonstrated the embodiment of absolute and legitimate power and depicted the state as the maintainer of public order. The state was also expected to be ready to subdue and control any public anarchy, armed protest, civil war or any violent means that fall short of democratic processes or that

are out of parameters of the rule of law. From the perspectives of self determination and democracy, many conflicting definitions have been developed based on the important role the state plays in politics, international relations and society at large, making it difficult to settle on a one size fits all definition. In mega political set-ups such as the United States (US), the complication lies in choosing between “republic”, “union”, and “nation-state” to describe either a federation or an entity in the form of a sovereign nation. In this regard, pointed out that the term state is unpopular amongst US citizens as their founding fathers, who preferred terms such as “republic” or a “union”

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over the term state, neglected this term. For that reason, whenever the term state is used, they understand it to mean those independent countries as prescribed by international law, politics and international relations [1].

LITERATURE REVIEW

They further explained that when the term “state,” is used, it will be used to describe constituent parts of the US such as New York, Oklahoma, Florida or Maryland. These hurdles undoubtedly make it difficult to utilize the seven characteristics of the nature of the state when attempting to give one definition. These seven characteristics are: a well defined geographical territory over which jurisdiction is exercised sovereignty, which protects the state from any external interference either by another state or by a regional or multinational entity and which exercise the power to such an extent that it is able to manage its internal affairs a system of governance that controls the territory, manages the affairs of the state and relates with other states and governments of other societies the ability to divide itself from other states or entities through natural boundaries such as control, entry and exit and controlled by officials selected to advance and protect the general interest of society the exclusive use of force and the monopolisation thereof as well as physical or psychological coercion for good moral, cultural and political reason over its population the submissiveness of the population to the laws and authorities of their state and some form of identity portrayed by the people of that particular state. These same characteristics should define African nations in the pursuit of the happiness of the African people. The focus of this paper is to examine whether African countries can defend against these characteristics and to illustrate that the inability to live up to these characteristics compels Africans to leave their homes in search of, either a better life or asylum [2].

Notwithstanding these characteristics, the paper takes cognisance of the development of the modern state, which is known to have three important functions, namely control over the legitimate use of violence, the equitable distribution of national resources, and the promotion of democratic values (*i.e.*, direct, participatory and representative democracy) [3]. This paper, therefore, departs from the standpoint that these are the main functions that any legitimate and sovereign state primarily needs to perform to ensure safety and security of its people. Considering such functions, this paper investigates the effects of the lack of state control over the use of violence on national and regional peace, security, and development. It argues that if weapons are in the hands of non-state actors, it threatens and defeats the object of the state to control the use of violence to ensure public peace and order. The state’s inability to monopolies violence further undermines its ability to protect the physical integrity of civilians and the general interest of citizens, resulting in involuntary or forced displacement. Furthermore, the paper argues that the prevalence of organized violence by non state actors seriously threaten the nature of the state, especially its control over the use of violence. Non state actors violence hinders the state’s ability to ensure national and regional peace, security and development thereby putting the lives of citizens at risk. Owing to the state’s inability to control the use of violence, citizens end up fleeing their country to seek asylum in other countries [4].

Sovereignty in theory and practice

Theoretically, sovereignty can be better understood within the characteristics of the state [5]. Despite variations in definitions, some similarities concerning the characteristics of the sovereign nation or the state are remarkable. Politically, the League of Nations, established after the First World War, defined a state as a recognized entity having a permanent population, a defined territory, a government, and the capacity to enter into relations with the other states.

Not mentioned also in the definitions is the non recognition of a state as a huge moral person with huge rights and privileges and powers emanating from the citizens of its defined population who unconditionally and intentionally surrender their power, rights, and interests to the state to manage as it sees fit for their progress and prosperity. Incorporating this notion in the definition of the state broadens the understanding of the concept to the point of realization of how powerful a state can be when its power is said to be based on the will of people communicated to one structure called the government. The surrender of power usually occurs through democratic processes such as universal suffrage, democratic participation, democratic representation and democratic consultation. The individual government (the state) must protect and advance the interests of the members of its political community. Argues that sovereignty may mean the range of activities registered under the state’s protection. This idea is vital to the understanding of the protection expected of the state by the citizens as recognized under international law.

In a practical context, to ensure the protection of the interests of the citizens and enforce the rule of law in its dominions, a state must keep control of the means of violence and ensure that the economic well being of its citizens becomes a state’s first responsibility [6]. Health, well being, and human dignity can only be promoted through equitable distribution of economic resources. To prevent a state of anarchy the interests of the people must be preserved and protected from aggressors, rebellions and outsiders (that is, non citizens). The distribution of the interests must be based on the will of the people as reflected in the constitution of the state and enabling laws and policies. It should be borne in mind that the will or wish of the people is discerned through democratic participation and consultation.

As a matter of priority, states need to be able to sustain and control the means of violence or physical use of force within their defined territories so that they can force and maintain public order with the intent to protect the physical integrity of people within their dominions and their properties. This mandate seems to be a challenge to many African countries. Africa today is faced with an increasing problem of non-state actors seizing the state’s control of the use of violence. This is one of the issues that threaten the African states and sovereignties, resulting in compelling people to flee and seek asylum in other African states or abroad.

Lawlessness, rebellion and aggression

Since the days of independence, African countries have developed into autocratic and totalitarian states that protect the interest of minority groups or certain groups of the people. This

resulted in subversive activities, revolution or uprising, lawlessness, rebellion, and terrorism. These are mainly internal conflicts initiated by the different types of violent non state actors. Accordingly, this section investigates a few African countries as case studies to provide examples of how violence in the hands of the violent non state actors undermines these states control of the use of violence and threatens individual liberty and national and international security. The countries are Cameroon, Mali, Somalia, Ethiopia, Kenya, the Democratic Republic of the Congo (DRC) and Rwanda. The violent non state actors within these countries either fall under the proxy groups, revolutionary, armed political groups or rebels with socio political and economic change as the primary reason for antagonism.

In the case of Kenya, it will be demonstrated that two types of violent non state actors, *vis*, terrorist groups and proxies, were at play during the 2007 post elections conflict. Nigeria and Cameroon had similar cases of non state actors when the terrorist group, Boko Haram, established their presence in the northern part in 2002 and 2009 respectively. These groups have since been rampant, destabilizing the peace of the country. Both countries also suffer from the effect of revolutionary fighters also known as separatists or restoration forces created in 1967 and 2017 with a common narrative of fighting for independence due to marginalisation and unfair treatment from the respective governments. Identically traceable to both insurgencies are that they constitute a minority with a reasonable marginalization within these countries concerning leadership at the helm of power, and regional disproportionate development, despite the economic contributions or resources made by these minorities' citizens and regions.

In response, both governments have been reported for exerting excessive disproportionate force against their citizens through indiscriminate massive killings, burning of homes, maiming, extra judicial and summary killings, imprisonment, torture, rapes and other fundamental human rights and humanitarian law abuses and violations.

Proxies are operating in the DRC as violent non state actors working to advance the economic objectives of neighboring countries and armed political groups that work to liberate their own countries from totalitarianism. In Rwanda, for example, the government used non-state actors to carry out gruesome violence against its own citizens, which culminated in the establishment of armed political groups that attempted to invade Rwanda from bases in neighbouring countries. This has a severe impact on international peace, security, and stability. As are discussed, issues of lawlessness, rebellion, and aggression undermine states control of the use of violence in that they threaten not only internal peace and stability but also spill over to neighbouring countries thereby becoming regional and international issues.

Conceptualization of violent non state actors

For the purpose of this paper, it is important to define the phrase "violent non state actors" and related groups. Defines violent non state actors as actors that are willing and able to use violence to achieve their own objectives and those actors that do not form part or are not integrated into any of the state's institutions such as the army or the police but have some form

of autonomy in terms of politics, military capabilities and resources. The home or foreign state can sometimes support and use these actors directly or indirectly. These actors are likely to be found in Africa and are listed below:

Rebels or guerrilla fighters: This group of people fights for the freedom of a certain nation or fight for an overthrow of a government. Rebels fight for the secession of a region or even secession from a colonial ruler. Their agenda is political and ethno nationalistic. It is claimed that guerrilla or rebel fighters depend on local support, but these groups in fact receive their support from foreign governments, diaspora support or private actors that have interests in the country.

Militias: Militias are groups that fight on behalf of the government or groups that are tolerated by the government. These groups are involved in fights against the rebels, or opposition leaders and, in most cases, these groups are trained and equipped in a counterinsurgency manner by the government [7]. These groups often follow their own agenda when a conflict arises [8].

Clan chiefs or big men: Clan chiefs or big men gain their powers through traditional norms or ancestry, age, or their natural ability to lead people. They normally lead clans, tribes, or religious groups in a particular village or region, and they normally have their own armies belonging to their group.

Warlords: Warlords typically gain control over an area during or after an armed conflict through private armies. They take advantage of the economy during or after the war by exploiting resources or selling drugs or making money from the local population by looting.

Terrorists: The objective of terrorists is to spread fear and panic among civilians. They can be organized in small groups or international organisations such as al Qaeda, Boko Haram and others. Their strategies normally include, among others, kidnapping, hostage taking, murder, and suicide bombings [9].

Criminals: Criminals use mafia type structures such as syndicates, smugglers, or pirates to mention a few. They undertake activities such as robbery, murder, illegal trade of goods (e.g., arms, drugs) and people, and bribery. Criminals seek to have a political influence to maximize their financial gain in the country.

Mercenaries and private security companies: Governments normally recruit these people from third states due to their specific skills and they are paid to fight wars. They can also be hired by different actors ranging from states to warlords. Explains that although mercenaries have been banned under international law, private security or military companies are still accepted and operate legally.

Marauders: These are groups made up of demobilized former soldiers who go around looting and spreading fear among civilians.

Places such as the DRC have experienced the reign of warlords such as the March 23 Movement (M 23), Mai Mai, Nduma Defence of Congo, and Raia Mutomboki. They are based in the eastern DRC, specifically, the Kivu provinces. Warlords in the

DRC are attempting to seize control of the use of violence from the state, which has led to a recurring state of anarchy. Argue that private ownership of means of violence is not a new phenomenon, and according to them, in the past states gave up their control over the use of violence to cut the associated costs. In line with this school of thought, it appears that the DRC has handed its eastern region to the warlords to control. It is within this context that notes the claims of some authors that today, states in Africa still compromise their own control over the use of force for tactical reasons and that, sometimes, independent non state violent actors use violence for their own benefit and to achieve their own set agenda. As mentioned earlier in this section, it is evident that both these forms of non state violence are at play on the African continent. The next section examines the nature of these actors as they play themselves out in African countries.

The prevalence of violent non-state actors: Evidence from African countries

There is consensus that the key function of the state is to control the use of violence within its borders and thus ensure peace and security for its citizens and protect against internal and external threats. However, states may not be able to maintain control of the means of violence. Currently, some African states can hardly control violence within their borders, let alone ensure peace, safety, and security for their citizens. Notes with concern that the DRC and Somalia are good examples of states that are incapable of restoring public order within their borders. Similarly, the state of Cameroon has since the outbreak of the war between the anglophone North-West and South-West regions and the government in 2017 lost total control of its territory. This proves that even though theoretically a state should keep control of the use of violence, this is not always the case in Africa and some parts of the world such as the Middle East, Asia, and Latin America. The use of violence in these countries is extremely controlled by illegitimate non state actors.

It is crucial at this point to note, however, that private institutions can legitimately control violence. For instance, posits that private control of the means of violence is not a new phenomenon in the global system; it started as early as the thirteenth century when privatization of the use of force was first allowed. The government authorized private control of the use of force because they lacked the revenue to exercise full control themselves. This allowed private companies to manage the use of violence to cut down governments security budgets.

In examining the prevalence of violence caused by non state actors (or private institutions), regard is had to the different armed non-state actors as outlined by Ulrich in the Geneva Centre for Democratic Control of Armed Forces (DCAF). Within this framework, non state actors refer to those non state actors that are supported, directly or indirectly, by the state and those that act to advance their own political or economic agendas. The focus is on the question of how their prevalent acts undermine the state's control of violence thereby limiting the states capabilities to provide security for civilians.

Kenya: The 2007 government post election violence: In Kenya, violence, insecurity, and instability emerged after the 2007 election. Argue that the controversial win of the

declaration of Mwai Kibaki, despite widespread accusations of malpractice in the election, led to great civil conflict. Explaining this conflict, branch and cheese man point out that there were two elements of violence playing them out in Kenya during that period. One was violence committed by members of certain ethnic groups who supported Raila Odinga and his Orange Democratic Movement. This group of violent actors targeted members of other ethnic groups who supported Mwai Kibaki and his Party of National Unity. The violence occurred mainly in Kenya's Rift Valley province where the youth of the Kalenjin ethnic group attacked the Kikuyu ethnic group.

The second element of this violence in Kenya during the 2007 post election period took place mostly in urban areas. It was carried out by the police and militias against demonstrators who were protesting the outcome of the elections. The violence in Kenya led to the loss of more than a thousand lives and resulted in more than a hundred people being displaced.

The above mentioned case shows clearly that the violence in Kenya was in the hands of non state actors and the government was unable to exercise control over the use of violence or, even worse, it shows that the Kenyan state during this period had completely lost its control over the use of violence. The involvement of ethnic based militias in trying to stop protesters, arguably, further proves the Kenyan state's inability to halt violence using its own security institutions such as the police and army. The Kenyan government instead employed the militia to restore peace and prevent the state of anarchy.

Democratic republic of Congo: The ongoing conflict: Point out that the eastern DRC is a good example of a state giving in to hostile attacks from non-state private actors such as ethnic based militias, warlords or military commercial syndicates. Accordingly, this means that the state has lost its capability to impose authority.

Further maintains that, during the mobutu period, the state was the most dominant actor in North Kivu and its agents had a very powerful presence during a time when everyone was under the oppressive rule of the state. The Mobutu regime controlled all groups and areas through patronage networks which meant that the state ruled through intermediaries such as chiefs and other elites. Due to the political struggle for economic benefits that were distributed by the Mobutu regime to its clients, problems arose. The difficult coexistence of conflicting and competing parties such as the modern versus the traditional administrators and the indigenous versus the Banyamulenge elites eventually compromised the state's ability to impose mutually binding decisions. As a result, problems started to appear even on the economic front. As explained, an incident that really brought states' declining capabilities to the fore was the clash between the indigenous ethnic groups and the Kivu's Banyamulenge communities from 1991 onwards. This led to the ethnic militias going around on a mass killing mission that killed about 10 000 people. From then on, the government could no longer control the Kivu province [10]. Since the state lost control during the Mobutu period, rebel groups have been a frequent phenomenon in the eastern DRC. Even today the rebel group called M 23, previously known as the National Congress for the defense of the people (French: Congress National pour la Defense du People, CNDP), occupies the City of Goma, based in the eastern DRC. This case is an example of a situation where violent non

state actors have used violence to achieve their own economic and political objectives, resulting in the state completely losing its control over the use of violence which undermined the state's ability to perform its function of providing security to civilians. This uprooted millions of people to become internally displaced people and refugees beyond the boundaries of the DRC.

Rwanda: The 1994 genocide: The conflict between the Tutsi and Hutus in Rwanda dates to the time immemorial. This conflict was maintained and exacerbated by Germany and Belgium, respectively, favouring the Tutsi minority over the Hutu majority when they colonized Rwanda. The ethnic conflict continued after the Rwandan independence to such an extent that it culminated in the desire to eliminate and cleanse one another.

At independence, the Hutu dominated government was established and inherited an already ethnically divided country. Its governance and administration were also established and carried out based on the ethnic divide that sought to favour and priorities the Hutus in political, social and economic measures. This approach was necessary to remedy the past and uplift the Hutus from the poverty caused by the Tutsi monarchical regime. Nonetheless, the most important event in the history of the Rwandan ethnic conflict is the genocide that took place in 1994. The Rwandan genocide was a result of civil war and acts of aggression carried out by the Tutsi refugees, who attacked Rwanda on 1 October 1994. The genocide in Rwanda was triggered by the assassination of two Hutu Presidents on 6 April 1994. According to Judi, the assassinations of Presidents Juvenal Habyarimana of Rwanda and Cyprien Ntaryamira by the Tutsi rebel group "set the stage for a level of mass killings that Rwanda has not yet recovered from". Their assassinations are therefore considered the root of losing control of violence and thus changed the course of controlling violence in the great lakes region.

On 6 April 1994, the Tutsi rebel group, *vis*, the Rwandan Patriotic Front (RPF) shot down the plane carrying both Presidents Habyarimana and Ntaryamira from a meeting discussing the situation in Burundi and the implementation of the 1993 arusha peace agreement. These assassinations angered the Hutu community and pushed them to respond with violence and attack the Tutsi civilians in retaliation. The two Hutu presidents were assassinated at the time the situation was very tense and explosive. The Hutus were frustrated and angered by the assassination of President Melchior Ndadaye of Burundi in October 1993 by the elites of the Tutsi minority in Burundi which was followed by mass killings of the Burundian Hutu population [11]. There were a large number of Burundian Hutu refugees who sought sanctuary in Rwanda, to whom Hutus from Rwanda owed a moral duty to protect and defend.

Hutus were horrified and outraged by the successive assassinations of the Hutu presidents as well as other high profile individuals of Hutu background. They were angered by the Tutsis as a group, who were presumed to be responsible for the mass killings and systematic assassinations. The RPF's constant reign of terror augmented their anger especially the murders of the Hutus in the areas controlled by the RPF. However, it was the death of President Habyarimana that was the spark to the powder keg and which ignited retaliatory

attacks against Tutsi civilians. In response to the retaliatory violence, the RPF launched a counter genocide massacre covering the entire nation. According to major all units of the RPF combatants were given orders "to kill any Hutu on sight and for several months, many soldiers did kill as many Hutu as they could". The inter ethnic violence escalated the fight between the RPF's army, known as the Rwandan Patriotic Army and the Rwandan army. In a space of hundred days, about 800000 people (Tutsis and Hutu moderates) perished. In the Rwandan case, it seems like the state had lost its control over violence a long time ago to such an extent that militia and rebel groups could use violence to achieve or support their own ethnic based political ends. In Rwanda, violence was controlled from 2000 onwards. Notwithstanding the retention, there are various armed groups based in the DRC that has been aggressing Rwanda and testing its control of violence as of 2017.

Threats to regional peace and security

The spillover effects: Problems with states losing their control over the use of violence are not only limited to their internal security challenges, but they spill over even beyond the state's borders to affect neighbouring states and even the whole region. According to, internal conflict can easily be turned into an international threat to peace, security, stability and economic development when fighting spills over to neighbouring countries or when the flow of refugees disturbs regional stability. In this regard, [12,13] state that countries in proximity to states experiencing conflict are more likely to become involved in violent conflict. Violence, perpetrated by these violent actors as rebels, normally spills over to neighbouring countries and destabilises security in the region. In most cases, rebel groups use their military bases in neighbouring countries. Yet, when the regime is ousted, the army of the ousted regime flees to seek sanctuary in neighbouring countries where they fight back to claim their old position as rebel groups. In some situations, they became members of terrorist groups.

The case of Sudan, Chad, and the Central African Republic (CAR) and the violence in those regions is an example of the violence that spilt over. Giroux, relate that when the violence started in Chad in 2005, such violence later shifted to the CAR. Analysts, journalists, and human rights activists maintain that the violence in CAR was spilt over from Sudan, in particular, the Darfur region. They called it the Darfurisation of the region because the same symptoms and characteristics that were identified in the Darfur conflict could be found in the Chad and CAR conflicts too. State that the argument of Darfurisation was dismissed and discredited by many scholars. It is argued in this paper that even though other factors contributed to the conflicts in these two North and the Central African states, the conflict in Darfur and the movement of rebels between the borders of these three countries played a big role in the eruption of violence in Chad and CAR and even resulted in a complicated intertwined regional conflict. Other structural factors such as state deficiency, regional instability, trans border trade and migration to mention a few, contributed to the development of violence and these similarities were particularly noticed after the outbreak of the Darfur conflict.

It should also be noted that the ethnic-based conflict in Burundi and Rwanda, resulted in the ongoing armed violence in the

DRC and Congo-Brazzaville and thus contributed to the removal of Presidents Mobutu Sese Seko and Pascal Lissouba, respectively. President Lissouba was overthrown on 25 October 1997 by the current President Denis Sassou Nguesso during the 1997 civil war, which was joined by the former Forces Armées Rwandaises (known as Ex-FAR). They are also involved and active in the recurring violence taking place in the eastern DRC under the banner of Forces Démocratiques de libération du Rwanda (FDLR). On the other hand, the insurgencies that resulted in Mobutu's demise is directly related to the invasion of the Rwanda in 1990, which culminated in the 1994 genocide, and the exodus of the Hutu population in the eastern DRC. The removal of Mobutu is direct consequences of the RPF drive to destroy the UNHCR refugee camps in Kivu that accommodated Hutu population, the ex-FAR and the Hutu extremist militia, who were politically supported by the Mobutu regime. The RPF played a major role in the removal of Mobutu and installation of Laurent Desire Kabila on 17 May 1997. According to the 2010 UN mapping report, the RPF's invasion of the DRC instilled fear in the Hutu refugees in the eastern DRC and thus began a long trek across the country from east to west towards Congo-Brazzaville, Angola and the CAR. The invasion of the DRC by the RPF was done under the banner of Alliance des Forces Démocratiques pour la Liberation du Congo-Zaire (AFDL), led by Laurent-Desire Kabila.

Illustrates that when the apartheid regime was in power in South Africa, most of the conflict in the Southern African region could be connected to the struggle against apartheid and the endeavour of the government to resist change. Even though there were other factors (internal) that contributed to the conflict in this region, the struggle in South Africa did affect regional peace, stability, and economic development.

Talking about the conflict in the horn of Africa and how it affects the neighbouring countries, states that the governments in this region such as Kenya, Uganda, Sudan, Ethiopia and Somalia know that there is a mutual coexistence of violence across their borders and that what affects and causes violent conflict in one country may be the same in one or more of these countries or may be a result of a violence spill over. Furthermore, in line with argue that the collapse of the Somali had consequences on Kenya too, because of the refugees (like in the same situation of the Hutu refugees) that crossed the borders, and this resulted in arms being acquired easily. Again, state that armed robbery has become one of the biggest challenges in north-eastern Kenya because of the challenges in South Sudan as well as the collapse of the Somali state. On top of this, there had been terrorist activities in the main cities of Kenya, which were carried out by a terrorist group that operates in the whole region [14,15].

The effects of the conflict in Liberia on the neighbouring countries such as Sierra Leone, and other states in the region such as Guinea Bissau, Côte d'Ivoire and the Gambia is another example of how the conflict in one state can spill over to affect the neighbouring countries. This is an illustration that violence cannot be contained within the borders of the state it originated. These conflicts uproot populations and leave them either as Internally Displaced People (IDPs) or externally displaces as refugees. These refugees include militia and other military personnel. According to the conflict in Sierra Leone destabilizes its neighbours and contributed to the proliferation of arms and

light weapons in the region [16]. Like conflicts in many other countries, violence generates a substantial number of refugees who cross borders to seek asylum in neighbouring or distant African states or abroad. The influx of refugees led to an increase in criminal and terrorist activities as these refugees, desperate to survive turned to armed robberies with the help of easily available guns or join rebel groups or terrorist groups. This affected countries such as Ghana, Nigeria, and Togo which saw an increase in violent crimes. Terrorist activities have been experienced in Nigeria, Cameroun, Mali and the Sahel region.

Considering the above analysis, it is trite to state that threats to peace and security in African countries are posed by a lack of state control over violence. It is a reality that some of the national and regional conflicts that Africa experiences are due to internal conflicts that spill over to neighbouring countries and destabilize the whole region.

In the next section, the paper turns to demonstrate that some of the steps should be taken by African Union (AU) to restore the control of violence in war-torn states and to strengthen the control of arms thereby putting an end to the spreading of arms in Africa.

Restoring state control: The AU, as an African umbrella organization and international entity, can play a significant role in the restoration of states autonomy and control over violence. The African Standby Force (ASF) can be deployed as a private entity to restore peace and order). Despite the ASF, we have seen private actors invading sovereign countries autonomous space to advance their own ends. However, in situations where governments gave up their control to private actors, they usually did so to serve their own interests of repressing/oppressing citizens and, in turn, to cover any tracks of human rights abuses and to avoid the international community imposing possible sanctions on them. Argues that states have used privatized violence throughout history to counter their internal opponents violently while simultaneously being able to hide these heinous actions from national and international audiences. Is of the view that using the militia to retain control over the use of violence may be feasible, although doubtfully, and suggests that government should maintain and reinforce its forces rather than other processes. An integrated process involving all stakeholders would fast-track the desire to restore the control of violence to the state. This is informed by the fact that the power of non state actors originates from the support of the wider human ecology and silent partnerships on these issues that give rise to violence.

DISCUSSION

However, it can be argued that there is a need to restore the control of violence back into the hands of the authoritarian states if these states are unable to provide their citizens with safety and security. Conversely, restoring control will also restore the responsibility of the states for violent acts or heinous crimes that are committed in their respective territories, including political persecutions committed against opponents, critics, and dissidents. Restoring the control of violence can furthermore restore accountability of the state. State that the widespread availability of modern weapons also contributes to the erosion of state control in respect of the legitimate use of violence. However, the AU through its peace and security

council can address and resolve these issues of violence. This can be done by first speeding up the establishment of the ASF. The ASF must be equipped and capacitated to quell such violence in that it can provide assistance to the state's armed forces should there be a threat from an illegitimate violent non state actor. States that "the ASF is being designed to take the role of an Africa rapid reaction force capable of being deployed everywhere". If this force can be established and empowered as soon as possible to fight against violent non state actors, many states can retain autonomy and take control over violence. Second, the AU should ensure that the Continental Early Warning System (CEWS) works properly and effectively. According to this system is meant to anticipate and prevent conflict before it erupts, but so far this system has not been working when considering the levels of conflicts that Africa has been experiencing. The CEWS needs to be designed in such a way that it can detect early signs of violence that may be caused by any violent non state actor or actors in a particular country. It must further be able to establish who creates supports or funds such non state actor or actors and what could be their agenda. With this information at their disposal, the ASF will be able to act before violence gets out of control. Consequently, the question asked by Ani on 2 November 2018 (that is, "is the ASF any closer to being deployed?") appears to be relevant in Africa with the proliferation and multiplicity of non state actors.

To curb this widespread availability of weapons that undermines states control of violence and threaten human security in the African continent, laws and regulations on arms control should be introduced urgently to be included in the agenda of AU as well as those of regional organisations, SADC, IEC, ECOWAS, etc. supported by argue that the flow of arms in Africa and other regions contributes to the escalation of violent conflict. Therefore, the AU working together with the regional organisations and the national governments countries can establish some laws and policies that govern the flow of arms in Africa. For example, the declaration on African common position on the illicit proliferation, circulation and trafficking of small arms and light weapons of December 2001 exists, but as points out, this declaration is not a legally binding instrument. It was simply designed to communicate Africa's position on the issue of small arms to the world and its illegal traders in Africa. What Africa needs is a strong legally binding instrument that regulates the flow and ownership of weapons in Africa and that clearly sets out penalties for those that fail to comply regardless of whether they are state or non state actors. In addition to that, regional organisations should work together to produce initiatives that will help disempower non state violent actors for regional peace and security to be safeguarded. This approach will contribute to the reduction in people fleeing their home countries to seek asylum in other African countries or abroad [17].

CONCLUSION

It is clear that violent non state actors have greatly undermined the state's control over the use of violence. This has resulted in the state being unable to perform its duty namely, to provide safety and security for its citizens. According to the United Nations office for the Coordination of Humanitarian Affairs (OCHA, 2021), the African continent is currently experiencing a massive surge in forced displacement. Uprooting populations has been steadily increasing since 2011. By 2021, more than 32

million Africans were either internally displaced or were refugees or asylum seekers. Clearly, the state's inability to control violence in Africa greatly contributes to the immigration issues. Throughout this paper, it has been demonstrated that the state's lack of control over violence in Africa has negative effects on the continent as it undermines the state's ability to provide security to its citizens both within and outside its borders. The rise of violent non-state actors and their access to weapons furthermore undermines the state sovereignty, territorial integrity, state authority over populations and hampers the maintenance of peace and security of concern is that these issues do not only affect the national interests, but also the interests (*i.e.*, peace, security, economy, and social development) of neighbouring countries. It was demonstrated that the inability to monopolies power in Kenya, the DRC and Rwanda has a far reaching effect. In Rwanda, for example, the consequences were greater and resulted in genocide, whereas in other countries, it resulted in gross violations of human rights. From these case studies, violent non state actors are clearly acting to advance their own ends, or they act on behalf of states that are attempting to cover their own violations of human rights to keep a good standing internationally. Concerns have been expressed about internal conflicts that spill over to neighbouring countries causing chaos. These include increased populations with the accompanying humanitarian concerns, xenophobic violence arising from competing for insufficient resources, marauding and armed robberies, busting the existing armed conflict, and so forth. Restoring state control of violence can arguably contribute substantially to dealing with the conflicts that have torn the African continent apart and can contribute to the repatriation of refugees and asylum seekers. It is therefore advisable that the AU play a major role in the restoration of states control and control of violence. The AU should work to condemn and sanction oppressive regimes that create people's desire to take arms to topple them. The AU and host countries should engage refugees and asylum seekers to find a durable solution in their countries of origin.

REFERENCES

1. Benewick R, Smith T (1972). Direct action and democratic politics. Routledge.
2. Bourdieu P (2018). I. Rethinking the State: Genesis and Structure of the Bureaucratic Field. In *State/culture*. 53-75.
3. Dalton RJ, Burklin WP, Drummond A (2001). Public opinion and direct democracy. *J Democr.* 12: 141-153.
4. Abel GJ, Brottrager M, Cuaresma JC, Muttarak R (2019). Climate, conflict and forced migration. *Glob Environ Change.* 54: 239-249.
5. Agnew J (1994). The territorial trap: the geographical assumptions of international relations theory. *Rev Int Polit Econ.* 1: 53-80.
6. Anetta KM (2020). Corporate Social Responsibility. CSR and Socially Responsible Investing Strategies in Transitioning and Emerging Economies. 1st edition, IGI Global, 364.
7. Byman D (2016). Understanding the Islamic state—a review essay. *Int Secur.* 40: 127-165.
8. Alyson JB, Schneckener U, Wulf H (2007). Revisiting the state monopoly on the legitimate use of force. Geneva Centre for the Democratic Control of Armed Forces (DCAF).
9. Boeke S (2016). Al Qaeda in the Islamic Maghreb:

- Terrorism, insurgency, or organized crime?. *Small Wars Insur.* 27: 914-936.
10. Büscher K (2020). *Violent Conflict and Urbanization in Eastern Democratic Republic of the Congo: the city as a safe haven.* Columbia University Press. 160-183.
 11. Ciobanu M (2020). *Rwanda: Consequences of a Genocide.* *J Ethnophilosophical Questions and Global Ethics.* 4: 37-48.
 12. Cliff C, First A (2013). *Testing for contagion/diffusion of terrorism in state dyads.* *Stud Confl Terror.* 36: 292-314.
 13. Atim G (2013). *The impact of refugees on conflicts in Africa.* *IOSR J Humanit Soc Sci.* 14: 4-9.
 14. Apollos M (2001). *Ethnicity, violence and democracy.* *Afr Dev.* 26: 99-144.
 15. Cannon BJ, Pkalya D (2017). *Why al-Shabaab Attacks Kenya: Questioning the Narrative Paradigm.* *Terrorism and Political Violence.* 31: 836-852.
 16. Akuul T, Shaibume B (2018). *Proliferation of small arms/light weapons and conflicts in Nigeria: Implication for national security.* *J Soc Sci Public Policy.* 10: 1-20.
 17. Craft C, Smaldone JP (2002). *The arms trade and the incidence of political violence in sub-Saharan Africa, 1967-97.* *J Peace Res.* 39: 693-710.