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*The 'Masai' and miraa: public authority, vigilance and criminality in a Ugandan border town**

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ABSTRACT

Recent studies on vigilante groups show how they often begin as popular schemes for imposing order, before degenerating into violent militias which contribute in turn to social and political disorder. The Masai, a group of khat sellers and consumers in the Ugandan border town of Bwera, represent a more complex case. By using vigilance tactics in the provision of security, the Masai actually help to shape public authority within Bwera town instead of creating institutional chaos. They also provide a range of services, imposing a degree of order on illegal cross-border activities in the area. However, a closer look at the Masai shows that their vigilance activities are mainly performed out of self-interest, as a quid pro quo enabling them to continue their illegal activities of smuggling, general criminality outside town and illegal drug use. Therefore they straddle the 'crime or social order' dynamic, representing a criminal gang of illegal drug traffickers which also provides services for public community interests. As such, they contribute to both order and crime.

INTRODUCTION

Public authority is not the exclusive domain of a single institution, i.e. the government, but has become part of a process of negotiation between

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various institutions. Within this process, state institutions become fractured while non-state actors become increasingly important. This paper focuses on the negotiation between state actors and one specific non-state actor called the Masai, a group of sellers and consumers of the stimulant khat in the town of Bwera, on the border between western Uganda and the Democratic Republic of Congo (DRC).[1] It examines the Masai not with regard to their consumption of khat (see Carrier 2007), but as a group of marginalised young men playing an important role in local governance. The Masai constitute an important actor in the local political arena, with a pivotal role in the regulation of violence: they provide security within town by adhering to an internal code of conduct and by tackling general criminality. Among the inhabitants of Bwera town, there is a general consensus that 'without the Masai and Jamali [their leader], things would be messy' (Local politician 2006 int.). The Masai are therefore considered an important, but informal, community police force. Moreover, they play a key role in Bwera's specific position as a border town, acting as 'technical assistants' and an 'underworld police force' in the cross-border trade between Uganda and Congo.

The Masai are studied in terms of the micro-politics of vigilance, defined by Pratten (2006: 711) as 'the protection and care of the community encompassed within these boundaries', which 'involves maintaining surveillance and taking action against threats to this community'. Vigilance as such is most often associated with vigilantes, but also concerns 'contests over responsibilities and functions that further blur the boundaries of the state … Critically these tactics concern the deployment of "insider" knowledge of procedures of the state, counter-surveillance, and the (re)imagining and mobilization of communities and constituencies' (*ibid.*). In this ethnography, vigilance is analysed in terms of securing protection and profit for the Masai themselves (with their de facto illegal status), the town population (as the Masai control crime rates within town), local and foreign cross-border traders (whose illegal activities they protect), and local opposition politicians (who benefit from the Masai's political and logistical support). In this context, public authority is formed in a constant negotiation between the Masai and different state actors in Bwera town. This article therefore focuses on what Lund (2006a: 676) calls 'the processual aspects of the formation of public authority, and in particular how it takes place in day-to-day social encounters'.[2] Through these encounters, rules and codes are established that constitute public authority and governance in Bwera town and the area's cross-border trading activities, though these rules challenge traditional logic and discourses in terms of public/private and legal/illegal

distinctions. Both state actors and the Masai must respect these rules for the negotiation to continue.

THE MASAI, VIGILANCE AND LOCAL POLITICS

The (de)construction of order is a central theme in the study of vigilantes and vigilance. When working well, vigilantes are praised for their general contribution to public order by enforcing rules and penalties, defined by and adapted to local needs (Heald 2005: 266). With regard to Nigeria, Ekeh (2002) for example argues that vigilantes clearly meet a local need for security which cannot be fulfilled by the existing state police forces. However, this is not always the case. A prominent issue in recent research on vigilantes is why some vigilantes contribute to order and others do not: many vigilante groups start as popular initiatives for the construction of order, but degenerate into violent militias, contributing to social and political disorder through brutal human rights violations and increasing criminality and insecurity. An important question is therefore why the Masai play a constructive role in day-to-day processes of governance and security within Bwera town, while many similar groups play a destructive role in perpetuating social disorder. In brief, why do vigilantes adopt what Daniel Nina (2001, quoted in Baker 2002a, 2002b) calls 'either a crime or social order approach'? Most of the literature on the subject emphasises the politically opportunistic nature of vigilante groups in explaining apparently 'senseless violence' (Ruteere & Pommerolle 2003: 603). Within the context of a neo-patrimonial state under strong economic and political pressure, vigilantes try to gain access to patronage networks of (re)distribution and 'capture' the state. In this scenario, vigilantes 'all too easily become a political instrument in the hands of those with the money to pay' (Anderson 2002: 542). In other words, vigilantes are hijacked by political elites for their own uses, serving patrimonial interests before degenerating into criminal and violent gangs (Baker 2002a; Heald 2005; Reno 2002) – a view which Meagher (2007: 92) summarises as 'far from attempting to reform society, vigilantes are seen as collections of thugs and marginalised youth struggling for their share of patronage, and preying on the communities they claim to protect'. A more nuanced view is offered by Kagwanja (2003, 2006) and Meagher (2007), who emphasise the need to look beyond research that stresses the inherently brutal character of vigilante groups. This work notes the dynamic relationships between vigilante groups and the broader institutional environment in explaining the shift from 'order' to 'disorder', and in this way from the defence of public to more private interests. Many vigilante groups were initially independent

social movements, which contributed to local order before veering off to become violent political and criminal organisations. Kagwanja (2006) for example shows how Mungiki was originally a social movement that resisted Moi's patrimonial power, thus holding state power to account. However, as the movement was co-opted into the ruling party's patron–client relationships, it was transformed into a criminal gang, which led to its fragmentation and disintegration. These insights are useful for the Masai in Bwera town. Firstly, they highlight how vigilantes operate on a sliding scale, along which they can move from 'order' to 'disorder' and from public to more private interests. Secondly, they indicate how their relative position is determined by these groups' relationships in the wider institutional environment, especially with political elites and other informal urban groups. These actors are not independent of each other, but are what Norbert Elias (1987: 85) calls 'figurations' or a 'pattern which interdependent human beings, as groups or as individuals, form with each other'.[3] Analysing the dynamics and power balances in this 'sociological configuration' throws up insights into public authority in Bwera town and the role of urban marginalised groups such as the Masai in the (de)construction of local law and order.

MIRAA, THE MASAI AND THE SYNAGOGI

Bwera is a small town in Kasese district in western Uganda, right on the border with the DRC. Because of its strategic location, it has a thriving informal economy. An important group within this informal economy are the Masai, who sell and consume miraa. 'Miraa' and 'mairungi' are the local names for the stimulant khat (qat). Miraa has been grown in Uganda since the early twentieth century, coming to Bwera fifty years later, when Arab traders settled in the area. These traders started consuming miraa and cultivating it on a small scale. Miraa was and continues to be imported from larger plantations in the neighbouring town of Fort Portal, where conditions are much more favourable for its cultivation (Anderson *et al.* 2007: 122). Many people – in the first place fellow Muslims – also took up the habit. At first mainly confined to businessmen, it quickly spread to the youth.

Within Bwera town, people associated with miraa are divided into two categories, sellers and consumers. There are only between eight and twelve sellers. Every day, they go to Kasese town (about one hour's drive away), where they buy the khat from Fort Portal, and transport it to Bwera. The consumers are a much bigger group. There are no estimates of their total number, but there is a rather stable group of about a hundred

people hanging around the 'Synagogi', a run-down structure in a dark corner of the central market of Bwera and the main location where miraa is sold and consumed. Apart from this, there is a much larger group of about 1,000 consumers who occasionally sit in the Synagogi when buying their miraa. Members of the Synagogi – both sellers and consumers – are called the Masai. There are no formal mechanisms to become a Masai: anyone consuming miraa in the Synagogi is considered a Masai. On average, the Masai are a group of uneducated and largely unemployed men who have few job prospects beyond petty work in the transport sector such as loading and offloading vehicles. Apart from these men, about ten women are members of the 'core group' and work as prostitutes. The group reflects the ethnic composition of the town: 80% of the Masai are Bakonzo. The remaining 20% are a mixture of different ethnic groups: Batooro, Banyankole, Baganda, Nande and so on. The members of the core group are mostly between fifteen and twenty-five years old, except for a few leading members, who are between thirty and fifty. The 'wider' Masai group is a very broad age group, ranging from fifteen to sixty years old.

There are two versions circulating among the Masai as to why they chose their particular name. The first version claims it was adopted from the 'original' Kenyan Masai who are known as traders in herbal products in the area. The Bwera Masai decided to take their name because they also deal in what they consider 'healing herbal products', miraa. The second version claims that they chose the name for socio-political reasons, as the Kenyan Masai resisted colonial power. As will be explained, the Masai in Bwera also consider themselves as standing up against oppressive powers.

The name Synagogi mirrors their socio-political identification in a similar way. As one of the leading members summarises: 'The Synagogi is the church of the Judas, the church of the bad people. During the time of Jesus, Judas was opposed to Jesus' (Leading Masai member 2008 int.). As with the name Masai, they chose the term Synagogi because they feel marginalised and are resisting what they consider oppressive powers.

The Masai have a centralised hierarchical structure, based around their leader Jamali, a primary school drop-out who has been dealing in miraa for over twenty years. Apart from his experience in the miraa business, a particular characteristic of Jamali which is important for his leadership position is his 'fearlessness'. He has quite an aggressive personality[4] and is known for confronting anyone whom he dislikes, regardless of whether they are street sellers or high-placed government representatives. On several occasions, he has jumped in front of ministerial cars in order to

demand something. Everyone, both within and outside of the association, emphasises how he 'fears nothing and no one' (Local trader 1 2005 int.). This status allows him to control all decisions within the association, whether related to the Masai's vigilance or trading activities: everything passes through him. In other words, Jamali's leadership is based on a mixture of respect and fear. There is no formalised hierarchy, but members who are closer to Jamali have an (informally) higher hierarchical position. So do members who have been in the association for a longer time: the younger members have to show great respect for the elders. Disrespect for this strict hierarchical order leads to punishment.[5] The Masai leadership is respected not only by the Masai themselves, but also by other groups within the informal economy of Bwera town: *boda boda* (motorcycle and bicycle taxi) drivers, fuel smugglers, street sellers and so on. The Masai leaders, and particularly Jamali, have close links to all major government figures in the area (civil servants, local politicians, security agencies and so on), with whom they are in contact on a regular basis, and for whom they serve as an entry-point into the informal sphere of Bwera town. This also works the other way around: the Masai serve as an entry-point for the population to the government agents. As will be explained later, the Masai act as go-betweens between governmental agents/politicians and the other urban informal groups, which have neither contacts nor a strict organisational unity.

MIRAA: (IL)LEGAL SUBSTANCE IN UGANDA

Miraa has an ambiguous legal position: while legal in some countries (such as Kenya, South Africa and the UK), it is illegal in many others (such as Somalia, USA, Canada and several European countries). Miraa is legal in Uganda, where it is cultivated and consumed by a growing number of people, especially youths. Despite its legal status, there are plans on the national level to ban its sale and use: although not ratified by the Ugandan parliament, there is a new bill to restrict trade and production (Anderson *et al.* 2007: 124). According to Beckerleg (2006: 227), 'across the country, opinion is sharply divided amongst political leaders, health officials, as well as khat producers, sellers, and consumers as to whether a national ban on khat will come into effect.' Media reports frequently stress the illegal character of the stimulant. The pro-government newspaper *New Vision* has often portrayed khat as a harmful narcotic (Anderson *et al.* 2007: 130–1; Beckerleg 2006: 228–9).

Most people in Uganda are unaware of the legal status of miraa, and regard it as an illegal substance similar to 'opium' or *banja*, the local names

for cannabis.[6] This image is enhanced by the fact that many consumers smoke cannabis after chewing khat, as is also the case in Bwera, where cannabis is consumed and sold in the Synagogi. Miraa is not only considered illegal because of its links with other narcotic substances, but is also associated with idleness, crime, addiction, immoral sexual behaviour, family breakdown and school absenteeism.

These views are mirrored by local government authorities, which are increasingly trying to limit the use of miraa within their scope of jurisdiction. As a local government official in Bwera (2006 int.) said:

> Here, the local government has argued that in many cases these boys do not sleep after taking mairungi, and during the night they get involved in things like gambling and crime … Because when they are taking, they can lose senses; so they are a potential danger: they have to be arrested and taken to prison.

The officer in charge of Bwera police station (2006 int.) on the other hand argued that:

> Mairungi is not in the books of law, not enacted by law, not gazetted by government. There is no clear regulation: for a long time, we have tried to consult the government on a regulation, but they don't give any regulation! So we just leave them; and we arrest them on the pretext of idle and disorderly.

As a result, the local government authorities in Kasese (district council) and Bwera (sub-county council) have passed by-laws restricting the miraa trade.

Although local government authorities formally treat their activities as illegal, the Masai are nevertheless allowed to continue these activities: the by-laws on miraa are not strictly followed up. This has partly to do with the fact that the Masai 'share their spoils' with the security agencies: the officer in charge (OC) of the local police gains his share from the sale of khat (a fixed percentage which was impossible to discover); and other security officers (police agents, local defence units, special police constables and so on) accept petty bribes whenever raids take place – on average UGX 10,000 (US $6.1). If Masai are arrested, negotiation is still possible at the police station. Normally, the police officers charge a (rather high) bribe of UGX 50,000 (US $30.5) per person, which most Masai try to pay. Paying a bribe to the police is seen as more 'reasonable' than being sent to court, where bribing is not possible,[7] and where they are charged with idleness and abuse of alcohol and other drugs (but not miraa), which can result in a prison sentence.

The financial incentives for the security agencies however offer only a partial explanation as to why the Masai group is still allowed to continue its activities (chewing, selling, taking other drugs) in town. This paper

argues that the main reasons why they are allowed to continue their activities are, firstly, their role in preventing criminal affairs within Bwera town and, secondly, their major role in the political sphere.

THE MASAI AND SOLVING CRIMINAL AFFAIRS

Key to understanding the role of the Masai as a vigilante group is the fact that there was a large group of unemployed, uneducated and landless people in Bwera, which led to increased insecurity within the town. A crucial event in this was the insurgency of the ADF or Allied Democratic Forces. The ADF was formed by remnants of a series of movements: the Tabliq[8] (who had fled to western Uganda after imprisonment), the National Army for the Liberation of Uganda (NALU), and the Rwenzururu movement. The last two were based in the Ruwenzori Mountains on the border between Congo and Uganda. This became the ADF's area of operation, from where it waged an insurgency against the Ugandan government between 1997 and 2000, in which large parts of the population were displaced through the use of random terror.[9] The movement had little local support, but was mainly based in the area because of its strategic location: a mountainous area on the border with the DRC. The ADF received support from the Sudanese government and Mobutu's Zaïre – and, according to some sources, from Al Qaeda and other radical Islamists (Hovil & Werker 2005). By 2000, the movement was largely defeated and had retreated to their camps in the DRC, where they remain to this day.

Although the Masai already existed some time before the ADF insurgency, it was around this period that they gained importance as a vigilante group: the insurgency had created an explosive situation with a heightened degree of conflict and a corresponding need for vigilante and informal justice mechanisms within Bwera town. Much of this had to do with the influx of refugees into Bwera. With over 30,500 displaced persons at the height of the conflict, almost doubling the sub-county population of 38,000 inhabitants, Bwera was the worst-hit among the different sub-counties of Kasese district.[10] Although ADF units were either wiped out or pushed back into the DRC by late 2002, people strongly suspected that remnants were still active in the Ruwenzori Mountains.[11] As a result, many people have never returned to their homes in the mountains but instead chose to remain in town. There has also been an influx of Congolese refugees throughout the years. Meanwhile the high land pressure in Kasese district[12] and the decline of traditional cash crops (cotton and coffee) had already caused a large group of unemployed, landless and often uneducated people to move to Bwera town in search of employment.

On top of this, many parents were no longer able to send their children to school during and after the insurgency, through which many children (especially adolescents) ended up on the streets, consuming drugs such as khat or cannabis. This led to a volatile situation which resulted in higher rates of conflict and criminality, in particular theft and rape. The existing police agencies were not equipped (in terms of materials and manpower) to deal with this new situation of higher population and crime levels. Moreover, many of the offences have a cross-border nature, as criminals often cross the border to Congo, which is only 2 kilometres from Bwera town. The next section argues how, unlike the existing security agencies, the Masai proved instrumental in controlling crime levels within town.

The Masai are very much a product of this social context of Bwera town, as they are a group of uneducated, landless 'rough and dangerous' young men who take illegal drugs and are considered very prone to criminality. As Beckerleg argues (2006: 238–9):

> All over the world, drug use is linked to criminality: dealing in illicit substances is a crime in itself; drug users often turn to crime to raise money for their substance of choice … Ugandan khat traders and consumers argue that this one substance is being singled out as a cause of crime and that unruly, violent youth usually mix alcohol and cannabis with khat.

The latter phrase is nevertheless a good description of the Masai, wild youth for whom miraa is their 'core business', but who also consume and sell other drugs, such as cannabis, fuel fumes and (more hidden) cocaine. This further contributes to their dangerous and violent image: the Masai are seen locally as *bayaya* (stubborn and dangerous people) who can easily be drawn into criminal affairs.

Although the Masai are a dangerous and potentially criminal group, their engagement in criminal affairs within the town would disturb the fragile equilibrium in which they are allowed to continue their activities. In particular, the general image of the illegality of miraa has a profound impact on the ways in which they conduct their activities: the Masai regard their own activities as illegal and so conduct them with relative caution and discretion, in order to protect and continue them.[13] Most important, they have an elaborate code of conduct and play a major role in curbing crime in town: misbehaviour among the members within town is not tolerated, and they have been effective in tackling increased urban criminality. A senior security officer of the district summarises: 'They take punitive measures towards their members to protect themselves!' (District security officer 2006 int.). Moreover, as the majority of the Masai members originate from Bwera/Kasese, there is a strong feeling among the Masai that 'we cannot make mistakes here in town. If we do, we have

no other place to go' (Masai member 2 2006 int.). This fundamental paradox, in which the Masai are considered a threat to local order, but on the other hand constitute a localised struggle against criminalisation and disorder, is at the core of understanding the conduct of the Masai and the local authorities in Bwera town. The Masai, for example, proved instrumental in bringing down the high levels of urban criminality during the major influx of IDPs in Bwera town during the ADF insurgency. In case of theft or criminal offences, they are preferred to the police, as they are seen as more efficient and less corrupt.

They are effective for several reasons. Firstly, they seek to control crime *within* the Masai association. As the Masai are a group at the margins of society, considered 'rough and dangerous' with little employment and education, it is obvious that they are highly vulnerable to involvement in criminal affairs. However, through their hierarchical and united structure, they have a code of conduct that enforces respect and discipline within their association. If a member has committed a crime, the Masai sit together to decide what action to take against that member. These consultations are led by their leader Jamali and the 'upper layer' of the elder Masai, but any other Masai are free to join. If found guilty, the member may receive corporal punishment or be expelled from the association. If the police want to arrest a member, the Masai organise a similar consultation with different possible outcomes: the group can either prevent arrest and punish the member themselves; or resist arrest because the Masai are convinced of the member's innocence. About one third of the Masai are former security operatives (ex-vigilantes, local defence units, special police constables, soldiers and so on) – they are therefore considered violent and dangerous men who know how to use weapons, and are also feared by the police – 'Because they can strangle you to death!' (Police security officer 2006 int.). Moreover, through their close contact with other urban informal groups (such as fuel smugglers, *boda boda* drivers and prostitutes), they can swiftly raise chaos in town in protest at decisions made by the government authorities or security agencies. Therefore, if the Masai decide somebody should not be arrested, it simply does not happen in the majority of the cases – even if security agencies come with force. The Masai can nevertheless decide to hand over the member to the police and expel him from the association. This happens when the member has failed to respect the internal rules of the Masai through misconduct in Bwera town (such as theft), or when he has neglected the rules in the internal Masai sphere, for example by showing disrespect to the leadership. A good illustration was an event during the field research in which traders in cosmetic products, staying in a hotel in Bwera town, had most of

their products stolen from their van by some of the Masai boys. The owner of the hotel contacted the Masai, which quickly found out which boys had broken into the vehicle. The boys were arrested by the group, beaten severely, and the property was recovered. There was therefore no reason to take the case to the police. Other cases involved similar scenarios, in which boys 'had overtaken drugs and broken into people's home; and they were caned seriously! They are not allowed to do this in town!' (Local trader 1 2005 int.).

Secondly, the Masai's organisational structure often acts as an informal tribunal for solving conflicts, as other urban informal groups use the association for solving their criminal and domestic cases.[14] If a member of any of these groups such as the 'Khadafis' (fuel smugglers) or the *boda boda* taxi drivers break their respective codes of conduct, they are most often brought to the Masai. The 'Khadafis' for example use the Masai when one of them has stolen fuel from one of his colleagues or in cases of domestic violence. As these groups have no strict organisational structure (they have no pressing need to control their members), and as the higher-level Masai are much respected within town, they rely on the Masai's judgements for resolving conflicts.[15] According to the Masai, certain minor cases such as domestic conflicts are sometimes even referred to them by the police.[16]

Thirdly, through their central geographical location in town and their social position at the axis of many networks, they access many people and are always aware of what is happening in town. For example, their leader Jamali is closely related to the various branches of government such as local councils, security agents, judiciary and so on. These governmental agents use him to approach actors within the urban informal sphere, and vice versa. Moreover, the Masai have many contacts within the 'underworld' of Kasese and the wider (cross-border) region. This is due partly to their involvement in the drug trade, but also to the fact that many thieves belonged to the Masai at some stage. So when a criminal offence occurs, the Masai are able to quickly approach their informants. Through these contacts, they proved crucial in tracing ADF recruitment among the Salaf-Tabliq sect in Bwera and Kasese. They found recruitment pamphlets, passed information to local security agents and identified the leaders. In sum, contacts with these other groups are both class-inspired ('underworld lumpen') and instrumental, i.e. the Masai perform useful functions for all these other groups, so the other groups cooperate with them.[17]

Fourthly, because of the miraa chewing, the Masai are always awake late into the night. As many crimes happen during these hours, they can

be swiftly approached for help. On numerous occasions, thefts occurred at night, after which the victims went to the Synagogi, and the Masai were called upon as an intervening force.

Lastly, they are considered 'dangerous and stubborn', and according to a police officer (2006 int.) 'as a group unbeatable': while they are already difficult to handle as individuals, when acting as a group it is impossible to resist their power. Much of their strength lies in their unity. This is again related to their centralised hierarchical structure, in which Jamali has a high degree of control over the organisation. All the above functions happen strictly through him: consultations within the association, with other groups, their vigilance activities and so on. This makes them extremely effective in the use of physical strength. As a Masai member (Masai member 1 2006 int.) argues: 'At times the thieves do beat the policeman; but he cannot beat a gang of us. The police is always one; we are always many.' If a thief is caught, he is either punished by the Masai, or taken to the police. Punishment by the Masai is seen as 'more effective' than the police: whereas one can easily bribe the police to escape punishment, there is no escape from the corporal punishment of the Masai (strokes of the cane and other beatings).

THE MASAI AND BWERA AS A BORDER TOWN

The role of the Masai is closely related to the position of Bwera, on the border with the DRC, next to the important Congolese border market of Kasindi. Together with Aru, Kasindi is the main border market on the Ugandan–Congolese border (Johnson & Tegera 2007; Raeymaekers 2007; Titeca in prep.), and historically has been an important trading post for the distribution of goods into eastern Congo. These goods originate from places such as Dubai, Hong Kong or China and arrive in the port of Mombasa, from where they are transported to the Kenyan–Ugandan border town of Busia, pass through Uganda, and finally arrive in Kasindi. From Kasindi onwards, goods are not only distributed into eastern Congo, but also smuggled back into Uganda, and more specifically to Bwera. This allows traders to dodge Ugandan taxes, as goods on transit to the DRC (Kasindi) are exempt from Ugandan taxes. From Bwera, goods are distributed back into south-western and central Uganda. The most popular smuggled goods are batteries, lotions, cigarettes, *kithenke* (women's fabrics), motorcycles and fuel. Bwera town has therefore grown in parallel to the border market of Kasindi: it is the last Ugandan stop before Kasindi, and the main distribution point for goods smuggled from Kasindi. Bwera's economy is therefore closely connected to that of Kasindi. Most of the

population of Bwera is involved in cross-border trade, and many farmers also sell their goods in Kasindi.

The Masai also developed in response to the location of Bwera in the regional cross-border economy. Much of the cross-border trade occurs with varying degrees of illegality; and as already noted, Bwera functions as a major dispatching point for the (re)distribution of goods to Uganda. The Masai are useful for smugglers in two ways. Firstly, as an 'underworld police force'; and secondly, as 'technical assistants for the smugglers': transporters, informers and so on.

Traders who smuggle goods across the border are acting strictly outside the legal framework, and cannot therefore resort to the protection of state agencies (police, army and so on) if anything goes wrong. On the contrary, since the trade is illegal, everyone involved is liable to prosecution. As Gambetta (1993: 226) argues, this has many consequences:

> illegal assets are vulnerable to lawful seizure as well as to theft; property rights cannot rely on written records and are generally poorly defined; liability is restricted to the physical person; individual mobility is greater; and agents are tougher, more prone to risk, and more secretive than their law-abiding counterpart.

Vigilante groups characteristically emerge when the police fail to protect citizens (Anderson 2002; Baker 2002a; Buur 2006; Heald 1986; Meagher 2007). In the case of smuggling, the state does not fail to protect, but is simply not allowed to protect the actors and their property. If something goes wrong, there is no court to which these smugglers can appeal. This is where the Masai step in: the protection of the private property of the smugglers is one of the most important services which the Masai 'produce, promote and sell' (Mutongi 2006: 559), similar to the Mafia in different parts of the world (Gambetta 1993; Varese 2001). A smuggler whose goods are stolen cannot resort to the police, but he can resort to the Masai, who act as an 'alternative police force'. For example, during the period of field research the goods of one smuggler (dry cell batteries) had been stolen by his transporters. The trader therefore contacted the Masai, who started their own investigations and eventually recovered the goods, for which they were given a financial reward of about UGX 20,000.

In this context, the Masai information network is not limited to Bwera town. On the one hand, they are well connected with the Congolese side of the border, which allows them to solve cross-border crimes. Much of this has to do with the fact that the same ethnic group lives on both sides of the border, but was divided by colonialism – the Bakanzo on the Ugandan side and the Nande on the Congolese side. Many people have family on both sides of the border, and so do the Masai. For example, their leader Jamali

comes from a polygamous familial background, and his father had two wives on the Congolese side of the border. Through this family connection, Jamali has many contacts on the Congolese side. On top of this, the Masai frequently interact with the 'underworld' of the Congolese border zone, for example by selling miraa to them. In this situation, the Masai are very effective in solving cross-border crimes: they are not only able to trace stolen smuggled goods, but can solve general cross-border crimes in the area. Whenever theft occurs, the culprits most often quickly cross the nearby border to the DRC. Whereas the police are not very successful in solving these 'cross-border crimes', the elaborate Masai trans-border network proves far more effective than either the Ugandan or Congolese police. The Masai are often consulted by the police to solve such crimes.

The Masai are similarly well connected with Busia, the entry point for goods into Uganda from Kenya. In this way, their information network extends across the whole chain of the cross-border trade, which allows them to intervene in case of any problem. The connection with Busia started with individual Masai accompanying Congolese traders to Busia; soon afterwards a number of them began working in Busia. There are about fifty Masai working in Busia, doing petty jobs such as loading and offloading. The Masai in Busia do not form a single group as in Bwera, but there is a clear connection with the Masai in Bwera: in case of difficulties along the trading chain, they are asked for help. Similarly, Masai who have to leave Bwera because they have misbehaved and/or are hunted by the police are transferred to Busia by the leadership. In Busia, Congolese traders prefer working with Masai rather than with local people, simply because the Masai speak the same language as the Congolese traders, as they belong to the same ethnic group.

The second important function of the Masai is as 'technical assistants' of the smugglers. As explained above, the Masai are at the centre of much of the information in Bwera town: they are aware of everything that happens and particularly of anything to do with security. They know about all the operations of all the anti-smuggling agencies (the Special Revenue Protection Services, mobile police, army and so on). This makes them excellent associates for the smugglers: they are not only able to inform them about the movements of the anti-smuggling agencies, but are also used to transport smuggled goods across the border.

PROTECTION AS A 'DOUBLE-EDGED SWORD'

The above sections have described how the Masai play positive roles in the governance of Bwera town and in the cross-border trading networks: they

protect the inhabitants of Bwera and the actors in the cross-border trade. This does not mean that this form of community policing is necessarily better than state policing. The danger of protection in this situation is well described by Charles Tilly (1990 in Raeymaekers 2007: 119–20), who argues that protection can be a double-edged sword. On the one hand, it resembles shelter provided by a powerful friend, yet on the other hand it evokes a racket in which a local strongman forces people to pay tribute in order to avoid damage, mainly inflicted by himself. Once problems are encountered with this 'powerful friend/local strongman', there is nowhere else to turn. This is also the case for clients of the Masai community policing practices. Once people disagree with the Masai, they cannot challenge them or complain to the police or any other authorities, as the Masai and their informal judgements are part of the 'negotiated reality' between both sides. This process is firmly outside the legal sphere, and unavoidably breaches people's legal and constitutional rights. Although no examples of such cases were discovered, this diminished accountability (Baker 2002a) is a serious downside to the Masai's community justice strategy.

Another major problem with the vigilante tactics of the Masai is that, although this code of conduct is enforced and effective in preventing crime *within* Bwera town, the Masai remain engaged in criminal activities *outside* town. It is a basic rule that a Masai member is punished if he commits a crime in Bwera town, but is allowed to commit thefts across the border or a reasonable distance outside Bwera town. As a Masai member (Masai member 3 2006 int.) summarises:

> If you're a person known as breaking into people's houses around here [Bwera town], we give you a bad beating! Or we push you out of the association. But if you do it far away, it is no problem. Because we want to maintain the relationship with the people here. We want to keep a good relationship with the area here.

For crimes committed outside town, things are much more unpredictable, as there are no clear rules of conduct for them. Much depends on the specific negotiation on the issue: sometimes it is possible to recover (part of) the goods, sometimes not. For example, on one occasion during the field research a Masai boy was offloading dried fish for a trader across the border; but he managed to steal the trader's money – some UGX 3 million (US $1831.5). When the trader realised his money was stolen, he asked the Masai to assist him in retrieving it. The other Masai members however informed the Local Defence Units (LDUs) about the boy's theft; after which the LDUs came to arrest him. The LDUs and the Masai boy came to an agreement in which part of the money was shared between them, and part of the money returned to the owner. In other

cases, the thieves and the Masai share the spoils among themselves. It can therefore be argued that, in a rather cynical way, much of the Masai's effectiveness in solving cross-border crimes is a result of their engagement in the criminal sphere outside town. In a similar way, it can be argued that crime is simply pushed outside the urban centre of Bwera, and that the reduction of crime within town may be proportional to increased criminality outside it. In brief, the Masai not only help to find criminals in Bwera town, but are engaged in criminality themselves outside town. What does this tell us about the nature of the association? This is discussed in the next section.

VIGILANTE OR CRIMINAL 'GANG'?

It should now be clear that the Masai's activities in community protection arise not out of altruism, but rather out of self-interest, in order to preserve their activities and organisation: the Masai feel they have to 'behave' in order to continue their illegal activities of khat and marijuana. Secondly, it is clear that their activities, especially their involvement in crime outside town, have a number of negative effects. This brings us to a major question: though the Masai's engagement in community protection within Bwera, can they really be called vigilantes? Are they not just a criminal 'gang'? In other words, are they acting in the interest of the community or for their own private interest? Their activities in the protection of smuggled goods prove insightful on this. On the one hand, this protection of smuggled goods can also be seen as a vigilante activity in response to a popular need by the community: vigilantes come into being to counter activities which are destructive for the local community, but which are not covered by the penal code. Buur (2006) for example shows this with regard to witchcraft, which is considered criminal by the community, but is not covered by the penal code. This 'popular demand' can be met not only by a vigilante, but also by a criminal 'gang'. The *raison d'être* of organised crime is strikingly similar to that of vigilantes: 'providing protection when the state does not'. Skaperdas (2001) identifies similar reasons why a criminal organisation comes into being, one of them being the prohibition of certain goods: the illegal nature of goods creates a power vacuum around them (for example with regard to the enforcement of property rights), which is filled by criminal organisations. The principal difference is that, for organised crime, protection is an economic commodity, i.e. the final goal is private financial gain rather than the protection of the community as such. Another difference is that the criminal organisation plays a major role in creating the demand: they respond to popular demand,

but will make sure the demand is there, for example by threatening non-payers and consumers. In other words, organised criminals are often engaged in extortion: they offer protection, but they are the ones you have to be protected against (Gambetta 1993; Varese 2001).

It has been shown above how crimes committed in Bwera defy traditional legal classifications. Theft of smuggled goods by transporters is considered criminal by the community but is not covered by legal penal codes, and this is where the Masai offer their services. In other words, they counter activities which contribute to community disorder; a community in which the vast majority is engaged in the 'illegal' – yet perceived legitimate – activities of cross-border trade. Yet, similar to criminal organisations, the Masai try to push out of business traders who do not make use of their services: they use several tactics against people who do not want to buy their 'product' of protection, in order to increase their market share (Gambetta 1993). As they are at the axis of most of the information in the cross-border area, they know who is crossing the border without them. The most common way to 'punish' these traders is by informing the Uganda Revenue Authorities (URA): traders who are not using their services for smuggling goods are disclosed to the URA. In other words, the Masai are engaged in extortion of some kind: they make sure the demand is there, by creating the demand themselves. This has two advantages for the Masai: firstly, it forces smugglers to work with them; and secondly, it gives them direct financial profit – informers are given 20% of the recovered taxes.[18] The Masai's activities in providing protection for smugglers can therefore be considered organised criminality rather than vigilante activities, as they are inspired by private financial gain rather than responding to community demands. In other words, they contribute to order in the cross-border trading networks, but at a cost: you are forced to buy their services, or you face much higher costs, which may result in the loss of your goods. Lastly, the Masai are engaged in criminal activities of a different kind: theft outside town, where they are known as particularly dangerous thieves and criminals.

All this suggests that they are a criminal organisation rather than a vigilante group. They use vigilance tactics within town, but are not vigilantes per se. They can be considered a criminal organisation which uses vigilante tactics as a self-preservation measure in order to allow their smuggling and general criminal activities, and the consumption and trade of *de facto* and *de jure* illegal drugs (respectively miraa and marijuana).

This analysis makes it even more puzzling why the Masai are tolerated in Bwera: they are engaged in a range of criminal activities, yet they are freely allowed to stay in town, and engage in a range of criminal activities.

The authorities must be aware of this, yet they allow these activities to continue. The next section argues that their central role in the local political sphere is crucial in explaining this.

THE MASAI AND THE LOCAL POLITICAL SPHERE: 'MY LIFE IS POLITICS AND MAIRUNGI!'[19]

The Masai see their situation as one of complete marginalisation, as a direct result of the neglect and failure of the government: they are harassed by the security forces and the government is unable to provide them and the majority of the population with employment. Moreover, the government has been unable to provide security during past and more recent ADF insurgencies. The Masai have therefore historically always supported the opposition forces in the district, and strongly consider themselves 'marginalized critics of corrupt rulers' (Reno 2002: 838). As argued in the introduction, these feelings are also reflected in their names: like the Kenyan Masai and the Biblical Synagogi, they are resisting dominant powers. The introductory quote of Jamali, the leader of the Masai, illustrates how they act as political agents for opposition politicians during electoral campaigns and have strong political influence, both upwards towards politicians, and downwards among the wider population. Although elements of other informal groups, such as the *boda boda* drivers, have been co-opted by government politicians, the Masai have consistently favoured the opposition. Government politicians who actively support them are not boycotted, but nor is this support reciprocated. Those (government) politicians who do not support or who actively disturb them are harassed by the Masai. They are for example notorious for throwing litter at certain government politicians from whom they have never received assistance or whom they suspect of having ordered their arrests.

The Masai's political importance has several reasons, many of which concern their increased vigilance during electoral periods. Firstly, Bwera has a very dense political circle, rife with accusations and counter-accusations of fraudulent behaviour. On the one hand, pro-government supporters are a minority in the area and complain about being socially ostracised. On the other hand, opposition supporters complain about continuous intimidation and violence by security agencies, and the use of these agencies for fraudulent electoral practices. Most importantly, opposition supporters fear openly disclosing their political side – something which clearly manifested itself during the author's research on the local political situation, as most of them refused to openly discuss politics, fearing retaliation by security agencies. The Masai are different from

this: as 'stubborn and fearless' people, they do not fear political intimidation and hence are not afraid to reveal their political affiliation. They are therefore important campaigning agents for opposition politicians during election campaigns for the opposition. Moreover, through their many connections with governmental security agencies, the Masai can make a risk-assessment of events organised by the opposition. This detailed 'insider' knowledge of the state bureaucracies not only increases their legitimacy among the wider population, but also makes them valuable political agents for opposition forces, informed about possible actions against the latter, for example if meetings will be interrupted by the security agencies. In this sense, they act as a (non-governmental) protection force for opposition politicians.

Secondly, the Masai have strong political influence among marginalised urban groups such as boys working in the transport sector, street sellers, fuel smugglers, sex workers, miraa and cannabis consumers and so on. These marginalised groups constitute a large majority of the population in Bwera town, and therefore play an important role in the election process. As a local security officer (2006 int.) comments:

> They [the Masai] influence trends; very big trends. They interact with sex workers; boda bodas; mairungi, anyone. And all of them interact very much with the public. And a poverty stricken public can easily be taken into anything … All of them are a political voice which you can't ignore! Your political agents must go there if you want to get elected!

Their political influence and legitimacy is linked to a number of factors: their role as vigilantes in curbing crime and informal justice, in connecting youth with opportunities for informal employment, but in particular in protecting other marginalised urban groups, which in turn has to do with their position as a 'fearless' group with many connections with government agencies. For example, whenever tax collection is taking place, the Masai discover the details of this collection, and report these to other informal associations in town. If law enforcement officers still unexpectedly come to grab goods by force from street traders refusing to pay tax, the Masai act as a protective force for these traders.

The Masai influence not only marginalised urban groups with whom they closely cooperate, but also the wider population within Bwera town. Through their central location and their service provision (a variety of people come to buy miraa), they reach large numbers of people. As a major politician comments: 'People respect these youth. Virtually everyone is emotionally attached to them. People understand them: these are youth struggling for employment; and there is so little employment in the area!' (Local politician 2006 int.) This respect is also connected to their

role as vigilantes. As Smith (2004: 438) argues, vigilantes have a symbolic 'superhero status' which legitimises their actions and ensures widespread popular support. As a result of this respected status in the local political imagination, politicians regard them as 'opinion setters' (Local politician 2006 int.) and 'centre points' (Local trader 2 2006 int.). The Masai regard themselves as political kingmakers 'because we interact with so many people and we know so many secrets no one else knows in town' (Masai leader Jamali 2006 int.). In this situation, and as mentioned earlier, the Masai act as politicians' campaigning agents – not only for reasons of security, but also because they are seen as important actors in 'morale boosting', as people with 'convincing tongues' (Motorcycle taxi driver 2006 int.) who can easily convince people who to vote for. In brief, in their role as opinion leaders and representatives of marginalised urban groups, they can be considered important representatives of civil society within Bwera town – although such associations are considered the 'uncool' (Comaroff & Comaroff 2000: 22) side of African civil society.[20]

In return for the political support of the Masai, politicians negotiate with the local government about their status: they lobby security agencies and councils to ensure that the Masai are allowed to continue their activities of selling and chewing miraa. As a senior security officer of Kasese district (2006 int.) summarises the situation:

> The frequent politicking is the reason why they are so many. They are a very big constituency who vote! The LCII, LCIII [local government representatives] find it difficult to enforce the law, because you lose votes! Because you arrest a guy who has 10 family members and many more friends who will not vote you! … Politicians do not see any moral ground to arrest them.

On the contrary, politicians work closely with them and assist them with their problems. One of the most important local politicians, who was using the Masai as a day-to-day campaign team and who used them in drafting his election manifesto, argued: 'It is our work to help them and connect them, and help them outside of the judicial process. So I would go to the police and I would tell them: these people have no other option, we need to re-educate them, we should bring them awareness. And we would agree on this' (Local politician 2006 int.). By supporting particular politicians, the Masai hope to influence policy, not only on miraa, but also on broader issues affecting them or other marginal urban groups. Moreover, the Masai hope that once a politician is elected, he will not only tolerate their business, but also support them and make use of their services and goods. To some extent this already happens, in that the Masai organise the security and management of several politicians' houses in the area; and the politicians strongly rely on the services of the fuel smugglers and *boda boda*

taxis. They also receive financial and material support from these politicians: individual Masai can approach the politicians with their individual problems such as hospital costs or school fees. Politicians have also introduced them to micro-finance activities or training such as brick-making.

Confiscation in this situation becomes almost farcical, in that sellers and consumers are often informed about security agency raids (by government agencies or politicians); while government agencies carry out these raids because they are obliged to (by the local councils) but first inform the Masai. A good example of this was the reintroduction of the Special Police Constables (SPCs) before the 2006 elections. They were mobilised for the elections; and as a kind of refresher training, they had to smoke out the cannabis and miraa activities in town. Through their many governmental connections, the Masai were informed about this plan, and easily escaped arrest. Only a few non-affiliated consumers were arrested while the actual Masai were left untouched. It shows how these arrests were only a smokescreen: the SPCs carried out these raids because it was a national order, while the key actors (the Masai group) were left untouched. Through their contacts with local politicians and other governmental figures, the Masai rely on insider knowledge in the construction of local governance and the regulation of violence.

These patrimonial relations are highly beneficial to both politicians (and government actors in general) and the Masai: they relieve the state of the cost of providing security and garner support for politicians. In return, politicians make sure the Masai's illegal activities are tolerated. Yet such patrimonial relations also have their downside: as argued above, they reduce accountability, and permit crimes committed outside town. The relationship between the politicians and Masai can also be considered rather problematic: by cooperating with the Masai as a local vigilante force, and assisting in handing over thieves to the local authorities, the politicians try to gain respect from their constituencies (cf. Heald 1986), but at the same time may share the 'spoils' in a sort of protection racket, in which many people are left out. Moreover, as going against the Masai is not useful from an electoral point of view, politicians do not constitute a 'check' against potential malpractices of the Masai, which further contributes to the reduced accountability of the group.

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The recent literature on vigilantes highlights how these groupings operate on a sliding scale from 'order' to 'disorder', and from the defence of

public to more private interests. In the introduction, it was asked why vigilantes contribute either to a social order, or to crime. The case of the Masai demonstrates that this is not necessarily an *either/or* question, but that social order *and* crime may coexist: they are a criminal gang of illegal drug traffickers, who extend their initial private security/protection function towards public community interests and so become 'vigilance actors'. Firstly, the literature on vigilance proves useful in analysing how the Masai contribute to order and public authority in Bwera town, as it highlights the importance of the relationship with the wider institutional environment in contributing to (dis)order. Secondly, the Masai contribute to order in one place (Bwera), while doing exactly the opposite outside the town, because their vigilance activities are primarily informed by self-interest, in order to allow their criminal activities to continue. In sum, they can be considered a criminal gang which manages to strike a balance between private and public concerns: the Masai continue their private criminal concerns, while contributing to order within the community of Bwera town.

With regard to the first finding, the Masai contribute to the shaping of public authority within Bwera town. Central to this is an on-going negotiation between the Masai on the one hand and local government authorities and politicians on the other. Public authority is negotiated between these two actors: this process (or 'figuration') produces a range of rules and codes which must be respected for this negotiation to continue, and which are central to the production of governance in the town. A basic underlying premise in this 'negotiated reality' is that the Masai form an (ambiguous) illegal entity. They are treated and perceived this way by the authorities, and also by the Masai themselves. This situation informs the continuous negotiation with the local authorities: the Masai have to respect certain basic rules, otherwise their activities would simply no longer be tolerated. First and most obviously, these basic rules are materially/financially mediated. As explained above, security agencies benefit financially from khat activities, as they receive regular bribes from the Masai. In fact, security agents are very much part of the miraa 'complex', in that there are always security agents (police, Local Defence Units, Special Police Constables and so on) hanging around the Synagogi, chewing mairungi, accepting petty bribes and even actively participating in the author's discussions on miraa. A second rule which they must respect is that they cannot overcrowd the Synagogi, or they will be arrested by local authorities.[21] Thirdly, a golden rule is that the Masai cannot engage in criminal activities within the town. If they were to do so, the security agencies would have to break the fragile equilibrium and end their activities. The Masai therefore play an important role in controlling crime within the town.

Engagement in criminal activities outside the town and across the border does not disturb this equilibrium, as it allows the local authorities to turn a blind eye to this. This would be impossible if the Masai committed these crimes within the town. There are however certain areas in which the Masai cannot engage. Grave offences such as murder are for example not the domain of the group. If a murder is committed, they cannot (and do not want to) pass any judgement. Neither do they use their internal mechanisms of conflict resolution if one of their members has committed a grave offence such as murder, but leave the case to the police. Security as a public good within Bwera town is therefore negotiated and provided both by the state institutions and the Masai. Each actor has its responsibilities. These responsibilities are informal, but are nevertheless very clear for both sides: whereas the Masai are the most important actor for 'minor' criminal offences, grave cases are left to the governmental security agencies. The Masai are therefore similar to what Lund (Lund 2006a, 2006b) calls 'twilight institutions', defying clear-cut state/society public/private distinctions, institutions which are not part of government, which are not even considered legal – yet which exercise major public authority functions. This is particularly the case in the field of security and justice, where the Masai have 'certain forms of institutionalization and formalization of the exercise of authority alluding to state, law and the bureaucracy, encoded in official language and often exercised with the paraphernalia of modern statehood' (Lund 2006a: 679). The regulation of violence within the public space of Bwera town can therefore be seen as a 'functional oligopoly', with a 'fluctuating number of partly competing, partly cooperating actors of violence of different quality. In this context, ruling is based on a mixture of real repression and permanent readiness to negotiate' (Mehler 2004: 2).

The second main point of the article concerns the criminal character of the organisation, which needs some further consideration. As argued in the introduction, the micro-politics of vigilance involves protecting members of the community within its boundaries and taking action against any threats to it. The Masai certainly do this. The protected 'community' is not only Bwera town, where they are considered a community police force by the inhabitants, but also the 'community' of cross-border traders, where they undertake similar actions to protect the property rights of smugglers. However, when analysing the Masai's overall activities, one can only conclude that they are primarily a criminal organisation: they threaten 'their' community, in particular the cross-border traders, whom they force to work with them. The main explanation as to why they do not commit similar acts against the Bwera population can be explained in

terms of the 'figuration' in which they are embedded in town: as they are perceived to be 'illegal' (or rather illegitimate) drug users, they put a lot of effort in countering this image by tackling crime within and outside the organisation. This was particularly the case during the ADF insurgency, when there was a higher degree of urban criminality, and they filled a popular need for anti-crime measures. This community policing role, together with their important political function, in turn allows them to continue their illegal activities. Their vigilance activities can therefore be seen as an instrument of self-preservation, which gives them the necessary support of the local population and politicians: by remaining 'embedded' in this figuration, they protect themselves. Political protection, above all else, enables them to continue their activities. In sum, the specific 'figurations' within Bwera town empower certain groups in society and prevent the eruption of political chaos, but allow organised crime to continue, with regard both to smuggling activities and to general criminality outside the town.

NOTES

1. Field research was conducted from March to June 2005, September to December 2006 and in October 2008. This was carried out through a combination of observation and semi-structured and open interviews. The research focused not only on the Masai, but also on other key actors in the town and district such as the district and urban authorities, local politicians, security agencies, traders, elders, national politicians, family members and neighbours of the Masai, and so on.

2. For an analysis of the negotiation of public order in a situation of war (in eastern Congo) see Vlassenroot & Raeymaekers 2004a, 2004b; Raeymaekers 2007.

3. Timothy Raeymaekers suggested this point. He uses the term figurations to analyse order in situations where tensions exist between various regions and institutions which want to establish domination over society; and in particular to analyse the 'transboundary figurations' of a group of Congolese traders (Raeymaekers 2007).

4. This was a major difficulty throughout the field research. For example, at times he would forbid me and my research assistant to continue with our research, physically threatening us. This was particularly the case when he (and other members) had consumed too much drugs (marijuana, miraa, alcohol, fuel fumes, and so on). After a few days, he cooled down, which made contact with him and the Masai possible again.

5. For example, during the period of fieldwork, a younger Masai who refused to get *banja* (cannabis) for an older Masai was severely beaten.

6. The majority of non-consumers do not seem aware of the difference between cannabis and miraa.

7. This is beyond their negotiation skills.

8. This movement arose as a result of the marginalisation of Muslims in post-colonial Uganda, and in particular during the period following the overthrow of Amin (1979), when Muslims were actively persecuted. It soon became a key political pressure group, both within the Ugandan Muslim community (against 'intellectual dishonesty') and the Ugandan political landscape, where it became an opposition political movement acting against the marginalisation of Muslims. In 1991, the Ugandan Supreme Court ruled in favour of the Uganda Muslim Supreme Council, a rival Muslim group. This led to a radicalisation of the movement, which from then on saw the institution of an Islamic state as the only possible protection against the marginalisation of Muslims and state interference in their affairs (Simba-Kayunga 1994). The violent struggle between the Uganda Muslim Supreme Council and the Tabliq movement saw a number of senior Tabliq members put into prison. After their release in 1993, they fled to western Uganda, where they started organising themselves militarily. This led to

the formal constitution of the ADF. An attack by the Ugandan army forced them to flee to Bunia, eastern Congo, where they attracted remnants of the National Army for the Liberation of Uganda (NALU) and the Rwenzururu movement (Titeca & Vlassenroot in prep).

9. One particularly notorious attack was in June 1998 on Kicwamba Technical Institute in Kabarole district, in which about 80 students were killed and 200 civilians (mostly children) were abducted (Achieng 1999 in Hovil & Werker 2005: 13).

10. Official figures for Kasese District from document provided by Secretary for Disaster Preparedness on 22.11.2006.

11. A fear confirmed by the reactivated presence of the ADF from the second half of 2006 onwards.

12. An astonishing 63 % of the land of Kasese district (or 1,834·73 km^2) is occupied by government projects (national parks, refugee settlements, government farms), leaving only 37 % of the land for the population to settle (OPM 2001). In combination with the very high population pressure of Kasese district (a fertility rate of 7·4 %, doubling the population every 23 to 25 years, whereas the national average is about 33 to 35 years), this makes the situation 'potentially explosive' (*ibid.*: 11).

13. Carrier (2007: 225) uses a similar argument with regard to Kenyan miraa farmers and traders, who are 'keen to counter such a bad press, fighting against the notion that Miraa is not respectable'.

14. The Masai are the only group in town with an elaborate organisational structure. This effective structure is a *sine qua non* for the Masai to continue their illicit activities: it allows them to control their members and fight the popular notion that they are a group of 'thugs' and 'drug addicts'. Other groups do not have this need, as their activities are not perceived as illicit.

15. For solving issues of theft, minor payments are expected. Depending on the case and the financial situation of the person, they receive between UGX 5,000 and 25,000 (US $3.1–15.3). Sometimes they punish the thief themselves, but if the case is too serious (for example murder) or if the thief is resisting too much, they take him to the police.

16. The Masai tribunal is also preferred to the LCI court, which is quite exceptional in Uganda; see Baker 2004.

17. Kate Meagher suggested this point.

18. A similar tactic can be seen for large-scale smugglers in north-western Uganda, who push out small-scale smugglers who choose not to pay for their protection services of business, by making sure their goods are confiscated (Titeca in prep.).

19. Masai leader Jamali 2006 int.

20. As Lund (2006a: 679) argues: 'In excluding the "bad boys" from our analytical lens, we develop "tunnel vision" and lose perspective. The unruly, the un-civil and the ones who are capricious and hard to nail down are just as significant in local politics as more angelic organizations. Moreover, such groups are generally more recalcitrant, vociferous and outright flamboyant than benign voluntary associations patronized by benevolent donors, and they lead us to identify tensions in society.'

21. Concretely, when too many people are seen hanging around the Synagogi, the sub-county council orders the police to arrest them because they are considered a security threat.

REFERENCES

Achieng, J. 1999. 'Rebels acquire better training and weaponry', Interpress Third World News Agency, 27.12.1999.

Anderson, D. 2002. 'Vigilantes, violence and the politics of public order in Kenya', *African Affairs* 101, 405: 531–55.

Anderson, D., S. Beckerleg, D. Hailu & A. Klein. 2007. *The Khat Controversy: stimulating the debate on drugs*. Oxford: Berg.

Baker, B. 2002a. 'When the Bakassi Boys came: eastern Nigeria confronts vigilantism', *Journal of Contemporary African Studies* 20, 2: 223–44.

Baker, B. 2002b. 'Living with non-state policing in South Africa: the issues and dilemmas', *Journal of Modern African Studies* 40, 1: 29–53.

Baker, B. 2004. 'Popular justice and policing from bush war to democracy: Uganda 1981–2004', *International Journal of the Sociology of Law* 32: 333–48.

Beckerleg, S. 2006. 'What harm? Kenyan and Ugandan perspectives on khat', *African Affairs* 104, 419: 219–41.

Buur, L. 2006. 'Reordering society: vigilantism and expressions of sovereignty in Port Elizabeth's townships', *Development and Change* 37, 4: 735–57.

Carrier, N. 2007. *Kenyan Khat: the social life of a stimulant*. Leiden: Brill.
Comaroff, J. L. & J. Comaroff. 2000. 'Introduction', in J. L. Comaroff & J. Comaroff, eds. *Civil Society and the Political Imagination in Africa: critical perspectives*. Chicago, IL: University of Chicago Press, 1–43.
Ekeh, P. 2002. 'A review of HRW's and Cleen's report *The Bakassi Boys: the legitimization of murder and torture*', available at: <http://www.africaresource.com>, accessed 18.12.2006.
Elias, N. 1987. *Involvement and Detachment*. Oxford: Basil Blackwell.
Gambetta, D. 1993. *The Sicilian Mafia: the business of private protection*. Cambridge, MA: Harvard University Press.
Heald, S. 1986. 'Mafias in Africa: the rise of drinking companies and vigilante groups in Bugisu, Uganda', *Africa* 56, 4: 446–67.
Heald, S. 2005. 'State, law and vigilantism in northern Tanzania', *African Affairs* 105, 419: 265–83.
Hovil, L. & E. Werker. 2005. 'Portrait of a failed rebellion: an account of rational, sub-optimal violence in western Uganda', *Rationality and Society* 17, 1: 5–34.
Johnson, D. & A. Tegera. 2007. 'Rules for sale: formal and informal cross-border trade in eastern DRC', a Pole Institute report, Goma.
Kagwanja, P. 2003. 'Facing Mount Kenya or facing Mecca? The Mungiki, ethnic violence and the politics of the Moi succession in Kenya, 1987–2002', *African Affairs* 102, 406: 25–49.
Kagwanja, P. 2006. 'Power to Uhuru: youth identity and generational politics in Kenya's 2002 elections', *African Affairs* 105, 418: 51–75.
Lecoutere, E. & K. Titeca. 2007. 'The Opec boys and the political economy of smuggling in northern Uganda', Households in Conflict Network working paper 36.
Lund, C. 2006a. 'Twilight institutions: an introduction', *Development and Change* 37, 4: 673–84.
Lund, C. 2006b. 'Twilight institutions: public authority and local politics in Africa', *Development and Change* 37, 4: 685–705.
Meagher, K. 2007. 'Hijacking civil society: the inside story of the Bakassi Boys vigilante group of south-eastern Nigeria', *Journal of Modern African Studies* 45, 1: 89–115.
Mehler, A. 2004. 'Oligipolies of violence in Africa south of the Sahara', discussion paper, Institute of African Affairs, Hamburg.
Mutongi, K. 2006. 'Thugs or entrepreneurs? Perceptions of matutu operators in Nairobi, 1970 to the present', *Africa* 76, 4: 549–68.
Nina, D. 2001. '*Dirty Harry* is back: vigilantism in South Africa – the (re)emergence of "good" and "bad" community', available at: <www.iss.co.za>.
Office of the Prime Minister (OPM). National Task Force of Kasese – NATAF. 2001. 'Draft project document: Kasese District Community Resettlement Programme October 2001. Unpublished.
Pratten, D. 2006. 'The politics of vigilance in southeastern Nigeria', *Development and Change* 37, 4: 707–34.
Raeymaekers, T. 2007. 'The power of protection: governance and transborder trade on the Congo-Ugandan frontier', PhD thesis in Political and Social Sciences, University of Ghent.
Reno, W. 2002. 'The politics of insurgency in collapsing states', *Development and Change* 33, 5: 837–58.
Ruteere, M. & M. Pommerolle. 2003. 'Democratizing security or decentralizing repression? The ambiguities of community policing in Kenya', *African Affairs* 102, 409: 587–604.
Simba-Kayunga, S. 1994. 'Islamic fundamentalism in Uganda: the Tabligh Youth Movement', in M. Mamdani & J. Oloka-Onyango, eds. *Uganda: studies in living conditions, popular movements and constitutionalism*. Kampala: JEP, 31–63.
Skaperdas, S. 2001. 'The political economy of organized crime: providing protection when the state does not', *Economics of Governance* 2: 173–202.
Smith, D. J. 2004. 'The Bakassi Boys: vigilantism, violence and political imagination in Nigeria', *Current Anthropology* 19, 3: 429–58.
Tilly, C. 1990. *Coercion, Capital, and European States, AD 990–1990*. Cambridge: Blackwell.
Titeca, K. 2006. 'Les OPEC boys en Ouganda, trafiquants de pétrole et acteurs politiques', *Politique Africaine* 103: 143–59.
Titeca, K. in prep. 'Tycoons and contrabands: cross-border contraband trade between north-western Uganda, north-eastern Congo and southern Sudan'.
Titeca, K. & T. Vervisch. 2008. 'The dynamics of social capital and community associations in Uganda: linking capital and its consequences', *World Development* 36, 11: 2205–22.
Titeca, K. & K. Vlassenroot. in prep. 'Armed insurgency in the Ruwenzori borderland: the cases of NALU and ADF'.
Varese, F. 2001. *The Russian Mafia: private protection in a new market economy*. Oxford University Press.

Vlassenroot, K. & T. Raeymaekers. 2004a. *Conflict and Social Transformation in Eastern DR Congo*. Gent: Academia Press.
Vlassenroot, K. & T. Raeymaekers 2004b. 'The politics of rebellion and intervention in Ituri: the emergence of a new political complex?' *African Affairs* 103, 412: 385–412.
Wamue, G. 2001. 'Revisiting our indigenous shrines through Mungiki', *African Affairs* 100, 400: 453–67.

Interviews

District security officer, Kasese town, Kasese, 15.10.2006, 21.11.2006.
Leading Masai member, Bwera, Kasese, 14.10.2008.
Local government official, Bwera, Kasese, 26.11.2006.
Local politician, Bwera, Kasese, 8.11.2006, 28.11.2006.
Local security officer, Bwera, Kasese, 16.11.2006.
Local trader 1, Bwera, Kasese, 27.05.2005.
Local trader 2, Bwera, Kasese, 9.10.2006, 3.11.2006.
Masai leader Jamali, Bwera, Kasese, 15.11.2006, 18.11.2006.
Masai member 1, Bwera, Kasese, 3.9.2006.
Masai member 2, Bwera, Kasese, 21.10.2006.
Masai member 3, Bwera, Kasese, 2.11.2006.
Motorcycle taxi driver, Bwera, Kasese, 23.10.2006.
Officer in charge (OC), town police station, Bwera, Kasese, 28.11.2006.
Police officer, Bwera, Kasese, 26.11.2006.
Police security officer, Bwera, Kasese, 19.11.2006.
Senior security officer, Bwera, Kasese, 10.09.2006.