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Challenges of  
Security Sector Governance  
in West Africa

Geneva Centre for the  
Democratic Control of Armed Forces  
(DCAF)

LIT

Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin (Eds.)

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# Foreword

As West Africa gradually recovers from the consequences of more than a decade of civil conflicts in Liberia, Sierra Leone and Côte d'Ivoire, ECOWAS has continued to place emphasis on peace consolidation and the prevention of conflict. In this regard, we have been repositioning ourselves to manage this dispensation more effectively by improving our early warning and mediation capabilities. To this end, we are closely examining the relationships between the internal factors that provoke violence and ECOWAS response mechanisms.

The ECOWAS Conflict Prevention Framework (ECPF), which was adopted in January 2008, is a systematic response to this new regional environment. The overall aim of the ECPF is to strengthen the human security architecture of West Africa. Its immediate purpose is to create space within the ECOWAS system and in Member-States for interaction and collaboration within the sub-region and with external partners to push conflict prevention and peacebuilding up the political agenda of Member-States. That way, we hope to generate multi-actor and multidimensional action to defuse or eliminate potential and real threats to human security in a predictable and institutional manner.

Within this context, I find *Challenges of Security Sector Governance in West Africa*, edited by Alan Bryden, Boubacar N'Diaye and Funmi Olonisakin, timely and relevant indeed. The focus of this book on the state of security sector governance in each ECOWAS Member-State provides a useful background and analytical framework that can support the implementation of the ECPF, which has security as one of its key components. The elements of security in the ECPF take into account security sector governance in its broadest sense including, security sector reform, disarmament, demobilisation and reintegration and targeted interventions to protect the vulnerable. Like the ECPF, *Challenges of Security Sector Governance in West Africa* begins from the premise that guaranteeing the security of the people is a prerequisite for sustainable human development.

*Challenges of Security Sector Governance in West Africa* provides a useful mapping of the achievements and areas of improvement in security governance processes in the sub-region, and also provides entry points for nationally driven security sector reform processes. The book's comprehensive coverage of the varied contexts within which security sector governance occurs, whether in post conflict environments or other



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transitional settings, and its examination of the degree of the reforms taking place, are a very important starting point for our collective efforts to consolidate peace and strengthen conflict prevention mechanisms in West Africa. The book is a major contribution to our regional integration efforts and I strongly recommend it to both researchers and practitioners engaged in peace and security.

Dr. Mohamed Ibn Chambas

President  
ECOWAS Commission

# Preface

This study is the first comprehensive, in-depth analysis looking at security sector governance in and across all the states of West Africa. It presents an overall picture of the dynamic, complex, and multifaceted evolution of the security sector architecture in the sub-region. The various case studies reflect the diversity, the steps forward as well as back and the frequent convulsions each of these states has – *uniquely* – experienced when it comes to the intersection of security sector governance with domestic political developments and emerging regional and international norms.

Our aim is to help move an emerging discourse on security sector reform (SSR) and governance in Africa from the level of principles to effective implementation. The various contributors examine in practice how the security sector is governed in 16 West African states. In so doing, they assess the extent to which the principles of security sector governance that emerged over the last few years have been applied in reality in a regional setting, where historically many states and regime-centred security organizations have been unable to provide a secure environment in which development can occur. By conducting a study of each national context, deeper insight is provided on the degree and substance of reform across state institutions and in the security sector in particular. Emphasis is placed on how the security sector is configured, assessing issues of operational efficiency, civil management and oversight of this most sensitive area of public policy. The democratic governance focus is critical. In African states, as in other contexts where attempts are being made to reform or transform the security sector, it is evident that more efficient, well-managed security forces will not prove a positive force for sustainable peace and development unless embedded within a framework of democratic oversight and control.

Although the focus of this volume is largely on analyses of specific national contexts, local, national and regional processes are mutually reinforcing. The volume therefore considers the overall state of security and governance in West Africa, identifying catalysts and entry points for change at all levels of governance. It then addresses the degree of capacity building that must take place in order to enhance professionalism, infrastructure and expertise. It underlines that the process of ensuring democratic control of security institutions requires a broadening of the constituency of actors in the

process of SSR and governance, to include non-statutory security forces and a range of civil society actors.

It would not have been possible to successfully complete this volume, particularly in light of the scope of the work and the challenges of drawing good analysis from some of the more obscure parts of the West African sub-region, without the invaluable support of a number of people. In particular, we would like to thank Karen Löhner, Jonas Hagmann and Fairlie Jensen for research assistance at various stages of a lengthy editing process. Jason Powers and Aviva Proville lent excellent technical and copyediting support while Sroda Bedarida-Gaveh and Alain Faupin proved adept at translation from French to English and vice versa. Adedeji Ebo, Heiner Hänggi, Robin Luckham and Robin Edward Poulton gave generously of their time and unparalleled expertise in providing incisive comments and inputs on earlier drafts of the manuscript. Veit D. Hopf of LIT Verlag again guided us through the publication process with much patience and encouragement. But our thanks go in particular to the country study contributors through whom we have learned a huge amount. It has been a privilege to work with people so committed to telling the often difficult and sensitive stories of the security sector and its governance in West Africa.

The views expressed in this volume are those of the authors alone and do not in any way represent the views of the institutions or their representatives involved in this project.

The Editors  
Geneva, June 2008

## Map of West Africa



*Cape Verde is an island nation located approximately 600km off the coast of Senegal in the Atlantic Ocean.*

In geopolitical terms West Africa comprises the sixteen states pictured above that make up the westernmost region of Africa. Fifteen of these states are members of the Economic Community of West African States (ECOWAS). The exception is Mauritania which although a founding member of ECOWAS elected to withdraw from the regional body in 2000. The region is composed of francophone, anglophone and lusophone states.



## List of Abbreviations

AFC	Armed Forces Council, Ghana
AFL	Armed Forces of Liberia, Liberia
AFRC	Armed Forces Revolutionary Council, Sierra Leone
ANP	<i>Assembleia Nacional Popular</i> , People's National Assembly, Guinea-Bissau
APC	All People's Congress, Sierra Leone
APRC	Alliance for Patriotic Reorientation and Construction, The Gambia
APSOG	Association of Private Security Organisations of Ghana, Ghana
AU	African Union, formerly Organisation of African Unity – OAU
BIN	Bureau of Immigration and Naturalisation, Liberia
BNI	Bureau for National Investigation, Ghana
CEPS	Customs and Excise Preventive Service, Ghana
CGG	Campaign for Good Governance, Sierra Leone
CNDP	<i>Conseil national de dialogue politique</i> , National Council on Political Dialogue, Niger
CNSP	<i>Conseil national de salut public</i> , National Council of Public Safety, Côte d'Ivoire
CPA	Comprehensive Peace Agreement, Liberia
CPLP	<i>Comunidade dos Países de Língua Portuguesa</i> , Community of Portuguese Language Countries, Cape Verde
CRN	<i>Conseil de la réconciliation nationale</i> , National Reconciliation Council, Niger
CSN	<i>Conseil du salut national</i> , Council on National Safety, Niger
DC	Defence Council, Sierra Leone
DDR	Disarmament, demobilisation and reintegration
DEA	Drug Enforcement Agency, Liberia
DfID	United Kingdom Department for International Development
DPKO	Department of Peacekeeping Operations, United Nations

ECOMOG	Economic Community of West African States Monitoring Group
ECOWAS	Economic Community of West African States
ERIES	ECOWAS Regional Information Exchange System
FAN	<i>Forces armées nigériennes</i> , Armed Forces of Niger, Niger
FANCI	<i>Forces armées nationales de Côte d'Ivoire</i> , National Armed Forces of Côte d'Ivoire, Côte d'Ivoire
FARP	<i>Forças Armadas Revolucionária do Povo</i> , People's Revolutionary Armed Forces, Guinea-Bissau
FLAM	<i>Front de libération des Africains de Mauritanie</i> , Forces for the Liberation of Africans of Mauritania, Mauritania
FNIS	<i>Forces d'intervention et de sécurité</i> , National Intervention and Security Forces, Niger
GERDDES	<i>Groupe d'études et de recherches sur la démocratie et le développement économique et social</i> , Study and Research Group on Democracy and Economic and Social Development
GNA	The Gambia National Army, The Gambia
GRC	Governance Reform Commission, Liberia
HACAME	<i>Haut Conseil des associations et mouvements étudiants</i> , High Council of Students' Associations and Movements, Togo
ICRC	International Committee of the Red Cross
MCP	Monrovia City Police, Liberia
MFDC	<i>Mouvement des forces démocratiques de Casamance</i> , Movement of Democratic Forces of Casamance, Senegal
MNS	Ministry of National Security, Liberia
MPD	<i>Movimento para a Democracia</i> , Movement for Democracy, Cape Verde
MRU	Mano River Union
NBI	National Bureau of Investigation, Liberia
NEPAD	New Partnership for Africa's Development
NFS	National Fire Service, Liberia
NIA	National Intelligence Agency, The Gambia
NSA	National Security Agency, Liberia
NSC	National Security Council
NTGL	National Transitional Government of Liberia, Liberia
ONS	Office of National Security, Sierra Leone

PAICV	<i>Partido Africano da Independência de Cabo Verde</i> , African Party for the Independence of Cape Verde, Cape Verde
PAIGC	<i>Partido Africano da Independência da Guiné e Cabo Verde</i> , African Party for the Independence of Guinea-Bissau and Cape Verde, Guinea-Bissau, Cape Verde
PDG	<i>Parti démocratique guinéen</i> , Democratic Party of Guinea, Guinea
PIP	Performance Improvement Programme, Ghana
PRDS	<i>Parti républicain démocratique et social</i> , Democratic and Social Republican Party, Mauritania
PSI	Pan-Sahel Initiative
PSOs	Private security organisations
RECAMP	<i>Programme de renforcement des capacités africaines pour le maintien de la paix</i> , Reinforcement of African Peacekeeping Capacities
RSLAF	Republic of Sierra Leone Armed Forces, Sierra Leone
SLP	Sierra Leone Police
SSG	Security sector governance
SSR	Security sector reform
SSS	Special Security Service, Liberia
ULIMO	United Liberation Movement for Democracy, Liberia
UNDP	United Nations Development Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
WAEMU	West African Economic and Monetary Union





# **PART I**

## **INTRODUCTION**



## Chapter 1

# Understanding the Challenges of Security Sector Governance in West Africa

*Alan Bryden, Boubacar N'Diaye and 'Funmi Olonisakin*

### **Introduction**

This volume's central goal is to map the state of security sector governance in West Africa. The region presents a singular combination of some of the poorest states in Africa with widespread security challenges in the form of recurring violent conflict and long-standing authoritarian regimes. For this reason, West African states were among the beneficiaries of an emerging development agenda, which starting in the late 1990s included security considerations for the first time. The phrase Security Sector Reform (SSR) emerged as part of an international agenda to promote sustainable peace and development in societies in transition from conflict or long-term authoritarian rule. Conflict and insecurity have stalled or derailed development efforts in various parts of the world. Africa has remained a target of such reform agendas through recognition that of countries that have undergone civil war in the past 30 years – the majority on the African continent – nearly half fall back into political violence within a few years of peace being achieved.<sup>1</sup> The argument for post-conflict reform of the security sector is therefore compelling. Yet absent of inter- or intra-state conflict, the number of frozen polities in the West African sub-region focused solely on safeguarding the regime in power, rather than offering security to its citizens, offers an equally compelling if qualitatively different argument for reform. Understanding how the security sector is governed in specific national contexts is an essential pre-condition for effective, sustainable SSR.

At the heart of the African insecurity story is a breakdown in governance systems due in large part to rule by patronage and the associated misuse of governmental instruments of coercion to entrench political and

social exclusion. At best, while maintaining a façade of viability and stability, this situation has created state repression of local populations under authoritarian regimes concerned, above all, with preserving the regime rather than ensuring security of the state and its citizens. At worst, it has led to the outbreak of armed conflict and humanitarian tragedy. An underlying argument is that only a fundamental shift in the way security is conceived and the pursuit of a governance agenda that puts citizens at the centre of security planning and provision can mould these states into stable and secure environments where development can thrive.

This introductory chapter considers the different political, economic and security-related framing conditions that shape security sector governance in different West African states. It then considers from a governance perspective the evolution of the SSR discourse before demonstrating the diversity of security sector governance challenges within the region, highlighted through short summaries of each country case study. The chapter concludes with an analysis of how developments in the policy field relate to the dilemmas of implementing SSR in highly specific contexts.

### **The West African Security Laboratory**

No longer able to rely on the great power allies that provided support on the basis of ideological leanings without reference to the internal conduct of the regimes in power, the shift in global power relations resulting from the end of the Cold War created a corresponding shift in the internal order of many African states. An unstoppable process had begun. Previously repressed groups found space to demand greater participation and representation in the socio-political order. For the first time since these states became independent, room was made for internal debate among previously repressed and excluded groups. Indeed, the challenge posed by states that remained fragile and chronically underdeveloped – despite massive external assistance – led in part to the search for new methods of fostering stability and development among Africa's development partners. As the conditionality for external support to African states shifted from ideology to good governance, it was also clear that the new approach could not immediately yield the desired results. A process of transition was inevitable.

The West African sub-region has suffered some of the worst effects of this transition from the old order. As external and internal pressure from donor countries and disgruntled citizens mounted, several states embarked on reform, manifested most visibly in regime change or multi-party elections

in Benin, Mali and Ghana. Other states were not so fortunate; in Liberia increasingly vocal and active opposition led to a rapid escalation of long-standing internal conflict, resulting in bitter civil war. In Sierra Leone, attempts at reform came a little too late as exiled opposition factions, buttressed by external assistance, launched incursions that plunged that state into a brutal war. Guinea-Bissau and Côte d'Ivoire would later experience an outbreak of armed conflict, the latter still to find lasting resolution.

Other states in West Africa have continued to experience varying degrees of internal conflict and violence as seen in the Casamance region of Senegal, Northern Ghana and Nigeria's Niger Delta. Nonetheless, different forms and levels of transition have occurred in all these countries since the end of the Cold War. No country has been left untouched: even in Togo and Mauritania, where recalcitrant leaders bitterly fought change, political systems were altered nevertheless. The death of Gnassingbe Eyadema, Togo's head of state for nearly 40 years, and the ousting of Mauritanian President Ould Taya in a bloodless military coup after 21 years in power are cases in point. In the latter country, a military junta ruled the country for less than two years and transferred power to a democratically elected president without conducting any SSR whatsoever. Togo is now ruled by Eyadema's son, who also left the security sector untouched. While there has not been regime change in Guinea, it has not been unaffected by developments in neighbouring Liberia and Sierra Leone or by the clamour for democratic governance in the sub-region as a whole. From the early 1990s it has had to bear a huge burden, harbouring refugees from Liberia and Sierra Leone, and to a lesser extent from Guinea-Bissau and the Casamance region of Senegal, constituting more than 10% of its population. Guinea's ailing president, Lansana Conté, succeeded in crushing recurring popular uprisings and mutinies, all symptoms of security governance deficits. He has been forced to make major concessions in order to salvage his regime. President Conté may well die in office before his succession is settled, undoubtedly opening an era of uncertainty in which the military could prove a decisive player. Recognising this possibility, in October 2005 President Conté retired a large number of mid-level officers considered most likely to harbour constitutionalist attitudes and democratic leanings. This move is itself likely to complicate a much-needed security sector overhaul.

One key observation from this experience is that attempts at transition from rigid, stifling authoritarian systems to a more transparent, participative governance framework conducive to sustainable development are not always smooth or peaceful. Nor is the process of transformation uniform across the region. Each state's transition is occurring within its own unique context and

at its own pace. The best-case scenario is peaceful transition, requiring a strengthening of state security institutions weakened by decades of poor governance alongside major transformation of attitudes and practices within such institutions and in society more broadly. At worst, transition will need to address the consequences of violent civil conflict as part of a comprehensive reconstruction effort.

The security environment in states where divisions have degenerated into civil war is often characterised by a range of factors which create further complexities in the aftermath of conflict. In addition to large-scale displacement of people and refugee movements, extreme insecurity is caused by the weakness of the formal, state-controlled armed forces and the devolution of power into the hands of paramilitary groups, warlords, ethnic militia, private security organisations etc. This is sometimes compounded by the massive trafficking, abduction and recruitment of children and young people for use in armed conflict. As Sierra Leone has shown and Liberia now suggests, although the challenges are extreme, such post-conflict environments have sometimes provided the best opportunities for comprehensive SSR in West Africa. This stands in contrast to those states which provide a semblance of stability but where opportunities are less likely given the unwillingness of the regimes in power to embark on such reforms.

Transition from post-conflict contexts to stable environments where sustainable development can occur requires a series of interrelated activities that transcend social, economic and security considerations. It is crucial to transform and strengthen state institutions in ways that will allow for the creation of an honest, well-functioning state and a dynamic private sector. With respect to the security sector, the restoration of law and order is an immediate priority, normally including bringing the monopoly over the means of violence back to the state, and into the hands of formally recognised security establishments guided by a democratic leadership. The process of achieving this would entail a range of activities, including disarmament, demobilisation and reintegration (DDR) of various formal and informal security forces and groups, transformation in security governance arrangements and attention to rule-of-law issues such as transitional justice. Another factor that must be addressed in such a security framework is the widespread proliferation of small arms and light weapons. But these issues can only be addressed if the state, civil society and international actors work in harmony.<sup>2</sup>

## **Addressing Governance Deficits through Security Sector Reform**

Since the 1990s, security sector governance has become increasingly prominent on national and international policy agendas.<sup>3</sup> This evolution has been driven by the understanding that an unreformed security sector represents a decisive obstacle to the promotion of sustainable development, democracy and peace. The shift from government to governance – the fragmentation of political authority among public and private actors – has generally been modest in the area of security. However, governance challenges in the security domain, from the ramifications of globalisation to the need to engage non-state actors – civil society as well as armed groups – have encouraged this trend.

If democratic governance of the security sector defines the goal, then SSR represents the primary tool for moving towards this objective. SSR is meant to address a dysfunctional security sector by reducing security deficits (lack of security or even the provision of insecurity) as well as democratic deficits (lack of oversight over the security sector). Although different understandings of SSR can be found among interested stakeholders, a definition has emerged in the last few years which is sufficiently supple to accommodate a range of governance actors as well as a broad spectrum of activities that shape the way in which the security sector is governed. This provides for a holistic approach by integrating partial reforms such as defence and police reform, which had previously been conducted as separate efforts, as well as by linking measures aimed at increasing efficiency and effectiveness with concerns of democratic governance. Given the scope and complexity of the concept, this spans a wide range of actors and activities – from dialogue and policy advice to technical support and financial assistance.

This volume is situated within a conceptual framework and definition of the security sector which has gained increasing acceptance among analysts, and which remains relevant to the African security reform and governance discourse.<sup>4</sup> Following this approach, the security sector is generally divided into five main groups of actors:

- **Organisations legally mandated to use force:** armed forces, police, gendarmeries and other paramilitary forces, coast guards, territorial border guards, reserve or local security units (civil defence forces, national guards, presidential guards, official militias), military and civilian intelligence services, customs and other uniformed bodies such as secret services.



- **Justice and law-enforcement organisations:** judiciary, correctional services, criminal investigation and prosecution services, and customary and traditional justice bodies.
- **Civil management and oversight bodies:** president/prime minister; national security advisory bodies; legislatures and legislative committees; ministries of defence, internal affairs, justice, foreign affairs; office of the president/prime minister; financial management bodies (ministries of finance, budget offices, auditor's general offices); relevant regional/provincial and local authorities, including customary and traditional authorities; and statutory civil society organisations such as human rights ombudsmen, police commissions, public complaints commissions.

In addition to those public sector actors who are mandated to use force to protect the state and its citizens and the relevant civil management and oversight bodies, a number of actors directly or indirectly influence the content and implementation of security policy in Africa. They fall into two main groups: non-statutory security organisations and non-statutory civil society bodies.

- **Non-statutory security organisations:** liberation armies; guerrilla armies; traditional militias; political party militias; self-defence organisations, including those based on regional, ethnic or religious affiliations; and private security companies.
- **Non-statutory civil society bodies:** professional organisations, including trade unions; research/policy analysis organisations; advocacy organisations; the media; religious organisations; membership organisations; other non-governmental organisations; and the concerned public.

In many African contexts Max Weber's vision of the state holding a monopoly on the legitimate means of coercive violence has never existed and states have historically been unable or unwilling to provide security to their citizens. 'Governance' rather than 'government' more accurately captures the dynamics of security and insecurity on the African continent. A holistic understanding of the security sector is therefore significant because of its breadth, embracing actors above and below the level of the state. It allows for the mobilisation of all branches of government – the executive, legislature and judiciary – and for the participation of non-state actors, particularly civil society, as the ultimate beneficiaries of a process of reform

or transformation. All of these actors reinforce the three intrinsically linked pillars of transformation: professionalism and operational effectiveness, sound management, and accountability as well as democratic oversight of the security sector.

SSR processes have varied widely from case to case and there is a lively debate as to whether reform or transformation should be the overarching goal. For some analysts, 'reform' suggests a gradual approach that may, for example, provide an apt description of the promotion of democratic civil-military relations – strongly supported by membership incentives to the European Union and NATO – experienced by states in post-communist Central and Eastern Europe. But such an approach may not sufficiently address underlying institutional flaws that entrench old patterns of abuse and insecurity in Africa. Reference can be made to the many past instances of cosmetic reforms in African security sectors where newly kitted soldiers return only to terrorise civilian populations. 'Transformation', on the other hand, encompasses a far-reaching change and commitment on the part of governments to systematically align the activities of security organisations with principles of democratic governance. Strong arguments have been made for emphasis on a transformative SSR agenda in much of Africa, where a culture of good governance has been consistently lacking and elites have persistently replicated bad practice. African analysts and activists have therefore argued for security sector transformation rather than reform as part of Africa's process of democratic change.<sup>5</sup> Such a process must seek to make two distinct sets of changes. One is aimed at improving the often difficult relations between government, civil society and the security establishment. The other is aimed at a complete overhaul of security organisations in terms of their structures, institutional cultures and relations with civil authority.

The security sector reform agenda in Africa did not come ready packaged. Since the late 1990s, the SSR debate has gone through three main stages. At first, the notion merely reflected the interest of Africa's Western partners to see drastic reductions in defence expenditure in favour of increased spending on economic development and in social sectors such as health and education. In an attempt to ensure this, development partners set a ceiling of not more than 4% of national budget for defence. This phase was also characterised by limited attention to setting such reforms within an overall framework of democratic governance.

This phase was then followed by one in which greater concern was expressed about governance deficits, leading to increased donor pressures for transparency and accountability, and resulting in the tying of external aid to democracy and good governance. Despite the pressure for improved

governance however, there was still reluctance on the part of donor governments to devote or extend development assistance to the reform of the security apparatus as part of the process of improving governance conditions in recipient states.

All of this coincided with openings and opportunities for greater engagement with African states emerging from long-term authoritarian rule, such as Ghana, South Africa and Nigeria. In search of home-grown solutions to the crisis of legitimacy suffered by the security establishment in these post-authoritarian states, including a desire to repair much damaged civil-military relations, a network of African analysts, in collaboration with committed Africanists, embarked on a process of experience sharing. From 1999, they launched a series of cross-country dialogues inspired by South Africa's comprehensive process of transformation, which included a major defence review programme. The series of dialogues in Nigeria, Ghana and South Africa brought together analysts and practitioners, including parliamentarians, key office holders and reformers within the security establishments of these countries. The lessons and experiences shared among these countries provided the basis for a number of initiatives as well as a process of knowledge building on security sector governance among African analysts. The publication of the first handbook on security sector governance, which contained the active input of practitioners from across four African sub-regions, resulted in part from this process.<sup>6</sup> Furthermore, the network of analysts and practitioners from these exchanges formed the bedrock of the African Security Sector Network (ASSN), which is now one of the main sources of knowledge transfer on security sector governance in Africa and has made a significant contribution to the global debate on SSR.

The SSR debate moved to another phase in which greater emphasis has been laid on defining African security within the human security paradigm. The human security agenda places individuals rather than the state (or regime) at the heart of security considerations. This approach recognises that the threats faced by African states and their citizens are also regional or transnational in nature. In this regard, analysts proposed a *peacebuilding approach to human security* as the most practical way to pursue a rigorous security sector governance agenda.<sup>7</sup> In addition to the traditional functions of maintenance of law and order and protection of the state's territorial integrity, the security sector is therefore expected to participate in regional defence and contribute to peace operations. SSR is therefore seen as part of an all-encompassing process of transformation in governance, described below.

In terms of norms and standards, the Economic Community of West African States (ECOWAS), in a major attitudinal shift, since the 1990s has insisted on the intrinsic relationship between security and political good governance.<sup>8</sup> This stance has been promoted through the adoption of a number of binding instruments relating to peace, security and development that provide an important framework for SSR efforts at the national level. Key extracts from these documents are contained in Annex A to this volume. The most elaborate ECOWAS instrument in terms of its explicit linkage of peace, security and good governance is the 2001 Dakar Protocol on Democracy and Good Governance supplementing the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security initially adopted in 1999. The protocol lays out the prerequisites for peace and security in some 50 articles covering such headline issues as the role of the armed and security forces in a democracy, elections, rule of law, human rights and good governance, emphasising the need for appropriately trained, non-partisan, apolitical, autonomous and subordinated military and security forces. Most recently, the ECOWAS Conflict Prevention Framework (ECPF), discussed in the Foreword to this volume, provides an important regional mechanism to promote conflict prevention and peacebuilding at local, national, regional and international levels.

The SSR concept continues to undergo an elaborate evolution. The European Union has developed new policy frameworks for SSR and with the European Advisory and Assistance Mission to the Democratic Republic of Congo (EUSEC RD Congo) launched its first bespoke SSR mission. Bilateral donors are following the lead of the United Kingdom and improving co-ordination through developing ‘whole of government’ approaches to SSR, which seek to align the contributions of the ‘3 Ds’: diplomacy, development and defence. Political consensus-building on the need for more integrated approaches to SSR has been furthered by Slovakia’s initiative as a non-permanent Security Council member to launch a debate on the United Nations’ role in post-conflict SSR. This process culminated in an open debate in the Security Council on 20 February 2007 on the United Nations’ role in supporting post-conflict SSR.<sup>9</sup> The call emanating from the Security Council debate for the Secretary-General to prepare a report on UN approaches to SSR is itself resulting in valuable lessons learned for the UN system.<sup>10</sup> Furthermore, a November 2007 follow-up meeting in Cape Town provided an African perspective on international support for SSR.<sup>11</sup> Emphasising African perspectives and needs in this way

can only make a positive contribution to the development of the United Nations' SSR policy and programming.

### **Challenges of Security Sector Governance in West Africa**

West Africa provides a challenging laboratory for security sector governance concerns. Indeed, the development of the SSR agenda among Western security and development actors was encouraged by a sense of weariness at the channelling of financial aid into a seemingly bottomless African pit with no obvious impact on underlying chronic insecurity. Sierra Leone became the most prominent 'guinea pig' in a UK-driven effort to transform the country's entire security apparatus. Ghana and Nigeria were recipients of assistance from the United Kingdom and the latter from the United States through several schemes which were intended more as support for re-professionalisation of the military establishment. Liberia's SSR process is now largely US-driven, with private security firms – first DynCorp (from 2004 to 2007) and PAE (from 2007), overseeing the rebuilding of Liberia's armed forces and the United Nations assisting with the training of a new police force. On a smaller scale, Guinea has also been a beneficiary of US assistance for the re-professionalisation of its armed forces.

What is evident through citing these examples is the Anglo-Saxon backdrop to the SSR concept and its application. This has several overt and underlying causes and consequences. Although a nascent policy debate is underway, France is only beginning to consider the SSR concept and its emphasis on democratic governance for its external policies. This has obvious consequences in terms of the kind of support offered in the security sphere to its former colonies in West Africa.<sup>12</sup> Secondly, the Anglo-Saxon roots of the SSR discourse means that penetration into other linguistic areas has been difficult and the security sectors of francophone West African states remain opaque entities. And finally, experience in developing this research project has cast into relief the reluctance in many francophone countries to look critically at security and its provision by the state. Overcoming such actual or perceived divides should be at the heart of efforts to address regional security challenges that know neither linguistic nor geographical boundaries.

It should be added, however, that the anglophone dominance of the SSR discourse in West Africa does not mean that the other linguistic and 'cultural' areas of the sub-region have not contributed to its development. In this regard, Mali is an instructive case. As Nouhoum Sangare's contribution

to this volume shows, the overthrow of the authoritarian regime of General Moussa Traore, and the role played by the armed and security forces both before and after the coup, led to a salutary experiment that merits further analysis. During and after the transition to civilian democratic rule, entirely collaborative efforts between the military and newly democratically elected members of parliament, civil society groups and other interested parties arrived at a remarkable consensus that significantly altered civil-military relations and the very conception of the security sector in Mali's post-authoritarian political system and society. Following a symbolic yet substantively significant 'request for forgiveness' for past abuses (in particular for the bloody intervention against unarmed demonstrators in the waning days of the former regime), all of these stakeholder groups reached a consensus on 'what the armed forces should *not* do or be'. The necessity for reform in the armed and security forces in order to reflect the democratic evolution taking place in the country since 1991 became a guiding principle of the efforts. By any measure, the outcome was encouraging, even remarkable, and all the more so as no prominent role was played by outside actors. To be sure, Mali's experience is certainly not reflective of the general evolution of francophone West Africa. Even in Mali there still is much progress to be made and stubborn legacies of the old regime to be overcome, not to mention the lack of state capacities. Nevertheless, Mali's case is noteworthy because it belies the assumptions of SSR as an entirely anglophone affair and thus deserves to be more prominent in any discussion of SSR at a regional level. As to lusophone countries, the absence of an SSR discourse is evident for Guinea-Bissau while Cape Verde, although escaping that extreme level of dysfunction, has not really engaged in SSR. However, beyond West Africa, Mozambique offers yet another example of remarkable reform efforts in the aftermath of a devastating civil war. Mozambique's record so far suggests that with the proper approach SSR can indeed take root in lusophone states.

Attempts to improve governance of the security sector in Africa face a number of formidable challenges, many of which are analysed in this book. SSR efforts will require a sub-regional focus given the cross-border nature of the security threats faced by these countries and the regional role that professional armed forces are increasingly required to play. ECOWAS has already shown some commitment to taking a regional view of its security concerns while developing a regional framework for addressing the sub-region's security concerns. The 2003 Declaration on a Sub-Regional Approach to Peace and Security issued by the West African Heads of State and Government is significant in its emphasis on a regional approach to

peace and security and a rejection of force as a means to pursue or maintain power.

There is clearly a case to be made for a transformation of the way the security sector is governed in West Africa. States are in various stages of transition and while some should offer opportunities for a process of reform others provide little or no room for such developments. In order to highlight the range and diversity of security sector governance challenges – and consequently openings for SSR – a brief summary of key issues raised in the various country chapters is set out below.

### *Benin*

Alao and Loko chronicle the evolution of Benin, arguably the state with the most troubled civil-military relations in all of West Africa. They highlight their enduring legacies, both in the attitudes of civilian and military elites, in the populace, and in post-1990 institutions and practices. They also examine the numerous malfunctions and challenges flowing from these legacies even after the trend-setting and remarkable transition to democracy – a consequence of which is that reform of the security sector has not been a priority issue – and make practical recommendations for addressing them.

### *Burkina Faso*

In this chapter Yarga and Ouedraogo present a thorough, critical overview of the numerous governing texts that set the composition, structure, functioning and missions of the security sector in Burkina Faso, a country whose central location in the sub-region predisposes it to play a major role in security matters. Rising criminality is identified as a major challenge and serious financial and human handicaps stand in the way of needed reforms. But the key impediment to reform is an absence of political will to implement serious or sustained reform efforts.

### *Cape Verde*

Handem's study of Cape Verde presents the security sector of one of the few countries of the sub-region without a legacy of military rule or widespread human rights abuse. Consequently, although there is indeed room for improving its governance and increasingly involving civil society and other stakeholders in governance of the security sector, the major challenge to the country's security apparatus is mostly how to deal more effectively with

increasing transnational criminality to which Cape Verde's island status has been both its protection but also a source of vulnerability.

#### *Côte d'Ivoire*

Ouattara methodically presents the evolution of Côte d'Ivoire's security sector, highlighting the role of France and the flawed policies conducted by the various post-independence governments in the management of the security sector. These culminated in the 1999 coup and the subsequent collapse of the country, resulting in a precarious stalemate between a divided and dangerously repressive security sector. In describing the stakeholders in the country's current situation, Ouattara also identifies the main challenges – a legacy of ethnic, regional, religious, political manipulation, coupled with ineffective DDR – standing in the way of a durable solution to Côte d'Ivoire's ongoing security crisis.

#### *The Gambia*

Saine depicts regime insecurity – driven by both international and domestic pressures – as a catalyst for internal repression and a realignment of security alliances that has caused friction with The Gambia's more powerful neighbour, Senegal. Economic decline and a dysfunctional security sector have combined to undermine the security of the Gambian state and its citizens. The role of the military, in particular its support for the regime in power, further complicates a deepening political, economic and social crisis.

#### *Ghana*

Hutchful describes the apparently remarkable progress made in Ghana in terms of reversing several decades of militarisation and political instability, and embarking on sustainable democratisation. Yet while the quality of security sector governance has improved, the prevailing mechanisms remain fragile and reform of the security sector does not seem to be a priority. This reflects a gap that must be addressed between formal institution building and the need to transform informal power relations within the country.

#### *Guinea*

N'Diaye observes that in Guinea, the misuse and abuse of the security sector has been a long-standing feature of the country, starting with the



authoritarian regime of President Sékou Touré. Even after a multi-party democracy was instituted (on paper) following the military regime, the executive has continued to monopolise the security sector with disastrous consequences. As a major succession crisis simmers, the security sector reflects the country's deep ethnic and regional divisions, the tight grip of the ailing President Conté and much uncertainty, making a much needed transformation very doubtful before a change in regime.

#### *Guinea-Bissau*

Guinea-Bissau's independence was won through force of arms and its post-independence political trajectory has also been marked by violence – including three coups d'état – with the military retaining a strong role in the management of the state. An 18-month transition period following the most recent coup in September 2003 culminated in the successful holding of elections. But as Handem describes, much needs to be done if a transformation is to be achieved in the relationship of the military to the state and its governance.

#### *Liberia*

Liberia has been engaged in protracted wars which led to state and societal collapse and undermined the rule of law. The signing of the Comprehensive Peace Agreement (CPA) on 18 August 2003 and the subsequent peaceful elections have provided an opportunity to address these problems. However much work is required to overcome a lack of public confidence as a result of decades in which the security sector served as an instrument of oppression. Jaye notes that reforming the security sector is therefore a critical element of Liberia's post-conflict reconstruction because of its direct influence on failed governance and state collapse.

#### *Mali*

Through a detailed critical description of the security sector's constitutional and legal underpinnings, architecture and functioning, Nouhoum Sangaré presents one of the most touted efforts at security sector transformation in the sub-region. He suggests that, in spite of a real political will and resulting strides to distance itself from troublesome civil-military relations and a record of human rights abuse, Mali still faces and must overcome serious structural, capacity- and governance-related challenges if it is to fulfil the

promises of pioneering policies that significantly democratised its security sector.

### *Mauritania*

The chapter on Mauritania describes a singularly opaque security sector designed and managed to perpetuate a repressive political order that lasted over two decades. The 3 August 2005 coup was a logical outcome of flaws in security sector governance and, in many ways, validated the authors' pessimistic assessment of how the authoritarian regime of Ould Taya (mis)managed the security sector. At the same time, the coup constitutes an opportunity to overhaul the relations between the security sector and the political system in Mauritania and bring about 'justice and democracy' as the military junta has promised. It certainly offers a unique opportunity for reform. The country's first democratic presidential elections since independence, held in March 2007 and given a green light by international observers, represent an important step forward. However, it remains to be seen whether the political will exists to address deeply embedded divisions in the political leadership, the security sector and society by engaging in root-and-branch reform of the security sector.

### *Niger*

Boubacar Issa Abdourhamane situates the governance of the security sector in Niger in the context of the good governance of the state as a whole. He highlights the fact that the thorough politicisation of the military – as well as paramilitary bodies and police – since the 1974 coup, recurrent armed rebellions in the country and various sub-regional security challenges combined to make Niger's security sector particularly opaque, ineffective and in dire need of re-professionalisation and genuine democratisation. This is all the more urgent because of increasing insecurity – based on domestic, sub-regional and transnational threats – which the political system and society of Niger is ill-equipped to address.

### *Nigeria*

Nigeria, with a long history of military intervention in politics, has taken steps to reverse this trend as demonstrated by President Obasanjo's removal of political officers who showed a lack of respect for the civil authorities. Nigeria has also embarked on several re-professionalisation programmes for

the military, largely with external support. However, Fayemi and Olonisakin assess that opportunities for transformation are absent given that sustained political support for reform is lacking, oversight institutions are weak and a vigorous civil society lacks a genuine voice in attempting to effect change.

### *Senegal*

Senegal stands as one of only two states in the sub-region to have never been ruled by the military. While this may not be due entirely to the quality of its civil-military relations since independence, Saidou Nourou Tall argues that the governance of its security sector owes a lot to its pluralist political culture and the prudent approaches to civil-military relations and practices of its successive democratically elected leaders. After describing the constitutional and legal stipulations undergirding the security sector and its major components and features, Tall presents some of the major challenges the sector faces: unwarranted secrecy, proliferation of privately held arms, banditry, sub-regional security concerns etc, concluding that the prospects for improved security sector governance in Senegal are rather positive.

### *Sierra Leone*

Sierra Leone was one of the first countries in sub-Saharan Africa to embrace democratic governance. However, the politicisation, ethnicisation and consequent operational weakening of the security forces by different political leaders profoundly degraded civil-military relations. This proved to be a key enabling factor in the rebellion that led to civil war in the early 1990s. Strongly supported by the international community, Al-Hassan Kondeh describes Sierra Leone's post-conflict security challenge to rebuild institutions and ensure effective democratic, civilian oversight of the security sector. But most important, after years of conflict and suffering, is the imperative to rebuild trust between citizens, elected authorities and the security sector itself.

### *Togo*

Comi M. Toulabor's critical description of Togo's security set-up and practices reveals one of the most dysfunctional security sectors in the sub-region. From 1967 when the army, its cornerstone, took over the country for good, the late General Gnassingbe Eyadema built an elaborate security system based on ethnic and political manipulation of the military to sustain

his personalised regime and employed policies of unrestrained repression and exclusion of civil society. The legacy of more than 40 years of these practices has been particularly deleterious. Toulabor offers four scenarios for a much-needed overhaul of an omnipresent security apparatus although chances remain remote with the succession of the late president's son in elections whose probity was questioned by many observers.

### **Operationalising the West African Security Sector Reform Agenda**

Despite efforts to engage in SSR in Africa, the concept remains largely in the realm of principles. Key issues discussed in this volume which are uncontested in policy terms ('local ownership' of SSR being a case in point) have proved difficult to implement in practice where SSR has been externally supported and driven, leading to accusations that 'local ownership is much more a rhetorical device than a guide for implementers'.<sup>13</sup> Moreover, SSR remains contested on a number of levels. Not all Western development partners support the holistic understanding of SSR set out above, while many developing states regard such activities as a Western or Anglo-Saxon construct, intended as a Trojan horse for alien values and approaches. Bridging such gaps – including a conspicuous knowledge gap with respect to francophone West Africa – is key to the promotion of a sustainable SSR agenda based on principles of good governance.

The better known cases that provide lessons drawn from experience in Africa are still relatively few and critical analysis is often lacking. South Africa is held up as an example of root-and-branch reform from within, including of the security sector, without the need for significant external assistance. However it is questionable where else in Africa the particular political framing conditions of post-Apartheid South Africa, coupled with the country's strong resource base, could combine to make such a process replicable. More realistic is a model of nationally driven SSR supported by one or more external actors. In West Africa, Sierra Leone has become a poster child for timely military assistance followed by a strong commitment to SSR as part of a broader reconstruction effort. Yet, as discussed in Chapter 16, even with the support of a dedicated external actor (the United Kingdom) at the forefront of developments in SSR, problems of ownership, sustainability and suitability of assistance to the local context have become apparent.

It is difficult to draw generalised conclusions on the state of security sector governance in Africa even though there are valuable lessons emerging

from each given context. Apart from limited application of the principles of SSR, there is a dearth of knowledge on the configuration of the security sector and how its governance is practiced in specific national contexts. The literature remains scanty although it continues to emerge. The West African sub-region has been examined either as part of broader general studies on SSR or with a focus on particular countries.<sup>14</sup> There is as yet no systematic and in-depth analysis of the current state of security governance across countries in the West African sub-region. Better understanding of national contexts can therefore only enhance understanding of how to deliver more meaningful support in states that are amenable to reform. At the very least, deeper knowledge of national contexts will allow for better testing and refinement of the SSR concept and afford greater understanding of sub-regional challenges.

Reasons for this low level of knowledge and implementation on the African terrain are not difficult to discern. The debate on SSR has been taking place largely among donors and a limited number of experts while SSR-related activities in Africa have been largely supply-driven. A limited knowledge base of the security sector in Africa and a history of disenfranchisement of local actors and stakeholders, reinforcing the security sector's conception as *la grande muette* – particularly in francophone Africa – have further contributed to reducing the space for local ownership of reform processes. As such, much is left to the goodwill of leaders, their inner circle and their external support base. African participation in the dialogue on SSR has been confined to a relatively small group of policy analysts and academics. This gap is being addressed in part by the emergence of the ASSN, intended to harmonise the activities of African organisations working in the field of SSR.<sup>15</sup>

Among the recent studies relevant to SSR in Africa, two deserve particular mention given their focus on bridging gaps between policy and practice.<sup>16</sup> One is a handbook on *Security Sector Governance in Africa*.<sup>17</sup> It is the first comprehensive guidebook outlining critical processes and institutional relations that must exist if sub-Saharan African countries are to achieve sound governance of the security sector. While this publication no doubt makes a significant addition to knowledge on SSR in Africa and can potentially serve as a useful training guide, it remains in the realm of principles and good practice. The second is the Organisation for Economic Co-operation and Development – Development Assistance Committee *Handbook on Security System Reform*<sup>18</sup> developed to help bridge an acknowledged gap between SSR policy formulation and its implementation in the field by translating SSR guidelines into more operational guidance for

practitioners. Leading donor countries, the United Nations, as well as a number of SSR policy specialists and practitioners have contributed to the development of this handbook which provides guidance on how to assess, design, support, monitor and evaluate SSR programmes. Although aimed at the donor community, the handbook will have significant implications for how West African states are supported in their SSR efforts by external actors. It also provides a tool that can and should be used by African stakeholders to hold donors accountable in practice to the good practices that they espouse in policy terms, offering a potentially valuable way to address concerns over the external imposition of SSR.<sup>19</sup>

These studies provide valuable first steps in the effort to evolve good practices of security sector governance in Africa. However, this volume adds value in three major ways. First, it reviews and documents in one source the state of security sector governance in each West African state.<sup>20</sup> Through case studies of each country, carried out by experienced scholars and practitioners, it provides a detailed picture of the security sector in all 16 West African countries that is grounded in their local contexts and offers new insights into the state of governance of their security establishments. Second, it takes a sub-regional view of SSR in order to understand the challenges faced within a regional context. Finally, it provides a bottom-up perspective, drawing insights from the experience of a wide range of experts writing on states with whose history, culture and politics they are intimately familiar. This will hopefully lend clarity to the specific contexts for SSR in West Africa and therefore help to shape entry points for efforts to promote SSR at regional and national levels.

## **Conclusion**

The opportunity for reform hardly exists in at least a third of the states in West Africa, creating potential setbacks for any SSR initiatives at sub-regional level. Some of the few attempts at SSR at the national level have not been internally driven but rather pushed by external supporters. In such cases, there is limited will by the political leadership to embark on a comprehensive process of reform. Participatory processes are rare and, consequently, collective ownership of reform is largely absent. These considerations do not paint a rosy picture for the development of legitimate, participative and sustainable reform processes across West Africa.

Mapping the state of security sector governance in West Africa is necessary in order to identify entry points for change and the contributions to

this volume will contribute to such a picture. By shining a light on the terrain in which reforms are occurring or being proposed in West Africa, this volume highlights some of the practical challenges that confront those seeking to apply the evolving principles of SSR in the sub-region. And by so doing, the SSR discourse will move a step further from abstraction towards effective implementation. The country case studies provide many positive as well as negative examples at local, national, regional and international levels. In the end, the message that can be drawn from these very different national cases is that a transformation in the character and culture of security sector establishments will not occur unless some of the challenges discussed in this volume are seriously addressed by stakeholders at all levels of governance.

## Notes

- <sup>1</sup> Paul Collier and Anke Hoeffler, "The Challenge of Reducing the Global Incidence of Civil War," *Copenhagen Consensus Challenge Paper*, 26 March 2004, [http://www.copenhagensensus.com/Files/Filer/CC/Papers/Conflicts\\_230404.pdf](http://www.copenhagensensus.com/Files/Filer/CC/Papers/Conflicts_230404.pdf).
- <sup>2</sup> For an analysis of the range of security governance-related issues that must be addressed by post-conflict societies and the international community see: Alan Bryden and Heiner Hänggi, eds., *Security Governance in Post-Conflict Peacebuilding* (Munster: Lit Verlag, 2005).
- <sup>3</sup> On the interrelated concepts of security governance, security sector governance and SSR, see: Heiner Hänggi, "Making Sense of Security Sector Governance," in *Challenges of Security Sector Governance*, eds. H. Hänggi and T. Winkler (Munster: Lit Verlag, 2003), 3-22.
- <sup>4</sup> The description of the security sector and the security community here is taken entirely from the definitions provided in Nicole Ball and Kayode Fayemi, eds., *Security Sector Governance in Africa: A Handbook* (Lagos: Centre for Democracy and Development, 2004). The same description is also contained in the UNDP Human Development Report, 2002, p. 87, <http://hdr.undp.org/en/media/complete.pdf>.
- <sup>5</sup> South African analysts and practitioners in particular have argued for transformation rather than reform. See: Rocky Williams, "Human Security and the Transformation of the South African National Security Environment from 1990-2004: Challenges and Limitations," *Journal of Security Sector Management* 3, no. 2 (March 2005).
- <sup>6</sup> Ball and Fayemi, eds., *Security Sector Governance in Africa*.
- <sup>7</sup> *Ibid.*, 3.
- <sup>8</sup> Mohamed Ibn Chambas, "Foreword," in *West Africa's Security Challenges: Building Peace in a Troubled Region*, eds. A. Adebajo and I. Rashid (Boulder: Lynne Rienner, 2004), xiii.

- <sup>9</sup> United Nations Security Council, 5632nd Meeting, “The Maintenance of International Peace and Security: Role of the Security Council in Supporting Security Sector Reform,” S/PV.5632.
- <sup>10</sup> United Nations Security Council, Report of the Secretary General, *Securing peace and development: The role of the United Nations in supporting security sector reform*, 62<sup>nd</sup> session of General Assembly, Report no: A/62/659-S/2008/39, 23 January 2008, 1-19: <http://daccessdds.un.org/doc/UNDOC/GEN/N08/216/06/PDF/N0821606.pdf?OpenElement>.
- <sup>11</sup> United Nations General Assembly and United Nations Security Council, “Statement of the Co-Chairs of the International Workshop on Enhancing United Nations Support for Security Sector Reform in Africa: Towards an African Perspective,” Annex to *Letter dated 20 November 2007 from the Permanent Representatives of Slovakia and South Africa to the United Nations addressed to the Secretary-General*, 62<sup>nd</sup> Session of the General Assembly, Document no. A/62/554-S/2007/687, 29 November 2007.
- <sup>12</sup> See Boubacar N’Diaye, “Security à la française: The Security Sector Non-Transformation of Francophone African States” (Forthcoming, 2008).
- <sup>13</sup> Gordon Peake and Eric Scheye, “Unknotting Local Ownership,” in *After Intervention: Public Sector Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, eds., Anja Ebnöther and Philipp Fluri (PfP Consortium Working Group on SSR, 2005), 240.
- <sup>14</sup> See, for example, Comfort Ero, “Sierra Leone: The Legacies of Authoritarianism and Political Violence” in *Governing Insecurity*, eds, Gavin Cawthra and Robin Luckham, (London and New York: Zed Books, 2003), 232-253; and also in the same book, Kayode Fayemi, “Nigeria: Governing the Security Sector in a Democratising Polity,” 57-77; and Eboe Hutchful, “Pulling Back from the Brink: Ghana’s Experience,” 78-99. See also Abiodun Alao, “Security Sector Reform in Nigeria,” CSDG Occasional Paper, 2000; Comfort Ero, “Security Sector Reform in Sierra Leone,” CSDG Occasional Paper, 1999; Kayode Fayemi, “The Future of Demilitarisation and Stable Civil-military Relations in West Africa: Challenges and Prospects of Democratic Consolidation,” *African Journal of Political Science* 3, no. 1 (1998); and Eboe Hutchful, “Military Policy and Reform in Ghana,” *Journal of Modern African Studies* 35, no. 2 (1997).
- <sup>15</sup> See The African Security Sector Network, <http://www.africansecurity.org>.
- <sup>16</sup> Also worth mentioning is a study commissioned by the UK Department for International Development that reviews SSR programmes across Africa, provides a mapping of various programmes and activities and assesses their coherence, effectiveness and sustainability, while identifying lessons learned. Nicole Ball, Piet Bieshevuel, Tom Hamilton-Bailey and Funmi Olonisakin, “A Review of Security and Justice Sector Programming in Africa,” DFID Evaluation Working Paper, no. 23 (April 2007).
- <sup>17</sup> Ball et al., “Programming in Africa”.
- <sup>18</sup> OECD DAC, *Handbook on Security System Reform* (Paris: DAC Guidelines and Reference Series, 2007), OECD DAC, <http://www.oecd.org/dac/conflict/if-ssr>.
- <sup>19</sup> See Alan Bryden, “From Policy to Practice: the OECD’s Evolving Role in Security System Reform,” DCAF Policy Paper, no. 20 (November 2007).
- <sup>20</sup> Ongoing work by the OECD DAC examines SSR in West Africa as part of a broader focus by the OECD on donor approaches to SSR. One project attempts to collate the state of SSR across several regions: Africa, Asia, Latin America and the Caribbean. This



includes some 10 West African countries. But this study is not in wide circulation, nor was it intended for circulation beyond the donor countries that developed the study. Some of the results of the study have however been disseminated in different ways in limited fora.

## **PART II**

### **CASE STUDIES**



## Chapter 2

# Benin

*Sadikou Ayo Alao and Theodore Loko*

### **Introduction**

Benin, known in the past as Dahomey, is a former French colony, which attained international sovereignty on 1 August 1960. Modern Benin was created artificially by France from a group of heterogeneous kingdoms, often opposed to each other and which had not all attained the same level of political organisation and social advancement. These were autonomous kingdoms and communities comprising almost fifty ethnic groups with varying levels of development. It was therefore an entity in which all the autonomous communities had not yet merged into one national community. This was one of the major difficulties that faced the newly independent state in the 1960s. It had to rely on an elite whose training was initially limited due to lack of resources, and was made up in equal parts of religious and western-style education.<sup>1</sup> Even today, the question of ethno-cultural heterogeneity remains an important issue to be taken into account in any geo-strategic analysis of the country. In Benin, as in West Africa more broadly, the behaviour of individuals and institutions continues to be influenced by their belonging to a given socio-ethnic community.

The first president of Benin was Hubert K. Maga whose single party regime was overthrown by a military coup d'état in 1963. Between 1963 and 1972, the country experienced no less than six coups d'état, each leading to a change of government. The last of these was in 1972, when a monolithic Marxist-Leninist government was set up with President Mathieu Kérékou at its head.

The year 1963 marked a major turning point, with the armed forces intervening for the first time in national political life, following a pressing appeal by unions, in the face of the incapacity of the political class to properly discharge its duties. With this move, the military elite discovered and abrogated to itself a political vocation to regulate crises and manage public affairs. In 1972, a new incursion by the army into the political arena

brought an end to the regime of the triumviral presidential council.<sup>2</sup> The council was full of contradictions and had become bogged down under the repeated attacks of trade unions, labour organisations and youth movements. The military, which took power in 1972, established a new political environment and restored confidence within the population with the establishment of the revolutionary military government. However, the mismanagement of state enterprises, the manifold excesses and the serious abuses that took place in all sectors and at all levels rapidly undermined the national economy and state authority, thus creating enormous difficulties for the institutional system and revealing the limits of the monolithic principles on which it was founded.<sup>3</sup>

From 1972 to 1990, after the coup d'état had brought the revolutionary military government to power, a single party, the Peoples' Revolutionary Party of Benin, ruled the country with an iron fist. The period between 1972 and 1989 was marked by the military wielding political power with the assistance of intellectuals, the majority of whom were proponents of a Marxist-Leninist ideology. The result was total control of the economy by the state, with significant political and economic interventionism. The bankruptcy that followed caused a grave social and economic crisis that eventually forced the government to make concessions. The 1990 National Conference on the Vital Forces of the Nation enabled the return to democracy.

The new presidential regime that was set up with the constitution of 11 December 1990 established the separation of powers and public liberties, and enshrined the African Charter on Human and Peoples' Rights. The National Conference of the Vital Forces of the Nation gave rise to a democratic renaissance.

Benin thus became the first African country to move peacefully from a dictatorship to a full-scale multi-party system. The national conference not only resulted in the referendum by which the people of Benin adopted the 11 December 1990 constitution, it also made it possible to organise legislative and presidential elections. At the end of the conference, and in line with its decisions, a 'semi-presidential' regime was set up in Benin, with General Mathieu Kérékou as president and Nicéphore Soglo as prime minister of the transitional government. The latter, one of the main opponents of President Kérékou, won the presidential elections in 1991, while his supporters won the majority in the national assembly.

During the second parliamentary elections, which were held in March 1995, President Nicéphore Soglo's Renaissance Party of Benin lost its majority to an alliance of parties made up of Kérékou's supporters. The

success of this political alliance allowed President Mathieu Kérékou, who had retired from political life after the national conference, to win the two presidential elections which followed in 1996 and in 2001.<sup>4</sup>

President Kérékou has thus just carried out two successive mandates. Under the terms of article 42 of the constitution;

the President of the Republic is elected by direct universal suffrage for a term of office of five years, renewable once. Under no circumstances shall any individual hold more than two presidential mandates.

Accordingly, he did not stand in the 2006 presidential elections, which were won in March 2006 by Yayi Boni, a former head of the West African Development Bank.

In Benin, the advent of democracy had a considerable impact on institutional reforms. In particular, checks and balances were set up within some organs of government, the administration was decentralised to bring the public service closer to the population, and civil society bodies were able to build up their capacities. Other reforms are currently underway, although their scope has been considerably limited due to the difficulties imposed by the lack of financial resources.

Turning to the specific area of security sector reform, the keystone of texts governing the security sector in Benin is still Act n.90-032 of 11 December 1990, establishing the constitution of the Republic of Benin, although the different forces are each also covered by a specific text. The constitution sets out the principles governing the organisation, use and supervision of the armed forces, with infringements subject to the control and punishment of the supreme court and the constitutional court.

### **The Security Sector**

The organisation of the security sector in Benin is very complex. Despite the multiplicity of forces, the most important question in terms of governance is to determine how the forces are deployed and under what form of supervision. In addition to the sheer number of security forces on the ground, there is the added issue of the existence of multiple centres of command and numerous supervisory bodies. To this end, the best way to carry out a review of these forces and their command structure is to examine them from the point of view of their cardinal missions. Legally constituted security forces include the following corps:

- The armed forces of Benin;
- The national gendarmerie;
- The national police force;
- The customs service;
- The forest rangers;
- The fire brigade.

The armed forces are made up of the army, air force and navy. The gendarmerie, which is the main component of the security forces, has a headquarters in each region of the country, as well as brigades in all urban and rural districts. In rural areas, the gendarmerie carries out the various missions of the national police force. It plays the same role as the police by ensuring the safety of goods and persons in the countryside. The police force, for its part, is headed by a director-general and also encompasses several specialised, rapid-intervention groups including the crime squad and the *Compagnies Républicaines de Sécurité*, which have their headquarters in Cotonou, with units stationed in the regional capitals.

A number of private guard companies provide security services to individuals and to the private sector. Furthermore, as a result of decentralisation, the establishment of municipal police services at the commune level is expected in the very near future.

#### *Authorities with a Legal Mandate to Implement the National System of Security*

The National Conference of the Vital Forces of the Nation led to the establishment of a superior council of the republic to draft the constitution, adopted by referendum on 11 December 1990. The desire to safeguard the institutions of the state was reaffirmed in the wake of the national conference in February 1990. It was at that time that the decision was taken to reform the armed forces of Benin in order to reorient them towards their principal role of protecting national territorial integrity, as enshrined in the constitution. The president of the republic is the commander-in-chief of the armed forces, and in this capacity he appoints members of the higher council on defence, in the council of ministers and also chairs the meetings of this council, in accordance with article 62 of the constitution.

The national assembly has significant powers. In times of war, it may raise or call on the armed forces to defend the national territory. This institution also approves or amends any acts relating to new alliances and

military cooperation that Benin might envisage. The assembly has to approve any intervention of the armed forces outside the national territory. It includes a standing committee on national defence, and also deals specifically with issues relating to national security.

#### *General Organisation of the Armed Forces*

The army has a strength of 8,000 men.<sup>5</sup> To this can be added the 4,500-strong national gendarmerie, which assumes military functions in times of war. The air force consists of 800 men. Nevertheless troop strength appears embryonic and under-equipped.

The minister of national defence is in charge of implementing national defence policy, under the authority of the president. He is responsible for organising the armed forces and ensuring that they are in condition to be deployed. The minister also has responsibility for military cooperation with foreign countries and for providing the armed forces with the resources and infrastructure that they require. In carrying out these functions, the minister is assisted by the chief of general staff of the armed forces of Benin; the latter acts as military advisor to the government.

The chief of general staff provides the general command of the armed forces, with the assistance of the various force commanders and the directors of joint force units. He is also in charge of relations with foreign militaries. The military high command is made up of the chief of general staff, the deputy chief of general staff, force commanders and directors of joint force units.

The armed forces of Benin have acquired practical experience in a number of theatres of operation. Among these, one can cite:

- Defending territorial integrity in the dispute between Benin and Niger concerning the Lété islands in 1963;
- Protection of national territory against invasion by foreigners during the Biafran war in Nigeria (in this instance, much of the equipment mobilised was shown to be faulty);
- Peacekeeping missions with Economic Community of West African States (ECOWAS) and the United Nations blue helmets (Côte d'Ivoire, Democratic Republic of the Congo etc).<sup>6</sup>

These missions have raised issues of command and control for the Beninese components of the forces. The frequent interventions of the Beninese armed forces outside the country have also led to some anxiety on the part of the



country's leaders. They fear that soldiers will begin to compete for allowances, which have become highly coveted among the ranks. Moreover, the operational limitations of the army have been revealed in several instances as a result of its ineffective action, due in large extent to a lack of equipment.

#### *Public Security*

In exceptional circumstances, the armed forces, under the authority of the president of the republic, may be called in as back-up for the conventional public security forces, that is, the police and the gendarmerie. The subordination of the armed forces to civilian authority has always been guaranteed under the constitution. This has however not prevented the military from interfering in the democratic process as illustrated by the different military putsches of the 1960s and 1970s.

In the majority of cases where the armed forces have intervened to maintain security and order on national territory, some of the very citizens whose security they were supposed to protect have lost their lives. The most recent example of intervention by the armed forces in the country is when they were included in the context of the national commission's campaign to fight unregulated sales of petroleum products, during which civilian lives were lost.

#### *National Gendarmerie*

The gendarmerie is active throughout the country and is specifically in charge of security in the countryside and on communication routes. The gendarmerie has to carry out its peace-time missions of territorial surveillance, protection of the population, public security and civil defence with a total strength of 4,500. It also carries out the function of criminal investigation in rural areas, under the authority of the relevant judicial powers. The public security mission, for which it may sometimes be requisitioned, is placed under the supervision of both civilian and military authorities such as the mayor, regional prefects and the ministries of the interior and defence.

#### *National Police Force*

In principle, the police may intervene upon the request of any individual who requires their assistance or notes a need for such intervention. In practice,

however, violations of personal security are numerous in the town centres and are ample testament to the failings of the police force. With the implementation of decentralisation, it is expected that innovative measures will be taken in relation to local police services. There is a clear demand for the establishment of municipal police forces in the new communes. Since January 1999, the new 'mayors' at the communal level have responsibility for the security of goods and persons in their administrative districts. Although the new communes have limited areas of competence, they are nevertheless legal entities that enjoy a certain autonomy and thus are now preparing to set up municipal police services. It is however feared that the reform will not live up to expectations, given the size of the challenge and the modest nature of available resources.

During the revolutionary period, Benin had a highly effective local police organisation known as the militia. This organisation was however politically indoctrinated. The question that arises is thus whether the current municipal police reforms will mirror the development of the revolutionary militia. There is reason to suspect that this may be the case as it is well known that the former system was aimed at establishing political control of the authorities over the whole of the national territory, whereas the present wave of decentralisation seeks to bring governance to the community and thereby improve personal security in a wider sense. Already, there are some difficulties in transferring powers from the centre to decentralised local authorities, and it is not certain that the regulatory texts reorganising the police service in 1990 actually took into account the current concerns of decentralisation.

#### *Customs Service and Indirect Taxes*

The customs service is represented at posts along the borders of Benin. The customs service is in charge of defining the tax base and collecting duties and taxes for all goods that are imported, exported or transited through the national territory. It also ensures that all duties and taxes are paid into the public treasury. Customs officers monitor, protect and regulate the national economy, as well as enforcing public prohibitions on the import, export and transit of certain goods, as defined by the appropriate national authorities. Customs officers play a very important role in the economy of Benin because the national budget is based mainly on revenue from taxes. Furthermore, with the regional significance of the port of Cotonou, indiscretions in management within the customs service can lead to

difficulties at the highest levels of state. This hypersensitivity is compounded by a number of related trans-border issues.

In addition to the customs service, the police force and in particular the border police are responsible for coordinating security and surveillance activities relating to migratory movements along the terrestrial, maritime and aerial borders of the country. They also centralise and utilise the information and periodic statistics that come from the various border posts. Reforms are required that must cover not only the concept of duty, but must also tackle the issues of logistics and ethics. The need for reform has become even more obvious now, since the minister of finance and economics organised a retreat for senior officials of the finance ministry, to come up with recommendations which could contribute more significantly to implementing the government's programme of action.<sup>7</sup>

It must be noted that to improve the efficiency of the customs service, planned reforms will include the creation of automated procedures as well as an improved quality of communication with the public. Long-term actions relate to the progressive improvement of the public service, the establishment of control mechanisms at the port of Cotonou and along the borders, as well as punishment of officers whose behaviour is detrimental to the state. In parallel, a well defined framework of exemptions and rewards for deserving officers (citations, bonuses etc.) will be established.

#### *Private Security Companies*

Many private security companies have sprung up in the Republic of Benin, in particular over the last ten years. Approximately 50 licences have been awarded by the ministry of interior to private security companies. Not all of these companies complete their mission to the highest standards, but they are supervised by public security forces. Nevertheless private security companies have shown ample proof of their usefulness, and today even public organisations employ their services.

The private security sector is also regulated in Benin, with regulations established for watch and guard activities, as well as the protection of persons and goods by private persons.<sup>8</sup> It organises the supervision of the sector and sets out the scope of application and conditions for licensing, operation, recruitment and training. In order to carry out watch, guard and protection activities, or be the manager of a company carrying out such activities, an individual must be a native of Benin or have acquired Beninese nationality at least five years prior. Individuals who have been found guilty of dishonourable or immoral acts, or violating the security of persons and

goods, and have been sentenced, whether the sentence was suspended or not, are prohibited from exercising such functions. This prohibition also applies to non-discharged bankrupts and persons whose affairs are being administered under court supervision.

The public security department is the supervisory body in this sector. Since the public security sector itself requires an overhaul, the question arises as to whether it can be expected to clean up the private sector in the current state of affairs. Another difficulty is that private companies are expected to provide training to their own recruits. The risk is that budgets allocated to training activities will be minimised to the extreme and training thus botched if it is not monitored very closely.

The greatest challenge lies in the overall vision of public security as defined by the executive power, and the need to educate legislative authorities as well as civil society. In Benin, anything linked to public security is considered confidential. It is extremely difficult to have access to documents and due to lack of information businesses, organisations and individuals are not always able to assure protection of their rights.

## **Civilian Management and Control of the Security Sector**

### *The National Assembly*

The main prerogatives of the national assembly include the passing of laws, approving and amending the financial law, and approving the general state budget. As a result, the national assembly has several opportunities to exercise control over the security sector. When the general state budget is considered, the Beninese parliament has the faculty to amend the budget allocated to this sector downward or upward. It can redirect budget allocations towards another area that it considers of higher priority. In considering the general state budget, the national assembly can decide on the total amount to be allocated to the security sector.

The assembly may also exercise its control when bills are put forward that concern the security sector in general. In addition, it has other powers in the area of security. In particular, the assembly is required to adopt bills ratifying any agreements covering international alliances or the possibility of seeking international assistance in the case of an attack. Finally, any intervention of the armed forces of Benin outside the national territory requires the authorisation of the national assembly.

*Parliamentary Standing Committees*

The national assembly has a standing committee on security matters. This committee receives draft bills on security from the government and may also propose laws on security issues. The Beninese national assembly also has the possibility of setting up an ad hoc parliamentary commission at any moment to carry out an enquiry on the security sector, when events or issues compel it to do so. In some instances, such enquiries can lead to oral questions that are directly addressed to the authorities in the executive branch in charge of managing the sector. In other instances, a case may be brought before the constitutional court. Very often the aim is to have certain acts of the executive branch ruled constitutionally invalid.

In Benin, parliamentary control over the security sector is no different from other forms of control. Enquiries rarely obtain concrete results, and question time often becomes a spectacle. There is therefore a need for capacity-building activities in order to educate members of the national assembly about the importance of parliamentary control in this area. At the same time, the awareness of civil society needs to be raised in urban neighbourhoods and in villages. Seminars organised abroad where only one or two members can attend serve little purpose since the participants do not systematically report back on the proceedings. It is therefore more appropriate to have seminars with sustained follow-up in the country. In addition, such training could take the form of an exchange of experience with parliamentarians from other countries and regions to compare experience in this area.

*The Role of the Judiciary*

The constitutional court is the principal guardian of fundamental human rights and public liberties. It is the regulatory body that governs the functions and activities of public authorities. It is worthwhile mentioning that this very strategic institution within the Beninese democratic system has handed down a number of rulings concerning the functioning of some of the component bodies of the national security system. Although the constitutional court has competence over all decisions and actions by constitutionally established authorities, this review is limited to its control over the security agencies. Nevertheless, it has on numerous occasions ruled on the constitutional invalidity of government laws and decisions, and has thus protected the rights of citizens. The aforementioned rulings have been handed down

against the police and the gendarmerie for cases of maltreatment that were condemned by the constitutional court.

The police are also subject to various forms of judicial control. This control is exerted by judges in the administrative, civil and criminal courts. Cases involving misuse of power and demands for compensation for damage caused in the exercise of police power may be brought before the administrative magistrate. In cases of abuse of power, the outcome might be to have the illegal measure overturned. This can be quite satisfactory when it affects rules and regulations, but is somewhat ineffective if the measure in question is not permanent (for example, prohibiting the holding of a meeting).<sup>9</sup> In turn, the civil courts have general competence to hear cases of personal fault and acts of violence involving the police, where individual liability is at stake. Finally, criminal courts are competent to hear cases of arbitrary acts and offences committed by police officers (assault, intimidation, murder etc.).<sup>10</sup>

#### *Other Informal Means of Control*

Civil society could play a much more important educational role with regard to the security sector, as most people are not aware of their rights. Various civil society components, the media and local and international non-governmental organisations (NGOs) all in their own way exercise some form of control over the security sector.

Some local and international NGOs in Benin are working alongside the authorities on issues relating to the functioning of the national security system. These organisations very quickly recognised the strategic importance of this area for the democratic processes underway on the African continent. They also realised that a smoothly functioning security sector is of vital importance to the life of a nation. Consequently, where there are no measures in place to enable citizens to have some form of oversight over the security sector, it is necessary to ensure that the various components of civil society are present. In this way, this powerful instrument, which could easily become destructive and be used to undermine democracy, is not left in the hands of a single authority or institution. To cite one example, the annual Amnesty International human rights reports review the way in which the security system functions in each country. They publicly expose cases of violations of human rights by the different security forces and on this basis draw conclusions about the effectiveness or ineffectiveness of national security systems.

Oversight of the national security sector by NGOs also takes the form of training seminars that they organise for various components of the security sector. In addition, press releases that condemn the abuses and misconduct of different security units are a way of drawing the attention of the nation and the sector itself to the error of its ways. For example, the *Groupe d'Études et de Recherches sur la Démocratie et le Développement Economique et Social* (GERDDES) – *Afrique* set up an independent commission of enquiry to investigate the role played by various parties involved in the tragic events of 18 August 2004 in Porto-Novo where efforts by the state to clean up the oil industry provoked riots resulting in loss of life. This investigation made it possible to single out the weaknesses of the regulatory framework governing the oil sector and the shortcomings in its implementation. It also demonstrated the socio-economic inadequacies of the same sector. The results were published and forwarded to the authorities to serve as guidance for any future initiatives in this sector.

Civil society can be said to enjoy the support of the sub-regional institutions in its security initiatives. Thus, as part of the mechanism to control small arms and light weapons, the United Nations launched a five year Programme for Coordination and Assistance for Security and Development in March 1999. The objective of the programme is to provide technical assistance to ECOWAS in their efforts to instil a climate of peace and stability in the sub-region through their national commissions for the control of small arms and light weapons. With the exception of Liberia, all member states of ECOWAS have set up national small arms commissions. The national commission of Benin was established on 14 February 2003. Various coalitions are actively mobilising populations towards the implementation of the Moratorium on the Importation, Exportation, and Manufacture of Light Weapons, signed by the ECOWAS Heads of State and Government on 31 October 1998 for a three-year renewable period.

Media control over the security sector is limited to publishing articles, accounts and reports of enquiries. Some press organs and groups also organise debates that focus on the failings, shortcomings and lapses of the national security system, as well as its internecine crises. Both the oral and written press carry reports about events that involve state security, as well as the security of persons and goods. In this way, they draw the attention of the population to the various failures of the national security system.

### **Challenges of Security Sector Governance**

Notwithstanding the criticisms that may be levied against the actions of some security agents, it would be unfair to neglect to mention the difficulties facing the sector as a whole. To start with, the different public security units are sorely lacking the material and human resources needed to carry out their functions. It is therefore extremely difficult to ensure the surveillance of the national territory, in particular along the country's lengthy borders. The porosity of these borders tends to facilitate cross-border crime. Secondly, due to the lack of coordination, and the fact that many security agencies are not integrated, activities seem to be highly dispersed and give a general impression of disorder and opacity.

In order to discharge the numerous undeniably complex and weighty duties placed upon them, the various security bodies require well-trained, qualified human resources. Unfortunately however, not all of these bodies are capable of carrying out their missions. As a result, they sometimes infringe on human rights, as well as the standards enshrined in the constitution of the republic. Due to the inadequacies of security agents and their lack of training, there are many incidents of misuse of authority, arbitrary arrests and deplorable violations of the physical integrity of individuals. People are also held in custody for excessively long periods of time in blatant violation of the most fundamental rights of citizens. The cases that have sometimes been pinpointed by the constitutional court are only a few examples of the extent of such failings.

#### *Challenges to Good Governance*

Setting aside the issue of resolving the problems of material and human resources, the main challenge facing the national security sector relates to good governance. This requires efficient management, with the various duties of the sector being clearly defined, in order to allow them to be discharged. The sector must be freed of all political involvement. The national security system of Benin needs to return to its republican foundations. The system is plagued by generalised corruption at all levels, and it is not rare to find security agents on duty extorting money from unfortunate citizens under the pretence of so-called traffic controls. The excessive politicisation of the national security system is also a growing problem. Promotions and advancement have become political and only sometimes depend on merit, which may raise difficulties and in part explains the inefficiency of the system.



Where economic security is concerned, the rule of law is far from being a reality, since the judicial system itself is corrupt. The customs and tax services, which are in the front line in the economic sector, are particularly corrupt, with their officers openly enriching themselves in all impunity. Hardly any of the revenue collected is paid back to the state and the population. It is quite clear that in order to improve the situation of the security sector in Benin, there is a pressing need to reform the organisation and attributions of the sector as a whole.

The rules relating to the maintenance of public order should be improved to make them more transparent. At the same time, local authorities should be given the appropriate responsibilities in this area, with the ministry of interior significantly reducing its role, which tends to limit the exercise of public freedoms. In particular, the gendarmerie and the police force should enhance coordination of both their public security and investigative police functions. Municipal authorities should be more fully integrated in the chain of command.

The armed forces, the so-called 'Silent One', could improve their image with the general public by reinstating the practice of regular publications and by communicating more with the population. This would enable the armed forces to be informed of the expectations of the population, and would help dispel the image of a repressive internal force in times of peace. All this will however not be possible in the absence of a more enlightened executive that is prepared to move towards a more modern armed forces.

There is a need for greater parliamentary control over the security sector as a whole, beginning with the armed forces and the authorities of the numerous intelligence services, of which very little is known. They are rarely ever the subject of oral questions to the government. In order to compel the government to react against corruption and other economic crimes, the national assembly should upgrade the legislation to allow courts to take on cases themselves and permit civil society to initiate prosecutions. Regulatory texts concerning electoral spending and the financing of political activities should be amended to make them more stringent, and to allow for enhanced judicial control in this area. Many economic crimes, which contribute to worsening poverty, are linked to the desire to secure funds to seek political office, budgets for security matters protected as 'classified' are particularly given to such exploitation. The legislative power should provide resources for civil society organisations in order to enable them to set up permanent education and information programmes for the benefit of the security forces as part of the effort to enhance their management.

On 29 March 1990, the minister of interior, public security, and territorial administration held a meeting with all police commissioners. The working session focused on the role and future of the police force at a time of democratic renewal. During the meeting, the minister instructed police commissioners to reflect on the issue and come up with concrete proposals. The proposals concerned measures to be taken to make the police force an upright, effective and credible force. Two main proposals were put forward in order to achieve this result. The first, which was duly implemented, was to demilitarise the police force and reinstate its original structures. However, the most important factor was neglected, that is, human resources and the need to rearm the force morally.

In the area of moral rearmament and discipline, a general police inspectorate was established on 6 March 1991, and has supervisory powers over all active units, as well as the police training establishments. The inspectorate is charged with the task of carrying out investigations on active-duty administrative and technical staff of the police force. It also carries out administrative surveys and audits with a view to improving services, as well as any other mission linked to the functioning of the police force. The general inspectorate of police may carry out an investigation upon instruction by the director general of police, or by the judicial authorities. The inspectorate also intervenes when a police officer may be criminally liable, when there is a case brought by private individuals, or on its own initiative.

Civil society can play a very important role in this area, based on the positive experiences of Transparency International and the National Front for the Control of Corruption in Benin. There is however room for more outreach activities, and the inspectorate of police needs to be energised.

An essential reform would start by creating a national security council whose areas of competence and composite parts would be enhanced through sectoral sub-commissions. Applied research activities would consider solutions to the multiple security challenges facing the country. As well as civil servants concerned with security affairs, the national security council could include among its members parliamentarians, elements of civil society, university academics and other researchers.

In terms of regional integration, regional security structures would allow the harmonisation of security policies and an opportunity to share experiences. Enhanced and transparent regional integration in the security sector could contribute to better crime-fighting. There are stark contrasts among the countries of West Africa. Some states in the sub-region are resolutely set on the course of economic and democratic reforms. The sub-

region however remains extremely vulnerable. Some conflicts remain acute and child soldiers and mercenaries are still in service. Light weapons continue to circulate and there is rampant impunity for the perpetrators of human rights violations, in particular relating to violence against women. Rising youth unemployment, pervasive corruption, the rural exodus and certain demographic trends, in particular the uncontrolled expansion of major cities, undermine all prospects of increased growth per capita. HIV/AIDS and other communicable diseases continue to spread as in many countries. These challenges should be addressed through a combined approach including combating the proliferation of light weapons; harmonising programmes for disarmament, demobilisation, and reintegration (DDR), especially those involving women and children; seeking long-lasting solutions to the problems of refugees; promoting security sector reform, in particular relating to the means to tackle insecurity among individuals and communities; and defining integrated strategies to manage and control sensitive border areas.<sup>11</sup>

As far as political stability is concerned, the military will only cease to pose a threat when truly integrated armed forces have been set up, thus reflecting the move towards a collective security system in West Africa. Given its past achievements, this could be achieved through ECOWAS. At the same time, diplomacy must continue to work towards this goal. In this regard, within ECOWAS agreement of the 1999 Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security represents a significant step falling within the framework of Chapter VIII of the Charter of the United Nations, which refers to 'regional arrangements for the maintenance of international peace and security'.

Benin has also signed a number of cooperation agreements with neighbouring countries such as the 21 December 1977 convention on legal cooperation between the Peoples' Republic of Benin and the Republic of Ghana; the agreement on extradition, signed between the Republic of Benin, the Republic of Ghana, the Federal Republic of Nigeria and the Togolese Republic on 10 December 1984; the Memorandum of Understanding signed on 4 August 2003 between the Republic of Benin and the Federal Republic of Nigeria on cross-border matters, and in particular the fight against smuggling, cross-border crime, trafficking in human beings, drug-trafficking, harassment of officials and citizens, border management, illicit trade and illegal immigration. The same agreement also governs extradition.

## Conclusion

Although, in theory, Benin does possess a system of security capable of protecting its population against external aggression while fighting domestic crime, in fact the system needs to be extended into new sectors and modernised in order to truly fulfil its function. This implies far-reaching conceptual and organisational reform compatible with the security sector's modern ambitions, as well as the establishment of improved cooperation and integration in order to reduce waste, increase transparency and improve the image of the security sector as perceived by the population.

Decentralisation would serve to bring security closer to the average citizen. In order to achieve this, however, the timid decentralisation that has been started would have to be developed further and be welcomed by the population. For the moment, this is not the case. Despite the existence of some control bodies, the main dissatisfaction of the population is with the poor performance of the forces themselves. This is due to the following:

- They are poorly organised and lack the required material and human resources. When such resources exist, they are often misused and this practice is worsened by the absence of cohesion and visibility;
- Evident failures in addressing 'new' domains of security (environment, pollution, insecurity caused by energy and traffic etc.);
- The security forces serve the people less and less, and have become excessively politicised and corrupt. More effective civilian oversight and control of the security sector is therefore required;
- Ineffective punishments and sanctions. There is a need for more stringent surveillance and sanctions that are more binding than the decisions of the constitutional court, which limits itself to judging violations of the constitution. More systematic judicial sanctions in penal, civil and administrative cases should reinforce the effectiveness of the court;
- The system of promotions is not objective. A new system for granting regular promotions is required, so that advancement does not depend on the whim of superior officers.

The dilapidated state of the security system in Benin can be explained partly by widespread poverty, which only compounds the problem. Some of the required reforms have been identified and are being implemented, albeit very slowly. However, reform within the security sector will only be meaningful

if set within a broader framework of good governance. This calls for a greater focus on democratic oversight and accountability by the executive, legislative and by civil society as a whole.

## Notes

- <sup>1</sup> Maurice Glele, "L'évolution politique et constitutionnelle du Dahomey, de la colonisation à nos jours," in *Naissance d'un Etat noir* (Paris: Librairie Générale de Droit et de Jurisprudence, 1969), 30.
- <sup>2</sup> The presidential council, composed of the three leaders T. Ahomandégbé, S. Migan Apithy and H. Maga, was supposed to rotate leadership but would in fact last only two years.
- <sup>3</sup> "Message à la nation du chef de l'Etat," *La Nation*, 2 August 2005 (no. 3795), 11.
- <sup>4</sup> US Department of State Bureau of African Affairs, "Background Note: Benin," US Department of State, <http://www.state.gov/r/pa/ei/bgn/6761.htm>.
- <sup>5</sup> Drawn from the inter-ministerial working document entitled "Fondements, Principes et Objectifs," *La Politique de Défense du Bénin*.
- <sup>6</sup> Benin's contribution to UN peacekeeping operations began in 1985 but was interrupted by a military preference for domestic politics during the revolutionary period. After the National Conference of 1994, participation began again under the banner of international solidarity allowing Benin to accrue rich experience in terms of various missions and mandates with nearly 3,000 troops and gendarmes of every category, including liaison officers, officers of the general staff and observers, in more than a dozen operations across four continents (Europe, Africa, America and Asia).
- <sup>7</sup> See: "Lettre de mission du Directeur général des Douanes et des Droits indirects".
- <sup>8</sup> Decision no. 101/MISAT/DC/DGPN/DSP/SA, portant Réglementation des Activités de Surveillance, de Gardiennage et de Protection des Personnes et des Biens par des Entreprises privées.
- <sup>9</sup> Jean Rivero, *Droit administratif* (Paris: Dalloz, 1996), 396.
- <sup>10</sup> Rivero, 397.
- <sup>11</sup> United Nations Security Council, *Progress Report of the Secretary General on Ways to Combat Sub-regional and Cross-border Problems in West Africa*, Document No. S/2005/86, 11 February 2005.

## Chapter 3

# Burkina Faso

*Larba Yarga and Halidou Ouedraogo<sup>1</sup>*

### **Introduction**

Burkina Faso is a landlocked country which shares borders with the six countries that completely surround it: Ghana, Mali, Côte d'Ivoire, Togo, Niger, and Benin. As a result of its situation, Burkina Faso was for a long time the hub of trafficking in arms, drugs, precious stones, livestock and other goods, to and from these countries. In the 1990s it was also involved in ethnic conflict and the wars of plunder involving natural resources that took place in Liberia and Sierra Leone. Today, it still plays a role in Côte d'Ivoire and relations remain tense with a number of neighbouring countries.<sup>2</sup> It is quite clear therefore that Burkina Faso is a significant regional actor in security sector governance in the West African sub-region.

This study is based on a review of the legislative texts and regulatory documents such as decrees, decisions, and circulars that set out the principles and rules that govern the area under study. Nevertheless, these texts are not sufficient in themselves. For this reason, this chapter will assess their implementation in order to understand the effectiveness of security sector governance in Burkina Faso. This is followed by a systematic and critical analysis of material, political and security challenges. This analysis will therefore go beyond the various constitutional, legal and regulatory instruments that serve as the framework for security sector governance to include the actions and policies of the public authorities and other players in national life, notably civil society.

The Burkinabe environment should be considered from both historical and political perspectives. From the historical point of view, it is worth noting that because of its central, geo-strategic position, Upper Volta (which became Burkina Faso after the revolution in 1984) was an obvious choice for a French military base after independence. The second largest city of the country, Bobo-Dioulasso was selected as the site. However, following a dispute between the highest political authority in Upper Volta and the French

governor, it was subsequently decided not to set up a military base in the newly independent state. A debate in the French national assembly in December 1961 about the implications of this decision highlighted the strategic importance of Upper Volta in the sub-region. At the end of the parliamentary debate, the decision was made to set up the French military base in Port Bouet, Côte d'Ivoire.

From a political point of view, Burkina Faso is one of the countries that has witnessed a sustained series of military coups d'état alternating with constitutional political regimes. This demonstrates that the military has occupied a central position in the political development of the country ever since 3 January 1966, when General Sangoulé Lamizana carried out the very first coup following independence in 1960.

### **The Security Sector**

In Burkina Faso, the formal security apparatus is made up of all uniformed personnel and can be broken down into military and paramilitary forces. The term 'military forces' refers to the regular armed forces, made up of the army, air force and national gendarmerie. Paramilitary forces include the police, forest rangers, the customs service, the prisons service and the national fire brigade. The different corps are under the authority of different ministries. The armed forces and the gendarmerie fall under the ministry of defence, whereas the police are subordinate to the ministry of security. The customs service is under the ministry of economics and finance; forest rangers are under the ministry of the environment and living conditions; the prisons service falls under the ministry of justice; and the fire brigade is under the responsibility of the ministry of local government and decentralisation. Although the various components of the security apparatus are not openly in competition with each other, any successes in carrying out their missions are counted as illustrations of their effectiveness. It would appear that the success of one corps inspires the others to emulate them in order to be seen to do better.

A 2001 decree established a coordinating unit for internal security forces.<sup>3</sup> This unit is under the direct authority of the minister in charge of security, and its membership includes the permanent secretary of the ministry of security, the chief of staff of the national fire brigade, the chief of staff of the national gendarmerie, and the director general of the national police force. The coordinating unit is responsible for designing national security policy and monitoring and controlling its implementation. It is also

in charge of organising and coordinating the activities of law enforcement forces, both in their administrative and investigative functions. The unit oversees the activities of the armed forces (known as the third category forces) when they are requisitioned to protect institutions, persons and property. It also coordinates emergency prevention and assistance by the security forces as well as programming and harmonising the procurement of material and equipment generally used by the security forces in carrying out their missions of prevention and intervention to ensure public peace.

The objective of national defence 'shall be at all times and in all circumstances to ensure the security and integrity of the national territory against all forms of aggression, as well as to protect the lives of the population'.<sup>4</sup> The president of the republic and the government are in charge of the general management of national defence<sup>5</sup> which is enacted through three bodies: the Higher Council on National Defence, the National Defence Committee and the Ministerial Committee on Defence Intelligence (see Table 1).

Other ministers or personalities may sometimes be invited to participate in the meetings of these bodies, depending on their area of competence. The secretarial function for meetings of the three bodies is carried out by the secretary general for national defence, a position that is currently part of the prime minister's office, although it would seem more appropriate for the general secretariat for national defence to be a part of the president's office, because of the working link with the Higher Council on National Defence. In addition to the three bodies indicated above, the portfolio of the recently created minister of security should be added.

#### *Structure and Missions*

The regular armed forces are made up of three units: the army, the air force and the gendarmerie, each with its general staff. The armed forces are responsible for defending the national territory. The gendarmerie also contributes to this mission as part of the implementation of operational territorial defence. In other words, in times of peace the gendarmerie is in charge of gathering and processing intelligence, in addition to providing internal security. The police force, which also has the task of gathering and processing intelligence, is in charge of internal security and public peace. The police force is the first category force for maintaining public order. The gendarmerie is also involved in maintaining public order as the second category force. When the first and second category forces have already been deployed, if the situation so requires, the military, as the third category force,



may be called in. The budget of each of these security forces is included in the national budget and as such, it is submitted to the national assembly each year for approval as part of the government financial law, which is considered by the national assembly during its second ordinary session.

The criminal investigation department of the police, on the other hand, consists of men and women who carry out investigative missions and thus mainly assist the judicial power. The criminal investigation department is made up of members of the gendarmerie, the police force and public administrations, who are appointed by the government to this department. The group also includes people from other paramilitary forces. The police function forms an integral part of the security forces. Their designation depends on where they carry out their activities – in the urban areas it is the police, whereas in the rural areas, they may be the gendarmerie, forest rangers, sub-prefects, prefects, high commissioners or regional governors.

**Table 1: National Security Management Bodies.**

	<b>Higher Council on National Defence</b>	<b>National Defence Committee</b>	<b>Ministerial Committee on Defence Intelligence</b>
<b>Chair</b>	President of the republic	President of the republic	President of the republic
<b>Members</b>	President of the republic	President of the republic	
	Prime minister	Prime minister	Prime minister
	Ministers of defence, local government and decentralisation, economics, finance, foreign affairs	Minister of defence	Ministers of defence, local government and decentralisation, economics, finance, foreign affairs
		Chief of general staff, secretary-general for national defence, armed forces inspector-general, chiefs of staff of the army, air force and gendarmerie	

The role of these actors is to foster public order and the security of citizens. Problems currently facing the criminal investigations department relate to its functioning, material conditions of work and its capacity to ensure the security of citizens. In reality, although this police force is governed by a whole series of codes and a plethora of legal texts, their role in providing security to citizens is not very noticeable. The main reason is that financial resources are embezzled at the highest levels and the criminal investigations department is therefore unable to respond to the security situation when it requires their presence in the field. This is an illustration of the way in which declaratory laws and rights may not lead to any effective oversight in practical terms.

Where the armed forces are concerned, the law establishing the national military stipulates that its management 'shall be under the authority of the Head of State, who is the commander-in-chief of the armed forces'.<sup>6</sup> The minister of defence 'shall be responsible for ensuring the readiness of the military' with the assistance of the chief of staff and a general staff. Starting from 1960, all the constitutions of Burkina Faso have enshrined the fact that the head of state is the 'commander-in-chief' of the armed forces. The general staff is placed under the direct authority of the minister of defence and serves as the central command, coordination and training unit of the armed forces. As far as the police, customs, and forest rangers are concerned, these bodies are organised into general departments, regional departments, provincial departments, bureaux and services. The prisons service, on the other hand, is headed by a commander, who is under the authority of the director of penitentiary administration and social reintegration. This department is a part of the general secretariat of the ministry of justice. The national fire brigade is part of the corps of engineers and is a component of the national armed forces that is made available to the ministry of local government and decentralisation to be utilised in the area of civil security. The ministry of local government and decentralisation includes a general department of civil protection.

#### *Non-State Security Forces*

Regulations were passed recently to govern the activities of private security companies, which only began operations in the country starting from 1995. These companies provide guard services for private residences, the offices of international organisations, private companies etc. Such security companies have been rapidly increasing in number. All of these companies now hold the required licence and each employs approximately 800 people equipped

with very sophisticated weapons. Licensing notwithstanding, they are neither transparent nor accountable in their activities.

*Defence Agreements and Regional Integration of the Security Sector*

In the area of defence cooperation, Burkina Faso signed agreements with France immediately following independence. Some of these were revised in 1984, on the initiative of the revolutionary government of the late Thomas Sankara. Within the framework of the Economic Community of West African States (ECOWAS), an additional protocol to the 28 May 1975 treaty on non-aggression was signed on 22 April 1978 in Lagos, Nigeria. Another additional protocol, on mutual assistance in matters of defence, was signed in Freetown, Sierra Leone on 29 May 1981. Finally, on 21 December 2001 in Dakar, the Authority of Heads of State and Government adopted additional protocol A/SP1/12/01 on democracy and good governance. This was an additional protocol to the 10 December 1999 protocol on the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security,<sup>7</sup> signed in Lomé (see Annex A to this volume).

With the African Union, a Mediation, Conciliation, and Arbitration Commission was set up to oversee the settling of conflicts. The commission sat on a number of cases including the border dispute between Mali and the then Upper Volta in 1974-1975. It was at a later date, at the Twenty-ninth Assembly of Heads of State and Government of the Organisation of African Unity (OAU), held in Cairo, Egypt, from June 28-30, 1993 that the mechanism for conflict prevention, management and settlement was established. Since 9 July 2002, the Durban protocol, establishing the Peace and Security Council of the African Union, has introduced a new dimension, with the idea of 'a common defence policy for the Union' in line with article 4(d) of the Constitutive Act of the African Union. As a party to these sub-regional and regional agreements, Burkina Faso participates in multilateral peace missions, and also engages in military manoeuvres with other countries in the West African sub-region. These activities contribute to enhancing the operational capabilities of its security and armed forces.

## **Civilian Management and Control of the Security Sector**

### *Legal and Constitutional Framework*

The constitution of the fourth republic was adopted by referendum on 2 June 1991. The text sets up a flexible separation of powers between the executive, the legislative and the judicial branches of power. Security sector management is the responsibility of the executive branch, as stipulated in the texts organising the ministries in charge of defence, security and territorial administration. As part of its constitutional prerogatives, the national assembly is in charge of supervising government action. It may put written or oral questions to the government about topical issues, and these may or may not lead to debate. There have been examples of such questions during the various legislatures under the fourth republic, whenever grave security issues have arisen.

Rules governing the appointment of security sector authorities are set out first and foremost in the constitution. Under its terms the president of the republic shall appoint the chief of general staff of the armed forces, as well as the other heads of the civilian and military administration (article 55, para. 1). There is a law that stipulates the conditions under which the president may make these appointments, and which nominations are made within the council of ministers. With the exception of some specific cases, the ministers propose nominations to the various positions of responsibility for which a decree of the council of ministers is required for the appointment to take effect.

The national assembly is at liberty to set up parliamentary committees to investigate specific issues where such cases have not yet been brought before the courts. Parliamentary assistants are appointed to the various sub-committees and technical departments. The task of these parliamentary assistants is often to review very technical issues in order to provide clear information to different organs of the national assembly and allow members to debate issues in an informed manner.

Judicial control is exercised through the office of the public prosecutor. Indeed, when they are given sufficient resources, public prosecutors regularly inspect the gendarmerie brigades and police stations that fall under their jurisdiction, since they have oversight over criminal investigations. These visits enable them to verify whether the rules of police custody are being complied with and also whether these valuable auxiliaries of justice are carrying out their missions adequately or not. Cases involving the prosecutor's office, the courts of law, or even prison centres, may be

brought before the inspectorate of judicial services, if the minister considers this appropriate.

Finally, at national level, there is the office of the ombudsman, which is also represented in certain provinces. Cases that are already pending before the courts cannot however be brought before the ombudsman. This is to ensure the independence of the justice system and to avoid encroachment.

### *Public Control*

Where public control is concerned, trade unions, political parties and the press all play an important role. Human rights defence associations are also very active and often raise issues relating to security. Among non-governmental organisations (NGOs) and associations, mention must be made of the Center for Democratic Governance,<sup>8</sup> which is the national representation of International IDEA, although its activities have so far been limited to electoral matters.

Civil society oversight of the security sector involves a number of organisations. When a case arises that may involve one of the components of the security sector, the relations of victims may alert the provincial representation of a human rights movement if the incident occurs outside one of the main urban centres. One example would be where a person arrested for a crime has been maltreated and died while being held in custody. If the incident occurs in one of the main towns, there is the possibility of going directly to the headquarters of a human rights organisation to make a report. The private press may also be informed and therefore become the spokesperson of public opinion. Then the human rights movements approach the departments involved in an attempt to obtain further information and express their concerns. Both the media and the associations undertake to monitor developments in the investigations where applicable and in some cases specific monitoring committees are set up. This was the case in the Michel Congo affair, where a journalist was assassinated in his home on the night of 21 October 2001 by unknown persons.<sup>9</sup>

### **Challenges of Security Sector Governance**

As the country attempts to enhance the ongoing democratic process, the major challenge facing the security sector, as well as other parts of society in Burkina Faso, is undoubtedly corruption. This evidently international scourge, which nevertheless seems to be particularly acute in Africa, is

compounded in the security sector by a number of other difficulties that are related to its specific nature, notably the increase in banditry and organised crime, the legacy of historically difficult civil-military relations, and attempts at politicisation of the sector. The ideal response to these challenges lies in immediate and longer-term efforts to restructure the sector within a framework of democratic governance and to move towards increased professionalism of security actors.

### *The Challenge of Corruption*

The national reference in this area is the *Réseau national de lutte anti-corruption*, a civil-society network based in Burkina Faso working to address corruption.<sup>10</sup> Each of its reports over the past five years has invariably placed security and paramilitary departments such as the customs, police, and the national gendarmerie at the head of the list of most corrupt state bodies. Generally speaking, it is acknowledged that although the phenomenon of corruption may not yet have attained the endemic proportions of other African countries, it is time to sound the alarm because the practice seems to be gaining ground and becoming common in both the public and the private sectors.

Where security forces are concerned, acts of corruption are carried out in the discharge of their various functions. This may be in the clearing and control of goods for the customs service or at the various checkpoints that are set up along major roads for other services. Other opportunities for corruption are in the drafting of administrative documents for the public or the process of litigation.

As a landlocked country that serves as a transit point between neighbours such as Mali and Niger and the coastal countries, Burkina Faso depends highly on revenue from the customs service, as well as anti-smuggling and anti-fraud units, for a major part of its budget revenue. This is one of the main reasons why the increasing and almost systematic corruption of the security forces represents a danger and a major subject of concern. In addition, if the public forces that are supposed to combat the scourges of corruption, fraud and smuggling become themselves perpetrators and accomplices, then the question arises as to whether it will be possible to bring an end to these practices. The low purchasing power of security and customs officers as well as the lack of professionalism and supervision are often, rightly or wrongly, blamed for this state of affairs. These are factors that need to be investigated and tackled in order to restore the credibility of the security forces.

*Organised Crime*

Organised crime has been increasing in extremely disquieting proportions in recent years. This phenomenon has been worsened by the proliferation of light weapons as a result of the many pockets of conflict that continue to exist in the sub-region. The threats therefore no longer come from religious or ethnic groups, but rather from the proliferation of small arms and light weapons. This is one of the legacies of the revolutionary period, and also one of the consequences of long, porous borders. The August 1983 revolution allowed weapons to spread in Burkina Faso. At the time, thousands of arms were distributed indiscriminately to the population, without people even having to show any identity documents. A good part of those weapons remains unaccounted for.

This situation, which tends to demonstrate the powerlessness or the ineffectiveness of the security forces, may be explained by three main factors. First of all, there is no strong policy to fight against the phenomenon. The current strategy is limited to sporadic activities such as lightning raids or increased highway patrols, which may be very spectacular when they occur, but which do not have any long-lasting effect. A second problem lies in the fact that the various responsibilities and missions of the components of the security forces are not clearly defined and assigned. For example, the national police, the republican security unit, the municipal police and the gendarmerie are all stationed in Ouagadougou. This means that there is an overwhelming number of personnel and even if their missions are theoretically well defined and distinguished, they are often found doing identical tasks. This leads to turf wars among the police, characterised by the importance of being first on the scene, rather than by any desire to be efficient. Finally, there is a lack of any true coordination that would be capable of guiding, supervising and controlling the activities of the security forces. In principle, that role falls to the minister of security but since not all forces are under his authority, it is extremely difficult for him to fulfil that function. The situation also has some disadvantages for the criminal investigations department as the failure of other units to automatically share information sometimes affects the quality of their investigations.

Some of the measures adopted to combat the problem of organised crime have deleterious effects on general freedom. In addition to clampdowns, some people have been shadowed in operations set up as part of plans executed by military and paramilitary forces from the various security corps, including the armed forces. Such operations have led to extra-

judicial executions and also require tremendous material resources while producing limited results. The criminal networks are highly organised and it is difficult to actually reach the barons of the underworld. Each time one is arrested, there is a general mobilisation that leads to their being freed and they are never brought to trial. As the population witnesses daily the paralysis of the criminal investigation department and the judicial apparatus as a whole, people become increasingly sceptical. A coordinating unit was set up under the terms of the security law in 2003. Its membership includes high-ranking personalities from the armed forces and the police. It has not made a visible difference, however, since the unit is not operationally functional.

#### *Improving Civil-Military Relations*

In Burkina Faso, the security and defence forces that were set up after independence in the 1960s were closely involved in the tumultuous developments in national life, undermining their professionalism. This led to the opening of a gap, or one could even speak of the beginning of a myth, separating defence and security forces from the population whose interests they are supposed to protect. Since the return to normal constitutional life starting in the early 1990s, some attempts have been made to return to the conventional forces of a constitutional state.

The successive coups d'état that characterised the political life of the nation have contributed to creating confusion between the various components of the defence and security forces about their specific missions and the individual role of each force. As a result, during these regimes police and security functions could be carried out by any of the forces, the military, the gendarmerie or the police. Although this made it possible to resolve certain concerns and in particular to control organised crime, the means used were often overly expeditious and did not take into account proper concerns over human rights. Furthermore, acts of violence, injustice and enforcement instilled a fear of security agents and generated a certain psychosis within the population. This situation has persisted even in recent years, with the still unresolved assassinations of troublesome political figures such as Oumarou Clément Ouédraogo in December 1991 and the journalist Norbert Zongo in December 1998.

Today, with the establishment of constitutional rule and the strengthening of the democratic process, attempts are being made to ensure that the defence and security forces return to strict compliance with the missions entrusted to them by the republic. However, a number of structural



deficiencies and obstacles hamper any rapid move towards strengthening the effective and objective control of defence and security forces by civilian authorities. The national assembly in particular has the prerogative to exercise such control but its members do not seem to consider this either a requirement or a concern.

Relations between civilians and the military are complex and characterised by a mutual lack of trust. Officially, the texts that govern the functions of the armed forces do not militate in favour of osmosis between civilians and the military. However, over the past few years, in a significant step forwards, the International Red Cross movement and some diplomatic representations have initiated seminars bringing together civilians and the military to discuss international humanitarian law.

Many soldiers have been sent on United Nations peacekeeping missions. Such missions enable them to be educated on the body of texts that protect human rights. They become aware of such issues and often set up a dialogue with civil society and civilians on their return. The US embassy in Ougadougou has initiated several meetings on humanitarian topics where human rights have been discussed by police and high-ranking officers of the armed forces and civilians, including lawyers and magistrates. For many years, the Burkinabe Movement on Human and Peoples' Rights has also been working in military barracks and discussing human rights issues with the personnel of the armed forces, an acknowledgement that Burkina Faso is lagging behind other nations on human rights issues.

#### *Avoiding the Pitfalls of Democratisation*

The consolidation of the democratic process in Burkina Faso has led to a proliferation of political parties of varying nature and stature, all engaged in a bitter struggle for power. Given the relatively long period during which President Campaore and his supporters have held power, some political parties are eager to take over the helm.

The influence of politicians seeking to upset the balance of power in their favour by obtaining the support of the defence and security forces tries the neutrality of the sector and compromises the cohesion of defence and security forces. Taking advantage of freedom of expression, some go even further through radio broadcasts and controversial articles as to implicitly incite the forces to rebellion. Also, the growing numbers of unfounded rumours about military and paramilitary officers and the incitement to make unjustified corporatist demands are often the result of such political manipulation. This may lead to serious divisions among the defence and

security forces that could endanger the morale of personnel and upset the cohesion of the forces. On the other hand, security forces and their staff must work hard to preserve their neutrality and their strong sense of public service and national interest. They must totally reject the idea of owing allegiance to any political party for ideological, ethnic, regionalist or any other reasons. In 2003 an incipient coup plot was discovered and foiled. For a part of the general public this attempt was seen as the work of soldiers who were frustrated and longed for justice. Nevertheless, in the light of subsequent revelations, it appears that this abortive coup d'état must be seen as part of the intrusions by unscrupulous politicians attempting to win over the services of the military.

In spite of some remarkable, positive developments the main challenges facing the security sector are therefore the rise in corruption, the increase in banditry and organised crime, the persistent legacy of dysfunctional civilian-military relations and political machinations. In order to overcome these challenges, the security forces require rational restructuring and higher levels of professionalism.

#### *The Need for National Restructuring*

Like the security forces of almost all francophone African countries, the way in which the security sector in Burkina Faso is organised draws much inspiration from France. However, this structure is not well adapted to local realities, it is not stringently applied and the country is faced with constraints in terms of material and other resources. In order to clarify the missions of the different forces and ensure a more even spread of forces throughout the national territory there is a need to: (1) review the roles and missions of the different security forces (police, republican security units, municipal police and gendarmerie), with the aim of avoiding overlaps and streamlining their positioning and distribution throughout the national territory; and (2) amend the structures of the various forces in order to define the numbers and proportions required, even if this process could lead to the dismantlement or merging of certain forces.

The restructuring process should involve representatives of the executive, legislative, civil society and security sector professionals, in order to bring together all stakeholders and ensure that security forces are better accepted within the population. The exercise must be done with the realities of the country in mind, in order to avoid excessively large structures that are too costly for Burkina Faso.

*The Quest for Increased Professionalism*

In order for the restructuring to produce the expected results, the professional level of the security forces must be raised. This can be tackled by implementing the following measures:

- Refocusing on the ethical and moral dimensions of the various branches that form the security forces, and aligning them with the requirements of their profession and of the democratic dispensation;
- Ensuring appropriate training for staff at all levels: supervisors, trainers, agents etc., in order to instil in them a sense of the moral obligations that go along with their chosen profession;
- Setting up competent and exemplary oversight structures that are characterised by transparency, objectivity and rigorousness;
- Providing adequate and well maintained equipment to enable them to carry out their assigned missions;
- Providing decent working and living conditions, in order to cater for the basic needs of personnel and thus make them less susceptible to corruption;
- Setting up a stringent internal system for controlling and monitoring the implementation of the activities of the various security forces.

In recent years, efforts have been deployed to make the security sector more effective in Burkina Faso, while complying with the requirements of good governance and placing the sector at the service of the state and the population. The project to set up a municipal police force is part of this move. Nevertheless, a number of challenges and obstacles remain. The most effective strategy in the long term would be to carry out a restructuring of the security forces in the years ahead with the aim of increasing the professionalism of the sector. In order for these internal efforts to be more effective, they would need to go hand in hand with enhanced sub-regional collaboration and coordination of activities.

**Conclusion**

In spite of the existence of the elaborate constitutional, legal and regulatory arrangements described in the early part of this chapter, as well as a heightened awareness of security sector issues in Burkina Faso, there are still

a number of serious challenges to good governance of the sector. Because of its central position in West Africa, Burkina Faso should play a crucial role in the construction of a West African community that is characterised by sound, collective security management. The region has witnessed numerous interventions by the military in the political arena, accompanied by long years of authoritarian rule. With the endemic persistence of organised crime and corruption and the effects of numerous armed conflicts and tensions in the sub-region, there is a need for rapid, in-depth reforms. However, like many poor countries that have to face other equally pressing challenges, there is the question of the demand on both human and financial resources. Resources are generally lacking and the conditionalities imposed as part of commitments to international financial institutions limit the possibility of undertaking far-reaching reforms. However, as the security sector falls under the area of national sovereignty, it should as far as possible be financed with domestic resources.

There are however some reforms that do not require the mobilisation of financial resources. These are linked to amending the legal framework, restructuring and eliminating unhealthy practices such as the politicisation of the armed forces. Indeed, the issue of security cannot be limited to the regulatory and normative aspects. It is to be hoped that as part of the move to rationalise the use of the security apparatus, the recent adoption of a decree governing the modalities for the use of force in maintaining public order will make up for one of the shortcomings mentioned above. Also, with a view to improving the management of available resources, the ministry in charge of the public service has been commissioned to work on state reform.

In conclusion, despite the existence of a high authority for the coordination of the anti-corruption drive, corruption could remain a limiting factor for reform. Stamping out corruption has generally been identified as one of the main challenges of good governance and represents a key goal for security sector reform in Burkina Faso.

## Notes

- <sup>1</sup> We gratefully acknowledge the additional contribution of an anonymous co-author in the preparation of this chapter.
- <sup>2</sup> Nicolas Florquin and Eric G. Berman, *Armed and Aimless: Armed Groups, Guns and Human Security in the ECOWAS Region* (Geneva: Small Arms Survey, 2005): 229-30.
- <sup>3</sup> Decree no. 2001-292/PRES/PM/SECU/DEF/MATD of 20 June 2001.
- <sup>4</sup> Law no.26-94/ADP of 24 May 1994 established the general organisation of national defence.

- <sup>5</sup> See art. 6 of the constitution.
- <sup>6</sup> See art. 2 of law no. 74-60/AN of 3 August 1960.
- <sup>7</sup> Decision no. A/Dec.11/10/98, which was adopted in Abuja, Nigeria on 31 October 1998. This body was finally established under the terms of a 58-article protocol adopted in Lomé, Togo, on 10 December 1999.
- <sup>8</sup> See The Center for Democratic Governance in Burkina Faso, <http://www.cgdbf.org>.
- <sup>9</sup> For a report of this incident as well as the earlier killing of another journalist, Norbert Zongo, see Reporters Sans Frontières, “Burkina Faso – Rapport annuel 2003,” Reporters Sans Frontières, [http://www.rsf.org/article.php3?id\\_article=6297](http://www.rsf.org/article.php3?id_article=6297).
- <sup>10</sup> See Le Réseau national de lutte anti-corruption, <http://www.renlac.org>.

## Chapter 4

# Cape Verde

*Adelino Handem*

### **Introduction**

Despite its few economic advantages, Cape Verde is one of the West African countries with the best social indicators. It enjoys a high standard of living, thanks mainly to judicious management of state affairs, income from migrants and international aid. Although the country also has very meagre natural resources, it possesses an exclusive economic zone of about 700,000 square kilometres, one of the largest in West Africa. In spite of climate variations and soils that are generally not very fertile, agriculture is nevertheless the principal activity of the archipelago. More than half of the active population is engaged in agriculture, which contributes 12% of gross national product. The agricultural balance is however traditionally negative and 80% to 90% of the food requirements of the islands are covered by imports and international food aid.

The archipelago of Cape Verde is made up of islands that are dispersed over a total surface area of 4,033 square kilometres with a resident population that was estimated at 420,979 in 2006.<sup>1</sup> The absence of ethnic divisions, the use of one language, the predominance of Catholicism, and certain social habits and behaviour, are all major links in the chain of unity that characterises the people of Cape Verde. It is one of the few countries in the world whose expatriate population outnumbers its domestic one. It is estimated that about five hundred thousand Cape Verdeans live abroad. This is the result of a centuries old tradition of emigration that is characterised by two main movements. On the one hand there is the 'spontaneous', 'free' or 'voluntary' migration, and on the other, the 'forced migration' organised by the Portuguese colonial authorities.<sup>2</sup> This emigration, which was prompted by the difficult living conditions on the islands, played a vital role in the survival of the populations that remained on the islands and influenced the direction of national politics after independence, in particular in the area of security sector governance.

Many Cape Verdeans who have been compelled to migrate because of the poverty of the islands, which are subject to lengthy periods of drought, were employed as administrative executives in the Portuguese territories of Mozambique, Angola, São Tomé and Príncipe, and Guinea-Bissau.<sup>3</sup> They were often the spearhead of the fight for independence in the Portuguese colonies. Thus, Amilcar Cabral, of Cape Verdean descent and born in Guinea-Bissau, and Aristides Pereira, also a Cape Verdean who was to become the president of his country, both participated in the 1956 creation in Bissau of the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). The party launched the armed struggle for the independence of Guinea-Bissau in 1963. The terrain in Cape Verde was not appropriate for an armed struggle.

It was the so-called carnation revolution in Portugal in 1974 that made it possible to set up a transitional government, leading to independence for Cape Verde on 5 July 1975. Aristides Pereira, then secretary general of the PAIGC, became president of the republic, with Pedro Pires, the current head of state, as his prime minister. After a lengthy national liberation struggle conducted by the PAIGC under the command of Amilcar Cabral, in the form of a clandestine movement in Cape Verde and an armed movement in Guinea-Bissau, a long process began to set up the structure of an independent state and build up the islands. The PAIGC had set itself the objective of unifying the two territories. However, in 1980 the military coup in Guinea-Bissau against President Luis Cabral, the brother of the founder of the PAIGC, led the Cape Verde branch to transform itself into the African Party for the Independence of Cape Verde (PAICV). It also decided unilaterally to suspend the projected political unification and govern Cape Verde separately.

The one-party regime that had been established since independence was finally abandoned in 1991 with the adoption of political pluralism and the holding of democratic elections under universal suffrage. Following the third congress of the party in November 1988, the PAICV undertook some political and economic reforms. In April 1990 the national council of the PAICV voted to establish political pluralism, adopt a new electoral bill and to elect the president of the republic by universal suffrage. Finally, on 28 September, the national assembly adopted the amended constitution and article 4 of the constitution, which stipulated the supremacy of the single party, was abolished. The state became separate from the party and political pluralism came into effect.

The first multi-party parliamentary elections of the political history of the country were held in January 1991. Cape Verde thus became the first

one-party, sub-Saharan country to hold pluralist, democratic elections. The Movement for Democracy (MPD) won the parliamentary elections and its candidate went on to win the presidential elections in February 1991. In December of the same year the MPD took the lead in local elections. There was a complete change of power and the PAICV became the leading opposition party. In December 1995 parliamentary elections were held to renew the parliament that had been elected in 1991. The proportional system of representation was used in these elections, where the MPD retained the majority. In February 1996, during the presidential elections, the outgoing president, who was the only candidate, was re-elected. In 2001 the PAICV returned to the helm of affairs when they won both the parliamentary and presidential elections.

## **The Security Sector**

### *Political and Legal Institutions and their Mechanisms*

*The constitution of Cape Verde*, which was adopted in 1992, is extremely meticulous and detailed. Where security sector governance is concerned, it defines the organs and competencies of various institutions. Organs of sovereignty, in their relations with each other and in carrying out their functions, observe the separation and interdependence of the different branches of power (article 118). Political parties are represented in the national assembly in proportion to the votes obtained in elections (article 118).

The Republic of Cape Verde is a democratic state that observes the rule of law based on the principles of sovereignty of the people, and pluralism of opinions and democratic, political organisations. It also respects fundamental rights and freedoms. As part of the organisation of political activity, a number of principles are recognised and observed. The state is one single unit governed as a republic. Democracy is pluralist and the various branches of power are separate and independent. Churches are separate from the state, courts are independent, local authority exists and is autonomous, while public administration is decentralised to enhance democracy.

*The president of the republic* is the guardian of the unity of the nation and the state, territorial integrity and national independence. He monitors and guarantees the application of the constitution, as well as international treaties (article 124). In particular, he has the power to dissolve the national



assembly and to appoint the prime minister on the basis of election results. The president is the commander-in-chief of the armed forces (article 124). He also chairs the higher council on national defence (article 134).

*The National Assembly of Cape Verde* constitutes the unicameral parliament of the country. It exercises legislative power and is made up of 72 members who are elected for five-year terms by direct universal suffrage. The head of state (under certain conditions) and the government are accountable to the national assembly, which has the capacity to remove the government from office by a vote of no-confidence. The national assembly also has substantial powers that include authorising the president of the republic to declare a state of siege or emergency, to declare war or peace, and to grant amnesty or a general pardon (article 174).

*The government* is not accountable to the president of the republic. The president can only dismiss the government under certain very specific conditions (resignation, dissolution of parliament etc.). As far as security sector governance is concerned, the government is essentially entrusted with ensuring that rule of law is complied with. It also has to approve proposals for referendum, or for declaring a state of siege, emergency, war or peace, to be submitted to the president of the republic (article 205). Within the government, responsibility for management of the security sector is shared by the ministry of national defence, the ministry of interior and the ministry of justice.

*The Council of the Republic* is defined as a political advisory body to the president of the republic. It is made up of the speaker of the national assembly, the prime minister, the president of the supreme court, the public prosecutor, the president of the council of regional affairs, two citizens selected by the president of the republic, and two citizens elected by the national assembly. Decisions of the council are however not binding.

*The state budget* indicates the revenue and expenditure of the public administrative sector and includes the national security budget. The draft state budget is presented by government to the national assembly for approval. Budget execution is controlled by the court of accounts and the national assembly.

*Political parties* are allowed to exist, as part of the liberalisation measures that were adopted in 1990. In order to be licensed, each political party must

obtain 500 endorsements and must have a nation-wide base. No regional, racial or religious organisation may be registered as a political party. Finally, the financing of political parties is closely monitored. The main political parties in Cape Verde are as follows:

- PAICV, the former single party, which is currently the ruling party;
- MPD, the leading opposition party;
- Party for Democratic Convergence;
- Party of Work and Solidarity;
- Independent and Democratic Union of Cape Verde;
- Social Democratic Party;
- Democratic Renovation Party.

*The judicial system* includes courts that are independent in exercising their functions. The system is based on the principal of unity of jurisdiction. Justice is administered on behalf of the people by the courts and by other non-jurisdictional dispute settlement bodies in accordance with standards of competence and legally established process (article 209).

The supreme court is the highest judicial body. Other courts are the courts of first instance, the court of accounts, tax and customs courts, and military tribunals. Any courts of exception, outside of the existing system, are expressly prohibited. An attorney-general is appointed by the government. Public prosecutors are appointed by the ministry of justice. Judges, who may not be removed, are appointed by the supreme court on the basis of nominations by a higher council of the magistrature. The president of the supreme court is also the president of the higher council of the magistrature. Reforms of the criminal code and the code of criminal procedure have been initiated, in order to adapt existing legislation to socio-economic developments in the country and to a modern approach to human rights and citizens' rights.

*The supreme court* has competence to hear constitutional cases, under the terms defined in the constitution. If the court establishes the constitutional invalidity of a bill, the bill cannot be passed as law. The court provides advisory views, but it may also hand down rulings that are generally binding. The supreme court also has the power to approve or dissolve political organisations and associations.

*Local authorities* emerged as independent and democratic entities with the political transition that took place in 1991 and their position is enshrined in the new constitution. With the setting up of the municipality as an institution, it has been possible to create territorial groupings as legal entities that are financially autonomous. The term of office of local, elected officers is four years. Cape Verde is divided into 14 *concelhos* (municipalities) and 34 *freguesias* (parishes). The smallest geographical and administrative units are known as *zones*. Since the municipal elections that took place in 1991 and 1996, the town hall and the municipal assembly have oversight of the *concelhos*.

The cycle of political democratisation was finalised with the local elections that were held in compliance with an established timetable and as stipulated under the constitution. Popular participation is thus established and effective at all levels of management of state and society.

*Civil society organisations and the media* also benefited from the liberalisation measures that were adopted at the beginning of the 1990s. Up to that time only a few organisations were authorised and these were controlled by the 'revolutionary' power of the PAICV. Among these were women's, children's and youth organisations, religious associations, sport and leisure associations, and a single trade union, the Central Union of Cape Verde Workers. Since 1991 several unions, professional associations and non-governmental organisations have been set up as the constitution now recognises the freedom of assembly and the right to strike.

The Cape Verde parliament has also adopted a number of new legal provisions concerning the press, abolishing all forms of censorship and thus guaranteeing freedom of the press, the safety of journalists and fair access to the media for all political forces. These measures have enabled the setting up of a national council on social communication, the establishment of a new statute for journalists and the drafting of a code of conduct.

#### *The Formal Security Apparatus*

*National defence and security:* According to the terms of the constitution, national defence consists of the coordinated mobilisation and integration of all the moral and physical forces and strengths of the nation for action, in the face of any form of threat or aggression. Its main objective is to safeguard the unity, sovereignty, territorial integrity and independence of Cape Verde, along with the freedom and security of its population and the constitutionally established democratic order (article 242). Security and defence forces

represent roughly 0.3% of the population and 0.5% of expenditure under the national budget.

*The armed forces*, which fall under the authority of the ministry of defence, are subordinate to political authority, and take orders from the appropriate organs of sovereignty (article 243). The armed forces have exclusive responsibility for the military component of national defence. They are required to provide military defence to the republic against any external threats or attacks.

They are in charge of guarding, controlling and defending the national aerial and maritime zones, in particular in relation to the use of the archipelago's territorial waters and the exclusive economic zone, as well as operations such as search and rescue. The maritime police service therefore comes under the responsibility of the armed forces. This service is in charge of maritime surveillance of the country's exclusive economic zone. In collaboration with police and other forces, the armed forces contribute to protecting the environment and the underwater archaeological heritage. They also work to prevent and sanction pollution of maritime waters, trafficking in drugs and arms, smuggling and other forms of organised crime.

The superior council on national defence, which is presided over by the president of the republic, is an advisory body on matters relating to national defence and the armed forces.

*The police service and state security services*: The police force, which is under the authority of the ministry of interior, is in charge of defending the rule of law, preventing crime and safeguarding internal security as well as public order and the enjoyment of citizens' rights (article 240). In the light of the increased population and the complexity of the current situation in relation to organised crime, the current strength of the police is expected to be increased. The municipal police service functions under the responsibility of the local authority whose system of governance and form of establishment are stipulated by law while the criminal investigation service falls under the responsibility of the public ministry and is in charge of investigating crimes. State security services in charge of civilian intelligence and secret services are now being created under the responsibility of the prime minister.

The naval air border guards patrol the aerial and maritime borders of the country. The customs revenue police service is in charge of ensuring the enforcement of fiscal measures and fighting against tax fraud. Finally, the national civil protection service is in charge of the environment, of natural disaster prevention and of protecting citizens in the event of such disasters.

*Non-state Security Structures*

In Cape Verde, the maintenance of internal security is almost entirely a state monopoly. The authorities are however now aware that the functions of crime prevention, surveillance and reinsertion of prisoners must be shared among the state, society and private enterprise. This need has arisen because of the increase in crime, the feeling of insecurity and recognition of the fact that the state is not capable of meeting all specific demands in the area of security.

As a result the concept of public security is no longer based on the conventional institutions for fighting crime. Public security must be the concern of various sectors of government and also of society as a whole. Society must understand the need for its involvement and assume its responsibilities in this area. The strategic approach of the government in the area of defence and security attributes an active and vital role to civil society, to ensure that the overriding concern is to protect and defend individuals.

*Management, mandates and coordination of the security apparatus:* Management of the security apparatus is the exclusive responsibility of the state. The task is shared out among several state structures dealing with national defence, internal security, justice and control of economic activities. A few institutions such as the superior national defence council bring together representatives of organs of sovereignty, security structures and civilians. Such institutions play more of a role in advising than coordinating.

*Agreements on defence and regional integration of the security sector:* As a small island state whose citizens all belong to a single ethnic group, and where social and economic inequality is within acceptable limits, Cape Verde enjoys internal stability. Nevertheless the country remains vulnerable to new external threats. Furthermore, in an interdependent world, Cape Verde is obliged to accede to membership of a number of political, economic and security unions or communities. Cape Verde is a member of the Economic Community of West African States (ECOWAS), the African Union (AU) and the Community of Portuguese Language Countries (CPLP), among others. It has thus signed a number of agreements and protocols on defence and security, in particular the AU protocol establishing the Mechanism for Conflict Prevention, Management and Resolution, Peacekeeping, and Security.

In addition, economic integration requires joint efforts to provide collective security. It is evident that interdependence and cooperation are the best ways to prevent conflict. At the same time, they provide countries, especially small countries, with an enhanced capacity to intervene effectively against common threats. Cape Verde is also committed to the New Partnership for Africa's Development (NEPAD) and participates in its initiatives.

### **Civilian Management and Control of the Security Sector**

The system of pluralist democracy based on multi-party politics and parliamentary control that exists in Cape Verde enables the legitimate representatives of the people to exercise civilian control over government activities, including in the security sector. As the legislative body of the political power, the national assembly thus constitutes the first level of civilian control of the security sector.

Management of the security sector falls to the government. The constitution enjoins government to submit its programme and the state budget to parliament. The national assembly has independent and sovereign power to set up specialised committees or to request inquiries in order to arrive at a better understanding of a situation and take the required measures. A strategy for security sector management based on the involvement of civil society is currently emerging. This includes privatising certain services that have traditionally been the purview of the state.

In the area of human rights, a national human rights committee has been established. The committee drafted a national plan of action on human and citizens' rights. The aim of this programme is to identify the main situations where human rights are violated, or where there are constraints on the enjoyment of human rights and the development of active citizenship with full awareness of people's rights, duties and obligations.

### **Challenges of Security Sector Governance**

In Cape Verde, which is a small island state, the challenges of security sector governance mainly relate to the vulnerability of the country. Despite the country's political stability and peacefulness, crime is on the increase and there is a growing feeling of insecurity. This is worsened by the inability of the state to guarantee the overall protection of people, goods and services. In

addition, international events have shown that it is currently almost impossible to guarantee security even in a stable situation, if account is not taken of the deleterious effects of organised crime and terrorism. By itself, Cape Verde clearly does not have the capacity to safeguard its territorial integrity. This can only be ensured within the framework of a collective security system that includes both the ECOWAS sub-regional system and the AU's mechanism, with possible recourse to other alliances as required.

Thus, in addition to the need to abandon slow and largely ineffective practices that could endanger internal stability, human development and citizens' rights, the following could be said to constitute the main challenges of security sector governance in Cape Verde:

- Supervising and ensuring the social reinsertion of citizens who have been repatriated from abroad, often as a result of their criminal activities;
- Preventing and neutralising emerging threats, including drug trafficking, money laundering and the uncontrolled circulation of light weapons;
- Withdrawing state monopoly over the maintenance of internal security and creating the conditions to enable the functions of crime prevention, surveillance and reinsertion of prisoners to be shared by the state, civil society and private enterprise;
- Alongside the traditional notion of 'public security' that emphasises the repression and sanctioning of crime, there is a need to introduce a more modern concept, which suggests an alternative approach to security issues focusing on their interdisciplinary and multi-dimensional nature;
- The difficulty in defining the scope of action of public authorities in order to preserve public security, when confronted with rising levels of insecurity created by the existence of trans-border centres of organised crime which represent a threat to the sovereignty and physical integrity of the state;
- Dismantling the links to external networks that sexually exploit people, especially children;
- Implementing a system of internal security, within the framework of the ongoing reforms of the criminal code and the code of criminal procedure. These reforms are expected to result in an appropriate organisational structure for the sector and the development of a cooperative model of security;

- The absence of any real control over the country's immense territorial waters and the maritime area under its jurisdiction, which raises the issue of occupying the sovereign space – a solution must be found to this problem;
- The need to enhance control over the activities of police personnel by designing mechanisms for the prevention and sanctioning of cases of improper use of force and of corruption.

#### *The Need for Reform and Available Options*

The government of Cape Verde has already initiated some reforms in the area of security sector governance. Far-reaching institutional measures are also envisaged. The reform options require a definition of the 'strategic concept of national defence', which will take into account the notion of national security, without infringing on the rights of citizens. Today, countries are more ready to make certain concessions in some of the traditional areas of sovereignty in favour of enhancing international cooperation and regional integration, including when this requires involvement in collective security mechanisms.

It is thus clear that to enhance the state security system, and therefore make it possible to guarantee the sovereignty and security of citizens, there is a need to adopt both internal and external policy measures. A number of strategic, priority measures have already been proposed. They are aimed essentially at improving state security, human security and the defence of human rights, in particular in the area of violence against women, adolescents and children.

#### Internal policy measures:

- Strengthening and improving police structures to ensure an obvious and visible police presence, which can serve to enhance the prevention of crime and violence, and also enable the police to confront the new threats;
- Reorganising the structure of the security forces in a more rational manner to improve their operational capacity. This relates mainly to adapting the scarce resources available for mobilisation to the real needs of national defence;



- Strengthening police intelligence activities, which requires the creation of national intelligence services, as stipulated by the constitution;
- Strengthening the links among the various security forces, in particular between the army and the coast guard, in relation to patrolling territorial waters;
- Fostering more active participation of civil society, and encouraging the creation of private bodies to provide public protection and guard services;
- Ensuring that the most under-privileged have real access to justice by providing them with legal assistance. In this way, justice for all becomes a reality;
- Adopting legislation and creating a programme and a mechanism to protect the victims and witnesses of crimes;
- Upgrading and enforcing laws on rape and sexual abuse of children and adolescents;
- Designing and developing programmes to control sexual exploitation of children and young people;
- Creating shelters and support centres for women who are victims of domestic violence and sexual abuse. Such centres should provide psychological counselling and social as well as legal assistance;
- Improving welcome and support structures for repatriated citizens.

External policy measures:

- Providing the diplomatic representations of Cape Verde and residents' associations in host countries with the capacity to carry out preventive action within the emigrant community (from which individuals could potentially be repatriated), by informing people of their rights and duties;
- Deploying strong diplomatic efforts in the countries that host emigrant Cape Verde communities in order to avoid illegal repatriation, or repatriation under conditions that do not observe the respect and dignity to which the repatriated individual is entitled;
- Supporting sub-regional and regional integration (ECOWAS, AU, NEPAD), while observing closely the implementation and monitoring of trans-boundary security agreements;

- Enhancing international cooperation (UN, CPLP) and taking advantage of international alliances in order to provide better defence against external threats.

## **Conclusion**

Cape Verde is essentially a calm and safe country that has not been subject to any internal armed conflict or rebellion that could endanger state security or the security of its citizens. Since independence the performance of the economic and social policies of successive governments in Cape Verde has indisputably placed the country on the road to progress, human development and political stability. There are nevertheless compelling reasons to fear an upsurge of violence, banditry and organised crime, given the permanent, structural difficulties facing Cape Verde. These difficulties are essentially linked to the small size of the country; to the fact that the islands are widely dispersed and distant from each other; to poverty, which affects about half of the population in rural areas; and to the fact that the state is incapable of meeting the security requirements of the country on its own. This only serves to highlight the need for reform and strengthening of the security sector, which implies re-dimensioning the security forces and negotiating with international partners to enhance the integration of sub-regional and regional spaces. It may also mean benefiting from the direct assistance of multi-national security and defence institutions.

The involvement of the population requires the development of a permanent partnership between the state, civil society organisations and the private sector in order to ensure that citizens endorse state initiatives in the area of security and the promotion and protection of human rights.

We can therefore conclude that Cape Verde is not entirely immune to insecurity and violence, in spite of the reigning political stability and its good economic performance. The country is highly dependent on the outside and as such is faced with uncontrollable threats that could be an obstacle to sound security sector governance. It is particularly important for Cape Verde as a small island state to find the most ingenious solutions, within the framework of multi-national groupings, to enable it to face the major challenges of security sector governance.

**Notes**

- <sup>1</sup> The World Factbook, "Cape Verde," The Central Intelligence Agency, <http://www.cia.gov/cia/publications/factbook/geos/cv.html>.
- <sup>2</sup> B. Selassie Tena-Gachauou, "Dossier Cap-Vert : 2. Iles d'émigration," *Solidarité Socialiste* (1996).
- <sup>3</sup> Cape Verde is part of the Sahel zone, a region that is characterised by an arid and semi-arid climate with variable, periodic rains, limited to a few days in the year.

## Chapter 5

# Côte d'Ivoire

*Raphaël Outtara*

### **Introduction**

Côte d'Ivoire gained independence on 7 August 1960. Houphouët Boigny, the founding father of the independent Côte d'Ivoire, enjoyed undisputed historical legitimacy. The country benefited from unparalleled political stability in a sub-region that was battered and weakened by numerous military coups. Indeed, at the beginning of the 1980s, Côte d'Ivoire was one of the few countries in the sub-region to be governed by a civilian regime. However, the cyclical economic difficulties of the 1980s and 1990s, in conjunction with the longing for democracy on the part of the population, created an unhealthy climate exacerbating ethnocentric and nationalist tensions, thus preparing the ground for sectarian and exclusionist excesses.

President Houphouët Boigny passed away on 7 December 1993. Under such circumstances, his succession was governed by article 11 of the constitution of 3 November 1960, which stipulated that in the case of death or vacancy of the position, the speaker of the national assembly was to succeed the president. This article had however been revised so many times that there was considerable disagreement between those who favoured a strict application of the terms of the article and those who wanted a political solution, consisting of the setting up of a special transitional body such as a council of state. The resulting delays meant that the state faced the threat of a constitutional vacuum. However, the speaker of the national assembly, Henri Konan Bédié, escorted by the national gendarmerie, made a nation-wide television broadcast in which he declared himself president of the republic. Through this act which was unprecedented in the political and constitutional history of Côte d'Ivoire, the defence and security forces lost both their unity and their neutrality as they established their dominance over the democratic playing field.

Looking at events from the perspective of security sector governance, the major challenge facing the new regime was to restore the unity of the

defence and security forces, following the role played by the gendarmerie in bringing it to power. Would it be possible to resist the temptation to favour the gendarmerie whose attachment to legality had been crucial in this time of uncertainty? And if not, then how could the unity and neutrality of 'the Silent One'<sup>1</sup> be preserved?

Looking back, it can be stated that Houphouët's successor was unable to resolve the equation adequately. Indeed, although his powers were almost unlimited in terms of their content (these were enhanced in the 1998 constitutional amendment) and their duration (indefinitely re-eligible for a 7-year term), his legitimacy was questionable. This factor, combined with the incapacity of the state to eradicate the adverse effects of the economic and social situation of the previous decade, led to a breakdown of the state. The unity and cohesion of the security forces were seriously undermined during these difficult times. Bédié was constitutionally the legal president and thus became the supreme chief of the armed forces, with the attendant duties. What he lacked was the popular legitimacy that is conferred by elections.

According to the constitution, elections were to be held in October 1995. The police and gendarmerie, in charge of security operations during the voting operations, seemed unlikely to be able to contain the movement of demonstrators. The National Armed Forces of Côte d'Ivoire (FANCI) were called in as back-up, but the chief of staff, General Robert Guéi, refused to obey orders, stating that the FANCI were not responsible for maintaining public order. He was relieved of his duties. The forced resignation of the newly promoted chief of staff led to dissensions within the FANCI between the supporters and the critics of the deposed general, but also between the FANCI who 'refused to obey', and the national gendarmerie and police, who remained 'loyalist'.

Since then, mutual trust has never really blossomed between the regime and the FANCI. The army began to speak out and went so far as to make certain demands such as the payment of bonuses for soldiers participating in peacekeeping missions in the Central African Republic and Liberia. Indeed, it was under the pretext of having such demands met that the army seized power on 24 December 1999, overthrowing the one who had been put at the head of the republic six years earlier. By the decree of 27 December 1999, the constitution was suspended and all the institutions of the republic were dissolved. A military transition was put in place, under the collective leadership of the National Council of Public Safety (CNSP), presided over by Brigadier General Robert Guéi.

Among other things, the CNSP set itself the task of reviewing the constitution and organising general elections in order to hand over power to

civilians. At the same time, the divisions within the security and defence forces between supporters and critics of the deposed regime continued and became increasingly open. Numerous conspiracies and pseudo-conspiracies were foiled, accompanied each time by a wave of arrests and summary executions. Various militia forces (*PC Crise, Cosa Nostra, Scorpions* etc.) were set up and entrusted with the dirty work. The population was terrorised and soon regretted having too quickly rejoiced at the fall of the Bédié regime. Everybody now longed for a speedy end to the military transition, regardless of how or by what means this could be brought about.

The disenchantment became complete when, after the constitutional referendum in July 2000, the president of the CNSP decided to stand for election as president, against the advice of his key lieutenants and contrary to the promise made to Ivoirians on the day of the coup. New divisions now appeared within the CNSP, within the military hierarchy and among the troops. The tension was heightened further when the candidatures of the main opposition candidates in the presidential elections were declared null and void by the constitutional court. The whole of Côte d'Ivoire now held its breath.

The day after the election, taking the place of the national electoral commission, which had been in charge of organising the elections and collecting and declaring the results, the president of the CNSP declared himself elected president of the second republic. Candidate Laurent Gbagbo called it a robbery and called on the population to come out into the streets to counter the move by the usurper. The situation worsened. Those who supported the general were thwarted by force of arms and by the street movement. Gbagbo was then 'installed' as de facto head of the state, even before the election results were published. The national electoral commission finally declared him elected and he was sworn in as president of the republic by the constitutional court on 26 October 2000.

From that moment, however, all the other parties that had been excluded remained mobilised to demand a rerun of the elections, with greater transparency. The response to this demand by a part of the population was the first wave of killings and executions by the new regime. Right from the start, therefore, the regime was taken hostage by those who wielded arms, and it was to know no further respite.

### *The Second Republic Confronted with the Threat of Implosion*

In the wake of the painful birth of the second republic came a succession of military coups, which each provided a fresh opportunity for the pillage, rape

and the murder of northerners and foreigners. These acts were due to the fact that the existing regime felt very vulnerable, being aware of its lack of legitimacy and even legality.

The internal struggles within the security and defence forces found an echo in the existing political antagonisms, and vice versa. It is within this context that an unprecedented military/political crisis began, which gave rise to an armed insurrection on 19 September 2002. Since that date, Côte d'Ivoire has been divided in two, between the existing regime in Abidjan, and the rebels who occupy and control roughly 60% of the national territory. The security and defence forces thus ceased to be republican forces. An underlying rivalry was instituted between the gendarmerie, which is considered to be more loyalist, and the FANCI, where most of the perpetrators of the putsch and the alleged conspirators come from. This perception has been strengthened further by the generally held view that the gendarmerie was instrumental in foiling the attempted electoral hold-up of General Guéi in October 2000.

The tension between the different security forces is less tangible between the police and the gendarmerie, which often carry out joint patrols, in particular in Abidjan. Nevertheless, on several occasions there have been confrontations between policemen and gendarmes, due to divergent views about the appropriate form or manner of maintaining public order.

It is likely that the armed insurrection of 19 September 2002 took advantage of this situation. It certainly also benefited from the deterioration of a lax and corrupt economic and social fabric, the weakness of democratic governance institutions and the fact that the political wrangling of the time had been transposed to the army. Certainly, since that date the authority of the regime in Abidjan has been limited to the southern part of the country alone. The north is controlled and administered by the Patriotic Movement of Côte d'Ivoire and its satellite movements, the Ivoirian Patriotic Movement of the Great West and the Movement of Young Patriots.

### *The French Dilemma*

Côte d'Ivoire has signed defence agreements with France, the former colonial power. During the events of 19 September 2002, the head of state requested the intervention of the French forces stationed at Port Bouët, a neighbourhood of Abidjan located close to the airport. The French authorities refused to intervene, claiming that the agreements only applied in the case of an external attack. The authorities in Abidjan felt that it was indeed an external attack and pointed their finger at neighbouring Burkina

Faso. This was the first difference of opinion that served to further darken the horizon of the relations between Abidjan and Paris, which had been rather cool ever since the inception of the second republic.

Nevertheless, under pressure from the 'Young Patriots', a militia movement close to the regime, who were threatening to wreak havoc on French interests and citizens, French troops were forced to intervene and halt the advance of the insurgents on Abidjan. But this was not enough to improve the relations between the two capitals. Indeed, in barely veiled terms, Abidjan accused France of being in favour of the overthrow of the government of President Gbagbo. Neither the statements condemning the rebellion and other attempts at explanation from the Elysée, nor the visits by then French Foreign Minister de Villepin, nor the mediation of the European Union made any difference. It would in no way be an exaggeration to say that the relations between France and its African 'showcase' have never been as tense as they were at the end of 2002.

Despite the efforts by both capitals to 'normalise' their relations, trust was far from restored. The meeting in Marcoussis was the first opportunity that the Ivoirian head of state had had to visit France since his investiture. He has no fond memories of that visit, for the agreement that was signed there by the main political parties in Côte d'Ivoire practically stripped him of the greater part of his constitutional prerogatives. Immediately upon his return, President Gbagbo denounced the agreements, which his supporters had termed a 'constitutional coup d'état'. The French foreign ministry, and subsequently the French presidency, both sought in vain to convince him to fulfil the commitments that he had made before UN Secretary-General Kofi Annan and his own peers (Omar Bongo of Gabon, Obasanjo of Nigeria, Wade of Senegal and Chirac of France). Annoyed by the pressure from all fronts, President Gbagbo isolated himself and, according to some accounts, even declined to answer certain telephone calls. He refused to attend the France-Africa summit, which took place in Paris after the Marcoussis agreements.

It should be noted that the issue of security governance in Côte d'Ivoire is closely linked to the current situation facing the country. Rearmament was seen as a necessary option, in order to quell the rebellion and discourage any other parties. One substantial issue however, which largely pre-dates the rebellion, is the need to restructure the security forces to make them real forces serving the republic. Nevertheless, one may wonder whether it is in the interest of the current authorities to do this, given their lack of legitimacy.



Today, what little is left of the security and defence forces has become an instrument that defends the existing regime, not the republic. On the other hand the government finds itself held hostage by these forces who are aware of their role in keeping it in power. This infernal and vicious cycle is of concern to all, in particular the neighbouring countries. Many of their citizens who live in Côte d'Ivoire are accused of various crimes and offences, and are often the favoured targets of acts of violence by uncontrolled members of the security and defence forces. This is the background to the issues affecting the security situation in Côte d'Ivoire.

### **The Security Sector**

In line with the conventional nomenclature, we can distinguish between those forces in charge of protecting and defending territorial integrity and those in charge of internal security.

#### *Defence Forces*

They are made up of the FANCI, which includes the air force, the navy and the army. Since the military coup of December 1999, the army has often been involved in political life. The FANCI falls under the authority of a chief of staff who is appointed by the president of the republic. According to the terms of article 47 of the constitution, the president is the supreme commander of the armed forces. The air force and the navy are each under the command of senior officers from their corps, who are under the authority of the chief of staff.

Because of the current situation, it is difficult today to have a precise idea of the real strength of the FANCI. Until the recent past, however, the Ivoirian army was made up of 15,000 men. This figure may have increased to 17,000, not including auxiliaries, since 19 September 2000.<sup>2</sup>

The FANCI are supported by the national gendarmerie when necessary. The gendarmerie is considered to be a well-equipped and well-trained elite corps. Its principal mission is to maintain public order and, in line with that, its equipment only includes light weapons. Almost every administrative constituency has its own gendarmerie post or brigade. When necessary, the gendarmerie may intervene as back-up to the police. However, because of the role that it has been compelled to play in the recent history of Côte d'Ivoire, the gendarmerie is now equipped with tanks and

cannons, which were used to rout General Robert Guéi's men during the attempt to steal the elections.

There may be a total of 2,000 gendarmes throughout the territory. Gendarmes are recruited by means of a competitive exam and trained in the national gendarmerie training school, situated in Abidjan. The director of the school is a senior officer. The school also provides professional retraining and upgrading courses for serving non-commissioned officers and other officers. The gendarmerie was militarised, at its own request, in the 1980s. Since that date, therefore, the gendarmerie has enjoyed the same special status that is accorded to that category of state agents. The gendarmerie falls under the authority of a senior commander.

The customs service provides surveillance at the borders and seeks to protect the national economy from smuggling and economic crime. Its functions mainly relate to internal revenue. Customs officers at the borders are armed with handguns to foil the attempts of delinquents and other organised criminals who take advantage of the porous borders to carry out activities that are harmful to the national economy. The customs service remains a paramilitary service whose supervisory ranks are trained at the National School of Administration in Abidjan, while the agents in uniform are trained at the customs training school. Because of the advantages linked to military status, the customs services have been demanding to be included in the military for many years, as did the gendarmerie and the national police.

Internal security is provided by both public and private forces, whose missions are not always clearly delineated. Internal security is provided mainly by the police force. The police ensure the order and security of people and property. The police force was able to obtain military status and enjoys the attendant prerogatives such as a specific status within the public service, a special military providence fund, free accommodation etc. Police stations are found in almost all the main urban centres. The police force is under the authority of a director general. The criminal investigation department is in charge of investigations and prosecutions that are ordered by the public prosecutor or by the court in the case of common law offences. The commercial police department is in charge of preventing and sanctioning economic offences. There is a department of territorial surveillance, which provides intelligence. The staff of this department are civilians but are authorised to carry handguns. They fall under the authority of the director general of national security. Security of internal waters, the fauna and forests is provided by a paramilitary force called the Forest Police,

which is also equipped with handguns and rifles. They take their orders from a director general.

All the commanders of the various police forces are also appointed by decree of the president of the republic on the basis of proposals put forward by the appropriate ministry. There is also a republican guard, which is in fact a militia in charge of providing protection at the presidential palace and to the president of the republic himself. Until recent years, their weaponry was limited to rifles, machine guns and a few cannons for parades.

In reality, according to the spirit of the law, neither the gendarmerie nor the police, which are both in charge of maintaining public order, should be militarised and thus possess weapons of war. It must be said, however, that the return of a multi-party system and the way in which political power changed hands, as described in the introduction, led to a breakdown in ethics, as well as a misreading of the role and the reasons for the existence of defence and security forces in a democracy.

Today, the army is heavily politicised. Indiscipline and insubordination have become entrenched in the heart of the Silent One. In a 2001 report assessing the state of democracy in Côte d'Ivoire, the National Democratic Institute for International Affairs uncovered the personal rivalries within the army. These are compounded by indiscipline and the creation of various groups with divergent loyalties, especially during the military transition. As a result, according to the National Democratic Institute for International Affairs, 'from December 1999 to the end of 2000, reports of human rights abuses increased exponentially'.<sup>3</sup> This assessment was corroborated by the National Reconciliation Forum, organised between September and November 2001 – the armed forces committed various acts of vandalism, plundering, rape, harassment, violence and assassination during the military coup of 24 December 1999. Similar acts occurred during the mutiny of 4-5 July 2000, and subsequently.

In spite of this, impunity of the security and defence forces seems to have become the rule, even in well-documented cases of violence, rape and murder. There is also the bitter feeling that the authorities of the second republic have not entirely succeeded in restoring civilian control over the military. This has meant that renegade forces continue to pose a threat to national stability. Indiscipline, frustration, partisan positions, ethnic and religious divisions, massive and uncontrolled flows of weapons of war from neighbouring countries (Liberia, Sierra Leone) and the desertion of many soldiers have led to the total disintegration of the cohesion of the defence and security forces. This state of affairs also contributed to the development of self-defence militia and private security forces.

*Private Security Forces*

It is clear from the accounts above that prior to the armed insurrection of 19 September 2002, there were self-defence militia in place in certain popular neighbourhoods to provide security at night, in addition to the regular defence forces described. Generally, such militia played a watchdog role and were hardly ever armed. In certain areas, the population called on the services of traditional hunters, who were reputed to have supernatural powers. They were armed with locally manufactured hunting rifles.

This uncontrolled proliferation of paramilitary groups, resulting from the failure or the incapacity of authorised forces to provide adequate security of persons and property, was of even greater concern in light of the fact that some weapons that had come into circulation during the 1999 coup remained unaccounted for. Furthermore, weapons coming in from neighbouring Liberia could be purchased very cheaply from refugees. In addition to the above groups, other security brigades set up businesses, providing guards for various premises, offices and private residences. These more or less structured organisations had been stifled during the military transition. However, they were able to resume their activities after the inception of the second republic.

Since 19 September 2002, these private entities, which are 'authorised' to use force, have been strengthened. While some have closed down, others have been set up more formally, and yet others have been created. Following the resumption of hostilities in November 2004 and the subsequent scenes of violence aimed at foreigners and the French, in particular in Abidjan, there has been a new development in the security sector. Private security agencies have been set up mainly to protect French citizens and their property and businesses from the violence aimed at them, and of which some were victims. The development of this phenomenon is explained by the incapacity or the lack of willingness on the part of the Ivoirian authorities to provide protection to the citizens of a country that they have portrayed as hostile throughout the crisis. The increase in the numbers of private security companies related to French interests is also due to the activities of the alleged 'death squads', which have been operating throughout the political and security crisis in Côte d'Ivoire. The only information available about them is the acts that are rightly or wrongly attributed to them. This has compounded the complexity of the security equation. Alongside the plethora of armed militia, they are another potential player in the use of violence, the Ivoirian state having lost the monopoly on violence a long while back.

Neighbourhood watch groups have also increasingly equipped themselves with weapons, especially in Abidjan, the economic capital. Most of the traditional hunters have joined the armed rebellion and have practically disappeared from Abidjan and the areas controlled by loyalist forces. They are found mostly in the extreme north and serve as auxiliary forces for the *Forces Nouvelles* (New Forces). Other, new, so-called 'patriotic' militia groups have been set up, and claim to be armed to 'defend' the existing legal authority and liberate Côte d'Ivoire from the 'assailants'. The most prominent of these groups are the following: the *Jeunes Patriotes de Côte d'Ivoire* (the 'Young Patriots'), led by Charles Blé Goudé, former leader of the students' federation; *Fédération des Élèves, Étudiants et Scolaires de Côte*; and the *Groupe des Patriotes pour la Paix*, led by Zeguen Touré, which has about 2,000 members who train in the use of weapons and military strategy.

In the western part of Côte d'Ivoire, the Young Patriots wear Kalashnikovs and display a surprising degree of self-confidence. According to certain humanitarian organisations, they constitute the urban police force, thus opening the door for all forms of abuse and excesses that can be expected from youths who are not trained for such tasks. The numbers of this group are alleged to be higher than for the *Groupe des Patriotes pour la Paix*, but no precise figures are given because they are recruited from all over the country.

Since the violation of the cease-fire in November 2004, and the resulting upsurge in violence, security sector management has also been characterised by a strengthening of President Gbagbo's control over the military hierarchy. General Mathias Doué was dismissed, and Colonel Jean Philip Mangou, a loyal supporter of the president recently promoted to the rank of general, was appointed chief of staff of the FANCI. Obviously, such moves on the part of the president do nothing to enhance the autonomy or de-politicisation of the military. The highest ranks of the military, although restructured, will now forever be associated with a disputed authority in a country torn apart by strife.

## **Civilian Management and Control of the Security Sector**

### *Parliamentary Control*

The national assembly is made up of 225 members and only six standing committees, which do not even have meeting rooms. In the absence of a

parliamentary majority, small parties are at an advantage, as they 'sell' their votes to the ruling party. This however distorts the democratic system and hampers real discussion in the assembly. Given this context, it is quite understandable that parliamentary oversight of the executive is almost non-existent.

In addition, the Ivoirian regime is more presidential than parliamentary. As such, the president of the republic, who alone holds executive power (article 41), may make civilian as well as military appointments (article 46) without seeking the view of parliament. He is the supreme commander of the armed forces, and presides over the higher council on defence (article 47). The president cannot, however, declare war (article 73) or extend a state of siege beyond two weeks without the authorisation of parliament. In the same vein, the status of military personnel and staff of the national police is governed by law (article 71). The president of the republic may requisition defence and security forces without first referring to the national assembly. He may also request the stationing of foreign troops on national territory under the same conditions.

Of course, the national assembly approves the general state budget. It is clear, however, that the real budget allocated to the defence forces is classified. Indeed, the same applies to information about the available arsenal, the numbers of troops and the real salaries of senior officers. On the latter point, it is rumoured that senior officers receive 'gratuities' from the president to strengthen their loyalty. The amounts involved are decided solely at the discretion of the president. It is alleged that the same practice has been extended to the national assembly on occasion to sway votes when arguments had failed to convince members. Nevertheless, the minister of defence, like any other member of government, may be summoned by the national assembly to give explanations about issues relating to his ministry.

### *Judicial Power*

Judicial power in Côte d'Ivoire is made up of ordinary courts of law and specialised courts, including the labour court, the military tribunal and the high court. The Ivoirian judiciary therefore comprises the main conventional organisations, such as courts of first instance, which are found in the country's principal administrative centres; courts of appeal, located in regional capitals; the supreme court, which is the court of final resort; and the constitutional council.

It must be stated that the judicial power in Côte d'Ivoire is very much disputed because of its collusion with the executive power. Each ministry

within the executive branch has its own inspectorate division, which is in charge of ensuring accountability. This is a first level for ensuring good governance. Unfortunately, however, corruption hinders the smooth functioning of these departments as well, and the state inspectorate, which is a sort of inspectorate of inspectorates, is itself affected by the same ill.

The Ivoirian justice system takes its orders from above. In the minds of the population, the judiciary has shown that impunity is the rule, except for the weak. There is a double standard of justice in the country: a permissive one for those in power, which allows them to do as they wish, and a stringent and exemplary one for the people. But people in power are not the only ones 'above the law', defence and security force personnel are as well. Indeed, in addition to the rather heavy-handed intervention of commandos on the university campus in Abidjan, soldiers have also been said to be involved in the massacre of civilians in 2000 (mass graves in Yopougon) and 2004 (killings during opposition protest marches in March), not to mention flagrant human rights abuses. Nevertheless, no sanctions have ever been imposed, despite a few parodies of trials.

### *Civil Society*

Civil society is made up of the roughly a hundred political parties in Côte d'Ivoire, trade unions, the media, associations and non-governmental organisations (NGOs). However, each of these actors contributes differently to forming public opinion.

### *A Manipulated Civil Society*

As indicated above, since the coup d'état of 1999, reports about human rights abuses by and within the security and defence forces have increased exponentially. And yet, even in well-documented cases of violence, rape and murder, the perpetrators enjoy a level of impunity that has led to a serious deterioration of the image of the military and its relations with the population. Faced with this situation, political parties, who know that they must retain the favours of the army if they wish to accede to power, hardly ever speak out against such abuse.

The Ivoirian Human Rights League, the Ivoirian Human Rights Movement, the *Groupe d'Études et de Recherches sur la Démocratie et le Développement Économique et Social, section Côte d'Ivoire* (GERDDES), the Ivoirian chapter of the International Association for Democracy in Africa, and some religious bodies are the only organisations that call on the

authorities to face up to their responsibilities because no one, not even those who bear arms, may be above the law. As a result, a number of enquiries have been started in order to appease the human rights defenders. However, the investigations are usually fruitless, or else no punitive measures are ever taken.

The complexity of the Ivoirian situation is illustrated here in the fact that while a portion of the public denounces and condemns such acts and calls for sanctions, another portion attempts to justify or even legitimise the unjustifiable, or limits itself to a silence that can only be seen as approval. An example of this is in the demonstrations that were organised in the aftermath of the massacres to support the soldiers who were supposed to have 'defended the republic' against assailants. In the same way, demonstrations were organised in support of the murderer who shot Jean Hélène, a journalist of Radio France International, in cold blood, when the latter was simply doing his job of reporting events.

Indeed, many civil society organisations have set themselves up as the secular proxies for political parties and groupings. In so doing, they have trampled the very principles that they are supposed to defend or promote. The most glaring example of this is certain members of the media, who, for the most part, have chosen to engage in propaganda, rather than wielding the powerful tool of public information.

#### *Trade Unions and Professional Associations*

Professional organisations, in particular teachers' unions, were in the vanguard of the popular struggle that compelled the one-party state to return to a fully fledged multi-party system, as stipulated by the constitution. During the difficult years of structural adjustment programmes, they constituted the voice, the conscience and the hope of the people. Boldly, and in all integrity, they faced up to their responsibilities and the expectations placed on them.

Today, political interests have undermined corporatist solidarity among workers. How else can one understand the fact that the legitimate demands of cocoa producers' unions have not been taken up by any others to date? How else can one read the fact that when magistrates went on strike, following acts of harassment and violence against some of their number in their workplace by Young Patriots unhappy about their appointment, there was no movement of union solidarity to support them? The time is indeed far gone when, through synergy of action, trade unions were able to oblige the single party to reverse a decision to reduce the salaries of civil servants and



agents of the state, as is the time when demonstrators, organised by the unions, could force the state authority to free imprisoned political opponents simply by marching to condemn the deficit of democracy – and these are only a few examples.

### *The Pitfall of Religion*

Lamentably, religious movements are also victims of this unfortunate trend. Indeed, in Côte d'Ivoire, believers have also been affected by the political divisions that have undermined the capacity of all citizens to live together. Certain places of worship and prayer, of all religions and denominations, have become the fora for portraying the other as a lost soul bound to Satan and who is doomed to be vanquished in the name of the Almighty. Christians quickly identified with President Laurent Gbagbo, while Muslims rallied behind 'brother' Alassane Ouattara.

This phenomenon has led some unsuspecting observers to say that there is a religious aspect to the conflict in Côte d'Ivoire. Thus in order to avoid an even stronger move towards demonising the opposite religion and its believers, GERDDES facilitated the creation of a framework for dialogue among the main religious communities in Côte d'Ivoire. This framework is called the Forum of Religious Faiths. Its main members include two Islamic movements, two Christian movements and one traditional religious movement, all of which are active in Côte d'Ivoire.

It is also quite common to hear about or witness the intrusion of defence forces into the headquarters of an NGO, or into the offices of a given newspaper, to carry out an unauthorised search, supposedly for reasons of public order or state security. It is even more common to see simple citizens being harassed, assaulted or humiliated by agents of the security forces in the course of a mere identity check. And woe betide any citizen who would dare go to the courts to complain about such treatment.

By venturing so heedlessly onto the field of partisanship, associations and NGOs for the defence and promotion of democracy and human rights have considerably diminished their chances of playing any significant role as dynamic actors of governance in Côte d'Ivoire, and tend even to legitimise the excesses to which they are subjected. They disqualify themselves further each day with untimely statements or, in some cases, their guilty silence, which casts doubt on their integrity and legitimacy.

All in all, public opinion appears particularly polarised, lacking any dependable basis or ethical references. It has been intoxicated, rather than fashioned or informed. It is manipulated and torn asunder by a political class

that is power hungry and cares little about the danger to which it subjects national cohesion. Certainly, before the events of 19 September 2002, and increasingly after the Marcoussis accords, which were supposed to bring an end to the war, activities have been carried out within the defence and security forces to raise awareness and educate them about human rights. However, the violence perpetrated against people and their property remains unpunished or is even denied outright.

### **Challenges of Security Sector Governance**

In a democracy, defence and security forces must serve the law and the republic. This requires that they remain outside of political intrigues. In Côte d'Ivoire, the military is no longer 'silent'. Discipline is far from being the order of the day and ethnic and political divisions have superseded any *esprit de corps*. Consequently, there appears to be a pressing need to restructure the form and content of the country's security system.

In practical terms, care must be taken to avoid the temptation of setting up a security system where the main criterion for recruitment and promotion is ethnic origin or loyalty to the ruling party. Such a strategy has only exacerbated the feelings of frustration and suspicion among brothers in arms. Even worse for an army, the practice has created pockets of disobedience and insubordination by depriving the superior officer, who is not from the 'correct' ethnic group, of all authority over the subordinate from the correct 'race'. Conversely, the subordinate who is well connected feels encouraged to adopt forms of defiant behaviour that would be unacceptable in any army worthy of the name.

In the context of Côte d'Ivoire, where the damage has already been done, one option could be to thoroughly educate those involved about the dangers ahead if the country continues down the same path. Subsequently, as was done following the military transition, and somewhat similar to what happened in Liberia, all those recruited between 2000 and 2004 could be subjected to an evaluation under the supervision of the United Nations Mission to Côte d'Ivoire. Only those who comply with the criteria for eligibility to the profession of arms would be maintained in the military. The state would have to provide for the redeployment of those demobilised who, unfortunately, would have learned how to handle weapons. This option is quite compatible with the disarmament, demobilisation and reintegration (DDR) programme that is currently underway as part of the process of resolving the Ivoirian crisis. The advantage of DDR is that it includes the

*Forces Nouvelles*, who occupy the northern part of the country, and the various militia groups.

DDR has long been one of the key issues of the Ivoirian crisis. Following the Pretoria agreements, a national commission on DDR was established with the support of the international community. Keen negotiations then started, with the close involvement of the prime minister of the transitional government as well as other civil society actors. The negotiations led to a phased agreement, which is expected to culminate in the total disarmament of the militia close to government and the *Forces Nouvelles*. The process was expected to begin on 27 June 2005. The agreement provides for accompanying measures, including financial measures funded with resources from the European Union, in order to ensure the success of the DDR programme and to prepare the ground for the planned elections (although these look likely to be further postponed).

However, DDR still remains the stumbling block of the reconciliation process and none of the preceding agreements relating to this have ever been effective. This is because the *Forces Nouvelles* have always demanded solid guarantees before implementing the agreements. To date, the most recent DDR agreement seems to be facing difficulties due to the massacres in the western part of the country and the persistent presence in the region of armed militia loyal to the ruling power. It is most unlikely that this DDR agreement will be applied as expected. These failures have all hindered any progress towards a lasting solution. The first step would of course be a fair and proper DDR exercise. So far, a lasting solution has remained out of the reach of all the players in the Ivoirian crisis and notably the international community, in particular the African Union and, above all, ECOWAS.

Indeed, the difficulties of security sector governance and the solutions to be found to these difficulties have an obvious regional and sub-regional dimension, as illustrated by the sustained efforts of these organisations and their representatives to bring about agreements that would put an end to the crisis. In addition to its economic importance (Côte d'Ivoire represents 40% of trade within the CFA zone), its closeness to other areas of tension also makes it one of the key countries in the region. Sierra Leone and Liberia remain shaky, in spite of the recent resolution of their destructive civil wars, and the future of Guinea is unclear. It has been shown quite clearly that many of the combatants, who either participated in fights among armed militia or in the massacre of civilian populations in the west of Côte d'Ivoire, came from Liberia, Sierra Leone and even Guinea. All these neighbouring countries are engaged to varying degrees in DDR programmes or are restructuring their security apparatus. This has led to the demobilisation of

thousands of ex-combatants who now find themselves at loose ends and are ready to respond to any call to take up arms once again.

The sub-region has also been the theatre of movements of populations in the wake of each upsurge of violence, not counting the thousands of people who were displaced at the outset of the conflict. Consequently, in overhauling its security system it is necessary to understand the sub-regional dimension of the challenges facing Côte d'Ivoire. This will make it possible to design and implement solutions, in particular all aspects of DDR, with that dimension in mind. This of course requires sustained cooperation with all its neighbours not only on DDR, but on all aspects of the crisis that involve the neighbours of Côte d'Ivoire. In fact, the different agreements that have been signed to date all recognise this requirement.

A new army, reconstructed on the basis of the principles that will have governed the DDR process, and with it all the other components of the security sector, must be educated about the role and responsibilities of the defence and security apparatus in a democratic system. They must learn about the rights and duties of citizens, which must be protected and preserved. They must also be taught about any other instruments that will enable this to be a professional and republican army. The criteria for recruitment and career plans must be formalised. Discipline must be enhanced in both military and civilian training systems.

The most daunting challenge, however, is to keep the military out of political turbulence and plotting. In order to do this, it might be necessary to do more than simply state in the constitution that exercising a military profession is incompatible with holding political office. Mechanisms must be found to discourage any temptation to be swayed to the side of a given political party, for example, providing for a bonus in the form of additional pension for any military person who is considered by their superiors to be 'impartial' vis-à-vis the different political parties and actors.

Another daunting challenge is to reconcile the security forces with the civilian populations that they have a duty to protect. It is essential to restore confidence between the two sides and this requires respect for the rule of law and equality of all before its authority. Impunity must be stamped out and military tribunals must play their role fully and in an exemplary fashion, in the light of the violations of the duty and ethics of the profession of arms. In this respect it might be possible to bring defence and security forces and civilian populations closer by organising periodic fora during which topics of common interest would be discussed. Depending on the topic, the facilitator could in turns be someone from civil society or from the military.

## Conclusion

Implementation of the reforms suggested in this text presupposes that hostilities have ceased, that stability has been re-established and that those involved truly wish to set up a genuine nation, built on the principles of democracy and governance. The situation today is characterised by tensions, following the recent massacres in the western part of the country and the militarisation of the area by President Gbagbo. In this context, it does not seem likely that this desire will prevail and one must fear that time will only serve to make the equation more complex.

Furthermore, it is impossible to guarantee the security of a country when its neighbours are wracked by fratricidal conflicts. Any strategy to ensure the security and stability of a Côte d'Ivoire is necessarily affected by the efforts and progress of the immediate neighbours in the sector. The history of the birth of our nations teaches us this and geography drives the lesson home further. The only viable security policy is that which is capable of rendering a broader and more inclusive reading of the nebulous concept of sovereignty, a concept that demands a definition, when we think in terms of people, not of power.

## Notes

- <sup>1</sup> The military is sometimes referred to as the Silent One in the French tradition.
- <sup>2</sup> According to *Military Balance 2004*, the total number of active men was 17,050 (army 6,600, navy 900, air Force 700, Presidential Guard 1,350, gendarmerie 7,600, militia 1,500).
- <sup>3</sup> National Democratic Institute for International Affairs, "Côte d'Ivoire National Reconciliation & the State of Democracy: An Assessment Mission Report, July 2 – 13, 2001," p.21, National Democratic Institute for International Affairs, [http://www.accessdemocracy.org/library/1240\\_ci\\_visits7022001.pdf](http://www.accessdemocracy.org/library/1240_ci_visits7022001.pdf).

## Chapter 6

# The Gambia

*Abdoulaye Saine*

### **Introduction**

When The Gambia gained independence from Britain on 18 February 1965, there was deep-seated concern internationally about its political and economic viability. Therefore, the primary objective of its post-independence security and foreign policies under founding President Dawda K. Jawara was to maintain territorial sovereignty and security and to attract external economic resources to support domestic development goals and regime legitimacy. It took British grants-in-aid during its first years of independence to sustain the country economically. As Africa's smallest state, surrounded – except for a small seacoast – by its larger neighbour Senegal, The Gambia jealously guards its independence in the face of a perceived security threat of assimilation by Senegal. The two states' separate existence is rooted in the activities of British slave-traders who, in 1618, established a fort at the mouth of the Gambia River from which they gradually spread their commercial and, later, political dominance upstream. Except for English and French serving as official languages in The Gambia and Senegal respectively, the peoples of both states share much in common, both linguistically and culturally. Moreover, their respective economies are heavily dependent on groundnuts as a cash crop. Nevertheless, The Gambia's odd geographic location in the heart of Senegal has raised continuing security concerns for Senegal as the latter seeks to quell a long-running civil-war in its southern region of Casamance.

Since gaining independence, this mini-state of less than two million inhabitants enjoyed relative peace when the rest of the continent was mired in political instability. President Jawara crafted modest development goals, a moderate foreign policy and adhered, in principle, to political democracy, human rights and an open economy. Over the years these principles won him much respect from both within The Gambia and internationally. The Gambia's political history under Jawara, however, resembled a plateau

occasionally marred by volcanic eruptions. The general image, as projected too often to the outside world, was one of a mini-state adept at survival, able in spite of its under-development and insecurity to run an open society with a multi-party democracy and encapsulating both the problems and opportunities of a small state. Notwithstanding its democratic tradition, The Gambia under Jawara continued to have one of the lowest living standards in the continent and ranked 166 in the world out of 173 countries according to the United Nations Development Programme Human Development Index. 'Sembocracy' is a word that has been used by some of his critics to describe the Gambian political experience under Sir Dawda. *Sembo* is a Mandinka (the majority ethnic group in The Gambia) word meaning 'power' or 'force'. It has been used, in the view of some critics, to conceal the most authoritarian practices under a veneer of democratic governance.

The security apparatus during the first republic (1965-1994) was loosely organised around the ministry of the interior, which was headed by a cabinet minister. The ministry of the interior during the first republic was staffed by layers of bureaucrats both at the junior and senior levels who ran its day-to-day operations. A 300-strong unarmed field force maintained order because The Gambia did not have an army. This was a deliberate decision on the part of Sir Dawda who believed that a standing army would absorb limited national resources and privilege the use of force to resolve disagreement rather than their peaceful settlement through democratic means.

In 1981 elements in the armed forces in alliance with some civilians staged a coup against Sir Dawda's government while he was away on a visit to Britain. This event was by far the single greatest security threat to The Gambia and Sir Dawda's government. Evoking a security-defence treaty between The Gambia and Senegal, Sir Dawda prevailed upon President Abdou Diouf of Senegal to intervene militarily in order to restore constitutional order, but at the cost of 400–500 lives. Following Senegal's successful intervention and Sir Dawda's resumption of power, the two presidents agreed to the formation of the Senegambia Confederation. The confederation was intended to shore up The Gambia's internal security while simultaneously bringing the two states closer, a political and security-policy outcome Senegal has long desired. Characterised as a 'marriage of confusion' the confederation lasted eight years before its collapse in 1989. The Gambia National Army (GNA), the major institutional remnant of the Senegambia Confederation, designed to bolster both Sir Dawda's and the country's security, ousted him and his ruling People's Progressive Party government on 22 July 1994 in a bloodless coup d'état. The leader of the

1994 coup, Yahya A.J.J. Jammeh, was elected president in all subsequent elections.

### **The Security Sector**

Constitutional arrangements in The Gambia were established and the constitution continues to be amended to suit President Jammeh's political objectives. Adopted by referendum in August 1996, the constitution provides for the separation of executive, legislative and judicial powers. According to chapter XIII of the 1996 constitution, the armed forces of The Gambia shall consist of the army, the navy and air force and such other services for which provision is made by an act of the national assembly. The chapter details further the role of the armed forces, which includes among other things, the preservation and defence of The Gambia's sovereignty and territorial integrity.

Despite its passage in 1996, The Gambia's constitution remains fundamentally flawed because it was designed to preserve the power and control of the armed forces by then-chairman Jammeh who in the presidential elections of the same year transmuted himself into a civilian president. Since then the constitution has been used to muzzle the press, outlaw and suppress opposition parties and allow security personnel to act with impunity – for example with their alleged involvement in the slaying in April 2000 of 14 high school students.<sup>1</sup>

Any mention of a two-term limit for the presidency was likewise expunged from the constitution. Perhaps one of the most troubling clauses of the constitution concerns the ability of the president in his capacity as commander-in-chief to influence those below him within the security sector. For instance, article 188(1) reads:

without prejudice to his or her power and authority as commander-in-chief, the president may give Force-Commander directions with respect to the operational use of the commander's force in The Gambia for the purpose of maintaining and securing public safety and public order, and the Force Commander shall comply with those directions.

#### *The Formal Security Apparatus*

Totalling 800 men, the GNA consists of two infantry battalions, a presidential guard and a marine unit of approximately 70 men equipped with



Chinese-built inshore patrol vessels. The paramilitary gendarmerie numbers 600. There is also a presidential guard as well as the National Intelligence Agency (NIA), which is the repressive arm of the regime. In fact, President Jammeh's longevity in office, despite many alleged counter-coups, is attributable to the support that the NIA and the police force accord him. There are suspicions however that two of the latest coup plots were fabricated to justify the removal of unwanted army officers.<sup>2</sup>

The national police force as well as its various components, including the criminal investigation division, a rapid intervention unit and traffic and border patrol, constitute another important security apparatus in The Gambia. In fact, the importance of the police force increased tremendously after the 1994 coup. In both the first republic and the post-coup period, the police force has been headed by the inspector general of police who in turn is answerable to the minister of the interior. In the post-coup era, the minister together with high ranking policy-makers and advisors are all retired army officers who owe their appointment to President Jammeh himself.

*Paramilitary forces* are managed by a variety of state institutions. Park and forest rangers are under the ministry of agriculture; customs and tax collectors/inspectors fall under the purview of the ministry of finance; and market tax collectors are supervised by the municipal authorities under which they serve.

#### *Non-state Security Structures*

The post-coup era has seen the proliferation of private, civilian security organisations both domestic and international, that are licensed to operate under state control. These private security companies generally provide services to foreign embassies, banks and individuals. They recruit former security personnel who run the day-to-day operations with mostly civilian 'with-training' personnel. The domestic security companies in particular are established by former state security agents and serve the security needs of individuals for a lower fee compared to their international counterparts. Individual watchmen are also in greater use today; they enter into contracts with home owners to secure residences, stores and other commercial outlets. The growth in home construction by diaspora Gambians has also increased the need for their services, in addition to a cadre of relatives who live in the premises to secure these homes. Whether state controlled or not, these security personnel are not licensed to carry arms.

While in principle, non-statutory organisations, militias and vigilante groups are illegal, in reality they do exist in The Gambia and have been linked to the ruling Alliance for Patriotic Reorientation and Construction (APRC). An earlier vigilante group known as the July 22 Movement has since been replaced by a similar group now known as the 'Green Boys'. Less visible than the July 22 Movement, the Green Boys perform roles once executed by the July 22 Movement.

#### *Management, Mandates and Coordination of the Security Apparatus*

Constitutional guarantees notwithstanding, The Gambia's army and the NIA remain without doubt the president's most important political constituency. As commander-in-chief, President Jammeh has sought to keep a close grip on the leadership of these security agencies by a policy of selective promotion and dismissal. And despite promises of transparency, probity and human rights protections by the APRC regime, the NIA, army and police have become the single most important agents for maintaining 'law and order'. Rule by decree has often usurped constitutional guarantees, which in turn engendered a culture of fear and silence partly in response to the acts committed by the NIA against civilians. Consequently the civil rights and liberties that Gambians had once taken for granted in the first republic are consistently violated under the pretext of defending 'national security'. In time, a state of 'national insecurity' ensued as the NIA, like the army, was strengthened and the president's own personal guard staffed by foreign officers or the president's own Jolla co-ethnics.

The state security apparatus and the army in particular, provide the major institutional plank upon which President Jammeh's regime rests. However, internal cleavages, factionalism based on rank and more often on ethnicity, poor training and promotions based on allegiance to the president have combined to undermine the regime and The Gambia's national security. A blurring of sorts now characterises the national security apparatus as roles and responsibilities, especially for the police force, have taken a militaristic direction. Today, military personnel also perform police duties, especially at traffic check points.

#### *Defence Agreements and Regional Integration of the Security Sector*

Like most countries in the West African sub-region, The Gambia is party to several security agreements and is also a member of select international, continental and regional organisations. Perhaps the most important of these

is its membership in the United Nations (UN), the African Union (AU) and the Economic Community of West African States (ECOWAS). In fact, small detachments of GNA troops have served with the Nigerian-dominated ECOWAS Monitoring Group since the early 1990s. Banjul, its capital, has been selected by ECOWAS as one of the four regional headquarters of its initiative on conflict prevention and resolution, peacekeeping and security in West Africa. Also of significance to The Gambia are memberships in the Organisation of the Gambia River States and the Inter-State Committee for Drought Control in the Sahel.

As an English-speaking enclave almost completely surrounded by Senegal and beyond that by other countries of the French-backed Franc Zone, The Gambia has long sought the security and economic favours of the regional giant, Nigeria, in an attempt to counterbalance France's overwhelming dominance in the sub-region. As Western bilateral aid dwindled following the 1994 coup, Nigeria's financial support as well as its defence guarantees became crucial. The Gambia has also kept strong security links with Guinea-Bissau, Sierra Leone, Liberia and Libya. However, in the last few years The Gambia had attempted to distance itself from Libya as its own relations with the United States improved. Links with Taiwan, Cuba and several Middle Eastern states have also been strengthened to shore up regime security.

Senegal remains The Gambia's most important security partner, not withstanding deteriorating diplomatic relations since the mid-1990s. Cross-border trade in goods both licit and illicit, including small arms and a vibrant re-export trade by The Gambia into Senegal and neighbouring countries, as well as President Jammeh's alleged support for the secessionist movement in Senegal's southern province of Casamance,<sup>3</sup> have increased tensions between the two states. A two-month border closure from August to October 2005 deepened ongoing tensions and negatively impacted on Senegal-Gambia relations. President Jammeh's decision to raise the fees for Senegalese trucks using Gambian ferries on 15 August led Senegal's President Abdoulaye Wade to close his border to Gambia's re-export trade, a significant source of revenue for the financially trapped APRC government. Consequently, 2005 saw relations between the two countries deteriorate further. It took the personal diplomatic initiative of President Olusegun Obasanjo of Nigeria to resolve the border conflict at a meeting between the two heads of state on 21 October in Dakar.

Since coming to power in 1994 President Jammeh has undertaken several efforts to establish himself as a peace-broker in the conflict between Senegal's central government in Dakar and its southern province of

Casamance. There is however continuing scepticism in Dakar about his capacity to remain neutral in the conflict given that the bulk of the secessionists belonged to President Jammeh's own ethnic group, the Jolla, and are often provided sanctuary in The Gambia. Therefore, relations with Senegal have remained frosty despite what on the surface appear to be cordial ties.<sup>4</sup>

### **Civilian Management and Control of the Security Sector**

Civilian management and control of the security apparatus are by far the most clearly articulated chapters and sections of the Gambian constitution. The constitution details in particular the specific role of the armed forces and the executive powers vested in the president, who is head of state and commander-in-chief of the armed forces.

#### *Legal and Constitutional Framework*

Constitutional provisions are made for direct, universal suffrage to elect the president for a renewable five-year term. The president then appoints a vice-president and a cabinet, which must be drawn from the 49-seat national assembly. Forty-five members of parliament are elected by direct, universal suffrage and the remaining four are nominated by the president. The president, vice-president and secretaries of state are answerable to the House of Assembly, which has the power to discipline or dismiss them through a no-confidence vote. While this looks good on paper, the reality could not be more different because the president has subverted the constitution to avail himself of unrestricted powers.

Predictably, some sections of the constitution pertaining to arms procurement, arms depots, the presence of foreign military personnel and their support, vigilante groups and the role of NIA personnel remain vague. Military budget and expenditures are shrouded in secrecy. And because the national assembly is dominated by the APRC, attempts by the parliamentary minority to ensure transparency and accountability are often unsuccessful.

#### *Civilian Control and Management of the Security Sector*

Despite two presidential and national assembly elections in 1996 and 2001 to satisfy Commonwealth and IMF/World Bank requirements, these elections

served merely as window dressing. In this context democratisation by way of civilian control and management of the security sector has been resisted by the military under its military-turned-civilian-president. What little control civilians may exercise over the security sector in The Gambia is a facade for authoritarianism and another way of consolidating the power of the incumbent.

Despite continuing Western pressure for reform, the APRC regime has dragged its feet to circumvent civilian control and management of the security sector. Continuing improvements in relations between the United States and The Gambia following the 2001 al-Qaida attacks, with the APRC regime joining the United States in its global war on terror, have further entrenched a siege mentality in The Gambia.

Thus, the alleged coup d'état attempt of 20 March 2006 and the actions which followed were further indications of civilian impotence in both control and management the security sector. According to the Amnesty International 2007 country report on The Gambia, more than 70 civilians and members of the military were detained while the report also described allegations of torture and extrajudicial killings in the wake of the alleged coup attempt.<sup>5</sup> A leading Gambian politician sums up the absence of civilian control and management of the security sector describing the security situation thus:

The situation reminds me of Liberia under Charles Taylor and Sierra Leone under Foday Sankoh and Paul Koromah. This country has been known for nurturing and sustaining its tradition of peace since independence. If these kinds of activities are happening here today, then it would not be farfetched to foresee gloom and devastation. We are living in a situation that is promoting a sense of lawlessness, banditry and a culture of impunity.<sup>6</sup>

### *Parliamentary Control*

The National Assembly is yet to live up to popular expectations of exercising its constitutionally delegated powers to set and enforce legal limits on the APRC regime and President Jammeh himself. APRC national assembly members, it appears, are more eager to please and curry favour from the regime than the voters that sent them to the assembly in the first place. Minority party assembly members on the other hand are too often outvoted or demonised for raising questions critical of the regime. Yet, ironically, most Gambians look up to the parliament members who are most insulated by the constitution from President Jammeh's capricious policies

and to whom he is answerable. Low formal education, poor training and ignorance of procedure and workings of the national assembly are partly to blame. This has rendered the assembly ineffective and reduced its APRC majority members to a rubber stamp function.

### *Judicial Control*

The independence and objectivity of the judiciary has been called into question since the 1994 coup d'état, in part because of its domination and manipulation by the executive branch of government. In April 2003 the Commonwealth Lawyers Association passed a resolution calling on the government of The Gambia to respect the rule of law and improve the state of the judiciary. The resolution cited intimidation of lawyers, a lack of independence and of technical support for the legal profession. In 2002-2003 a series of dismissals and promotions in the judiciary violated the constitutional mechanisms put in place to ensure the independence of the judiciary. The absence of an independent and transparent judicial system has deterred the administration from rendering justice to citizens harmed by the government. For example the security officers responsible for the April 2000 fatal shooting of 14 peacefully demonstrating students were never charged. In fact, they were indemnified following passage of a law shortly after the incident.

The highest court in the land, the supreme court, has not operated properly since early 2003, as it does not have the necessary complement of judges. Like most other sectors of the judiciary, the supreme court is composed entirely of foreign, mostly Nigerian, judges. The court therefore has to wait for the government to find foreign judges willing to serve in The Gambia. Being the highest appellate court in The Gambia, and there being no constitutional court, it is also inundated with constitutional cases. The shortage of human capacity has been reflected in all the other tiers of the judiciary and has seriously affected the administration of justice in the country. Only on occasion have the courts acted independently of the executive branch. And because the bulk of these judges are perceived by some to be partisan they have been characterised as 'mercenary' by opposition supporters in The Gambia and abroad. While chapter VIII, section 120(3) of the constitution explicitly spells out the roles of courts and guarantees the independence of the judiciary, it is constantly violated to suit the political whims of President Jammeh. Together, these factors have left the judicial system severely compromised.<sup>7</sup>

*Public Control*

Civil society organisations do not necessarily participate in policy making as far as governance of the security sector is concerned. The reasons are multiple and obvious; as such participation is reserved exclusively for the president and a handful of his security personnel operatives. This however has not deterred non-governmental organisations, such as The Gambia Bar Association, affiliate branches of Amnesty International and Reporters Without Borders, as well as organisations based in The Gambia such as the African Center for Democracy and Human Rights Studies,<sup>8</sup> from making their security concerns known to the administration.

It is the non-government-controlled private media and journalists however that have been most vocal on security issues, specifically, and human rights violations, generally. As a group, journalists have paid a heavy price, risking life and limb in a state of affairs that persists to this day.<sup>9</sup> The Green Boys have been implicated in the arson attacks on the premises of *The Independent*, a bi-weekly newspaper known for its editorials critical of President Jammeh and his regime. Today, for instance, following the alleged failed coup of 20 March 2006, *The Independent* remains closed, its editor and two of its reporters are in custody, and the paper's founding editor as well as a former managing editor are in exile for fear of being killed. This is neither an over-statement nor over-reaction because Deyda Hydara, editor and co-owner of *The Point* newspaper, was shot dead on 16 December 2004 while two women employees travelling with him sustained serious gun injuries. Ousman Sillah, a veteran human rights attorney, was shot and left for dead in December 2003 but miraculously survived and now lives in exile in the United States.

Despite these atrocities, and perhaps because of them, some citizens have become more vocal on security issues. A newspaper editorial 'Of Violence and Lax Security' asks:

have you stopped to take notice that since 22 July 1994, Gambians have had their rights trampled upon? Unconstitutional detention, brutal attacks and intimidations have become the order of the day.

The author concludes:

It has now dawned on Gambians that government has chosen to ignore and undermine the rule of law; weaken human rights protection of individuals as well as respect for democracy. The focus of national security has diverted

attention from some very real threats that affect the lives of many Gambians. A more secure Gambia demands a paradigm shift in the concept of security, a shift that recognizes that insecurity and violence are best tackled by effective, accountable states which uphold not violate human rights. A shift that will promote democracy and good governance and a shift that would give supremacy to the law. Unless that shift happens, security would be compromised to the utter discomfort of the down-trodden.<sup>10</sup>

In sum, since the July 1994 coup, The Gambia has been trapped in a vicious cycle of growing authoritarianism and insecurity. The state has, for all intents and purposes, 'failed' and is unable to deliver basic security protection for citizens. The current security deficit, growing out of a deepening gun-culture and the militarisation of society, is a consequence of a 'failed state' syndrome into which The Gambia finds itself descending. In fact the first annual report on the list of potential 'failed states' research conducted by the Fund for Peace and Foreign Policy listed The Gambia as a potential candidate among sixty nations on the brink of collapse. Côte d'Ivoire made the top of the list and the Gambia took the last spot.<sup>11</sup>

### **Challenges of Security Sector Governance**

There are growing challenges to security sector governance in The Gambia. These challenges are multiple and include the following: a lack of autonomy from executive directives, poorly trained security officers, short-tenure for key security administrators, poor oversight of the security sector by both governmental institutions and those in civil-society, and, more broadly, poor policy coherence and continuity. In the absence of well-defined procedures and boundaries to regulate institutional and individual conduct, the security sector in The Gambia will continue to be troubled and perceived by the public as an extension of the executive.

Specifically, the lack of democratic accountability, transparency and judicial, parliamentary and civilian controls are the key features of the post-coup security apparatus in The Gambia. The continuing and growing presence of 'retired' military personnel as heads of the ministry of the interior, army, police and the NIA leaves decision making exclusively in the hands of the president. In addition, President Jammeh's constant circulation or termination of key personnel in the security sector rob these security establishments of policy coherence and continuity. Boubacar Jatta, perhaps the longest continuously serving army chief, was abruptly dismissed in 2005.



Following a short break from government service, Jatta was for a brief period The Gambia's ambassador to Cuba but was later recalled and appointed secretary of state for the interior. Jatta's predecessor Lamin Kabba Bajo, a 'retired' military officer, also served as minister before he was moved to several other ministries, including the ministry for youth and sports. He was later terminated in this post, recycled and served as ambassador to the Kingdom of Saudi Arabia. He was subsequently recalled and now serves as secretary of state for external affairs.

The NIA has also seen many directors come and go, including Samba Bah and Abdoulie Kujabi (the president's uncle). Bah, a former police officer, was subsequently made secretary of the interior but, like many before him, was removed from the position. Kujabi, Bah and many other senior security operatives were fired or arrested following the alleged coup of 20 March 2006. Daba Maranneh, then serving as director general of the NIA, was arrested and is now feared dead together with other security officers, following an alleged failed escape attempt while being transported to prison.<sup>12</sup>

Significantly, the alleged coup has provided a justification for the complete overhaul of the army and other security organs of the state, including the NIA and police forces. In their place, Jammeh has appointed his Jolla co-ethnics or loyalists. Yet, the situation remains unstable. It should be noted in passing that this 'hire and fire' policy is not limited to the security sector alone. The services of eighty secretaries of state and countless junior and senior civil servants have been terminated since the 1994 coup, the consequence of which is endemic policy unpredictability, incoherence and civil-service insecurity.

Ironically, control of the security apparatus has not made the president or his hand-picked security operatives any more secure either personally or politically. The Gambia's security deficit together with a poor governance framework have plunged the economy into a crisis of unprecedented proportions. Therefore, the image of the security sector is likely to remain tarnished in the foreseeable future unless much needed reforms are put in place. For example, the June 2005 NIA report, commissioned by the president over the killing of Deyda Hydera, reflects poorly on the investigative skills as well as the seriousness of this security body.<sup>13</sup> The report reads more like a work of fiction rather than a serious official document on a tragic case. Rather than pursuing this matter in an objective and professional manner, the report contains all kinds of irrelevancies.

Other continuing challenges to security sector governance in The Gambia lie in the 'culture of impunity' which allows government security

officials and quasi-governmental groups to take the law into their own hands with official sanction or silence. Thus, a 'culture of silence' has not only emboldened vigilante groups but ordinary citizens as well. In the end however it seems the greatest challenge to security sector governance lies within the military itself. Internal factionalism, poor discipline and training, cleavages between ranks, growing discontent within the military and its dissatisfaction in some pockets over government corruption will more than likely result in internal conflicts which could spill over into societal disorder. This is what probably took place on 20 March 2006 when a group of senior military officers, including the army chief and their civilian co-conspirators, allegedly sought to overthrow President Jammeh's government.

Add to this the brewing tension between a growing refugee and immigrant population, which is generally more hard working than their hosts, and an underclass of urban Gambian youth who feel overwhelmed by the 'strangers', and it is only a matter of time before this mix erupts into violence. This could be even more deadly than the 2003 incident that targeted Senegalese residents who were violently beaten and whose property was burned. Precisely because of the absence of societal governance institutions and mechanisms, a condition exists that has all the ingredients for future national disintegration.

In sum, in The Gambia there is a triple crisis of governance. The first is the lack of accountability and the rule of law as evidenced in pervasive corruption, criminal violence, personalisation of power and human rights abuses. The second crisis is economic; it stems in part from a failure to implement prudent economic policies. The third crisis can be seen in the deteriorating living conditions and well-being of the majority of Gambians. These crises are the net effect of eleven years of military and quasi-military misrule and all directly impact national and personal security immensely. Together they constitute the greatest security sector governance challenges in The Gambia. The regime's unwillingness to tackle the insecurities attendant to human rights violations, deteriorating living conditions, crime and a 'culture of impunity' may very well be the greatest threat to its own security and The Gambia's as well.

Therefore, the general proposition that good leadership and a sound governance policy framework are essential ingredients to maintaining national security and building democracy is instructive. In the end, the nature and quality of governance, and the types of policies governments choose, have a decisive impact in shaping the security apparatus, economic performance and whether and how people will escape from mass poverty. In sum, good governance and good leadership matter and provide the surest

guarantees to resolving the challenges to national and personal (in)securities in the Gambia and elsewhere.

### **Conclusion**

There is a need to encourage and speed up the current ‘democratisation’ process in The Gambia. However, this is possible only when power devolves administratively to ministries within government, to area and municipal councils and to grassroots organisations. Institutions and civil society organisations must enjoy relative autonomy from central government and the national rent-seeking and predatory state system. In rebuilding these democratic institutions in society, there must be societal and institutional mechanisms put in place to oversee the security sector and retrain security forces to both respect and protect people’s human rights. Ultimately, human security must take precedence over regime security and expedience.

The role of external actors is crucial in ensuring the success of these reforms. Accordingly, Senegal must follow Nigeria’s lead and become more active in enhancing democratic norms in The Gambia as insecurity in the latter will most certainly spill over into its borders. ECOWAS as well as the AU must insist on fundamental political reforms in The Gambia to further pressure the regime into respecting the rights of and meeting its obligations to its citizens. Unfortunately, the AU’s decision to hold its June-July 2006 annual summit in The Gambia sent the wrong message, seen by many observers as condoning the regime’s poor human rights record. The AU in this regard must emulate The Gambia’s major donors who have, since the coup, insisted on better standards of governance.

The Commonwealth, Germany, the World Bank and IMF have been adamant on instituting ‘best practices’ in both the economy and polity. In fact, their combined pressure on President Jammeh and the APRC government are largely responsible for the little democratic opening that has occurred in The Gambia. This pressure must be sustained as the short-term gains are being felt slowly in the rate of economic growth. While poverty is worse today than it was in 1993, the long-term prospects for its reversal are good. In the long term, as international and domestic confidence in the economy and the security sector grow, so should the potential for growth in direct foreign investment.

Civil society and regional and international non-governmental organisations have an equally important role to play in rebuilding a sustainable economic base in The Gambia to tackle poverty and gender and

regional inequities. Endemic domestic violence, as well as female circumcision, must be confronted head on. The social condition and security of Gambian women and girls in general leave much to be desired as they are more vulnerable than their men to poverty and lack of opportunity. Therefore, a culture of tolerance for difference and debate is a must in order to address and tackle the vexing social issues that are likely to persist even after President Jammeh exits the political scene. If these reforms fail or are unduly delayed it could plunge The Gambia into chaos and possible disintegration. The Gambia is already classified as a 'failed state' and delaying these reforms could accelerate a descent into the abyss.

Today, The Gambia, and Gambians are in an unenviable position politically and economically; they are at a crossroads in which the choices are simple and clear. Gambians can continue as in the past to leave the affairs of state, including their security and economy, to an inept leadership, or go back to the drawing board to create a new political dispensation based on democratic governance, thus permitting relative economic prosperity, security and political stability. Until then, the first priority of President Jammeh's government must be to re-establish fundamental freedoms and to protect human rights and personal security.

Resistance by political and economic elites to these reforms is a likely reaction given the threat they could pose to vested economic and political power interests. In doing so, military corporate privilege threatens to override long-term national and human security needs. If President Jammeh and his group of 'retired' military cohorts insist on business-as-usual, they are likely to suffer more international isolation and political discontent at home. The 20 March 2006 alleged coup, and others before it, must be a wake-up call for lasting political and economic reforms. Otherwise, the likelihood of further unrest will grow by the day. Conversely, given the fractured nature of the army, malcontent among rank and file and senior officers could support long overdue institutional reforms. This is a deadly recipe for disorder as competing factions vie for control of the reform process and the armed forces as an institution, thus these reforms must be undertaken with caution and balance.

The success of these reforms can be measured by the degree to which they are able to engender political and economic stability, generate goodwill and tangible support from the international community and, most importantly, the qualitative difference the reforms make in the lives of ordinary Gambians. The following key questions can, at an operational level, help us evaluate the reforms: First, is the quality of life (economic growth, poverty reduction, equitable income and wealth distribution, personal

security, peace, human rights, food, water security, gender equality, access to education, especially for girls) for Gambians better now than it was before the reforms were set in motion? Second, are these reforms and benefits sustainable in the long term?

The gradual and long-term attainment of these tangible outcomes may very well be the best we can hope for. Clearly, the reform process will be fitful, sometimes acrimonious, but certainly better than the present. Therefore, economic growth must not be favoured at the expense of human security and values. Gambians must insist on honesty from their leaders and not sacrifice national and personal inner peace for profit and reckless greed. Ultimately, the belief and pursuit of these ideals are the true indices of progress.

## Notes

- <sup>1</sup> Amnesty International, "Gambia: Excessive use of force by security forces with fourteen people killed and at least 28 injured," Amnesty International, <http://web.amnesty.org/library/index/ENGAFR270012000> (17 August 2000).
- <sup>2</sup> Abdoulaye Saine, "The Gambia's Elected Autocrat, Poverty, Peripherality and Political Instability; 1994-2006: A Political Economy Perspective", *Armed Forces & Society*, Vol. 34, no. 3 (October 2008): 450-473.
- <sup>3</sup> See: "Yahya Jammeh Supports Casamance Rebels: An Analysis", *The Gambia Echo*, September 3, 2007; and Abdoulaye Saine, "The Gambia's 2006 Elections: Change or Continuity?" *African Studies Review*, Vol. 51, no. 1 (April 2008) 59-83.
- <sup>4</sup> "Jammeh, Wade clear the Air," *The Point*, 25 October 2005.
- <sup>5</sup> Amnesty International, "Amnesty International Report 2007: The State of the World's Human Rights: Gambia," Amnesty International, <http://report2007.amnesty.org/eng/Regions/Africa/Gambia>.
- <sup>6</sup> These remarks were made by Omar Jallow, a vocal political opponent and critic of the Jammeh regime. Jallow, a former minister of agriculture in the former Jawara government, has worked tirelessly with other politicians to restore democracy in The Gambia and has paid for his political activism by being arrested and imprisoned, detained and tortured. For these remarks, see, *The Independent*, April 2004.
- <sup>7</sup> Gisbert H. H. Flanz, *Constitution of The Gambia* (New York: Oceana Publications, 1997), 120-148.
- <sup>8</sup> See the African Center for Democracy and Human Rights Studies, <http://www.acdhrs.org>
- <sup>9</sup> AllGambian.net, "News: AI-Brooklyn group deplors human rights abuses in the Gambia," AllGambian, <http://www.allgambian.net> (May 2006).
- <sup>10</sup> *The Independent*, 19 December 2003.
- <sup>11</sup> Foreign Policy and The Fund for Peace, "Foreign Policy Failed State Index July/August 2005; May/June 2006," ForeignPolicy.com, <http://www.foreignpolicy.com>.

- <sup>12</sup> See Amnesty International, "Amnesty International Report 2007: The State of the World's Human Rights: Gambia," Amnesty International, <http://report2007.amnesty.org/eng/Regions/Africa/Gambia>; Amnesty International, "Amnesty International Report 2008: The State of the World's Human Rights: Gambia," Amnesty International, <http://thereport.amnesty.org/eng/regions/africa/Gambia>.
- <sup>13</sup> Ann Cooper, "2005 Letter of Protest: The Gambia: CPJ outraged by conduct of probe into editor's murder," Committee to Protect Journalists, <http://www.cpj.org/protests/05ltrs/Gambia16june05pl.html>.



## Chapter 7

# Ghana

*Eboe Hutchful*

### **Introduction**

Any discussion of security sector governance in Ghana (as in most African states) must begin by acknowledging the many knowledge gaps in this area. This has not been the focus of systematic research until recently, for a variety of fairly obvious reasons. However, while interest in this area may be recent, the subject matter itself is not, given Ghana's (and Africa's) long history of militarism and struggle to develop stable civil-security relations, a record essential for placing the current transition(s) in perspective.

Certainly, Ghana compiled an unusual record of militarism and political instability between the 1960s and 1980s, with a string of successful coups (in 1966, 1972, 1979 and 1981) and countless failed attempts. This means that twenty-three or so of Ghana's first thirty-five years of independence were spent under military regimes.<sup>1</sup> The growing instability of the state interacted with severe deterioration of the economy. However, this process of militarisation appears to have been arrested and finally reversed in the late 1980s and 1990s, facilitating a transition to a fairly robust democracy. And while in some respects Ghana's experience is representative of many of the transitions from military authoritarianism to electoral 'democracy' in West Africa, and shares many of the limitations and ambiguities of these transitions, it departs from most in that Ghana's initial exercise in regime rearrangement appears to be deepening into a genuine case of democratic succession.<sup>2</sup> Evolving stable security sector governance has been central to this experience.

But what is the quality of Ghana's security sector governance, and how sustainable is it? Our analysis focuses on developments since 1992, and covers the latest transition to electoral democracy; thus, it captures only a fragment (though a valuable one) of a rich and lengthy historical narrative.<sup>3</sup> To comprehend these post-1992 processes, one needs to grasp a range of prior developments which were essential in setting the stage for the current



evolution, but which cannot be analysed here in any detail. These include the drastic macroeconomic and public sector reforms<sup>4</sup> and the gradual recomposition of the security services by the Rawlings regime, which were important in ‘up-righting’ the Ghanaian state, as well as the popular struggles from below which forced a democratic opening in the 1990s.<sup>5</sup> These developments serve to highlight the wider contextual determinants and broader challenges of reconstructing security sector governance.

### **The Security Sector**

Ghana’s security complex consists of:

- The Ghana Armed Forces (army, navy and air force) (approximately 7,000 total);
- The Ghana Police Service (currently approximately 16,000 officers);
- Paramilitary organisations: the Ghana Immigration Service and the Customs and Excise Preventive Service (CEPS);
- The penal system: the Ghana Prisons Service;
- Intelligence organisations: domestic (the Bureau for National Investigation – BNI), external (the Research Bureau), and military (the Defence Intelligence Agency);
- Private security organisations (currently numbering some 47 licensed organisations, as well as a variety of neighbourhood security organs, yet to be enumerated).

The most significant development in Ghana’s security sector in recent years is the expansion of private and informal security organisations, partly in response to the shredding of formal security institutions in general and the police in particular, and partly due to the deteriorating crime situation. While a significant market in private protective services has emerged,<sup>6</sup> primarily located in urban areas and appealing to business, the elite and middle class, there is also considerable growth in more traditional, voluntary community anti-crime and vigilante organisations in both rural and urban settings, in some cases with state encouragement.

*The National Security Governance Framework*

We begin with a description of the current security sector governance framework as mandated by the 1992 constitution and other legislation on the security sector. However, as we note, not all oversight is conducted by statutory organisations.

*Institutions under the Executive*

Under the constitution the president exercises overall control of the security services, appointing service chiefs and senior commanders in consultation with the Council of State and service councils. The president also makes appointments to the National Security Council, the Council of State, and the three service councils. However, administration and operational command and control of the services rests with the chiefs of the individual services, subject to the control and direction of the service councils on matters of policy.

The vice-president also played a key and independent role in the management of national security in the original version of the constitution, chairing the three service councils, as well as the National Security Council (NSC) in the absence of the president (this has since been changed by a constitutional amendment, for reasons which will be examined below).

Responsibility under the constitution for coordinating national security policy is vested in the NSC. The membership of the NSC consists of:

- The president;
- The vice-president;
- The ministers of defence, interior, foreign affairs and finance, and such other ministers as the president may determine;
- The representatives of the services, namely: the chief of defence staff and two other members of the armed forces, the inspector-general of police, the commissioner of police for the council of the minister of interior, and one other member of the police force; the director-general of the Prisons Service, the directors of intelligence (external, internal, and military respectively), and the commissioner of CEPS.

To ensure strong links with the apex of the government, the secretary of the cabinet also acts as the secretary of the NSC.

The functions of the NSC include ensuring the collection of information relating to the security of Ghana, integration of domestic, foreign and security policies, and coordinating the work of the security services on the one hand and other departments and agencies of government on the other. Under Act 526 (the Security and Intelligence Agencies Act) of 1996, the NSC also became the controlling body for the three intelligence agencies. However, with the exception of the BNI (the domestic intelligence agency), the other two intelligence agencies continue to be housed in their parent ministry (foreign affairs and defence respectively). The NSC has a secretariat that is headed by a national security coordinator and a deputy national security coordinator, who oversee the directors of the three intelligence services. In terms of policy and political control, however, the secretariat falls under the minister for national security or national security advisor.<sup>7</sup>

The Council of State is a largely appointed body of twenty-four members which advises the president in the exercise of his responsibilities. In relation to the security sector, its role is to advise on the appointment of the service chiefs (the chief of defence staff and his service commanders, the inspector-general of police, and the director-general of prisons), as well as advising on presidential appointments to the service councils.

### *The Legislature*

The 1992 constitution, like previous constitutions, is cryptic on the role of parliament. Article 200(2) of the 1992 constitution provides merely that 'No person shall raise any police service except by and under the authority of an Act of Parliament.' Article 210(2) similarly provides that 'No person shall raise an armed force except by or under the authority of an Act of Parliament.' There is little further detail.

Within the parliament, three bodies are most directly concerned with oversight over the security agencies: the committee on defence and interior, which is concerned with the armed forces, and police and immigration services, and vets the budgets of both the ministry of defence and the interior ministry; the finance committee, which considers the budget of the office of the president (including that of the NSC) and also oversees the CEPS; and the public accounts committee, which oversees public accounts in general and, crucially, considers the report of the auditor-general, thus giving it the ability to monitor military and security expenditures. There is no specific oversight committee on intelligence.

### *Other Public Oversight Institutions*

These are several other organisations which are not involved in direct administration, policy control, or regulation of the security institutions, but whose roles are nevertheless important in oversight of the security agencies.

These include:

- The judiciary, through its enforcement of the rule of law; its role in protecting human rights and curbing abuses of police and security powers; its role (under Act 526) in authorising warrants for investigations and communication intercepts by intelligence agencies; and its review of certain decisions of military courts;
- The Commission on Human Rights and Administrative Justice, which, among a range of other functions, is given specific (though limited) powers to ‘investigate complaints concerning the functioning of ... the Armed Forces, the Police Service, and the Prisons Service’ (article 218(b) of the constitution);
- The ministry of finance, through its control of budgeting and budgetary allocations;
- The auditor-general’s department, which audits all government ministries, departments and agencies, and reports to parliament, and is thus a key instrument of fiscal control and financial probity and transparency.

In terms of security sector governance, the 1992 constitution is evolutionary in character, with strong carry-overs from previous constitutions. Nevertheless there are subtle but important departures from earlier constitutions. These include the higher profile of the Council of State and service councils (the purpose being to depersonalise the management of security and protect the professional integrity of the security institutions) and the greater visibility of the services on the National Security Council,<sup>8</sup> a development which virtually assures that Ghana’s national security policy will be controlled (or at least significantly influenced) by the security services.

### *Other Legal Sources for Oversight: Service Acts and Regulations*

Beyond the general framework of the constitution, each service is regulated by a specific legal act as well as a set of service regulations.<sup>9</sup> There are

important differences in the legal frameworks for controlling armed forces, paramilitaries, police and intelligence, to some degree reflecting the different character and functions of the services. In Ghana, however, the problem goes beyond this. Service acts belong to different ‘genealogies’ and have different accountability requirements. The result is that there is little consistency in governance structures across the security sector once we move beyond the ‘macro’ level of the constitution. For instance, the Armed Forces Act of 1962, the oldest of these acts (though amended several times over the years), contains no specific provisions for legislative oversight. On the other hand, the Police Service Act (Act 350 of 1970) requires the submission of annual reports to parliament. Article 36(1) of the act provides that:

as soon as may be after the 30th day of June in each year the Inspector-General of Police shall prepare a report giving details of the administration of the Police Service ... during the previous twelve months. (2) The report shall be submitted to the Minister who shall cause it to be laid before the National Assembly.

In addition to regulating the police service, Act 350 also provided the first legal framework for regulating private security organisations (PSOs). It sought to provide a definition of PSOs and empowered the minister in charge of police to regulate their establishment and operations. This has since been superseded by the Police Service (Private Security Organisations) Regulations 1992 Legislative Instrument 1571, as amended by Legislative Instrument 1579.

Paradoxically, by far the most ‘progressive’ and accountable service legislation exists for the intelligence agencies, in the form of the Security and Intelligence Agencies Act (Act 526 of 1996), which for the first time provides a legal framework and governance structure for these agencies. The act:

- Required the minister to submit an annual report to parliament on the operations of the intelligence agencies;
- Empowered parliament to vote money from the Consolidated Fund for the NSC and the intelligence agencies;
- Required the accounts of the intelligence agencies to be audited by the auditor-general every financial year;
- Provided for a complaints tribunal and a complaints process against abuses by the intelligence and security agencies;

- Required warrants to be issued in writing by a judge, chairman of a tribunal, or senior police officer with the rank of a superintendent or above, authorising investigation by an intelligence agency (however, warrants authorising the interception of communications have to be made under the hand of a judge of the supreme court);
- Enjoined the director of an intelligence agency to ensure political party neutrality of his intelligence agency in the performance of its functions.

How far these provisions are enforced, however, is another matter entirely (see below).

#### *Non-Statutory Oversight Mechanism*

A final source of oversight of the security sector comes from politically active social groups and organisations, such as political parties, civil society organisations and the media. Such groups do not tend to have an explicit constitutional or legal basis for participating in oversight (except in limited instances such as representation on the Police Council); nevertheless, they do enjoy a broad democratic mandate. The media and civil society in Ghana have historically had a conflictual relationship with security institutions in general and the armed forces in particular, in part because of the politicisation of these institutions. But while they have often been vocal on issues to do with the security sector, they have lacked the ability to engage with security sector issues in an informed way.

Part of the reason may be found in the absence of research institutions and think-tanks on security issues and media journalists trained in military or police affairs. However, the recent emergence of a small number of civil society organisations with a specialisation in security issues, such as African Security Dialogue and Research, the Ghana Centre for Democratic Development, and the Legal Resources Centre, is promoting security literacy and transforming this situation.

#### **Civilian Management and Control of the Security Sector**

This section will try to evaluate the performance of these governance mechanisms across two political transitions (1992-2000, and 2000-present), characterised by two regimes with very different practices in the security arena.<sup>10</sup>

As far as governance of the security sector under the new democratic dispensation is concerned, the first threat to the system came from the constitutional gridlock that arose from the conflict between President Rawlings and Vice-President Arkaah. This exposed the potential problems stemming from the elaborate division of powers provided for in the 1992 constitution. As we have indicated, under the original constitution the vice-president chaired the three service councils, as well as the NSC in the absence of the president. The office thus played a key role in the management of national security. This rather unusual prominence in the security system – another carry-over from the previous (1979) constitution – assumed a high degree of collaboration between the president and the vice-president and, implicitly, membership in the same party. These conditions certainly obtained under the Limann regime, where this arrangement seemed to work well enough. However, the regime which came to power in January 1993 represented ‘cohabitation’ between the ‘official party’, the National Democratic Congress, and the National Convention Party, one of the opposition parties, and between two men (Rawlings and his vice-president, Arkaah) whose backgrounds and temperaments could not have been more different. The conflict between the two leaders (which actually degenerated into blows in December 1995) crippled the key organs of civil control. Meetings of the NSC and the Armed Forces Council (AFC) virtually ceased. This conflict provided the immediate pretext for amendments to the constitution in 1996, which removed the vice-president and placed appointments to chairs of the service councils directly under the president.<sup>11</sup>

However, the conflict described above only served to aggravate underlying political and institutional difficulties. The first challenge was undoubtedly contextual, and was linked to the very nature of the transition, which initially involved a (limited) process of political liberalisation and constitutionalisation of the incumbent military-backed regime and of the emergent ‘democratic’ dispensation. While up to that point that regime had built a strong track record of reform, it also had a reputation for non-transparency in regard to security issues and a monopolistic approach to the control of security. The extremely interventionist style that characterised the Rawlings presidency, and the high level of influence retained by the security agencies in the regime, undermined any prospect that constitutional mechanisms would function (or function independently) as envisaged.

*The National Security Council and Service Councils*

Under the constitution, the key policy and oversight institutions in the executive domain are the NSC and the service councils. As specified above, the NSC acts in a dual role as an overall security coordination mechanism as well as the directive agency for the intelligence agencies. However, as presently constituted, the NSC provides limited opening for democratic control. On the other hand, in spite of the domination (at least in numerical terms) of the services on the NSC, the council has failed to elaborate a strategic policy framework for the security services and to properly coordinate Ghana's national security strategy.<sup>12</sup> There is currently no national security strategy document in the public domain, and it is suggested that the NSC has been unable to overcome the resistance of competing agendas among government agencies and security services in the interests of coordination. Meetings under the Rawlings government were said to be sporadic and ad hoc, rarely involving the full membership because of the absence of key officials. Insiders have also expressed the view that the NSC is too large and unwieldy to be effective.

Similarly, even when the vice-president was replaced, meetings of the AFC continued to be infrequent (no more than six were held in 1996-2000) because of demands on the time of the new vice-president. The role of the council was undermined by lack of independence from the executive and alleged political interference from the commander-in-chief. The efficacy of the AFC as a centre of policy and strategic thinking may be gauged from the fact that the council has so far also failed to develop even a defence policy.<sup>13</sup> The council sometimes felt marginalised in its role of advising on promotions, with some members articulating the perception that promotions sometimes seemed to reflect political rather than professional considerations. The AFC also appears to play little or no role in the actual budgeting process of the military,<sup>14</sup> and the perception is that the absence of a representative from the ministry of finance on the council has tended to limit the level of financial realism in its recommendations, eroding their impact. Inadequate funding has also constrained the work of the council, limiting for instance familiarisation tours to military units.

The Police Council has operated in an even more uncongenial environment. Institutionally it is trapped, on the one hand between the excessive powers of the inspector-general of police<sup>15</sup> within the police and on the council itself,<sup>16</sup> and on the other the interior ministry, which has sought to resist the transfer of its oversight powers to the council. It is hindered by a severe lack of resources, which has crippled both its own work



and that of the police service. The council has had to confront – and has so far been unable to address – a state of virtual organisational anomie within the police, precipitated by poor leadership and lack of internal accountability, as well as an obsolete and redundant legislative and regulatory framework. Its own role is widely misunderstood (and apparently resented) by the ranks of the service, who blame it for a variety of ills (slow promotions, deteriorating conditions of service, policy inaction etc). The council's own lack of expertise regarding the nature of policing has not helped. While efforts have recently been made to improve the resource situation under the new government, the Police Council has been unable to set in motion any reform of the police.

#### *The Service Ministries*

Another level of executive oversight is the security ministries. Information about the role of these ministries is fragmented and uneven. For instance, there is plenty of evidence to suggest that the ministry of finance has been extraordinarily effective in exercising quantitative controls on military and police budgets, but less information about how it evaluates these budgets or controls off-budget expenditures. What little we do know is almost entirely limited to the ministry of defence; in contrast, there is little information about the interface of the ministry of interior with the police, immigration, penal system and private security companies, or of the ministry of finance with the CEPS.

It is no secret that the military has always enjoyed a high degree of autonomy within the ministry of defence. This was deepened by successive military regimes, with the result that both command and administrative functions became increasingly integrated within the general headquarters of the armed forces. The result is a marginalised ministry, whose role has been limited largely to supporting the general headquarters in administering the affairs of the military establishment. The ministry of defence has traditionally played a limited role in budgeting and procurement in the armed forces,<sup>17</sup> and ministerial control and accountability over the financial affairs of the armed forces has been weak. In short, there has been little semblance of 'civil control' over the military. The capacity of the ministry of defence to execute its mandate had been constrained in the past by inadequate personnel, frequent rotation of senior staff (essentially career civil servants transferred from other ministries, in most cases passing on after three or four years of service in the ministry of defence), and an absence of training programmes and requisite skills. Senior and mid-level civil servants have

often resisted being posted to this unpopular ministry. But as experience has shown, there are political constraints also: the military has simply resisted any attempt to encroach on its powers and perks within the ministry itself. While the Rawlings government was able to impose political control over the armed forces (at least in terms of terminating the cycle of coups) this was supported by limited institutional or policy development. The most telling indications of this have been the failure to develop a defence policy, and the fact that out of four or five civilian directors mandated by the Civil Service Law of 1993, only one has so far been appointed! While the ministry of defence launched two major reviews of the armed forces (in 1987 and again in 1995) little action was taken on the sweeping recommendations contained in the reviews.

Oversight by the interior ministry with regard to the police and PSOs appears tenuous at best, though for rather different reasons. As in the case of the armed forces, the effect of the involvement of the police in politics and government at various times since 1966 has been to widen the autonomy of the service within its parent ministry. Under the military regimes, the ministry was actually under the control of the inspector-general of police or a senior police commander, rather than the other way around. Unlike the ministry of defence, the interior ministry is a sprawling, multi-portfolio ministry, with the police as only one of its responsibilities. The role of the ministry has been further weakened (at least in its own view) by the transfer of police oversight functions to the Police Council.<sup>18</sup> Part of the anomaly created by this division of responsibilities is the fact that the ministry has a limited role in the design of the police budget which it is expected to defend before the parliament. Clearly, too, the ministry considers the inspector-general of police to be excessively independent and the present occupant of the office obstructive.<sup>19</sup>

In the case of the PSOs, although there has been legislation in place since 1994 to regulate this sector, until mid-2002 many of the over 300 PSOs in Ghana were said to be operating without the required licenses. The ministry seemed to lack adequate information even on the companies that it had licensed. Since June 2002, however, the government has been undertaking strenuous measures to enforce regulations on the industry. The number of licensed companies was reduced to 105; this was further reduced to 47 in 2004 (with re-licensing of 36 existing companies and licensing of 11 new ones). Nevertheless, indifferent enforcement and oversight has led to the emergence of companies with varying levels of professionalism and effectiveness.<sup>20</sup> While there is no evidence that this is yet a serious problem, there is always the possibility that, by their very nature, poorly regulated

(or trained) PSOs can get into quite a bit of mischief: setting themselves up as intelligence agents, acting as enforcers for political parties and other paymasters, or even taking advantage of their position to act as criminal gangs in their own right.<sup>21</sup>

### *Corporate Self-Governance*

As in all professional organisations, the quality of corporate self-regulation is critical to governance outcomes and the capacity of external agencies to exercise oversight. In this respect the armed forces have been clearly superior to the police. The armed forces regards itself (and is regarded as) the best-run institution in Ghana; the problem is that this argument is often used to supplant or pre-empt rather than facilitate civil control. On the other hand, successive government reports have made unflattering observations about the quality of internal police administration.<sup>22</sup> The difference may be related to some degree to the divergent outcomes of the institutional conflicts and internal movements for reform that occurred in the early 1980s. While the Armed Forces Committees for the Defence of the Revolution stimulated greater accountability in the armed forces,<sup>23</sup> similar movements in the police were suppressed, stalling reform and institutionalising a state of tension in the service, not least between police ranks and commanders. The very different levels of public pressure for reform (high in the case of the police, low in the case of the armed forces) may be related at least in part to divergent perceptions of the capacity of these institutions to govern themselves.<sup>24</sup>

Several professional associations enjoy semi-official sponsorship, and include the Veterans Association of Ghana and the Retired Commissioned Officers Club, both supported by the ministry of defence; the Retired Senior Police Officers Association, which is represented on the Police Council; and the Association of Private Security Organisations of Ghana (APSOG). APSOG, the newest of these organisations, lobbies on behalf of the private security industry, while also seeking to influence emerging standards for the industry (currently, about 41% of PSOs belong to APSOG).

### *The Parliament*

Parliament is the new player on the block, and thus a key indicator of the impact of democratisation on civil control of the security sector. Parliamentary oversight of the security sector in Ghana – and indeed the very existence of parliament – has been sporadic and short-lived, interrupted

by a succession of military coups;<sup>25</sup> when parliament resumed in 1993 after an absence of eleven years, it had to re-establish its influence – not least in the security sector – as a political player. In its oversight role in the security sector, parliament has faced a number of constraints; the first are clearly historical and political. Years of usurping political power has enhanced the political and institutional autonomy of the armed forces (a factor which could not but impress the new parliament);<sup>26</sup> in addition, many in the military have yet to accept the notion of civilian scrutiny, least of all by institutions from outside the executive. In addition, the executive under Rawlings was famously resistant to ceding its monopoly of control over security institutions.<sup>27</sup> There has been little tradition in Ghana (particularly under Rawlings) of transparency around issues of security, no less within the parliament itself, with its tendency to censorship and self-censorship even with regard to debates on the floor of the house. In relation to the security sector (often seen as the key base of the Rawlings regime) the legislature was often on the outside looking in.

This appears to be the case with peacekeeping, currently one of the most important functions of the armed forces. There is no specific constitutional requirement for parliament to approve the deployment of the armed forces outside Ghana's borders, and so far no evidence that the executive has felt the need to consult the legislature, or secure its approval, before or after committing troops to UN or regional peace operations. While the subject of peacekeeping has come up frequently in the house (particularly in debates on defence appropriations), the role of the parliament in this area remains ill-defined; certainly the house has complained loudly (and so far ineffectively) about being shut out with respect to information about peacekeeping revenues and their management.<sup>28</sup> On the other hand the parliament has been notably reluctant (or unable) to implement even oversight functions mandated by the service acts, such as the Police Act (Act 350 of 1970), article 36(1) and the reporting mechanisms mandated by the landmark Act 526, which parliament itself passed in 1996 (with the strongest oversight provisions yet).

Other constraints on the role of the legislature have been structural. The scope of parliamentary responsibility in the security sector in general (and the armed forces in particular) has never been clearly defined;<sup>29</sup> the frequent breaks in the life of the legislature also interrupted institutional memory and hindered the development of a consistent tradition of oversight. The work of the select committee on defence and interior has been hampered by limited funding and resources (the committee does not have its own offices, clerical or research staff); lack of access to relevant expertise

(including a library); an over-burdened agenda (the same committee is responsible for the armed forces and police, in addition to a wide range of other responsibilities connected with its interior portfolio); and a low level of interest in security issues within the house itself.

### **Challenges of Security Sector Governance**

How much of this has changed under the new government that took power after the elections of 2000? As usual in the aftermath of regime change in Ghana, there have been sweeping changes in the top commands of the security services. The 64 Regiment, the 'rogue' unit that was perceived to be Rawlings' 'praetorian guard', has been disbanded. There have been efforts to improve military salaries and conditions of service. However, there has also been a shift in the priorities of the government from the armed forces to the police, partly a result of the historical and ideological inclinations of the regime itself, and partly a result of the dramatically deteriorated crime situation that followed the change in government. The police have been granted increased support in terms of new vehicles and equipment. The new regime has committed itself (at least rhetorically) to de-politicising the security sector and ensuring transparency, accountability and rule of law, and publicly sought to distance itself from the abuses (real and alleged) of the previous government.<sup>30</sup>

However, there has been little actual reform in the security sector. The response of the government toward the challenges of the security sector has so far been distinctly supply-side. What reform there is has been uneven and low-key. Within the ministry of defence a Performance Improvement Programme (PIP) has been introduced to enhance the capabilities of the civilian staff of the ministry. The PIP has four objectives: to improve organisational and management systems in the ministry; to strengthen human resource capability and training; to establish a management information system to facilitate monitoring and evaluation; and to relocate the ministry from Burma Camp (the main military barracks in the capital). While the PIP is not new (having actually begun under the previous government in 1997), there was little movement until the new government secured British assistance in the form of a British Defence Advisory Team. Even so, the PIP is almost deliberately low-key and seems to receive uncertain high-level political support or engagement. A National Police Reform Programme was introduced with modest UNDP funding in 2002, but little further has happened since the funding ran out (beyond an occasional set of seminars

ran by the National Institutional Renewal Programme out of the Office of the President).

Ghana's political transitions under the Fourth Republic, involving two different regimes with contrasting track records on the security sector, allow us to pose several questions about the challenges facing Ghanaian regimes as they attempt to move toward democratic governance of the security sector. While the two regimes under reference have been anxious to distance themselves from each other in terms of their security priorities and policies on the security sector, what is equally striking is the strong underlying continuities both in the challenges confronting security sector governance and the record of the regimes in responding to them. We refer in particular to:

- Erosion over time of the capability and legitimacy (as well as governability) of security institutions;
- Weak governance and oversight institutions in the security sector (in particular, an ineffectual judiciary and weak rule of law), and lack of investment in institutional development;
- Persistent lack of civilian expertise (at the ministerial level) in dealing with military and security issues. While Ghana has had a consistent history of anti-militarist agitation, civil society has also been less able to engage with policy and other issues in the security sector;
- The lack of broad normative consensus within Ghana on security sector governance – including the legitimate roles of the armed forces – and the absence of a discourse of civil control.
- No clear or comprehensive principles have so far been enunciated and hence no yardstick to evaluate the quality of security sector governance. In the absence of such norms, institutions will remain hollow edifices;
- Linked to (and reinforcing) this, the absence of a national security policy framework, and rational policies to govern defence and policing. Hence, corporate missions continue to be poorly defined and occasionally conflicting. Military roles seem to be expanding in a variety of directions (domestic crime-control, developmental tasks, operation of domestic air services etc), in part due to pressure from the government and the public. On the other hand police roles are being undermined by competition from a variety of other formal and informal security organisations (the armed forces, BNI, the Serious Fraud Office, CEPS and private security organisations);

- Economic and fiscal conditions, too, continue to cast a long (and adverse) shadow on the question of resources for security sector restructuring, with sharp cuts in real military and police budgets over the last two decades;
- Important shifts have occurred within the security sector itself, redefining governance challenges over time: on the one hand the shredding of formal security institutions and hence of the capacity of the state itself to provide security, on the other the explosion of private and informal security organs to supplement (as well as supplant) the state in the business of providing security, and the proliferation of small arms, which has had a huge impact on the nature of both crime and conflict. The state has yet to respond effectively to these new threats.

## **Conclusion**

Perhaps as dangerous as the political adventurism of security institutions in the past is the inability of civilian governments to deliver the responsible management and critical resources required to allow security institutions to function effectively and accountably in a sub-region characterised by deepening security challenges. While security sector governance is acknowledged to be critical (as much to democratic consolidation as to delivery of security), it has received little apparent priority in Ghana.<sup>31</sup> Though the unravelling of governance structures in the security sector presaged a broader crisis of governance in the 1970s and 1980s, the far-ranging public-sector reforms of the 1980s and 1990s left the security sector itself virtually untouched. The piecemeal nature of initiatives so far seems to suggest that the political will to engage (let alone transform) the security sector is lacking.

On the other hand there are probably several reasons why security sector governance strategies are not being pursued more aggressively. First, many Ghanaians regard the armed forces (with few exceptions) as victims rather than accomplices of the Rawlings regime. Second, the military (unlike the police) seems to have had a good record of self-reform since the early 1980s, and has emerged with a good national and international reputation.<sup>32</sup> Third, and more to the point, the military remains a powerful institution and there is at least one example in recent memory of what can happen to a civilian regime that moves too aggressively against the military.<sup>33</sup> Fourth, the current regime has suffered a mild case of 'post-authoritarian dilemmas': a

sudden rise in violent crime immediately after the changeover drove the new government to rely increasingly on the military. Hence, one of the ironies of the current regime (given its commitment to demilitarising Ghanaian politics) has been the militarisation of internal security and crime control. Finally, as successive reviews of the armed forces have demonstrated, reform costs money, which the government has no prospect of raising in the foreseeable future. Thus there is a strong imperative to 'leave well-enough alone'. What has emerged in relation to the security sector is a strategy of democratic minimalism: like successive Ghanaian governments, this involves little concern about whether norms of civil control are being realised beyond 'formal democratic subordination' of security institutions.<sup>34</sup>

However, this hiatus also relates to unresolved tensions in the two political transitions and the possibility of missed opportunities. While they have sought to portray themselves in starkly opposing terms, there is a thread that connects, however counter-intuitively, the two regimes of the Fourth Republic. However otherwise unpalatable and 'undemocratic', Rawlings' 'deep' political and economic reforms, and his imposition of political control over the unruly armed forces in particular, arguably laid the foundations that facilitated the emergence of a democratic dispensation, even though this is rarely acknowledged by the present regime.<sup>35</sup> Nevertheless, Rawlings himself had little interest in institutionalising this political control; indeed, the regime relied heavily on various informal devices to secure control of the military establishment.<sup>36</sup> Given that all 'regimes of democratic transition' in Ghana since 1969 have operated with virtually identical governance frameworks in the security sector, the durability of the current transition (in contrast to the ignominious collapse of earlier democratic experiments) must be explained at least partly in terms of the success of these informal stratagems.

The contrasting experiences of the two regimes revive the old issue of the relationship between such 'subjective' controls (deployed with skill by Rawlings) and 'objective' mechanisms in the process of consolidating civil control. Granted that the whole distinction between so-called objective and subjective controls is admittedly misleading and often overblown in the analytical literature,<sup>37</sup> the subjective domain can nevertheless play a variety of quite different roles in relation to institutionalisation, depending on how we understand the concept or perceive the motivations of rulers.<sup>38</sup> They may provide the normative and social foundation to sustain formal institutions;<sup>39</sup> they can displace or hollow out such institutions; or they can provide the space required to facilitate their construction (or reconstruction) over time. It is this third (and hopeful) scenario that I see emerging from the Rawlings



experience. The notable success of Rawlings' regimes in suppressing military coups suggests that informal stratagems may be at least as important as formal mechanisms (if not more so) in subordinating the security sector to civil control over the short term, and securing the political space for more enduring and institutionalised forms of political control. The question, of course, is how (and to what end) they are exploited and how effectively leaderships can exploit the resulting political opening.

This poses a number of broader contemporary issues. The current international mantra in responding to the deficits of oversight institutions is 'capacity-building' (this is the rhetoric permeating SSR, for instance). This is too often a return to the 'institutional transfer' paradigm of the earlier 1960s, the ritual genuflection to 'ownership' notwithstanding. Nevertheless, such a technocratic approach tends to ignore the broader political determinants and ramifications of security sector governance, in particular the need to confront the historical legacies of militarisation and, critically, transform underlying relations of power. Understanding this calls for marrying the 'institutional design' perspectives of the SSR paradigm with the concern of the older (and more sceptical) 'civil-military relations' school with informal relations of power. Without transforming these real-world power-relations (of the type characteristic of societies emerging from historical episodes of militarism or authoritarianism), institutions will find it difficult if not impossible to germinate. This is obviously the dilemma that security sector governance institutions confront across much of the ECOWAS region today. Certainly the decomposition of military power in the 1980s and 1990s provides a space for civil control strategies and institution-building. However, this process (of reversing entrenched power relations) cannot be taken for granted in the manner of the latter-day SSR 'institutional optimists', but still requires nuanced management and imaginative leadership, all the more since disintegrating or dysfunctional militaries represent their own particular challenges to constituted authority.<sup>40</sup>

## Notes

<sup>1</sup> These were the National Liberation Council (February 1966-September 1969); the National Redemption Council-Supreme Military Council (January 1972-June 1979); the Armed Forces Revolutionary Council (June 1979-September 1979); and the Provisional National Defence Council (December 1981-January 1993).

<sup>2</sup> President Rawlings stepped down in January 2001 when his two-term limit ended. At the same time, power changed hands from his party, the National Democratic Congress to the

New Patriotic Party, following its defeat in the elections of December 2000. The New Patriotic Party repeated this victory in the recent elections of December 2004.

- <sup>3</sup> See Eboe Hutchful, "Military Budgeting in Ghana," in *Budgeting for the Military Sector in Africa*, eds., W. Omitoogum and E. Hutchful (New York: SIPRI/Oxford University Press, 2006), 72-99.
- <sup>4</sup> These market-oriented reforms included a series of major currency devaluations in the 1980s, the liberalisation of domestic and foreign trade, privatisation of state enterprises, higher fees for public services and reforms of the banking system and the civil service. While the Kuffour government has sustained and in some cases deepened these reforms, there has nevertheless been a transition from an authoritarian to a more democratic model of (market-based) development. The core policy continuity is in itself a major development in Ghana.
- <sup>5</sup> Eboe Hutchful, *Ghana's Adjustment Experience: The Paradox of Reform* (Oxford, Accra: UNRISD/James Currey/Heinemann/Woeli, 2002).
- <sup>6</sup> Private security organisations undertake the functions normally associated with such entities: guarding business premises (including banks) and private residences, providing security for shipments of cash and precious materials, acting as 'landguards' (because of a lack of security in relation to land tenure in Ghana, and prevalence of land disputes, many landowners have taken to hiring private security to protect their property) etc. Traditionally, mining companies have had their own private security; the emergence of private security beyond this domain is a new development.
- <sup>7</sup> Even though neither exists at this point in time, the last National Security Advisor (Lt. General Joshua Hamidu) having resigned in 2002.
- <sup>8</sup> Eleven of the twenty members are from the services – three from the armed forces, three from the police, three from the intelligence services, and one each from the customs and prisons.
- <sup>9</sup> The major ones are The Armed Forces Act of 1962 (as amended) and the various Armed Forces Regulations; the Police Act 350 of 1970; the Police Service Act, 1970 (Act 350); Police Service (Administration) Regulations, 1974 (Legislative Instrument 880) and Police Service (Disciplinary Proceedings) Regulations, 1974 (Legislative Instrument 993); and the Intelligence and Security Agencies Act (act 526 of 1996).
- <sup>10</sup> In the absence of research on the internal workings of these mechanisms, this assessment will perforce be highly tentative and will largely reflect the situation under the Rawlings regime.
- <sup>11</sup> However, the immediate impact of the change was limited, since vice-presidents have continued to chair the Armed Forces Council, though as representatives of the president rather than in their own right.
- <sup>12</sup> Johnny Kwadjo, *Intelligence Reform and Democratisation in Ghana* (paper, ASDR Workshop on Security Sector Reform and Democratisation in Africa: Comparative Perspectives, Accra, Ghana, 27-28 February 2002).
- <sup>13</sup> Even though guidelines for this were drafted and tabled for discussion in 1997, for some unclear reason little materialised, in spite of strong support from the former minister (Donkoh).
- <sup>14</sup> The council also seems to be completely absent from the current PIP of the ministry of defence, discussed below.
- <sup>15</sup> J. Archer, "Report of the Presidential Commission into the Ghana Police Service," Archer Commission, March 1997.

- <sup>16</sup> According to informants, the agenda on the council has often tended to be dictated by the office of the inspector general of police.
- <sup>17</sup> Hutchful, "Budgeting for the Military Sector".
- <sup>18</sup> A development that the ministry apparently continues to resist. Ebow Quarshie, member of the Police Council (presentation, ASDR Workshop on Security Sector Reform and Democratisation in Africa: Comparative Perspectives, Accra, Ghana, 27-28 February 2002).
- <sup>19</sup> Interview, ministry of interior, June 2004.
- <sup>20</sup> Information in this paragraph provided by Kwesi Aning of ASDR, with thanks.
- <sup>21</sup> Another issue is the overlapping, but opaque, relations between these private security organisations, the vast majority of which are established and operated by retired police and military officers, and the formal security sector.
- <sup>22</sup> R.P. Boyes, *A Report on the Ghana Police Force* (Deputy Chief Constable, Mid-Anglia Constabulary, December 1971); cited in Archer, "Report of the Presidential Commission into the Ghana Police Service," (Archer Commission, March 1997).
- <sup>23</sup> See the analysis of these movements in Eboe Hutchful, "Institutional Decomposition and Junior Ranks' Political Action in Ghana," in *The Military and Militarism in Africa*, eds., Eboe Hutchful and Abdoulaye Bathily, (Dakar: Codesria, 1998).
- <sup>24</sup> On the other hand it is clear that the armed forces are not as efficiently run as these perceptions might suggest. See Eboe Hutchful, "Governance of the Armed Forces in Ghana," (paper, Workshop on Security Sector Governance in Africa, Elmina, 24-26 November 2003); Hutchful, "Budgeting for the Military Sector".
- <sup>25</sup> Eboe Hutchful, "Parliamentary Oversight in Ghana," (paper, ASDR Workshop on Security Sector Reform and Democratisation in Africa: Comparative Perspectives, Accra, Ghana, 27-28 February 2002).
- <sup>26</sup> Despite the fact that the new parliament was dominated by a pro-military party (the National Democratic Congress).
- <sup>27</sup> There are many examples of the apparent anxiety of the (past) executive in terms of protecting its turf and preventing parliament from 'encroaching' on its powers. See the discussion in Hutchful, "Parliamentary Oversight in Ghana".
- <sup>28</sup> The most explicit intervention of the parliament in this area has had to do with its approval in January 2003 of a loan of US\$55 million from Barclays Bank to allow the ministry of defence to resupply the military in order to enhance its peacekeeping capabilities. Following this action, there were expressions of concern in the house about the procurement process conducted by the ministry of defence: Hutchful, "The Paradox of Reform".
- <sup>29</sup> Indeed, within the parliament itself, there have been a number of probing (but inconclusive) debates on this point. And as indicated earlier, Ghana's constitutions have been extremely cryptic in this regard.
- <sup>30</sup> These were ventilated in melodramatic fashion before a National Reconciliation Committee which completed its work in mid-2004 after two years of public hearings.
- <sup>31</sup> Note that this is not a reference to concern with 'security' per se (certainly a critical issue with the Rawlings regime and a high – if not as consuming – priority with the current government), but to the effective, legitimate and transparent governance of security institutions. The emphasis has been on securing the withdrawal of the military from politics rather than its appropriate governance. The international discourse of security sector reform has yet to fully permeate official thinking in Ghana.

- <sup>32</sup> This overall positive image of the institution ignores a range of operational and management issues that the military itself would like to see addressed. In my view, the reluctance to engage is coming not from the military side, but the civil; or, to put it more provocatively, the military has largely come to accept (however hazily) the notion of 'civil control', the crucial question is whether the civilians can deliver it.
- <sup>33</sup> The reference is to the Limann regime (October 1979-December 1997), examined in Eboe Hutchful, "Restructuring Civil-Military Relations and the Collapse of Democracy in Ghana, 1979-81," *African Affairs* 96 (1997), 535-560. Though arguably the regime is much more haunted by the even earlier overthrow of its ideological predecessor, the Busia regime, by the military in January 1972.
- <sup>34</sup> In other words, abstaining from staging coups.
- <sup>35</sup> Many of the benefits of these reforms had of course evaporated by the time of the change in regime, and this certainly helps to explain why that change occurred.
- <sup>36</sup> Eboe Hutchful, "Pulling Back from the Brink: Ghana's Experiences," *Governing Insecurity*, eds., Gavin Cawthra and Robin Luckham (London: Zed Press, 2003).
- <sup>37</sup> Rebecca L. Schiff, "The Indian Military and Nation-building: Institutional and Cultural Concordance," in *To Sheathe the Sword: Civil-Military Relations in the Quest for Democracy*, eds. John P. Lovell and David E. Albright (Westport: Greenwood Press, 1997); Rocky Williams, "Our Own to Keep: African Civil-Military Relations In Perspective," *African Journal of Political Science* 3, No. 2 (June 1998); David Chuter, "Defence Transformation: A Short Guide to the Issues," (ISS Monograph No. 49, Institute for Security Studies, Pretoria, 2000).
- <sup>38</sup> It seems to me that the concept of 'subjective controls' has been defined in two rather different ways: first in terms of physical strategies designed to circumscribe and subordinate the military (which is the definition favoured by Huntington in his 1957 classic), and secondly in terms of intimate ties and shared norms between civil and military elites (the definition stressed by Schiff in "The Indian Military and Nation-building," her critique of Huntington). Rawlings' strategies were in the Huntingtonian mode. I am suggesting here, however, that the two approaches need not be incompatible – that strategies of containment can create the space for developing the normative consensus so lacking in countries like Ghana.
- <sup>39</sup> This being the dimension stressed by the authors cited above.
- <sup>40</sup> For my own earlier thoughts on how this process of demilitarisation and democratic consolidation might be attempted, see Eboe Hutchful, "Demilitarizing the Political Process in Africa: Some Basic Issues," *African Security Review* 6, no. 2 (1997).



## Chapter 8

# Guinea

*Boubacar N'Diaye*

### **Introduction**

A late November 2003 event seemed to aptly capture at once the complexity, dynamics and challenges the security sector is facing in the Republic of Guinea and, one might add, in many states in West Africa. On November 28, less than a month before the presidential elections, amid persistent rumours of a coup, dozens of officers of all ranks and other members of the armed forces were arrested on the orders of President Lansana Conté.<sup>1</sup> They were accused of plotting a coup d'état against the regime. Many were members of the trusted *Bataillon Autonome de la Sécurité Présidentielle*, the very branch of the security apparatus set up especially for the protection of the president. Was this a real plot, uncovered by a vigilant security apparatus? If so, what does it say about the degree of control President Conté and his team have on the security forces? Was it, instead, another tug of war among rivals in the circles of power in an ongoing bid to curry favour with the president while preparing the post-Conté era? These and similar questions were pondered for weeks even after Conté won the presidential elections against a minor candidate, since major opposition leaders were boycotting the polls. This event and its context also illustrate the eminently political nature of the governance of the security sector and strongly intimate that any analysis must start with this political connection.

These arrests occurred in the context of the heightened political tensions and apprehension Guinea had undergone for months when, though severely weakened by illness, President Conté muscled through a constitutional change that enabled him to run for president for the third time. His political opposition boycotted the legislative elections and openly called for the armed forces to step in to avoid certain chaos should Conté die in office. The alleged plot, its broader socio-political, regional and international contexts and, finally, the backdrop against which the security sector is governed are critical elements in the analysis of Guinea's security sector and the challenges it faces. As the following discussion shows, what happened in

late November 2003 and its implications are only the latest manifestation of the fundamentally unsettled nature of the relationship between the political system and the security apparatus in Guinea.<sup>2</sup> While this is by no means unique to Guinea, a brief look at the evolution of this relationship since independence, and singularly since the 3 April 1984 coup and its aftermath, will help set the stage for a thoroughgoing analysis of the challenges of security sector governance.

The Republic of Guinea has the singularity in West Africa of being the only former French colony that chose independence in 1958 when France tried to reconfigure its colonial empire. It abruptly broke away from the colonial power and charted its own course in many areas, including the relationship between political power and the military. It chose an unabashedly anti-colonial and socialist orientation. When Guinea became independent on 2 October 1958, in order to constitute its military as a symbol of its newly found international sovereignty it called on elements of the French colonial army who were Guinean in origin. In this regard, the soon to become revolutionary Guinea started no differently than other states in the region. However, the evolution of its military, and the civil-military relations that developed in Guinea up to the 3 April 1984 coup, were unique. Constantly under the pressure of France, determined to make it pay for what was considered an affront to its prestige, the new political regime in Guinea under President Sékou Touré adopted militant, socialist rhetoric and policies, including in the area of civil-military relations. Soon, copying what I called the 'permeation and penetration model of civil military relations',<sup>3</sup> in vogue in socialist states, Sékou Touré opted for the concept of 'militants in uniform' as the cornerstone of the relations between armed forces and the civilian regime, as well as for the status of the military in Guinean society.

The military in theory and practice became rapidly subordinated to, and was in fact, a mere branch of the single political party, the *Parti démocratique de Guinée* (PDG). It replicated the party's organisational structure; for example, a military committee was set up in every unit, instituting a political structure with powers competing with the regular military chain of command and ethos. Sékou Touré theorised extensively on his conception of the military in the Guinean revolution and its dual objectives of radically transforming politically and economically Guinean society on the one hand, and on the other resisting France's attempts to destabilise it with the help of Guinean dissidents (through coup plots and the use of mercenaries). According to this conception, the armed forces, just as civilians, must be ready to defend the revolution with ideological arguments as well as by military means. While the politicisation of the security forces

allowed its transformation into an important instrument of regime maintenance, President Sékou Touré did not rely only on such intangible means. Faced with the necessity of securing his contested power in an ethnically diverse country with still non-existent institutions, as Mohamed Camara has argued, President Touré also relied heavily on the 'illiteracy and personal loyalty' of the members of the embryonic officer corps, and in particular on Mandé<sup>4</sup> elements, his own ethnic group.<sup>5</sup> To illustrate, Camara cites the example of General Toya Condé, one of the first officers in revolutionary Guinea's army. The loyalty of General Condé, who was illiterate and owed everything to President Touré, 'was more than political and professional. It evolved as a personal sentiment of attachment and gratitude matched only by Touré's clever psychological manipulation for emotional dependency' illustrated by the revolutionary armed forces' song in Malinké, *Ninki Janfa* (meaning 'if I ever betray you').<sup>6</sup>

Another essential component of the security apparatus in Sékou Touré's Guinea was the National Militia, which he considered as 'the indispensable mainspring of [the] security system of which the conventional armed forces constitutes [but] a functional section'.<sup>7</sup> The militia was made up of carefully selected and specially trained youth in charge of the personal security of the president. This praetorian guard now charged with the protection of President Conté is very likely inspired by the National Militia of the old regime. The combination of these strategies and a particularly ruthless security apparatus worked well to keep power in the hands of the PDG regime and President Touré until 1984 when he suddenly died.

Within a week, the military had taken power, launching a new era of civil-military relations in Guinea. On 3 April 1984 the army took over and instituted a military junta, the *Comité Militaire de Redressement National*, led by Colonel Lansana Conté, who also fitted the profile of the officers on whom Touré had relied. While this ended the era of civilian control of the military, the unsound culture created by the PDG practices of security sector governance did not end with the demise of the former regime. The coup triggered the classical exacerbation of conflicts within the military, as illustrated by the July 1985 coup attempt against Colonel Conté staged by Colonel Diarra Traoré, then number two of the junta. The military's tenure in power complicated its future governance when international developments imposed on the military regime to relinquish power, with implications for civilian supremacy. Quite typically, repeating the West African phenomenon of creating civilian 'democratic' constitutional institutions to legitimise an incumbent military regime, General Conté had a constitution styled on that of the French fifth republic adopted through referendum and promulgated on



23 December 1990, with transitory provisions. Three years later, in contested (but very likely fraudulent) elections, Conté was elected as a civilian president, completing the process of constitutionalisation and 'democratisation' of his power. Of course, this process did not fundamentally alter the underpinnings of security sector governance instituted by the PDG regime and perverted by a decade of military rule. The 2-3 February 1996 mutiny turned coup attempt, in which President Conté nearly lost his power, amply illustrated that reality. This mutiny, initially to call attention to very poor conditions in which the military lives and to extract promises for improvement, quickly degenerated into a coup attempt that cost the lives of dozens of soldiers. It forced President Conté to compromise and to make specific and costly promises in order to save his life and regime. It was one of the most serious challenges to the post-1984 regime. Yet, according to former Prime Minister Sidya Touré, its root causes were badly misdiagnosed and hence never addressed.<sup>8</sup>

A picture of the background to security sector governance in Guinea would be incomplete without saying a word about the regional and international dimensions and the ethnic factor.<sup>9</sup> Just as President Touré, who, elaborate rhetoric to the contrary notwithstanding, relied heavily on his kin the Mandé by appointing them to strategic positions in the security system, Conté also, very shortly after coming to power, considerably increased the number of Soussou – his ethnic group – in critical positions both in the military and in the civilian sector. Given the legacy of the Touré regime in ethnic preferences, and Guinea's ethnic demographics, it does not come as a surprise that Conté's main objective was to 'de-Malinké-ise' the security sector, while keeping the Peulh marginalised and occasionally exacerbating the long-running and bitter rivalry between the two main ethnic groups of the country. For example, members of these two ethnic groups were disproportionately represented among those arrested in November 2003. Guinea has remained characterised by a more or less muted but real and potentially devastating undercurrent of ethnic rivalry and bitterness to which the security sector has not been immune. When Charles Taylor attempted a few years ago to destabilise Conté's regime, he naturally tapped into this rivalry to arm essentially Mandé and Peulh elements.

As is well known, the Mano river sub-region has been characterised by constant instability and insecurity as full-blown civil wars raged in Sierra Leone and Liberia. Guinea was very heavily involved in both civil wars. This only increased the importance of security issues and the need for their proper management in Guinea, as well as regionally in the context of the Mano River Union (MRU) and ECOWAS more broadly. In this context, a

feud with former Liberian president, Charles Taylor, led to each president sponsoring armed groups in an effort to destabilise the other. Consequently, in 2000 and 2001 Guinea had its share of armed rebels swearing to topple the Conté regime and clashing frequently with the Guinean security forces. The presence of a large number of refugees from both Sierra Leone and Liberia also contributed significantly to the deterioration of the security situation as well as the development of certain practices among Guinea's security forces (corruption and abuse of the human rights of refugees). Internationally, in the 1990s, as relations between the socialist government in France and Guinea grew tense (because of the issue of Alpha Condé),<sup>10</sup> President Conté, fearful of possible French intentions to unseat him, increasingly turned to the United States for cooperation in security matters.

### **The Security Sector**

When it comes to the specifics of the security sector in Guinea, it is useful to recall the considered opinion of an expert in security issues in West Africa who said that Guinea is truly a 'black hole', an unknown quantity about which it is extremely difficult to have reliable information.<sup>11</sup> In effect, very little was written on Guinea's security sector and because of the nature of the political regime and the precarious political and security situations in recent years, a veil of secrecy seems to surround accurate information on this sector. Attempts to acquire any data are typically met with suspicion, if not hostility. This translates into a continued opacity of the security sector in Guinea and forces researchers to rely too heavily on secondary sources and conclusions drawn from limited data and other speculations. Another feature of the security sector of Guinea worth keeping in mind is that its paramount *raison d'être* seems to be first and foremost the perpetuation of the regime of Lansana Conté. This attribute has not been altered by the supposed democratisation of the political system launched with the adoption of the 1990 constitution. The leaders of the various branches and their operational missions are committed to this imperative, a legacy of the Touré era that was refined when President Conté consolidated his power.

Formally, Guinea's security apparatus is typical of most francophone West African states in its composition, stated objectives and mission – the defence of the national territory against external threats, and the preservation of domestic tranquillity, law and order. According to *L'Année Stratégique*, the security forces are made up of an army, the largest branch with 9,700 men and women, the navy with 400 personnel, and the air force totalling

800.<sup>12</sup> There is also the Republican Guard, the Presidential Guard and the National Gendarmerie, a paramilitary service whose members are responsible for internal security. Finally, there exists, of course, the National Police Force and the intelligence services. All these services are headed by officers acting as a chief of staff or commanding officer, appointed by the president and answerable only to him. The chiefs of the three main branches of the military answer to a joint chief of staff who is also appointed by the president. A government member, the minister of security, oversees the other branches of the security system that are not directly under the authority of the ministry of defence.

Each of these branches is supposed to carry out the same functions as in other states. Given the military origins of Conté's regime and indeed the military features it unquestionably still displays, the imperative of regime maintenance mentioned above and the regional threats that materialised in recent years, the security sector is of central importance in Guinea's political system. Military expenditures totalled US\$71 million in 2004, representing 2.15% of GDP.<sup>13</sup> Figures of military spending as a percentage of the annual budget are not readily available.

There has been intense collaboration with Guinea's external partners in the security area. For example, in 2001 the European Union granted €1.2 million in direct aid, and €20,000 were offered by the EU in 2002 to help the Guinean gendarmerie gain access to and learn how to use computers, while €10,000 were devoted to equip it. In recent years, Guinea has also benefited from significant US military aid, including the training of hundreds of soldiers in Guinea<sup>14</sup> and in the framework of the International Military Education and Training programme. Over the last several years, dozens of military officers were trained in a variety of skills. More than half a million US dollars were allocated for training in 2001 and 2002.

Article 41 of the 1990 constitution stipulates that the president 'is responsible for national defence', which makes President Conté the epicentre of the apparatus, having retained for the last several years the ministry of defence portfolio. The same article mentions a Supreme Council on National Defence, presided over by the president, without further elaboration regarding its membership, functioning and objectives, nor provision that a law shall be enacted to spell these out. In fact, the dearth in the 1990 constitution of any reference to the explicit submission of the military to the legitimate civilian authorities and, in general, of any reiteration of the principle of civilian supremacy are remarkable compared to other states, such as Mali, that were determined to rid themselves of the ghost of the authoritarian era. Notwithstanding article 41 of the constitution, which seems

to envisage an important role for the Supreme Council on National Defence in the security of the state, given the imperative of regime preservation, a central preoccupation of the security apparatus around President Conté, the elite *Bataillon Automone de Sécurité Présidentielle* is *ipso facto* the crucial piece of the security system. Given the overall dominance of the Mandé in the national army, which is believed to be unreliable as a consequence, another critical piece of the security structure is the paramilitary gendarmerie. Charged, along with the national police, with ‘internal security,’ often a code word for repression of the opposition, it has benefited from the solicitude of Conté’s regime.

### **Civil Management and Control of the Security Sector**

The following excerpt of the 2002 US State Department report on human rights practices summarises adequately the situation and mode of governance of the security sector in Guinea:

The Gendarmerie and the national police shared responsibility for internal security and sometimes played an oppressive role in the daily lives of citizens. Members of the Presidential Guard were accountable to virtually no one except the President. There was no effective civilian control of the security forces, whose members committed serious human rights abuses.<sup>15</sup>

It further provides a long list of nightmarish testimonies of abuses and describes a situation where the security apparatus runs completely amok. These include fatal beatings, shootings and torture of civilians. In essence, as a result of these practices, ‘[m]any citizens viewed the security forces as corrupt, ineffective, and even dangerous. Police ignored legal procedures and extorted money from citizens at roadblocks’.<sup>16</sup>

Hence, a startling observation is that, in practice, the security sector in Guinea does not seem to have experienced even the mildest conversion compared to the significant reforms in some West African states. Remarkably, the 1990 constitution did not at all address this crucial aspect of the transformation of the security sector given the legacies of both the PDG and the military regimes. The president also has the power to appoint members of the military to any position in the armed forces. Security, its definition, management and supervision have remained the almost exclusive domain of the president and a limited circle of top civilian and military assistants in the executive branch.

The 1990 constitution provides for the separation of powers, with the legislative and judiciary accorded their customary prerogatives. With the arrival of multi-party politics, several opposition parties won seats in and dutifully challenged President Conté's party, the Party for Unity and Progress, which dominated the parliament. Guinea's opposition parties, notoriously ethnically and regionally based, have been unable to encroach on the control the presidential party enjoys in every aspect of national life. Its perennial division (despite the creation in 2003 of a coalition to speed up political change) and the ruthless repression Conté's regime occasionally metes out have made the opposition ineffectual both inside and outside the parliament. Only a relatively free press has been able to challenge the abuses of power. Consequently, the parliament has not been a counterweight to President Conté's management of the security sector, despite the substantial number of seats the opposition holds and the formal role of parliamentary commissions.

Despite the existence of a parliamentary commission charged with 'defence and security', there is no control or oversight whatsoever by the parliament besides a routine vote of military expenditures. Despite numerous fora on democratic and parliamentary supervision of the defence sector, there seems to be no real expertise on the part of the members of the defence commission. Again, the executive branch has kept tight control over these issues and the discussions in parliament are limited to rather superficial budgetary discussions, without any serious impact on the orientation or practices of the security sector. As in many other states in the sub-region, ignorance of security issues, coupled with a tradition of conceiving of these as the 'natural' preserve of the executive branch, combine to seriously limit the role of the chamber of deputies in the management of any consequential aspect of security. In a strong presidential regime such as Guinea's, the powers of the parliament are, in any case, very limited and the party of the president dominates parliament. Moreover, there is no systematic and deliberate willingness to associate the parliament with these issues or to report to it specifically on them. In the pure francophone tradition, there is no particular audit by the parliament of security-related expenditures. In the legal and political domain, the concern seems to have essentially been to erect a firewall between members of the armed forces and politics. This seems to reflect the dominant fear of political rivalries spilling over into the military arena, which constitutes the extent of current thinking on security sector governance. The Organic Law 91-02 of December 1991 governing political parties stipulates that members of the military and paramilitary services cannot become members of political parties. Article 34 severely

punishes any political leader who incites in any way the armed forces to take power. There does not seem to be a deliberate attempt at all to create a legal framework for the management (much less the democratic management) of the security sector, even as a predominantly executive branch prerogative. Not surprisingly, the role and involvement of NGOs and other civil society actors in security issues has been, of necessity, non-existent.

As already mentioned, article 41 of the constitution grants the president the exclusive responsibility for 'national defence' along with the power to appoint personnel to any command position in the armed forces. This disposition in effect gives President Conté a free hand in the management of the latter. A former top aid, Prime Minister Sidya Touré, described him as rather suspicious and dismissive of strictly professional relations with those who work with him, preferring personal and subjective relations.<sup>17</sup> One can speculate that, in a domain as sensitive as security, appointment and assignment will also be driven by subjective considerations, that is, political and related ethnic and regional ties. Among others, opposition leaders seem to believe that is precisely the case.<sup>18</sup> Not surprisingly, privileges, promotions and retirements are allegedly allocated with equally subjective and manipulative motives in mind. As already mentioned, the security apparatus, in which the Soussou were given a dominant position (though not always conspicuously), is regularly used against the political opposition and to intimidate and settle scores.<sup>19</sup>

As one would easily deduce, the judiciary branch does not fare better than the legislative in Conté's regime. The justice system has been used freely and frequently against the opposition, most notoriously in 2000 against opposition leader Alpha Condé, who, despite his parliamentary immunity, was imprisoned on trumped up charges following a trial widely seen as political. Despite its constitutionally mandated independence and impartiality, the judiciary has not been able to check the many abuses of which members of the security forces have been accused.

### **Challenges of Security Sector Governance**

Given Guinea's ever-deteriorating political situation, even if a sound constitutional and legal framework existed for the governance of the state's security forces, the imperative of regime and personal security for the president would have invalidated it. It is a cruel irony that the drafters of the 1990 constitution pointedly made the preamble avow that the Guinean people reject the very ills – dictatorship, injustice, corruption, human rights

abuses – that have become the hallmark of the current regime.<sup>20</sup> President Conté's personality and the legacy of authoritarian practices that have become an integral part of the political culture have in effect created conditions that have kept the security sector his personal and seemingly undisputed domain. The parliament does not effectively exercise its traditional watchdog role in this area. A particularly capable and alert civil society, conveniently assimilated to the political opposition, has been muzzled for a long time and has seen its efforts limited to complaints against abuses of power. It must be observed that during the open crisis in the MRU, Guinean civil society along with its counterparts did play an important role in reducing tensions and thus prevented a bad situation from worsening and insecurity from spreading even farther. As Guinea slips deeply into political uncertainty, security sector governance will become even more erratic and will drift farther away from what are considered basic conditions for democratic control of the repressive arm of the state. The November 2003 events described above constitute a vivid illustration of this. Since the 21 December presidential elections and the general feeling that President Conté can no longer claim to be the legitimate democratically elected leader of the country, reliance on the security apparatus has become unambiguously his only means to maintain power. Therefore, President Conté, ever the loner with little inclination for the compromises of political life his former Prime Minister Sidya Touré describes,<sup>21</sup> seems to have chosen a survivalist strategy that relies on the passage of time to alleviate what is clearly a severe crisis of governance. Amid persistent rumours of the president's worsening health condition, the country seems to be locked in a logic of ineluctable reckoning as Conté's power nears an end, either as a result of natural causes or forcible usurpation. Given the extreme politicisation of the army, already observed pointedly by the same former prime minister,<sup>22</sup> the latter option is increasingly likely. Many in the political class and among outside observers have speculated more insistently in recent months on the need to carry out a 'medical coup d'état'.<sup>23</sup>

For now, there are profound divisions in the military, not only along generational, ethnic and regional lines, but also among President Conté's supporters and those leaning toward easing him out, or overthrowing him altogether. The long running enmities stemming from early contests between the Malinké and the Soussou, and between Malinké and Peulh, for the control of the military as the governing institutions following the overthrow of the PDG regime are another factor that will undoubtedly determine the path Guinea will follow in the next years, if not months. How all these divisions will be worked out, and whether they are deep enough to lead to a

serious disintegration and armed factionalism, remain unanswered questions. Analysing the civil-military relations of African states, Michel Martin had argued that Guinea most likely fits the disintegration model, in which chances of degeneration into fighting factions and 'warlordism' increase dangerously in the absence of keen attention to the management of the security forces.<sup>24</sup> Moreover, all of Guinea's neighbours (Senegal to a lesser extent) have experienced severe breakdowns or are going through major security crises, the so-called 'nomad war' of the 1990s.<sup>25</sup> The same contagion effect must not be excluded as a serious possibility, although the external threat, which reached its peak two years ago, has significantly receded due to the positive evolution of events in both Sierra Leone and Liberia. The situation in Côte d'Ivoire remains uncertain, particularly given recent violence, and these tensions could spill over into Guinea.

Over several years, there has developed, continent-wide, and certainly in the ECOWAS region, a distinct security regime, both in terms of a new security philosophy and in approaches to pursuing it as a common goal. While Guinea has accompanied and even played a role in the emergence of such regimes, as evident from what precedes, President Conté's government has not transferred these approaches to its management of security in concrete domestic measures, laws and policies. Similar in this to other African states that have privileged internal sovereignty over security, Guinea has been particularly jealous of its privileges in this regard. Therefore, the developing regime on the regional and continental level cannot be said to have had any impact on Guinea's security governance.

While external defence became a focal issue due to the insecurity in the sub-region in recent years, domestic security and the necessity to ward off perceived political enemies and thwart coup attempts have now become the main security challenges Conté's regime is facing. In reality, for Guinea, external and domestic security threats have long been intertwined. A vivid illustration of this was the 1 September 2000 attack on Macenta, a strategic town near the border with Liberia. The attackers were a mix of armed elements in the civil wars in Liberia and Sierra Leone, but also former and current members of Guinea's own army – participants in either the 1985 coup attempt led by Colonel Diarra Traoré or the 1996 mutiny/coup, who had serious grievances against President Conté. In these conditions, cooperation between Guinea and its neighbours was crucial in pursuing its security objectives. Despite expressing on several occasions their willingness to cooperate, singularly on security issues, the MRU states (Sierra Leone, Liberia, Guinea) were never able to do so because of a divergence of interests and goals, but also irreconcilable personality conflicts between



Conté and Charles Taylor. As already mentioned, these contributed to a heightened security threat within Guinea and outside its borders, creating a ready pretext for a reflex reaction that would make any challenge to the regime a conspiracy of conniving external and internal foes bent on toppling the regime. This reflex recalls Sékou Touré's '*complot permanent*' (the permanent plot) concept used to some success for years. Guinea has also been an active member of ECOWAS and is signatory of all its various security related protocols.<sup>26</sup> It even contributed troops to ECOWAS' various peacekeeping operations in Sierra Leone and Liberia. However, in 2001 Guinea backed out of an ECOWAS agreement to address security threats on its border with Liberia by refusing to allow the stationing of West African troops for peacekeeping purposes.

Thus, the main question in security sector governance in Guinea is how to bring about an intelligent transition between the current situation and a new era when an entirely new formula will have to be found for a new conception of security – both internal and external, individual and collective – and its management. Again, today in Guinea, the very notions of individual security, human security and the inherent obligation of the state to commit to both do not exist in the world of political ideas and discourse, despite the stipulation of articles 4 and 5 of the constitution on generic individual rights. Nor do they exist, consequently, as deliberate legal principles and provisions to implement.

Another issue very much related to security sector governance is the extreme pauperisation of Guinea despite the potential wealth of the country. Guinea has been consistently ranked among the two or three poorest countries in the world and, in recent years, it has sunk even lower in the ranking on the Human Development Index published annually by the UNDP. Conakry has now become infamous for its numerous shortages of water and frequent power outages, and its displays of abject poverty amid pockets of elite prosperity. This reality will have clear consequences for security sector governance, as it has already become a rallying theme in crystallising the opposition's frustrations and further undermining President Conté's claim to lead. While a few officers of every ethnic group have been co-opted by President Conté and made to share in the use and abuse of national resources, the bulk of the military, including younger, highly trained and professionally minded officers with no attachment to the regime – indeed resentful of it – can relate to the economic deprivation of the general populace.<sup>27</sup> One must keep in mind that the alleviation of the economic suffering of people (as a cover for various professional, corporate and personal frustrations and ambitions) has always been a ready excuse for coup

authors. It would appear that the role of the military in the post-Conté era, and the uncertainties it will bring, is all but assured. The powerlessness of the political opposition, and the stifling of the potentially positive role a capable civil society could have played to mitigate the repercussion of Guinea's political fracture, all but guaranteed that. By muzzling its civil society and excluding it from any meaningful role in a better management of the security sector, Conté's regime may have robbed the country of the only chance to meet some of the challenges of a dysfunctional security sector without major disruption. The role of Mali's civil society in the elaboration of a code of conduct of the armed forces, among other innovations, stands as an example of that potential role.

### **Conclusion**

It does not take much analytical effort to conclude that the security situation and its governance are in dire straights and that this precarious situation must be addressed urgently lest there be a repeat in Guinea of the kind of major crisis that has struck West Africa in the past. In fact, for many, it has become a foregone conclusion that Guinea is unlikely to escape the fate of its neighbours in this regard. A look at that immediate neighbourhood of the MRU and the wider sub-regional context would tend to reinforce this impression. Guinea has always been an important player in the MRU, a now battered organisation indeed, whose two other members, Liberia and Sierra Leone, have experienced utter state collapse and untold human suffering. As explained above, Guinea was intimately involved in both civil wars and participated in the efforts to stabilise the volatile Mano river area through cooperation and mutual assistance. Guinea's forest region, which borders not only Liberia and Sierra Leone but also Côte d'Ivoire, will be particularly precarious and unpredictable, as scores of armed groups still roam the area and can be used by protagonists should the security situation in Guinea break down. Because of the unstable and still evolving situations in each of the MRU countries, the organisation is at a standstill and is unlikely, as such, to play a significant role in events in a post-Conté Guinea. Indeed, a territorial dispute between Guinea and Sierra Leone remains unaddressed and could undermine further the effectiveness of the MRU. Only a reinvigorated MRU, after the domestic situation of its respective members has been stabilised, can eventually contribute to the emergence of sound security governance across the three countries. Guinea will also need a pacified, stable and democratic Guinea-Bissau on its northern border.

The foregoing analysis has underlined the eminently political nature of the security crisis and the critical role of President Conté in it. In Guinea, a blatant and almost exclusive concern with the personal security of President Conté and his regime is masqueraded as a preoccupation for national or even societal security. Political, regional and ethnic divisions, as well as their crass manipulation, have created an explosive situation, compounded by an almost suicidal denial of this reality. The political situation has markedly deteriorated since the last heavy-handed constitutional amendment and the latest parliamentary and presidential elections. This situation is all the more desperate because President Conté has developed a solid reputation of being impervious to reasoning, compromise and self-sacrifice for the national interest. All of which made an observer conclude that a 'military putsch is very likely'.<sup>28</sup> This grim prediction is likely to come to pass because, among other reasons, a corrupt security cadre, heavily implicated in machinations of all sorts, including the exploitation of mineral resources, will certainly resist any post-Conté arrangement that aims at acting against their interest. They are more likely to pre-empt such an eventuality by striking first using any ready pretext. No doubt these are plentiful in Conté's Guinea. So what is to be done?

It is imperative, first, to acknowledge the potential for a true catastrophe resulting from this situation if left unattended. Obviously, before one can think of the necessary long-term reforms to finally institute basic changes in the functioning of the security apparatus, it is urgent to ease Guinea out of the looming breakdown that is upon it. While the option of a military coup is tempting (most Guinean politicians have succumbed to its allure),<sup>29</sup> it is fraught with dangers. The twists and turns of the transition in Guinea-Bissau are a case in point, following countless experiences elsewhere that the military is not the most appropriate institution to usher in democracy and effective civilian supremacy over the armed forces. Nevertheless, absolutely no reform can be envisaged as long as the current regime is in place. The practices are so ingrained and the stakes such that it is futile to carry out reforms in the current condition. A catalytic change is necessary and that change can only be a change of regime. The ideal change would be the resignation of President Conté and, following article 34 of the constitution, an interim president preparing democratic elections after necessary changes are made to the 1990 constitution as amendments. Only after these changes are carried out will a true reform of security sector governance as described above be conceivable. Then a two-phased process will be necessary: First, the principle of democratic and constitutional subordination of the armed and security forces to the legitimate civilian

authorities must be enshrined in the constitution. Law and decrees to bring these principles into reality must also be enacted promptly to mark a radical break with past referents. These must specifically redefine security and clearly spell out that the ultimate goal of the security forces is to serve the people through legitimate civilian authorities. This will have the merit of highlighting the direct link between the political crisis, the misuse of the security apparatus and the absence of such constitutional and legal safeguards. The experience of Mali in this instance can be a valuable guide. Second, more practical measures accompanied by reorientation, training both of civilians and military alike, professionalisation, and the necessary full participation of civil society will create the foundations for a truly democratic governance of the armed forces in Guinea. The legacy of the practices evoked above make a military code of conduct seem particularly appropriate for a post-Conté Guinea.

## Epilogue

The foregoing analysis of security sector governance in Guinea had already been completed, when in January 2007 the armed and security forces killed and wounded scores of their countrymen involved in a social uprising instigated by the labour unions and members of wider civil society. Led by the *Batallion Spécial de Sécurité Présidentielle* (the elite presidential guard battalion) and the *Compagnie Mobile d'Intervention et de Sécurité* (the anti-riot police), the armed and security forces displayed characteristically excessive zeal as they endeavoured to rescue General Conté's regime from imminent collapse. In the end, the ailing president managed to rally to his side the armed and security forces – the only remaining pillar of his regime – by impressing on the top military brass (made up essentially of his own Soussou ethnic group and reliable allies) that the demise of his regime would also toll the death knell for their privileges and impunity. However, as if to highlight the fragility and unreliability of this alliance, immediately after quelling the social explosion fuelled by the continuing impoverishment of the Guinean masses, rampaging soldiers rioted, burned and looted private property, including the houses of their high-ranking officers, denouncing their corruption, demanding (and obtaining) the sacking of the defence minister and chief of staff. Significant aspects of President Conté's survival strategy included the recruitment of unofficial militia elements to assist the regular armed and security forces, as well as the increasingly important role played by his family, in particular his son. The gravity of these

developments illustrated the absolute bankruptcy of the Guinean regime and the utter dysfunction of its security sector, as this study has argued and illustrated. Already in 2005, in a shrewd survivalist move, President Conté had simply dismissed approximately one tenth of the total army (nearly 2,000) junior officers, non-commissioned officers and soldiers. Among these mostly non-Soussou soldiers were highly professional officers who were deemed unreliable, in large part because they did not belong to and have not profited from the numerous corrupt networks and schemes President Conté and his cronies have established in the Guinean military as levers of control. While the regime has incontestably won a major victory by unexpectedly surviving the latest crisis and keeping the security sector on its side, it has arguably only bought more time, as its isolation has become more dramatic and its options are now limited to naked repression, making a smooth transition to democracy in the post-Conté era even more unlikely. These developments therefore also validate the study's broad conclusion regarding the impossibility of genuine security sector reform as long as the current regime remains in power. Guinea will not experience democratic security sector governance without a genuine transition to a different regime.

## Notes

- <sup>1</sup> Cheik Yerim Seck, "Guinée: Chasse aux Sorcières dans l'Armée," *Jeune Afrique/l'Intelligent*, 7-13 December 2003 (no. 2239), 7-13, 58-60.
- <sup>2</sup> In January 2005 an attempt to assassinate President Conté failed, which confirms this analysis.
- <sup>3</sup> Boubacar N'Diaye, *The Challenge of Institutionalizing Civilian Control* (Lanham, MD: Lexington Books, 2001).
- <sup>4</sup> Mandé refers to the ethnic group as well as to the ethno-cultural geographical area that covers a large portion of Guinea and Mali. Mandé, Malinké and Mandeka are used interchangeably. The latter refers to the people and the language they speak.
- <sup>5</sup> Mohamad Saliou Camara, "From Military Politicization to Militarization of Power in Guinea-Conakry," *Journal of Political and Military Sociology* 28, no. 2 (2000): 311-376, see especially 317-318.
- <sup>6</sup> Camara, 311-376.
- <sup>7</sup> *Ibid.*, 312.
- <sup>8</sup> "Interview with Prime Minister Sidya Touré; Il n'y a pas de Fatalité Guinéenne," *Jeune Afrique/l'Intelligent*, 25 April-8 May 2000 (no. 2050/51), 35.
- <sup>9</sup> According to the 2003 CIA Fact Book, the ethnic make up of Guinea is as follows: Peuhl 40%, Malinke 30%, Soussou 20% and smaller ethnic groups 10%. Some 85% of Guineans are Muslim, 8% Christians and 7% practice traditional religions.
- <sup>10</sup> Alpha Condé is a Malinké political leader and member of parliament who was imprisoned by President Conté on charges of attempting to undermine state security. His

imprisonment was widely believed to be arbitrary and his socialist friends in France put enormous pressure on President Conté, particularly through the media, for his liberation.

- <sup>11</sup> Private exchange with Dr. Anatole Ayissi.
- <sup>12</sup> Pascal Boniface, "Guinea," in *L'Année Stratégique 2005* (Paris: Armand Colin/Iris, 2005), 434.
- <sup>13</sup> Boniface.
- <sup>14</sup> International Crisis Group, "Guinée: Incertitude Autour d'une Fin de Règne," *Rapport Afrique 74* (19 December 2003).
- <sup>15</sup> US State Department, "Country Report on Human Rights Practices: Guinea," US State Department, <http://216.239.41.104/search?q=cache:gwBQAULoyZgJ:www.disam.dsca.mil/itm/Legislation/FY02-03%2520Alloc.pdf+international+military+education+training&hl=en&ie=UTF-8> (2003).
- <sup>16</sup> US State Department.
- <sup>17</sup> "Interview with Sidya Touré," 35.
- <sup>18</sup> Elimane Fall, "Siradiou Diallo: 'Au Secours, Sékou Touré Revient!'" *Jeune Afrique/l'Intelligent*, 7-13 December 2003 (no. 2239), 60-62, see especially 62.
- <sup>19</sup> International Crisis Group, 11-15.
- <sup>20</sup> Michael Galy, "Le Vol Suspendu de la Guinée," *Le Monde Diplomatique*, December 2003, 28.
- <sup>21</sup> "Interview with Sidya Touré," 38.
- <sup>22</sup> *Ibid.*, 34.
- <sup>23</sup> This is an allusion to the current president, Zine El Abidine Ben Aly, then prime minister, who invoked a constitutional provision on the incapacity of the head of state to carry out his function due to illness to depose old and ailing Tunisian president Habib Bourghiba in 1987.
- <sup>24</sup> Michel L. Martin, "Soldiers and Governments in Post-Colonial Africa: Cases in the Francophone Area," in *Handbook of Military Sociology*, ed. G. Caforio (New York: Kluwer Academic, 2002), 190-2.
- <sup>25</sup> This concept was discussed in Michel Galy, "Les espaces de la guerre en Afrique de l'Ouest," *Hérodote*, no.111 (2003).
- <sup>26</sup> Sékou Touré, *The Doctrine and Methods of the Democratic Party of Guinea* (Conakry: Imprimerie Nationale Lumumba, 1970).
- <sup>27</sup> International Crisis Group, 13-15.
- <sup>28</sup> Michael Galy, "The Vol Suspendu de la Guinée," 28.
- <sup>29</sup> With the notable exception, it seems, of the late Siradiou Diallo, the leader of the *Union pour le Progrès et le Renouveau*, who recently died. While not opposed in principle to a transition in which the army is involved, he warned against the danger of another military dictatorship: Fall, 62.



## Chapter 9

# Guinea-Bissau

*Adelino Handem*

### **Introduction**

Guinea-Bissau obtained its independence after 11 years (1963-1974) of a national liberation war against Portuguese colonialism, led by a guerrilla movement, the African Party for the Independence of Guinea-Bissau and Cape Verde (PAIGC). Independence was declared unilaterally in the zones liberated from Portuguese occupation on 24 September 1973. As the war progressed and more areas were liberated (more than two thirds of the territory by 1972), the PAIGC gradually set up a state. Schools and health centres were created as well as trading units called people's shops, along with the People's Revolutionary Armed Forces (FARP). The FARP was created in 1964 and represented the regular combat army, which was supported behind the frontlines by people's militia and armed militia.

The state of Guinea-Bissau was recognised by Portugal in 1974, after the change of regime brought about by a coup d'état in that country. Governance of the modern state over the next 30 years was marked by several violent incidents (physical elimination of opponents, civil war, human rights violations, non-compliance with the constitution and rules of democracy), as well as three military coups in 1980, 1999 and 2003, which led to changes in political regimes. From 1973 to 1974 the single party regime set up by the national liberation movement was a predominantly military regime. Starting from 1994, with the political scene opening up and the adoption of a system of pluralist democracy, political power has been controlled by civilians. Nevertheless, soldiers and former combatants continued to interfere in the management of state affairs and were involved in all the uprisings that led to changes of regime. Three legitimate heads of state were removed from office by soldiers. For a long time, institutions in charge of managing security, especially the state security services and the police force, remained under the control of the armed forces.



With the coup d'état of 14 September 2003, Guinea-Bissau began an 18-month transition whose terms were defined by the Charter of Political Transition. Overseen by the Military Committee for the Reestablishment of Constitutional Order and Democracy, executive power was exercised by the transitional institutions: the National Council of Transition including a small parliament, the transitional president of the republic, and the transitional government. This period concluded with peaceful presidential elections, held in mid-2005. Security sector reform has been identified as being of central importance to long-term peace and stability in Guinea-Bissau. This chapter emphasises the long-term governance challenges that will need to underpin the development and implementation of such a process.

### **The Security Sector**

In Guinea-Bissau, as in most countries, there are many players involved in security, law enforcement and oversight. Article 2 of the 2001 constitution of the republic describes Guinea-Bissau as a:

democratic, constitutional State founded on the principle of the separation and the interdependence of powers, and the respect of fundamental rights and liberties.

Article 112 of the same constitution states that 'political power is vested in the people'. Article 114 organises political power as follows: 'The President of the Republic, the People's National Assembly (ANP), the Government, and the courts are the sovereign bodies of State'. Security sector governance is dealt with at length, looking at its various components of national defence, internal defence, citizens' rights and justice.

#### *The Formal Security Apparatus*

*National defence* comes under the responsibility of the ministry of defence, which is also the supervisory authority of the FARP. The FARP comprises the three branches of the armed forces: the army, the navy and the air force. It also includes the coast guard, border guards, maritime police, the presidential guard and the military intelligence service. The missions of the FARP according to article 279 of the constitution are to:

guarantee the respect of constitutional order, democratic institutions and international conventions, independence, sovereignty, territorial integrity, and the freedom and security of the population against any internal or external threat or aggression.

Article 139 states that ‘the President of the Republic is the commander in chief of the FARP’, while article 285 stipulates that he ‘presides over the Higher Council on National Defence, an advisory body for matters related to national defence’. The FARP is under the command of an armed forces general staff, which comprises the chief of defence staff, his deputy, the inspector-general, three chiefs for each of the three armed forces services, and the head of operations.

At the end of the 1998-1999 civil war, the number of regular forces was estimated at 11,000, having risen from 5,000 in 1997. There is a surplus of officers, in particular following promotions to the rank of army general, which has brought the total number to 18. As there has been no general state budget for more than six years, due to the mismanagement of public finances and political instability, it is difficult to define or check the armed forces budget. The FARP is the most important national security unit, both in terms of numbers and its influence on the political life of the country. It has set itself up as a national elite, and does not contribute to the reconstruction of the country or to economic activities that could serve to increase national production. On the contrary the FARP represents quite a heavy burden on the state budget.

Living conditions of soldiers in the barracks are quite precarious, and the greater part of personnel is paid extremely low wages. Since the armed conflict of 1998-99 recruitment has been carried out with no regard for the guidelines of the military code, and there have been no periodic renewals. As a result many recruits turn into career soldiers and remain in the military. Today, more than half of the staff is made up of young soldiers who underwent accelerated training during the civil war in 1998-1999.

One phenomenon that should be of particular concern relates to the sociological make-up of the armed forces where there is a clear majority of members of the Balanta ethnic group. Ever since the national liberation struggle, the majority of armed forces personnel have been from the Balanta group. This was due to two main factors. Firstly, the Balanta represented the majority ethnic group in the country, that is approximately 30% of the total population. Secondly, with their non-hierarchical, horizontal power structure, and the fact that they were restricted to the lowest level of the colonial society, they had joined the liberation movement in large numbers,

especially in rural areas. Today, some people in certain political circles deliberately take advantage of this phenomenon of an ethnic imbalance and military influence to wield political power.

*The police service* is made up of several units. There are different police units in charge of public order, traffic and borders. The police service also includes a rapid intervention force. All these units are under the supervision of the ministry of interior, which also has responsibility for the state security services in charge of civilian intelligence, the secret service and fire fighters. The criminal investigations department is under the authority of the department of the public prosecutor.

According to article 278 of the constitution, the mission of the police is to 'defend democratic legality, and guarantee the internal security and rights of citizens and stateless persons'. There are about 1,500 men in the police service. In the transitional government, the head of the national police department was an army officer, the minister of interior was a reserve army general, and several other positions were held by active officers, reserve officers and former combatants. Members of the police service are mainly former soldiers or young recruits who receive training in the service. Many women now form part of the police service. The limited means available to the police to carry out operations in the field, coupled with the low salaries, tend to encourage the bribery of police officers, thus jeopardising the interests of the state and its citizens. Since 1998 there has not been any form of budget control.

*Former combatants and other reservists* are under the responsibility of the state secretariat in charge of national freedom fighters, which is in charge of identifying, controlling and monitoring payments of pensions and various benefits.

There are three categories of former combatants: those who fought in the national liberation movement, former soldiers who served in the Portuguese colonial army, and those who fought in the 1998-1999 civil war, who are currently being demobilised. The different disarmament, demobilisation and reintegration (DDR) programmes have been hampered by the mismanagement of this complex exercise. This has led to many demands and even in some instances to people taking up arms again, or to former combatants being reintegrated into the armed forces. The crisis in the security sector, as well as the various armed conflicts that have affected the country since independence, can also be attributed to the high number of veterans who remain a part of the active forces, and to the precarious living

conditions of many retired veterans. In spite of the advanced age of the majority of them, former combatants still constitute a reserve of experienced fighters that can be easily mobilised. They are convinced that, as liberators of their country, they are justified in taking up arms to settle their differences with the state. Their status is duly recognised by article 11 of the constitution, which states:

The republic of Guinea-Bissau proclaims its eternal gratitude to the national freedom fighters who, by their voluntary sacrifice, guaranteed the liberation of our homeland from the yoke of foreign occupation, thus winning back the dignity of our people, and their right to freedom, progress, and peace.

In the eyes of many people, those who fought to liberate the country are now losing their prestige. Increasingly, they are accused of being the main cause of political and military instability and the deterioration of the machinery of state. Consideration must be given to the complex issue of the families of the fallen. The number of people claiming to be family members of fallen fighters exceeds the numbers of soldiers registered. In addition, given the imperfections of civil status registers, it is obviously difficult to accurately identify widows and orphans in order to pay them the rightful benefits. Although there is a veterans' association, it is not very effective and is linked to the PAIGC, which is the party of the former liberation movement. Its main role is to facilitate groupings of former combatants in order to serve as a reliable link with the authorities and with civil society. The association is in charge of facilitating the reintegration of former combatants, and also of taking a number of initiatives in the area of employment, training and monitoring of DDR programmes.

*Other paramilitary forces* are managed by a variety of state institutions. The forest rangers are under the ministry of agriculture; customs and tax inspectors are under the responsibility of the ministry of finance, and market patrol agents are the responsibility of the various municipal authorities.

#### *Non-state Security Structures*

A number of civilian, private security organisations are licensed to operate under state control:

- Private security companies generally provide security services to institutions and individuals. Three companies have been set up legally.

They were created by civilians or by former security agents after obtaining a licence from the ministry of interior, which is in charge of technical oversight and supervision;

- Private day and night watchmen, who are independent workers, are also licensed to operate. This activity provides employment to a considerable number of people;
- Bodyguards of political leaders are licensed to carry arms during election periods;
- Herdsmen in villages, guards of agricultural holdings, and professional or amateur hunters may all carry arms, after making a formal application.

The existence of other, non-statutory organisations such as traditional militia, political self-defence organisations, and militia serving political parties is not tolerated. Nevertheless, several unlicensed armed groups do exist. In general, they are criminal gangs, self-defence groups in the villages and poor neighbourhoods of the city, resistance fighters along the border with Senegal, mercenaries and illicit arms dealers.

#### *Management, Mandates, and Coordination of the Security Apparatus*

The wars and various military interventions of the past have placed the armed forces at the summit of the decision-making structure in the area of security. And yet the same factors have led to a military that is divided, where people band together on the basis of their opinions, thus weakening the military hierarchy. High-ranking officers have little authority over the military as a whole and some seem to be held hostage by radical, ethnically based groups. The level of skills is extremely low and very often management positions are held by officers who lack the requisite academic training or who might even be illiterate. Promotions to higher ranks are not made on the basis of any career plan, as defined by military regulations, but rather on the basis of seniority alone, or depending on what leadership position a person occupied during the armed conflicts. In such a situation, people often exceed their authority or misuse their office. To give an example, in 2003, through a military decision, certain state institutions and public servants who had purchased houses within the compound of former barracks of the Portuguese army in a suburb of Bissau were forced to evacuate their premises and homes, without any legal process.

It is difficult to perceive who holds what responsibility and what are the mandates of the various structures that make up the security apparatus.

The issue of the subordination of security forces to the existing regime is often raised.

#### *Defence Agreements and Regional Integration of the Security Sector*

Guinea-Bissau is a signatory to a number of security-related international conventions and agreements. It is also a member of several sub-regional and international organisations, in particular the Economic Community of West African States (ECOWAS). ECOWAS intervened in Guinea-Bissau as mediator during the 1998-1999 civil war and also following the coup d'état in September 2003. In addition, the armed forces have participated in both ECOWAS and United Nations peacekeeping missions. Other organisations, such as the West African Economic and Monetary Union, the Inter-State Committee to Combat Drought in the Sahel, the African Union and the Community of Portuguese Language Countries, have all defined common policies on security and assistance in the case of internal conflict or external aggression.

Guinea-Bissau has also signed a number of bilateral agreements, in particular with neighbouring countries, with which it has mutual non-aggression pacts and agreements on assistance in case of external aggression. With the former colonial power, and with other developed countries, the agreements relate to technical and financial assistance. Portugal has a permanent military cooperation mission. As far as the New Partnership for Africa's Development (NEPAD) is concerned, the commitment of Guinea-Bissau to this new strategy for Africa has been rather lukewarm so far.

#### **Civilian Management and Control of the Security Sector**

Civilian management and control of the security apparatus are defined in the constitution of the republic, which stipulates that the different security forces shall be subordinate and owe obedience to the appropriate sovereign bodies. Their activities shall be carried out in strict compliance with the decisions and instructions of the constitution and the law.

#### *Legal and Constitutional Framework*

A system of parliamentary control and separation of powers is governed by the constitution of the republic, as well as a series of other legal texts. In principle, government now has an obligation to submit its programme of

governance and the budgets of the different sectors to parliament. It is also required to make regular reports, in particular relating to the security sector.

Certain issues such as security strategy, arms procurement and deployment of foreign troops are not clearly defined and still remain confidential. When the situation so requires, parliament may set up independent specialised committees or request independent investigations. Regulatory texts clearly define the tasks, rights and obligations of the security sector and place them under institutional control.

#### *Civilian Control and Management of the Security Sector*

Existing management mechanisms for the security sector include the president of the republic, who presides over the Higher Council on National Defence; the ANP, as the legislative body; the prime minister, who controls the state intelligence service; and the Council of State, which serves as an advisory body for the head of state on issues of national sovereignty. Other oversight bodies are the ministry of defence, in charge of the FARP; the ministry of interior for the police; the state secretariat in charge of former combatants, which oversees the reservists; and the ministry of foreign affairs, in charge of monitoring international conventions and agreements. The ministry of economy and finance is in charge of managing the state budget.

After the coup d'état on 14 September 2003 the country was governed by transitional institutions, and the security sector remained entirely in the hands of the military until the new government took office in May 2004. Legislative elections to re-establish the parliament (the ANP) were finally held on 29 March 2004, whereas the first round of voting for the presidential elections took place on 19 June 2005, and on 24 July 2005 the second round followed. The former president, João Bernardo Vieira, was declared the winner of the presidential election. His unsuccessful opponent in the election refused to accept the result of the ballot and submitted an appeal to the supreme court. The court ruled in favour of the candidate who had been declared the winner, thus paving the way for him to be sworn into office on 24 September 2005, the country's independence day. The country is therefore undergoing a period where the transition is ending and constitutional order is being restored.

With the assistance of the international community, some reforms have been initiated to reduce the size of the military, reorganise the police, ensure the demobilisation and reintegration of former combatants,

rehabilitate the judicial system and restore constitutional and democratic order.

#### *Parliamentary Control*

Under the political system of separate powers and parliamentary control, all decisions concerning the management of state affairs are subject to approval by parliament and ratification by the head of state. Government has an obligation to make annual reports and to submit the budget to parliament. In practice however matters dealing with weapons procurement, troop deployment and security agreements are not systematically submitted to the parliament for approval. Non-compliance with these rules is a long-standing practice in Guinea-Bissau and this situation has led to the chronic instability of state institutions, with disastrous consequences for the life of the population and on the development of the country.

#### *Judicial Control*

The courts are the sovereign bodies in charge of administering justice on behalf of the people. The following courts have been established: the supreme court, a court martial and a court of accounts. A higher council of the judiciary is in charge of organising and supervising the activities of judges.

The supreme court is the ultimate judicial authority of the republic. The president and vice-president of the supreme court are elected by all judges, thus marking their independence from other branches of power. The public prosecutor's office represents the state and is in charge of monitoring democratic legality, defending the public interest and prosecuting criminal cases. The public prosecutor's office is headed by the attorney-general, who is appointed by the president of the republic upon proposal by government. The ombudsman is the state body in charge of defending the fundamental rights and legitimate interests of citizens. It ensures that there is justice and lawfulness in the actions of public authorities. The ombudsman is appointed by the ANP.

The ministry of justice oversees the criminal investigation department, the prisons service and the courts. The independence of the judiciary is guaranteed in theory by the constitution of the republic. In practice it is provided by the sovereign institutions and judges who make rulings in keeping with their conscience and with the law. The supreme court is the final appeal body of the land for all public and private disputes. Control is



provided through the links of interdependence that bind the various sovereign institutions together. Indeed, some bodies are made up of representatives of the various institutions. For example, within the membership of the Higher Council of the Magistrature, there are representatives of the office of the president and political parties, among others. In spite of the provisions stipulating the independence of the judicial power, recurring institutional crises and violations of the constitution constantly disrupt the smooth functioning of the system of justice.

#### *Public Control*

While civil society organisations do not actually participate in decision making and policy formulation in the security sector, they nevertheless play a watchdog role and protect the population. There is a wide range of such organisations in Guinea-Bissau. All productive sectors and professional activities are organised into labour unions under the umbrella of the National Workers' Union of Guinea-Bissau Congress. Other civil society bodies are professional organisations in various specialised branches, public and private research organisations, human rights defence organisations, such as the Guinea-Bissau Human Rights League, the media and religious organisations. Non-governmental organisations also work in various fields with the local population. The programmes and projects of civil society organisations recommend a participatory approach with citizens and focus on activities to promote peace, national reconciliation and the respect of human rights, among other goals. Sustainable development, the establishment of the rule of law, democratisation of society and institutions and the mainstreaming of gender are also areas where civil society organisations are active. The Guinea-Bissau Human Rights League is the civil society organisation that is most closely involved in security sector matters, in particular in cases of infringement of rights and abuse of power affecting the fundamental freedoms of all human beings – men, women and children.

In areas where state presence is not very strong, the populations turn to traditional structures and security is often adversely affected by the fact that these structures are incapable of defending citizens in conflicts that go beyond the confines of the community. A system of neighbourhood watches is often set up as a means to fight against any form of attack from outside the community.

Positive factors militating in favour of reform of security sector governance mechanisms are: first and foremost, the involvement of society as a whole in the reform process; secondly, the involvement of regional

institutions such as ECOWAS; and finally, the pressure from the international community to ensure a return of constitutional legality. The constraints stem from the prevailing conditions of a deteriorated socio-economic situation and the malfunctions of state institutions. Political instability has become entrenched since the politico-military crisis of 1998-1999; poverty is widespread within the population and the state is incapable of ensuring the safety of the population.

The civil war that took place between 7 June 1998 and 7 May 1999 is an example of both the functioning of an oversight mechanism and the consequences of its malfunction. One year before the war, one parliamentary group reported to parliament about arms trafficking to neighbouring Casamance, in Senegal, where an armed rebellion was demanding independence for the territory. Parliament decided to investigate the matter and a commission of enquiry was immediately set up. A few months later, while the probe was still going on, with attention focusing on the FARP as one of the key figures, the armed forces chief of general staff, General Ansumane Mane, was dismissed by the president of the republic. He was suspected of being involved in the arms trafficking, was suspended from all activities and was placed under house arrest.

Upon conclusion of the enquiry, a draft report was submitted to the president of the republic. The commission was requested, confidentially, to modify some of the information contained in the report before submitting it to the full house. The head of state himself had been cited on several occasions in the confessions that were made by suspects involved in the arms trafficking, whereas the chief of general staff had been totally exonerated. Tension rose within the armed forces when some officers discovered that their chief had been wrongfully accused. Parliament set the date of 6 June 1998 for the opening of the parliamentary session in which the report of the commission of enquiry was to be presented. That report was never presented. On the night of 6 June, the presidential guard received orders to disarm the chief of general staff at his residence. The general's bodyguards resisted and the head of the presidential guard was killed. General Mane and his men seized the air force base situated 10km from the town centre. This was the start of a civil war that was to last 11 months. Following discussion in the parliament, the case was supposed to go through the normal legal process and be brought before the courts for trial and sentencing. To date, however, the process remains suspended.

This incident provides an opportunity to examine the role of ECOWAS and some neighbouring countries as an example of the contribution of the sub-region towards conflict resolution. The neighbouring

countries, in this instance Senegal and the Republic of Guinea, responded immediately to the call from the president alone, without the approval of parliament. They sent in troops to wage war and quell the rebellion. It took ECOWAS more than six months to send in an armed contingent for the purpose of mediation.

The experience of these external interventions shows that the more violence is used to counter violence, the more difficult it becomes to resolve internal conflicts. With the arrival of foreign troops, more people sided with the rebellion to fight against what they saw as foreign occupation, and defend national sovereignty. The idea of defending the legality of an existing regime using foreign intervention is not cost-effective and only gives rise to increased violence in the fighting, thus jeopardising the security of the population – especially when, as in this case, these interventions have no legal basis stemming from any bilateral agreement and, even less, from some form of international supervision. The intervention of ECOWAS and that of the neighbouring countries did not prevent the overthrow of the president, who no longer enjoyed any popular legitimacy.

### **Challenges of Security Sector Governance**

The variety of institutions that exists, as well as their legal framework, form a solid basis for sound management of the security sector. The security forces have the potential to fulfil their role satisfactorily. The precondition for this is that they respect the ground rules and that there be a clear political will to support the leadership. An in-depth reform of the armed forces and the various police units is also required. In reality, the institutional, democratic oversight mechanisms do not have control over the practical aspects of the activities of security forces and more law enforcement measures are thus called for. At the same time, there is a need to strengthen human resource capacities and adapt security sector institutions to the changing political, social and economic environment of the country.

One of the major obstacles to civilian oversight of the security sector is the absence of any structured, independent local authorities that are democratically elected and thus represent the population. Guinea-Bissau has never held municipal or local elections.

Supervised involvement of traditional bodies and civil society organisations should be enhanced; certainly, they would need to be taken into account in any reform in order to allow broader and more responsible participation of the population. In a sense, this would mean promoting the

decentralisation of power, the security of the population, the consolidation of an independent judiciary, and any action in favour of peace and stability. It would also mean investing for sustainable development, taking account of gender inequality and fighting against impunity. All these are the indispensable building blocks of democratic and effective security sector governance.

In the current world situation, there is a pressing need to structure, strengthen and modernise the security sector in order to provide enhanced protection for citizens and for the nation. The dangers they face include organised crime, armed conflict, corruption and trafficking in drugs, arms, human organs, women and children.

Generally, human rights are perceived only from the legal and political perspectives; that is, with the sole objective of defending individuals against the abuses of political authorities, who might take action against them for subjective reasons related to their political opinions. Human rights are not a priority for the security forces. Indeed, they are often a source of disagreement with human rights defence organisations. Even worse, there appears to be a certain complicity between the political authorities and the security forces. The latter often take justice into their own hands without taking account of the need to respect human rights and legal due process, all in the name of the republic.

The increase in the numbers of agents involved in security, in particular private companies, can be explained by defective state structures and the fact that they are incapable of ensuring the safety of the whole of the population, as well as the country's institutions. The involvement of the private sector in security is a recent development, and is limited to providing services on work premises. Its most positive impact has been to provide jobs.

The present-day formal security apparatus was designed on the basis of the legislation governing individual rights, which focuses on the protection of persons. Justice is often interpreted according to how it relates to the individual defendant's fundamental rights. In some cases, justice depends on the individual's own capacity to defend their rights. This favours those who hold power and is sometimes unfair to the community at large. When the community is pushed to react, such moves may spark social disruption. And yet, looking at communities in traditional society, it is clear that justice and security are set up as a horizontal structure whose foremost purpose is to meet the collective requirement of protection against any form of external aggression, while at the same time respecting cultural values. In most cases, a person who commits a crime, or is condemned for a crime,

often inflicts their own punishment by leaving the community and even in some cases committing suicide.

The constitutional provisions that protect those who hold political power, and the immunity that is conferred upon government leaders, are often used to cover up cases of misuse of power and even crimes such as corruption and mismanagement. The collective interest is thus thwarted and the security sector is often called in to quell any moves to demand redress. Even in the current era of generalised democracy, populations are still being massacred under the pretext of defending the legitimacy of regimes, to the detriment of people's rights.

In times of domestic conflict, external assistance is only desirable if it serves to prevent genocide. Otherwise, it has negative aspects that are very trying for the local population, which is often subjected to acts of violence on the part of foreign soldiers. Foreign troops often misuse their authority through lack of understanding or knowledge of local customs. There are also many cases of sexual violence, trafficking, robbery and even murders that make the presence of foreign troops undesirable.

Armed conflicts and the large number of light weapons in circulation in the sub-region represent a serious threat to state stability and the security of the population. The result of the armed national liberation struggle, domestic political and military crises, and arms trafficking in the sub-region has been a proliferation of light and small-calibre weapons in the country. There is no systematic control of surplus weapons in the hands of the security forces and many civilians own arms without any licence. ECOWAS efforts in this area have compelled member states to make a commitment to combat this scourge. In particular, in 1998, a moratorium on trade, circulation and transfer of such weapons was adopted by the community.

Foremost among the problems facing Guinea-Bissau are economic and political challenges. The country is one of the poorest in the world, with an annual per capita income of less than US\$200. Paradoxically, the country has a wealth of economic resources such as fisheries, timber, agriculture, tourism, cotton etc.

The following may be considered the main challenges to security sector governance in Guinea-Bissau:

- There is a need to decentralise political power in order to make participatory democracy a reality and empower populations at the local level. To do this, local and municipal elections will have to be held in order to set up democratically elected institutions. Traditional

bodies and grassroots organisations must also be given the authority and legitimacy to be more closely involved in the daily management of the affairs of the population, in particular in the security sector;

- The overriding priority of security forces should be the security of people. The state has prime responsibility for ensuring the security of all citizens in the country and must therefore be represented throughout the territory. State security agents must first of all ensure the physical integrity of citizens and in particular must not use their authority to settle political accounts or violate individual human rights. In the short term, the state must rapidly consider strengthening the community police services;
- If an independent system of justice is to be consolidated, and the separation of powers among the sovereign bodies of state is to be respected, it will require political will on the part of the authorities and pressure from civil society. The different institutions will have to be taught to respect each other, in accordance with the law, and the right conditions must be put in place to allow the army to serve the republic and be truly subordinate to the political authority;
- Any action to bring about national peace and stability should benefit from the contribution of the international community. Sub-regional and international organisations like ECOWAS, the African Union and the United Nations must support local initiatives by government and civil society to consolidate peace and restore political stability. To avoid the risk of the crisis transforming into an ethnic confrontation, a process of national dialogue is required, as well as the adoption of measures to monitor and prevent any tendency to resort to violence;
- Investing to bring about sustainable development is no doubt vital in order to restore peace and the prospect of good governance in the security sector. Indeed, insecurity is most often a consequence of poverty and of the fact that the societal needs of people are not satisfactorily fulfilled. Increasing national production, creating jobs and promoting income-generating activities for the most under-privileged in society can all contribute to improving various aspects of human security, as well as combating social injustice and crime;
- The need to take into account gender inequalities means taking a closer look at the social relations between the sexes and the differentiated social roles and functions of men and women. This problem is particularly acute in Africa and especially West Africa. Women in these regions continue to be marginalised, although they

generally represent more than half of the population and thus hold enormous economic potential, while playing an indispensable social role. Women as a social category are more affected than men by poverty, illiteracy, low enrolment in schools and an excessive burden of work. They are also the most vulnerable to the effects of insecurity and violence. An analysis of the links between gender and security sector governance induces an understanding of the role of men and women as agents, but also beneficiaries, of good governance. There is indeed a requirement to develop the capacities of both men and women to allow them to be more involved in security sector governance, which implies management of individuals, of the interactions among people and of the spaces that they occupy.

### **Conclusion**

The security of the population should be the overriding concern of any reform in this sector. The security forces should be dealt with in a very cautious and firm manner, in order to eliminate any temptation to set up ethnic divisions and avoid the danger of aggravating conflicts. There are numerous risks in a situation where a part of the armed forces controls political power. As a matter of urgency, the armed forces must be unified and returned to their barracks. The following indicators may be considered as signposts of an effective reform process:

- Unified and reorganised armed forces;
- Transition completed and constitutional legality restored;
- Security forces subordinated to civilian authority;
- Political stability is a reality and the state is capable of guaranteeing the security of its citizens;
- Local authorities are elected and the population is in control of security sector management;
- Civil society is involved in and has oversight of security sector policy measures;
- A poverty reduction strategy has been adopted and measures taken to improve the quality of life of the population.

Both the African and the international community must provide substantial assistance to Guinea-Bissau in order to support the initiatives taken in the

field of security, but also in socio-economic matters as a whole. Some more radical elements in the armed forces, and those political factions who support these elements as part of their own bid to attain political power, might oppose the movement for reform.

Without claiming to be exhaustive, we could specifically indicate the areas detailed below as requiring priority attention in security sector reform in Guinea-Bissau.

#### *Reorganising and Scaling Down Security Forces*

Reform applies to the whole of the FARP and must include steps to establish a new balance between the numbers of ranking officers and general troops in the armed forces. Force strength should be adapted to the real capacity of the state and the nation's fundamental defence requirements. The physical state of barracks must also be improved.

Substantial investments are required in order to sustain the reform process, rehabilitate infrastructure and improve the training of the various units that make up the security forces. The contribution of the international community is vital in the light of the scarcity of domestic financial resources. This contribution must be accompanied by a series of measures to ensure that budget implementation is once again in the hands of the executive and that budgetary control is exercised by the legislative power.

Such measures could make the armed forces more operational and more effective in safeguarding the rule of law. At the same time, they would help reduce the impact of the armed forces on the state budget.

#### *Enhancing Oversight of the Security Sector*

According to the terms of the constitution, the armed forces are subordinate to the political authority. This legal provision must be implemented and oversight mechanisms must be made more active in order to entrench a truly national, republican armed forces. The purpose of such democratic control should be first and foremost to avoid military intervention in the political life of the country, but also to prevent anarchy within the armed forces. This would help to foster lasting political stability.

#### *Demobilisation and Insertion of Former Combatants*

Management of ongoing DDR programmes must be improved. Former combatants must be given access to improved living conditions to allow



them to live in the dignity that they deserve in the light of their sacrifices made for the independence of the nation. The veterans' association can be rehabilitated by providing it with the means to function as an impartial civil society organisation.

#### *Participation of Civil Society and Traditional Authorities*

Civil society and traditional power structures must be more closely involved in strategy definition, and in security sector management at the local level. Indeed, in order for reforms to be implemented successfully, they must be felt at the local level. This will also foster human security, a prerequisite for the consolidation of peace and development.

#### *Regional and International Integration*

The various bodies and missions of which Guinea-Bissau is a member, such as ECOWAS, the African Union and agencies of the United Nations system, can all contribute by developing a framework for consultation and coordination. In the short term, it would be appropriate to take stock of Guinea-Bissau's security requirements and socio-economic needs. There is also a pressing need to identify and assess projects in support of economic development that can be carried out in the medium and long terms. Priority must be given to those that facilitate the reintegration of former combatants, training and employment for the youth and the control of domestic and trans-border crime.

It is extremely important for national institutions, especially civil society organisations, to be able to count on international solidarity, and even protection. This would enable the society as a whole to enjoy stability in the short term and, consequently, to work for sustainable development and the rule of law in the long term.

## Chapter 10

# Liberia

*Thomas Jaye*

### **Introduction**

During the past 14 years the West African state of Liberia has been engulfed by protracted wars, which led to state and societal collapse and undermined the rule of law. However, the signing of the Comprehensive Peace Agreement (CPA) on 18 August 2003 and the subsequent democratic elections which brought to power Ellen Johnson-Sirleaf, Africa's first female elected head of state, have provided an opportunity to address the situation. Previously, Liberia's security sector has suffered from a lack of public confidence because, rather than serve as guardian of its citizenry, successive Liberian governments have used it as an instrument of political repression and oppression. As the country embarks upon post-war reconstruction following successful democratic elections in 2005, a major challenge is reforming the security sector, particularly important because of its links with good governance, sustainable peace, security and democratic politics in post-conflict Liberia.

This chapter constitutes an attempt to provide a critical overview of the country's security sector from a historical perspective. In this light it contributes to the body of knowledge on the subject, particularly within the context of failed governance in a collapsed state. It examines and analyses the origins and structure of the Liberian security sector from a historical perspective, discusses the civilian management and control of the security apparatus and looks at the challenges of security sector governance in post-war Liberia, challenges which must be accorded high priority within the new political dispensation.

### *Liberia's Historical and Political Context*

To understand and explain the origins, structure and functions of the Liberian security sector requires delving into the history of the birth of the

Liberian state in the nineteenth century. The way in which the state evolved largely influenced the character of the country's security sector. In 1822 Liberia was founded by freed black slaves from North America who declared an independent state in 1847. One of the challenges facing the founders of the state was the sustenance and maintenance of the settler status quo. What fuelled this early security thinking was the poor relationship between the settler minority who founded the state and the vast majority of indigenous ethnicities with whom they were cohabiting. The settlers felt insecure and thus formed 'home guards' aimed at defending themselves against attacks by indigenous communities. According to J. Gus Liebenow such military force was necessitated by the need to secure compliance with the authority and orders of the settlers.<sup>1</sup>

By 1908 other threats to the security of settler rule originated from France and Britain, which challenged Liberia's authority over the indigenous communities. This forced the Liberian authorities to regularise a system of control over the people in the border areas. Consequently, the Liberian Frontier Force was established to carry out police, customs and other functions in the hinterland.<sup>2</sup> Recruitment into the Liberian Frontier Force was done through force and, as the Liberian state expanded into the hinterland, coercive and other extra-legal measures and exactions were imposed upon the hinterland communities in order to drive home the lesson of settler supremacy.<sup>3</sup> Thus, the initial context for security thinking was driven by the need to secure settler supremacy over the indigenous African populations, ward off colonial claims to Liberian territories and, inevitably, sustain the existing status quo. Therefore, similar to colonial rule in other parts of Africa, the settlers imposed their rule through fear and brutalisation of the indigenous communities.

The constitution of 1847 gave the people a right to keep and bear arms for the common defence.<sup>4</sup> However, at all times and in all cases, the military and the navy were subjected to civil authority because only the governor and subsequently the president, along with the national legislature, could declare war. Courts-martial and admiralty courts were set up to try cases arising from the army and navy.<sup>5</sup> In the years that followed the civilian management of the armed forces and the entire security sector were placed under the office of the president, who serves as commander-in-chief of the armed forces of Liberia. This weakened the overall civilian management of the security sector.

This was particularly true during the reign of President William V.S. Tubman Sr. (1944-1971). Under him Liberia's security thinking was shaped by both external and internal factors. Externally, during his rule Africa and

the rest of the world were gripped by anti-colonial national liberation struggles, the emergence of new states and the birth of Cold War politics after 1945. Liberia could not insulate itself from the global developments of a rising wave of African nationalism and Cold War politics, which divided the world into opposing camps. Internally Tubman also had to deal with dissent in the form of opposition to his rule. It is these two major developments that set the context for security thinking and security sector governance in Liberia after 1944. The obsession with regime security – support and loyalty to his rule – as opposed to citizen-focused security can best be explained from this perspective. To achieve the objective of securing his regime and maintaining the status quo, Tubman established a network of security agencies including the following: the Executive Action Bureau, the National Intelligence and Security Service, the Special Security Service (SSS) and the National Bureau of Investigation (NBI). Most of Liberia's security agencies owe their origins to the Tubman era.

Even when they tried to institute reforms, successive Liberian leaders failed to depart from this practice of pursuing regime security at the expense of citizen-focused security. Two leaders who raised regime security to a pathological level were Samuel Doe and Charles Taylor. Like security systems elsewhere in Africa, in order to gain and secure loyalty and strengthen personal rule, the security sector in Liberia was fragmented in a divide-and-rule manner. This has led to the duplication of responsibilities, one of the problems that SSR in post-conflict Liberia should seek to address.

The 14 years of war not only led to the collapse of the Liberian state and the breakdown of law and order; the war years factionalised the security sector and militarised society. Such developments forced the emergence of a culture of silence because people were fearful of both the undisciplined state security forces and fighters from armed factions. Overall more than eight armed factions fought Liberia's two civil wars, including the Independent National Patriotic Front of Liberia, National Patriotic Front of Liberia, United Liberation Movement for Democracy (ULIMO-J and ULIMO-K), Liberians United for Reconciliation and Democracy, Movement for Democracy in Liberia, Liberia Peace Council, Lofa Defence Force and the Armed Forces of Liberia (AFL).

Just as settler insecurity, the rising wave of African nationalism, the Cold War divide and the need to forcibly quell internal dissent shaped Liberia's security thinking and practices before 1989 when the war erupted, so have the 14 years of war also shaped contemporary security thinking and practices. The country is bordered by Côte d'Ivoire, which is still gripped by insecurity; and there is the problem of the proliferation of small arms, the

fear of armed robbery, and trans-border crime, including child trafficking and other illegal activities.

### **The Security Sector**

In order to comprehend the challenges of reforming the security sector, it is important to discuss and analyse the country's security architecture. This will enable us to realise the significance of the task of reforming it.

The Liberian security sector can be divided into state and private (or commercial) security agencies, and the institutions that provide oversight functions. The state security apparatus includes the following agencies: the AFL including the coast guard, the Liberia National Police, the National Security Agency (NSA), the Ministry of National Security (MNS), the NBI, the Drug Enforcement Agency (DEA), the SSS, the Executive Mansion Guard, the Bureau of Immigration and Naturalisation (BIN), the Liberia National Fire Service (NFS), the Bureau of Customs and Excise and the Monrovia City Police (MCP).

All of these agencies were established through enactments of the national legislature. The AFL is headed by the chief of staff of the Liberian army while other agencies are headed by directors. In keeping with the acts establishing the above agencies, the president appoints the directors and other subordinate bodies with the advice and consent of the Liberian Senate. The heads of these agencies, including the chief of staff of the AFL, serve at the pleasure of the president. However, in keeping with existing legislative acts, the NBI, BIN, NFS, NSA and the national police are responsible to the minister of justice. Unfortunately, in theory and practice, the Bureau of Customs and Revenues is not considered part of the security system.

But what are the functions of these agencies? For example, the police detect crimes, apprehend offenders and preserve law and order. They also protect life, liberty and property, and enforce laws and regulations, tasks with which they are directly charged (Act to Amend Executive Law 1975). Among other goals, the SSS was set up in the office of the president to protect and secure the president, his immediate family, other officials and visiting dignitaries to be designated by the president (Act to Amend Executive Law 1966). Like the SSS, the Executive Mansion Guard, an element of the AFL, operates directly from the office of the president.

The NSA, which was established by an act of legislature in 1974, is responsible for espionage and intelligence gathering. The DEA was

established to enforce anti-drug laws and design anti-drug policies. The DEA operates throughout Liberia, and had a budget of \$204,000 for 2006.

An act of legislature in 1979 established the MNS to make intelligence and security briefings available to the president. The MNS also carries out the counter-espionage activities of other agencies and, like the SSS, makes sure that the president is secured. It provides oversight of all security service operations and activities. It also carries out overlapping duties with the NBI in the area of detecting and investigating economic crimes. The NBI and BIN also duplicate each other's activities by dealing with the problems of illegal immigration.

In 2000 a National Security Council was established to identify and define the national security goals and policies of the country. Chaired by the president, it comprises 12 government officials although it is effectively run by a secretariat led by a national security advisor. The National Security Council is functional and holds regular meetings under the chairmanship of the president.

The MCP was established by an act of legislature, which established the City of Monrovia in 1976. In keeping with this act, the MCP enforces city ordinances and regulations; it supervises parking lots, collects real estate taxes in the city and controls markets and petty trading.

In addition to the above, there are also certain state institutions that run their own security units. The Liberia Petroleum Refining Corporation, the National Port Authority and the Roberts International Airport, for example, run their own units. Though Liberia Telecommunications previously ran its own unit, it is a dormant agency for the time being and it remains unclear whether the Liberia Produce Marketing Corporation, the ministry of education, the ministry of planning and economic affairs, the ministry of foreign affairs, the ministry of finance and the ministry of internal affairs are still running their own units. The University of Liberia runs its own security unit but it is unclear as to whether the Monrovia Consolidated School System continues to do so. The functions and roles of these units need to be clearly defined in post-war Liberia in order to avoid tensions or duplication of effort.

Currently, the police, NSA, MNS, NBI, BIN and NFS have a presence at the regional level. More specifically, the BIN and the Bureau of Customs and Excise operate in districts closer to the border areas, while in other districts none of these agencies are present, thus creating a security void.

Like other elements of the broader security sector, the judiciary has inherent weaknesses including the following: low salaries and delays in their payment, which can lead to corrupt practices; poor logistics and

infrastructure; and, finally, a lack of trained manpower throughout the country. The lack of manpower is caused by the fact that most law graduates and professionally trained lawyers would prefer to stay and work in Monrovia where there are lucrative employment opportunities. Therefore, for a long period of time, the legal system relied heavily on legal practitioners produced through the apprenticeship system under which individuals would work in a legal firm over a period of time and acquire legal knowledge and informal training from professionally trained lawyers.

The current proposed legal reforms aim to strengthen the judiciary and make it more attractive. Unless this is done it will remain ineffective. The Governance Reform Commission (GRC) is conducting a judicial review that will feed into legal reforms in Liberia.

#### *Private Security Agencies*

In addition to the statutory security agencies mentioned above, there are also private security companies operating in Liberia. There are laws and rules governing the establishment of such firms but in practice these rules have not been strictly adhered to. Before the war, the personnel of these agencies were not allowed to carry arms. However, during the Taylor years, some were reportedly allowed to carry heavy weapons. Whether the disarmament, demobilisation and reintegration (DDR) programme took this into consideration is not clear.

By 2002 about 34 such agencies were recorded in Liberia and, because the ministry of justice has not been able to enforce the laws relating to the establishment and operation of private security firms, many are operating without appropriate certification. Whether the number of private security agencies has since increased or not is impossible to say because of the lack of relevant statistical data. The main client groups of these agencies are commercial entities, including companies and private residences. Given the fact that the current post-war reality is characterised by insecurity caused by armed robbery and other acts of banditry, this may lead to an increase in the need for such security services but this does not say much about the current size of the private security agencies. However, there will also be a need to adhere strictly to the laws regulating their establishment in order to ensure professionalism. Any future SSR in Liberia will need to address this problem.

### **Civil Management and Control of the Security Sector**

There are a number of statutory and non-statutory bodies in Liberia that can exercise civilian management and control over the sector. Constitutionally, at the statutory level, the president, minister of justice, the MNS, the national legislature and the judiciary are responsible for managing and controlling the security apparatus. Unfortunately, in practice the role of these bodies has been weak; unlike the president, the other bodies have not fully exercised their constitutional responsibilities.

The executive branch, through the presidency and the ministries of justice, defence and national security, also have oversight responsibilities. The president is commander-in-chief of the AFL (article 50). Under article 54 sections e and f, the president appoints members of the military from the rank of lieutenant or its equivalent, as well as marshals, deputy marshals and sheriffs. Historically, the president has appointed all directors, deputy directors and subordinates within the country's security sector. Such powers enable the president to politicise and control the security sector. This was particularly the case under Charles Taylor, when the entire security sector revolved around the office of president, answerable only and directly to him. This further weakened civilian management of the sector and led to a lack of public confidence. Even though, according to the constitution, the president should appoint heads and subordinates with the advice and consent of the national legislature, the role of the legislature in advising and giving consent to presidential appointments has been ceremonial due to the fact that Liberia was a single-party state for over a century. The practice of rubber stamping presidential appointments changed under successive interim governments, from Amos Sawyer to Charles Gyude Bryant.

In keeping with article 34 sections b and c, the national legislature provides security for the country, raises and supports the armed forces and, above all, makes rules for the governance of the AFL. Over the years the legislature has adopted various acts, which explicitly spell out the tasks, rights and obligations of individual security agencies.

Unfortunately, the committees on national security and defence in the national legislature have not fully performed their oversight responsibilities. Within the context of the interim period before elections (2003-2005), the incapacity of the members of the National Transitional Legislative Assembly was largely caused by the fact that many politically inexperienced and incompetent individuals were appointed to the assembly. The fact that they were not elected impacted negatively upon the credibility of the members of the assembly in the eyes of the public. However, the elections of 2005 have



provided an opportunity for such credibility to be restored. For the first time in the history of Liberia, the ruling party does not have a majority in the legislature. Hopefully, this may change the situation and provide an enabling environment for the legislature to exercise its oversight responsibilities.

Reviving the oversight roles of these legislative committees under the new, democratically elected political dispensation is crucial to SSR in Liberia because this will enable the national legislature to perform its task of controlling and managing the security sector. In order for the legislature to ably perform its oversight responsibilities, there is a need to strengthen their ability to analyse, debate, manage and oversee the security sector. This is particularly true in the areas of security policy and in terms of developing the capacity to ensure strict adherence to the democratic principles of accountability and transparency, and making sure that the sector practices respect for human rights. Finally, they must acquire skills in budget analysis in order to ensure proper management of security expenditure.

The role of the judiciary in providing civilian oversight of the security sector is not explicitly provided for in the constitution, however, it does so indirectly when it applies statutory and customary law in accordance with the standards enacted by the legislature (article 65). As Amos Sawyer observes, the judiciary has been an instrument of manipulation and a device for the legitimisation of activities of the government; the removal of judges has always been a very simple exercise involving the passage of a joint resolution by the legislature. Thus, in the political process of the nineteenth century, critical judicial decisions were largely worked out in meetings of leading citizens – the same group of influential citizens who made other national decisions.<sup>6</sup> In practice, the judiciary has been very weak and largely subordinate to the executive and legislative branches of government. The effectiveness of the judiciary in promoting the rule of law has always been frustrated by the executive, which fails to enforce its decisions. Within the context of the current political dispensation, the lack of court rooms, correctional centres and trained lawyers continues to undermine the effectiveness of the judiciary in promoting the rule of law.

Unfortunately, in the past, civilian management of the security sector at the county level was weak. In these areas, some local authorities tended to be autocratic and often are still a law unto themselves given the weakness of civil society and the judiciary. Under these conditions, the security sector abused its powers with impunity and 14 years of war have made this situation even worse. Long after the signing of the CPA in August 2003, some parts of the country lack civil authority and remain inaccessible while power lies in the hands of local armed gangs. Even in the capital, the major

agencies mentioned above have been working in conditions of poor infrastructure with neither equipment, resources, nor professionally trained personnel. Worse still, remnants of the Taylor regime, many of whom were criminals, still work in the sector, undermining its image and credibility. It can therefore be inferred that there are weak and insufficient mechanisms for the management and control of the security sector in the country. The training of the police by the United Nations Mission in Liberia has not improved discipline, as there are constant complaints about lack of courtesy and discipline. This is something that an SSR process will need to address.

#### *Public Control*

Liberia has a poor history of civil-military relations. The relationship between civilians and the military has been extremely unfriendly and antagonistic. This has been the case because security has been a taboo area and civil society has sought to address the issue of impunity. Until the Progressive People's Party was formed in 1979 Liberia was a single-party state; therefore, the role of political parties in providing oversight responsibilities was not an issue. In recent years political parties have indirectly tried to assert themselves in this area, but to limited effect.

Civil society groups have also spoken out against malpractice threatening the security of the people. Groups like the Liberia National Students Union, the All Peoples Freedom Alliance, the Progressive Alliance of Liberia and the Movement for Justice in Africa have all monitored and exposed the excesses of the security sector. In recent years civil society groups like the National Human Rights Centre of Liberia, the Catholic Justice and Peace Commission and the media have challenged the malpractice of the police, army and armed factions. This was not the case under Taylor, when his numerous militias terrorised the citizenry with impunity.

In post-war Liberia, civil-military relations need to be improved, based on a new culture of cooperation and complementarity. This problem is recognised in the 'Joint Needs Assessment' by the UN, World Bank, IMF and the National Transitional Government of Liberia (NTGL), which calls for the establishment of sound relations between the state authorities and civil society as the basis for good governance.<sup>7</sup> Such a relationship is essential for the effective governance of the security sector.

### **Challenges of Security Sector Governance**

As stated previously, the end of 14 years of war have offered Liberia an opportunity to address the issue of security sector governance. But what are the post-conflict challenges facing Liberia? Fundamentally, one of the major challenges is the ability to sustain long-term support for SSR in post-war Liberia. There is a need to make sure that SSR is well financed, well resourced and civilian authorities are capacitated to put into place the relevant mechanisms to provide effective oversight for the sector.

#### *Oversight Institutions*

In Liberia the lack of capacity for civilian management of the security sector permeates the fabric of the various oversight institutions in the country, including the executive, legislative and judiciary branches of government, as well as civil society. In fact, in specific regard to civil society, there seems to be a knowledge gap in relation to its oversight responsibilities over the security sector; such a gap needs to be filled through training and the sharing of experiences within appropriate regional networks. The formation of the SSR Working Group by several civil society organisations in Monrovia may fill this gap. Since its formation, its representatives have visited several African countries, including Ghana, Nigeria and South Africa, in order to acquire knowledge about the role of civil society in various forms of SSR in these countries. What is worrying about the Liberian situation is the utter lack of coordination of action between the various oversight institutions. If the situation is not dealt with by creating the appropriate fora, then overcoming the gaps in oversight responsibilities will become increasingly difficult.

#### *External Assistance*

Currently, as envisaged under the CPA, implementation of SSR in Liberia relies heavily on the UN and donor agencies. Under the CPA, article 7 section b clearly states that the parties request that ECOWAS, the UN, the AU and the International Contact Group on Liberia provide advisory staff, equipment, logistics and experienced trainers for the SSR effort. The parties also requested that the United States of America play a leading role in organising the restructuring programme.<sup>8</sup> While the role of donors is crucial, Liberians need to take the lead in SSR, including financially in the long term, while external agencies facilitate the process by providing the relevant

resources for its implementation. One of the major problems with externally driven assistance is that it weakens national ownership of the reform agenda to the extent that, in most cases, the reform issues are imposed without prior consultation, and experiences from other countries are uncritically imposed without consideration for national specifics. Further, reliance on external assistance is also dangerous because once it is removed, a gap is created leading to lopsided and short-term solutions as opposed to durable, sustainable and long-term outcomes.

Fortunately, since June 2006 President Ellen Johnson-Sirleaf mandated the GRC to provide intellectual leadership and inject critical thinking into the SSR policy debate. The role of the GRC has helped to strengthen local ownership over this process. However, this intervention is purely at the policy level and has nothing to do with technical and operational issues.

### *Regional Dimension*

In terms of the sub-regional context, though ECOWAS has adopted a protocol on regional security in West Africa, the region remains very insecure as a result of conflict, poverty, small arms proliferation etc. The wars in Liberia and Sierra Leone may have come to an end, but the situation in Côte d'Ivoire remains worrying. As a result of the wars in the region over the past decade and a half, there is a proliferation of arms and trained fighters who can cross borders to fight for the highest bidder. The risk of trans-border crime and conflict hangs over the region. This calls for an approach to SSR that is anchored in the sub-regional context.

There is a need to establish a comprehensive security sector governance culture in West Africa that will enable each country to become a 'watch-keeper' for the borders of its neighbour. This point verifies the assumption that it is impossible to segregate the security of states or to achieve it by unilateral means. In other words, no one state may be secure while its neighbours are insecure. Even if the state maximises its unilateral military capabilities in order to achieve security, it may never be secured.<sup>9</sup> Importantly, security is interdependent, and thus not sustainable by unilateral means. In fact, measures taken by one state in pursuit of its own security interests often decrease the security of others. Nowhere is this more true than in West Africa. Further verifying this assumption is the fact that the growing and increasing trans-boundary contraband in weapons, drugs and other harmful substances cannot be effectively suppressed simply by tightening surveillance by customs officers at standard points of entry.<sup>10</sup> Border

security must therefore be managed in an integrated manner that addresses both the direct and underlying causes of this challenge internally and beyond national borders.

There is an evident need for cooperation among various security agencies and personnel across the region. Currently, Liberia's SSR is implemented independently of other states in the sub-region. For example, the DDR programme in Liberia is implemented without taking into consideration the situation in neighbouring Côte d'Ivoire and its possible destabilising effects on Liberia. A typical example of the lack of regional coordination is the fact that SSR in the country focuses mainly on the army and police while the BIN and the Bureau of Customs and Excise receive little attention besides vetting of their personnel. If regional security dynamics were taken into account, these agencies would have featured strongly in the SSR programme because of the destabilising effects of trans-border threats to regional security.

Liberia is situated in a region plagued by conflicts, small arms proliferation and trans-border crime. Thus, whatever is done has to take account of developments in other parts of the region. Certainly, there is a need to harmonise and synchronise the programmes, policies and planning processes of DDR in the region, particularly in Liberia and Côte d'Ivoire, because developments in each country have the potential to undermine the other. In this light, there should be a regional plan of action on this issue that will result in a regional strategy and understanding of the problems of DDR; this is the only way to prevent the movement of fighters across the region to new and emerging trouble spots. There must be a long-term strategy that will make it difficult for ex-fighters to be re-recruited into other war situations.

One difficult task that is key to a successful DDR programme is the reintegration of ex-combatants. If this aspect of the programme is not dealt with comprehensively at the regional level, then fighters could easily return to war zones. More specifically, foreign fighters need to be returned to their countries of origin, and there is a need to provide education, skills and counselling to ex-fighters. In the long term, economic growth must be encouraged and promoted in order to provide employment opportunities for ex-combatants. Without this, fighters will find it difficult to reintegrate into society at large.

#### *DDR in Liberia*

Thus, one of the major challenges facing Liberia is the implementation of a comprehensive DDR programme aimed at disarming demobilising,

rehabilitating and reintegrating ex-fighters into larger society. During the 'DD' phase, ex-fighters had to undergo five days of orientation during which time they turned in their weapons, underwent trauma and career counselling, were given an initial amount of \$150 (out of a total financial package of \$300), a bag of rice and were immediately demobilised into communities of their choice. Later they were given the remaining \$150. The five-day period was definitely inadequate for the DD phase of the programme.

For young people whose only life experience has been fighting and killing – including of innocent civilians – there was a need to ensure thorough counselling and training before their return into the community. Initially, the UN claimed that there were 38,000 fighters to be disarmed but by December 2004 the figure had mushroomed to 102,193. By the end of the programme over 100,000 ex-fighters were disarmed and demobilised. The fighters have turned in 28,573 weapons and 3,774,595 items of ammunition.<sup>11</sup> The task of implementing the reintegration phase of the programme is a major challenge. Only about 65% of the demobilised fighters initially had access to vocational training and formal educational opportunities because of lack of implementation capacity.<sup>12</sup> The other 35% accessed reintegration opportunities until June 2007.<sup>13</sup> The DDR programme needs to be more comprehensive in order to make conflict less attractive; it highlights the need to take into account the issues raised above, including appropriate cantonment policy, training – and the particular challenges of reintegrating former child soldiers – education and, ultimately, access to employment opportunities. In essence, the reintegration aspects must be taken seriously in order for the programme to be successful.

The good news for Liberia is that, unlike in the past when Taylor resisted SSR under the cloak of national sovereignty, the chair of the NTGL was unable to resist due to the composition of the NTGL and the commitment of the international community to the peace process. This commitment has only increased following the democratic elections in late 2005. The threats to SSR are the lack of resources and the danger that the reform agenda could prove to be a short-term exercise. To avoid this, the capacity of the country needs to be increased in order for it to be able to analyse, understand and debate the problems of the sector regularly<sup>14</sup> and provide an enabling environment for the implementation of reform. The reform process cannot be seen as a one-off exercise and an end in itself; rather, it should be seen as a process and a strategy relating means to a defined end. In this regard, the successful holding of peaceful, free and fair elections represents a major step forward for Liberia. In order to sustain and move the reconstruction process further forward, SSR and good governance

of the security sector will need to be prioritised alongside the political and socio-economic dimensions of the rebuilding process.

### **Conclusion**

In conclusion, it is important to stress that there is no period in the history of Liberia during which the country required the implementation of a comprehensive SSR process more than now. Previously, security was always about maintaining the status quo and suppressing ordinary people and opposition forces. Thus, if SSR in Liberia should become significant for the vast majority of its citizens, it must be people-oriented. One caveat is that SSR should not be limited to a reduction in military spending (as significant as this may be). It should also be about ensuring that security ultimately leads to poverty alleviation, peace and sustainable development. Liberia's problem has been the pursuit of regime security at the expense of its citizens. Thus, in order for SSR to be sustainable, it should be seen as integral to the broader task of post-conflict reconstruction.

The primary and immediate task is to review the status of the country's security sector. Findings of the review can serve as the basis for promoting a national dialogue on SSR. All security apparatuses, those administering justice and those providing civilian management and oversight responsibilities, should be included in the review process. Through this the appropriate reforms can be identified and carried out. But SSR will remain ineffective unless there is a corresponding change in the attitude and mindset of the individuals and institutions that will run the security sector in post-conflict Liberia; this includes those who will provide civilian control and management of the sector. Thus, in addition to promoting a national dialogue on SSR, there is also the need to change from a narrow state-centric and militaristic concept of security to a more holistic approach that takes into account the broader dimensions of security.

Subsequently, there will be the need to carry out professional training for the sector, including its oversight bodies, in order to ensure that it is responsible, accountable and transparent. As agencies become guardians of the security of the citizenry, training should cover areas such as international law, human rights, transparency and democratic governance. This is important in order to avoid a situation where civilians take up arms to redress their political grievances. Liberia, Sierra Leone and Côte d'Ivoire all provide classic examples of this phenomenon.

One area of concern is the criteria for recruitment of security personnel. Unlike in the past, when prospective security personnel had to sit exams, were interviewed and screened, in recent years the security service has been packed with regime cronies and criminals. Taylor, for example, employed many of his ex-fighters in the sector as a way of rewarding them. This is why the criteria laid down in the CPA seem relevant for SSR in Liberia: among other things, it calls for the screening of incoming service personnel along educational, professional, medical and fitness lines, as well as prior history with regard to human rights abuses.<sup>15</sup> It also stresses the significance of national balance in the restructuring of the AFL. So far, the recruitment and training of the police and army have been carried out in keeping with these conditions.

The sector must be endowed with good infrastructure so as to effectively and efficiently carry out its functions. In addition, in order to sustain SSR, there is also a need to strengthen the capacity of the national legislature, government ministries and civil society bodies that are involved with security sector governance to effectively monitor and manage the country's post-conflict and newly reformed security sector.

Another area of immediate concern is judicial review and reform. This will strengthen the capacity of the judiciary to effectively control and manage the security sector. Judicial reviews should lead to legislative enactments or constitutional changes that will serve to legitimise the role of the judiciary, put into place the appropriate infrastructure, adjust salary scales and ensure that members of the judiciary are paid on time. Achieving these goals will help to make the Liberian judiciary more potent, effective and independent in carrying out its duties.

Finally, the success of this process should be judged on the basis of the following criteria:

- Sound and transparent recruitment processes;
- Change in the attitude of the security apparatuses and personnel that reflects professionalism and an emphasis on the security of the citizenry;
- Effective mechanisms for civilian monitoring, control and management of the sector;
- Good infrastructure and professionally trained personnel;
- Constitutionalism and respect for the rule of law, reflected through a decrease in cases of human rights abuse;
- National balance in the composition of the armed forces;



- Adequate financial resources;
- A clear mandate and an unambiguous delineation of responsibilities.

In order to achieve the above, donor support will be required. Without it, the process could be halted because Liberia is not in a position to finance all the priority areas for SSR. However, as significant as donor support to this process is, donors should not be allowed to set the reform agenda. It is untenable for Liberia's security agenda to be designed from abroad – it must come from within. This is why a critical and holistic review of the security sector and its governance mechanisms is vital.

## Notes

- <sup>1</sup> Gus J. Liebenow, *Liberia. The Evolution of Privilege* (Ithaca and London: Cornell University Press, 1969), 53-54.
- <sup>2</sup> Liebenow, 108.
- <sup>3</sup> Ibid.
- <sup>4</sup> Monday B. Akpan, "The Role of the Military in the History of Liberia," in *Underdevelopment and Political Rule in a Peripheral Society*, eds., R. Kappel, W. Korte, and R.F. Mascher (Hamburg: Institut für Afrika-Kunde, 1980), 126.
- <sup>5</sup> Akpan, 126.
- <sup>6</sup> Amos Sawyer, *The Emergence of Autocracy in Liberia: Tragedy and Challenge* (San Francisco: ICS Press, 1992), 270.
- <sup>7</sup> United Nations Development Group, *Liberia Joint Needs Assessment: February 2004* (Monrovia: United Nations Development Group, 2004).
- <sup>8</sup> Liberia Comprehensive Peace Agreement (CPA), concluded in Accra, Ghana on 18 August 2003, 13.
- <sup>9</sup> Michael Klare and Daniel C. Thomas, eds., *World Security: Challenges for a New Century* (New York: St. Martins, 1994), 2.
- <sup>10</sup> Seyom Brown, "World States and the Changing Dimensions of Security," in *World Security: Challenges for a New Century*, eds., M.T. Klare and D.C. Thomas (New York: St. Martins, 1994), 13.
- <sup>11</sup> National Commission on Disarmament, Demobilisation, Rehabilitation and Reintegration (NCDDRR) and Joint Implementation Unit, "DDRR Consolidated Report Phase 1, 2 & 3" (November 2004), 3.
- <sup>12</sup> DDRR Summary Reintegration Briefs, 8 May 2006.
- <sup>13</sup> United Nations Security Council, *Eleventh progress report of the Secretary-General on the United Nations Mission in Liberia*, Document no. S/2006/376, 9 June 2006, p. 4.
- <sup>14</sup> Dylan Hendrickson, "A Review of Security Sector Reform," Working Paper no. 1.: The Conflict, Security and Development Group (London: King's College Centre for Defence Studies, 1999), 13.
- <sup>15</sup> CPA, 16.

## Chapter 11

# Mali

*Nouhoum Sangaré*

### **Introduction**

Mali is a former French colony that attained independence on 22 September 1960. Since that date it has experienced three political regimes, each marked by the specific context in which it acceded to power. The regime immediately following independence was based on a de facto single party, the Sudanese Union. This regime remained in power until 19 November 1968, when it was overthrown by a military coup.<sup>1</sup> The subsequent Military National Liberation Committee adopted an authoritarian policy that claimed to be liberal, as compared to the previous regime. It was only in 1974 that the new constitution of the second republic set up the Democratic Union of Malian People as the only authorised political party in Mali. Far-reaching administrative reforms were adopted in Mali under the aegis of this regime. Among these were reforms relating to regional and local administration, as well as the fundamental principles governing the organisation and functioning of public services.

The March 1991 revolution led to the fall of the regime of the second republic. Under the leadership of the Transitional Committee for Public Safety, led by Lieutenant-Colonel Amadou Toumani Toure, a new constitution was adopted by referendum, and promulgated in February 1992. Lieutenant-Colonel Amadou Toumani Toure was promoted to the rank of general at the end of the transition, and was democratically elected president of the republic in 2002.

This chapter describes the nature, the role and the impact of efforts made in the security sector to increase transparency, participation and its ability to respond to the needs of the population.

## **The Security Sector**

The formal security apparatus is made up of the following components:

- The armed forces, comprising the army, the air force, the national gendarmerie and the national guard, with their support services;
- Civilian security forces, made up essentially of the national police and municipal police services;<sup>2</sup>
- Paramilitary security services such as customs and the water and forestry department;
- Intelligence services, comprising mainly the general department of state security, the department of military security and the internal intelligence services of each entity;
- Private firms offering guard services and secure transportation of valuables.

This security environment is characterised by the total absence of any private militia. The armed groups that emerged with the rebellion in the north were dissolved in 1997 as part of the Timbuktu peace agreement, and their combatants were incorporated into the regular army or into other paramilitary services.

### *Size and Budget*

It is difficult to determine the exact size of the security forces since, although it is clear exactly which bodies are involved in security, it is harder to identify how many people are directly employed in this sector, especially for those structures that serve other functions.

As far as the budget is concerned, a part of it is published and thus known, but other elements are more opaque since they are spread over the budgets of other government bodies and policy areas. For the published part, the security budget is estimated at 1.9% of GDP for 2005.<sup>3</sup>

There is no single institutional framework that governs all security sector actors in Mali. Each of these actors therefore has to be assessed in their specific context. One constant feature has however been the fact that the president of the republic presides over all general management structures in charge of defence and security. The government is provided with the tools and the means for implementing the policies defined in this area.

*Defence*

Ordinance no. 99-045 of 30 September 1999, setting out the general organisation of national defence, stipulates in article 1 that:

the objective of defence is to ensure national security and integrity at all times and in all circumstances, as well as protecting the lives of the population against all forms of aggression. [...] It shall also ensure compliance with all international alliances, treaties, and agreements.

The provisions of this text do not make any distinction between the concept of 'time of peace' and 'time of war'. Defence is overarching, and as such, it does not involve only military institutions, even though they are designated as the main organs for providing defence. According to the terms of the constitution, the president of the republic and head of state is also the commander-in-chief of the armed forces.

Article 55 of the constitution stipulates that the prime minister is responsible for implementing the national defence policy. The minister in charge of the armed forces is responsible for the implementation of military defence policy.<sup>4</sup> In so far as the collaboration of ministers other than the minister in charge of defence is sought, civilian authorities can be said to be involved in defence at the national level, as well as at local and regional levels. The system is designed in such a way that defence and internal order are very closely interwoven. Under the terms of the same ordinance that sets out the general organisation of defence, the executive power shall take the necessary measures to safeguard the security and integrity of the national territory, as well as the lives of the population.

The Malian political authorities have not yet adopted a firm stance on the issue of universal and compulsory military service. Nevertheless, there has been a constant desire to enable the Malian army to play a role in the socialisation, education and economic development of the country. For a while Mali adopted a form of compulsory military service for nationals who were recruited into the public service. A national service programme was set up to provide military training to young public service trainees. At the present time, this experience has been abandoned in favour of a volunteer service.

Several bodies have responsibility for coordinating the various components of the security apparatus. The constitution sets up two main bodies in charge of the general security sector. These are the Higher Council on National Defence and the National Defence Committee. These two bodies

carry out their functions under the authority of the president of the republic who coordinates security initiatives and action, within the framework of the defence effort.

The Council of Ministers is a second level of coordination of the security apparatus. This coordination may be carried out at inter-ministerial level under the authority of the prime minister, or at the individual ministerial level for those ministries that are in charge of a specific security component. This is the case today for the ministry of internal security and civil protection, which is in charge of the national police, gendarmerie and the national guard. The same applies to the ministry of defence and former combatants, in charge of military units, and the ministry of territorial administration and local authorities, in charge of security in the interior. All these ministries supervise the activities of the various security components in their areas of competence.

Mali does not have a national security council, although there was a time when there was intense discussion about establishing such a council. The reason for this vacuum is that defence is seen as part of an overall, constant posture that includes security matters. Furthermore, in the light of recent developments in the security environment, it is necessary to exercise a certain degree of caution in seeking to draw a line between defence and security concerns.

None of the defence agreements between Mali and other countries includes any 'political' or 'secret' clauses such as can be found in the agreements between some countries in the sub-region and certain powers. On the other hand, Mali maintains a high level of military cooperation with many countries with which it has ties as the result of existing agreements. These agreements, with such countries as France, the United States, Germany and China, exclude the engagement of troops, in particular military troops, on Malian soil. Mali has also developed active bilateral cooperation with certain African countries, especially within the framework of joint cooperation committees.

As a member state of regional and sub-regional organisations, Mali is a signatory to a number of ECOWAS, AU, and UN defence and assistance agreements and protocols. Within the same frameworks, Mali has also participated in peacekeeping operations in Africa (Rwanda, Burundi, the Central African Republic, Liberia, Congo Brazzaville, Sierra Leone, and the Democratic Republic of the Congo) and the Caribbean (Haiti). This kind of participation in collective security organisations and the development of military cooperation have had a very positive impact. Mali has been making a positive contribution to consolidating peace in the world, and in its own

sub-region. This contribution has also served to improve the capacity of all of the security and armed forces in Mali to provide humanitarian assistance.

There is no evidence of security structures systematically misusing or exceeding their missions or functions. This does not mean that there are no such cases of abuse, but these are most often cases involving individual agents or officers. Any citizen, agent or recognised group has the right to bring such cases before Malian courts. Article 15 of law no. 02/055 of 16 December 2002 stipulates that:

soldiers shall obey orders from their superiors and shall be responsible for the execution of missions entrusted to them. Nevertheless, they may not be ordered to, and may not carry out actions that run counter to the law and customs of war and international conventions, or which constitute crimes and offences, in particular against state security and integrity. Finally, the fact that subordinates are individually liable shall not make void the liability of their superiors.

This provision makes it possible to hold soldiers individually responsible in the case of violations, even when they occur while carrying out their duties.

#### *Police and Military Security Groups*

Internal order includes both the protection of institutions against insurrection, and the protection of public order against possible disruptions. It also involves enforcing court rulings and administrative decisions. Protecting public order is the purview of the forces of law and order. There are however a multitude of forces and services that are involved in maintaining public order. Some of them are military forces, like the gendarmerie and the national guard, but others are civilian services, mainly the national police service.

The general directorate of the national police<sup>5</sup> is under the authority of the minister in charge of security. The director general of police, under the authority of the minister in charge of security, has the responsibility for directing, coordinating and organising the activities of all the police departments. Departments are set up in the various regions and are placed under the administrative authority of the regional governor, and under the technical authority of the director general. This dual layer of authority enables regional governors to carry out their role as both head of the regional civil service and chief of security in their area of responsibility.

*The Gendarmerie*

The gendarmerie in Mali is a military force specialised in the maintenance of public order, the protection of persons and property, and law enforcement. It also participates in the defence of the country. As a military unit, the administration of the gendarmerie is under the authority of the ministry of defence. However, it may carry out its functions on behalf of any ministry, in particular those in charge of internal security and justice. At the national and central levels, the general directorate of the gendarmerie, along with its various units and attendant structures, contributes to carrying out the functions mentioned above, and to coordinating the activities of the regional and local units.

*The National Guard*

The national guard carries out very important security duties in addition to its military function. Indeed the national guard is entrusted with providing security to administrative and political institutions and authorities. It contributes to public safety and the maintenance of public order and is involved in prison services, as well as the general policing of territorial communities.

The management of the national guard is the responsibility of the minister in charge of the armed forces. In operations, however, it is under the authority of the minister in charge of security. The national guard is headed by a chief of general staff who coordinates, organises and controls the activities of this military security unit. In addition to their administrative, financial and logistic functions, the division commanders carry out their duties under the supervision of the chief of general staff of the national guard. The same applies to the heads of unit, who command the territorial units in the provinces.

*Private Companies*

There are no formal, privatised structures carrying out security activities in an organised manner. The security situation in the north of Mali during the period of the rebellion led to the emergence and the proliferation of armed guerrilla movements and so-called self-defence militia, as well as traditional militia. Since all the armed groups dissolved themselves in Timbuktu on 27 March 1997, however, it may be said that there are no clearly identified private groups that are involved in activities relating to security.<sup>6</sup>

Nevertheless, starting about ten years ago, a number of companies were created on the basis of the general texts governing freedom of enterprise. These companies set up guard activities that are quite similar to the missions of the public security service. The authorities therefore decided to regulate the private security sector.<sup>7</sup> The relevant law gives a restrictive definition of the object of these companies, and stipulates that ‘the practice of the profession of private detective or any other type of private police activity, with the exception of watch and guard duties, secure transportation of money, and bodyguard services shall be prohibited throughout the national territory’.<sup>8</sup>

These companies are only allowed to carry out their activities after obtaining an authorisation from the minister in charge of security. In order to avoid confusion between private security firms and the traditional missions of the police service, a number of things are however indicated as being prohibited or incompatible with the operation of security firms. These relate to the denomination of private firms, their uniforms and their right to bear arms. They are prohibited from carrying out activities relating to the maintenance of public order or freedom of movement of persons and vehicles. They are also prohibited from being involved or intervening in labour disputes or other incidents, and from providing surveillance linked to political and religious opinions, or constituting records with the intention of providing such surveillance. The use of second- and third-category weapons in carrying out the activities of the company falls under the responsibility of the company and is governed by article 18 of the criminal code. Paragraph 2 of that article states that ‘any individual who commits an act of unjustified assault shall bear both criminal and civil liability for their act’. Furthermore, article 19 stipulates that ‘without prejudice to criminal and civil sanctions, any violation of the provisions of the present law may lead to issuance of a warning, to suspension, or to outright withdrawal of the licence’.

### **Civilian Management and Control of the Security Sector**

The 1992 constitution establishes a system of separation and collaboration between the legislative, executive and judicial branches of power. It reaffirms the whole structure for controlling government action by providing a number of conventional mechanisms of government accountability. The powers of the executive branch are also recognised, since it is empowered to dissolve parliament and may be involved in the legislative process. Where the judicial power is concerned, article 81 clearly emphasises its



independence from the other two branches of power (national assembly and government). The national assembly has the power to monitor government action in security matters as well as other matters, in exercising its functions in parliamentary standing committees, and in considering the budget through questions to government.

The birth of the institutions of the third republic was attended by the historical but tragic events of 1991, where a large number of people lost their lives. In the plenary hall where the National Conference was being held, there was a feeling of resentment about the role played by certain components of the security forces in clamping down on demonstrations by democratic movements. The reading of a declaration by the army on behalf of the armed forces as a whole, asking for the forgiveness of the population, went a long way to instil a climate of peace and harmony in the proceedings of the national conference. The authors of the constitution however drew the lessons of these events for all sectors of government, but particularly for institutions in charge of creating, organising, operating and controlling the security forces. As a result, the missions and scope of action of such forces and their agents have been clearly defined. The intervention of the armed forces in the final phase of the popular revolt and insurrection that was started by democratic movements in March 1991 was decisive because it brought about a significant change in the relations between civil society and organisations with a legal mandate to use force and to enforce the law with all due process and in all jurisdictions.

In addition to the legal requirement of amending the legislative and regulatory frameworks of these organisations to bring them in line with the new constitution, there was a need to find innovative solutions to the security challenges that had emerged or been aggravated with the start of the conflicts in the north, and with the multiple forms of socio-political upheaval that were hampering the smooth functioning of the fledgling democratic institutions.

The armed forces, the gendarmerie, the national guard, the national police services, and the other paramilitary forces were all reorganised, essentially to make it possible to clarify the status of their component corps. The criminal courts were strengthened in order to enable them to address the new security environment that had emerged.

As with all such movements the popular revolution of 1991 was preceded and accompanied by social mutations and gave rise to significant political changes. The scope of the security sector was redefined as part of a desire to ensure improved protection of the rights of citizens. An enhanced

legal framework was also put in place to govern the activities of security forces in order to reduce the possibility of violations occurring.

*Powers of the Executive Branch in the Security Sector*

The presidency of the republic is the cornerstone of the institutional system that has been set up to govern the security sector. Article 29 of the constitution states that:

the president of the republic is the Head of State. He is the guardian of the constitution. He embodies national unity. He guarantees national independence, territorial integrity, and the respect of international treaties and agreements. He ensures the smooth functioning of public power, and safeguards the continuity of the State.

In the military domain the president of the republic is the commander-in-chief of the armed forces,<sup>9</sup> presiding over the Higher Council and the Committee of National Defence. He is empowered to appoint people to civilian and military positions,<sup>10</sup> holds exceptional powers<sup>11</sup> and may declare a state of siege or emergency, after consultations in the Council of Ministers.<sup>12</sup>

Appointments to positions of responsibility in public administration are effected by decree of the Council of Ministers.<sup>13</sup> This concerns positions such as the Grand Chancellor of National Orders, general officers, ambassadors and special envoys, regional governors, directors of central administration departments and members of the supreme court. Appointments to the general staff and other departments in the governing bodies of military and security units are made in meetings of the Council of Ministers. The director-general of police and his deputy are appointed by decree of the Council of Ministers. Candidates are selected from among high-level public servants. For other, lower levels of responsibility, decisions are made by the minister with competence in the area.

Currently, there is a ministry in charge of state reform. This ministry is the central unit responsible for drafting policy on good governance. The governmental group in charge of the security sector is made up of this ministry, as well as the ministry of defence and former combatants, and the ministry of internal security and civil protection. Major reform measures affecting the security sector are submitted to the Higher Council on National Defence, which is the decision-making body on issues relating to general defence. When reform measures affect the regulatory texts governing the

status of forces personnel, such proposals must be approved by the Higher Council on Military Services. This is an advisory body that comprises representatives of military personnel and representatives of the military command structure. The executive branch has discretionary powers to set up a system of mutual control. Apart from the authority exercised by the minister in charge of internal security over private security companies, there is no ordinary system of control governed by a regulatory text.

During the time of the conflict in the northern part of the country, the government of Mali published reports on the security situation and on the implementation of the National Covenant.<sup>14</sup> Given the pressing demand for information at the time, these reports were published quite regularly. Members of the national assembly often passed resolutions and raised questions to demand explanations from government about issues of concern to them. A white paper on the rebellion was drafted and circulated broadly both inside and outside the country.

Since the end of the rebellion, however, public reports on the security situation have become a rarity. Information relating to the security of citizens and their property is only communicated on certain occasions, for example when Malians return home after being expelled from their host countries abroad, when refugees return, when there are intercommunity conflicts, or in response to questions to ministers in the national assembly. In the current practice of parliament, government does not submit any regular reports to the national assembly relating specifically to security matters. There have been a few, limited reports made on grave security situations, but very often these reports are only drafted in answer to written or oral questions from assembly members. The budget of the security services is approved according to the same rules that apply to the budgets of other public service departments. In this area there is no exception made for security and armed forces.

#### *Parliamentary Control*

The national assembly has the right to influence the legislative procedure by submitting amendments to draft bills. Parliamentary standing committees have the duty of monitoring government action. The faculty of parliament for carrying out an in-depth review of texts that are submitted to the national assembly for approval constitutes an instrument for monitoring the government. Through these powers that are accorded to all standing committees and in particular to the committee on defence, internal security and civil protection, the Malian parliament provides broad supervision of the

security sector. This committee is specifically in charge of the security sector. Like all other standing committees it may call any person that it deems necessary to consult. It may hold an audience with ministers either on the request of the latter, or on the request of members of the committee. According to the rules of procedure of the national assembly, the house may set up special commissions of enquiry to gather information on given events and submit their conclusions to the assembly for consideration.

There is no permanent body specialised in the control of the security sector. The existing committees are mainly in charge of carrying out surveys and drafting amendments. They are not investigative bodies or units that provide direct control of the activities of the security sector. On the other hand they are allowed to call on any outside (and thus independent) expertise and may also put questions to ministers in charge of the sector. Members of these committees are selected according to their experience and their skills, but also taking into account the weight of each parliamentary group. When a member leaves, they are replaced by another member of the same parliamentary group.

#### *Judicial Control*

The Malian constitution has sought to solemnly highlight the independence of the judiciary, which is enshrined in its seventh chapter. This indicates that:

judicial power shall be independent of the executive and the legislative powers. It shall be exercised by the Supreme Court and all other courts and tribunals. The judicial power is the guardian of the rights and liberties defined by the constitution, and it shall ensure that they are respected. It shall enforce the laws of the republic in its area of competence.<sup>15</sup>

These provisions further emphasise the requirement of transparency that all the authorities of major institutions are expected to observe and enforce in carrying out their duties in their areas of responsibility. Since these measures are for the most part enshrined in the constitution, they constitute the highest standards in the hierarchy of legal texts in Mali. They provide a further guarantee of the work carried out by the authorities and agents in charge of security. They also enhance the rights of citizens, which must be respected.

*Public Control*

Since the events of 1991 the stature and role of civil society has been enhanced significantly, especially where associations and non-governmental organisations (NGOs) are concerned. The objectives of these organisations have also been broadened and now cover all sectors of national life. Among the many public entities, some are advisory bodies that form part of institutions of the republic, whereas others are private associations or NGOs. Public control is provided by the following bodies:

*The auditor-general:* The missions of this department are quite conventional, but its powers are such that it can be a tool for supervising the use of public resources. The peculiarity of this office is that it remains outside the hierarchical structure of public administration. The auditor-general is appointed for a seven-year term of office. He may bring cases directly before the courts and may publish the reports of his office in the media.

*The ombudsman* makes whatever recommendations or demands may appear justified to him in order to resolve the disputes that are brought before him. Where necessary, he may also make proposals to improve the functioning of the organisation involved.

Human rights associations and NGOs played an important role in consolidating the rule of law in Mali and continue to play an active role in protecting the rights of citizens in all areas. The associations and NGOs can be classified into three main groups, according to their objectives, their membership and their methods of action.

*Associations for the defence of human rights:* With a membership comprised mainly of jurists, these associations have often been involved in cases before the courts in various jurisdictions, to defend public freedoms and individual rights.

*Women's defence organisations:* These organisations carry out activities to defend and promote human rights in the public domain, focusing on women's rights. In this way, they contribute to the general function of monitoring the security sector.

*Private press organisations:* These play a meaningful role as watchdogs to protect individual rights vis-à-vis the security services. The event that gets the most media attention is the 'Democratic Question and Answer Forum'

(*Espace d'Interpellation Démocratique*), which is held every year on 10 December. This is a unique opportunity for citizens to put questions directly to members of government. It is an occasion to speak publicly about the infringements of rights that have been noted by citizens. The resolutions of the forum are binding on government and local authorities. On the agenda of each session is a report on the implementation of the resolutions of the previous session. The report is presented by the minister of justice.

The description of these different structures falls short of illustrating the wealth and complexity of civil society actors who are involved in supervising the activities of the security sector. Certain civil society organisations, in particular NGOs, often contribute voluntarily to carrying out some security missions of the public service. For example NGOs made a remarkable contribution to the collection of light weapons after the end of the rebellion in the northern part of the country. Indeed they contributed significantly to the civic education and awareness-raising campaigns that were carried out in order to help restore public-spiritedness and bring an end to the major disorder that had become entrenched in the country after the revolution of March 1991. It can therefore be said that civil society can and does play a positive role in security sector control and oversight although this role needs to be enhanced, with a greater degree of specialisation, in order to consolidate the rule of law in Mali.

### **Challenges of Security Sector Governance**

There is no legal entity that is endowed with the power of defining and enforcing standards and values of good governance in the security sector. Nevertheless, a number of government guidelines have been adopted and implemented with the setting up of the ministry in charge of state reform and relations with institutions. After ten years of experience, the political authorities of Mali felt that there was a need to review the country's institutional architecture in order to give a new dynamism to public institutions. The holding of parliamentary and presidential elections in 2002 gave rise to numerous disputes that could pose a threat to Mali's fledgling democracy in the long term. The disputes highlighted a number of malfunctions in the institutional framework and the political system itself. Cases of irregularities and large-scale electoral fraud led to very low levels of voter turn-out and to the cancellation of results from certain polling

stations. Such events can only have a negative effect on the credibility of the institutions that are set up on the basis of these elections.

The government plan of action on governance outlines and attempts to address the difficulties facing Mali in seeking to improve its governance framework. Alongside the reform of the state and its structures, the ministries in charge of defence and internal security are working with the Higher Council on National Defence to conduct reform of the armed forces and security services. In this context it is possible to have more effective civilian supervision of the security sector. This could be implemented using one of the following approaches:

- Offset the heterogeneousness of civil society actors by setting up a forum for consultation, focusing on the difficulties encountered by citizens, but also by the departments in charge of security services. It is clear that the difficulties are related to the lack of information and awareness of citizens about security issues. Another difficulty is the scarcity of both material and human resources in the security sector, with agents lacking sufficient skills;
- Take the necessary steps to carry out a more detailed study of civilian participation in the oversight of the security sector, based on foreign legal systems, such as those of the United States and Canada, as well as other African examples. This approach would raise considerable difficulties as it would require adapting a new legal system that is based on the independence of oversight bodies.

A mature and responsible civil society is one that is able to make itself available to those who play an advisory role in the formulation of the principal guidelines that govern the daily operations of formal security sector agencies. The areas of intervention for civil society could be defined in such a way as to enhance effective, public security sector control while taking into account the need to strike a delicate balance between transparency and the confidentiality of security activities.

That human rights issues are a priority in Mali is made clear in the provisions of the constitution, and in practice this is seen in the interactions between institutions of the republic, the press, civil society and political parties. There are no longer any massive violations of individual and collective rights that may not be brought before the appropriate courts or be denounced by the press and associations for the defence of human rights. Such cases may also be brought before the Democratic Question and Answer Forum. In spite of this, there is a need to enhance the protection of

fundamental freedoms. Stating principles of good governance is not sufficient in itself to ensure that these principles are applied in the day to day activities of institutions; the mechanisms of good governance also need to be strengthened.

The security sector has to deal with a growing number of significant threats. These relate to the mundane details of security such as simple violations of the law, offences and increased crime in the capital city as well as on certain main roads. The threats however also relate to the erosion of state authority. Although it is not possible to make an exhaustive analysis of the reasons that have led to the erosion of state authority, a few factors may be put forward to explain the phenomenon. The increasing number of light weapons in circulation constitutes a significant threat for the security sector. Mali is a continental country that shares borders with seven other countries and thus it is in a very vulnerable situation, with considerable demands being made on its security resources. The northern part of Mali falls within a dangerous and uncontrolled strategic zone which extends from the western coast of Mauritania to the Sudan, and where smuggling, trafficking, banditry and religious fundamentalism thrive and constitute a real danger. In addition to this, the state is not in a position to provide efficient policing of its borders. Considerable resources are required in order to control all the borders, which total over 7,000km in length.

The consequence of the conjunction of these factors is that there is a risk of people seeking to preserve their safety by their own means or through self-defence organisations that very often become sources of conflict. Such self-defence brigades were created in many villages in the north of Mali during the period of the rebellion. The arms that were distributed at the time have not all been recovered and they continue to contribute to the insecurity in these zones. We can consider that this situation bears the germ of insecurity in the medium and long term.

At the present time there have been no recent mutinies or coup attempts. Security agents appear to share the same values as their fellow citizens and the political classes. They are thus aware of the advantages of a legal use of force and of the fact that all individuals are protected by the law. It is also important to note that the security forces were involved in each of the unfolding phases of the democratisation process.

With the general move towards liberalism, there has been an increase in the number of players involved in security, which could lead to even greater opacity in the management of the security sector. This concern is justified by the fact that our environment is not characterised by a high sense of responsibility, equity, civic-mindedness or transparency in the



management of public affairs. The greatest danger in the multiplicity of security players lies in the possibility that the more privileged might have the means to provide themselves with a level of security that is unaffordable to others, thus creating a new form of insecurity for the latter. In addition, with decentralisation, political parties in charge of local government could be tempted to create or support private security companies which could rapidly be set up as militia, used for clamping down on opponents.

#### *An Unsettled Sub-regional Security Environment*

The West African sub-region is still plagued with unresolved conflicts. Neighbouring countries are also subject to political instability. With the exception of Burkina Faso and Niger, almost all countries in the sub-region have recently been the theatre of open conflicts. There was the 2005 coup in Mauritania; Senegal is still troubled by the activities of the Casamance independence activists; in Guinea, there have been armed attacks against the political authorities; Côte d'Ivoire has its armed movements, and Algeria has its armed Islamists. This environment has had an overall negative impact on the security situation in Mali, with an influx of refugees and the uncontrolled circulation of weapons. The increase in the incidence of armed attacks also further undermines the capacity of security services to discharge their duties effectively.

Security policy in Mali is founded on a collective vision of the threats and vulnerabilities that can endanger the sub-region as a whole. The Ivoirian crisis, for example, is a factor that can contribute to human, economic and political instability in Mali, despite the fact that the crisis is not geographically situated in this country. Because Mali is a continental country, the authorities, right from the earliest times of independence, understood that its security was inextricably linked with the security of its neighbours. It is for this reason that Mali is actively involved in the work of all sub-regional and continental security organisations. This is also the reason for the joint border patrols that are organised regularly with forces from Burkina Faso, Niger and Mauritania.

In the area of external assistance, the Pan-Sahel Initiative (PSI) is a peacekeeping programme aimed to assist countries of the Sahel in fighting against potential terrorist operations, but also to tighten control of their borders and limit trafficking in persons and goods. Both the PSI training and material assistance programmes will assist the armed forces and the authorities of the four countries in the programme to work more closely together at the governmental level in the fight against terrorism and other

border-related problems.<sup>16</sup> The operational component of the PSI is based on the ECOWAS Regional Information Exchange System,<sup>17</sup> which covers eleven countries in the sub-region, and which makes it possible to exchange information in real time between these countries and the United States European Command (EUCOM).

The principal authorities in charge of security sector policy have already identified all the immediate, as well as the latent, threats facing the country. Mali deals with these threats within the possibilities of the limited resources available. It can be said, however, that the country does not have much capacity to deal with long-term threats. Mali is nevertheless deeply committed to controlling the circulation of light weapons and was one of the co-authors of the UN resolution on the manufacture and circulation of small arms and light weapons. It was also one of the countries at the origin of the ECOWAS moratorium on the same issue. The results obtained in fighting against the proliferation of these weapons, starting from 1993 when the moratorium began, can be said to have since been undermined by the desire of populations to be able to provide for their individual security, particularly through the possession of arms. The same weapons are used in intercommunity conflicts, which in the past were settled through dialogue, but which today are settled by the force of arms, leading to multiple casualties, and thus endangering social stability. These intercommunity disputes crystallise existing rancour between ethnic groups. They are often fomented or guided by local leaders and rich citizens who no longer live in the community, but who supply money and weapons.

One threat which has already been identified, but which is not being dealt with as it should be, is the danger of religious fundamentalism and proselytism. These are being fostered by the coexistence of two branches of schooling that are culturally incompatible: the Arabic-language religious school system and the western-type school system. The religious school system, often funded by associations whose aims are not clearly defined, has served to swell the ranks of the unemployed and of fundamentalist groups because employment possibilities for its students are limited to teaching religion.

This threat is added to the pervasive and even more serious threat posed by poverty. In order to combat poverty the government of Mali has drafted a Poverty Reduction Strategy Paper that serves as the basis for budgetary policy, and is aimed at reducing the poverty rate by 3.7% per year by 2007.

**Conclusion**

The objectives of the state reform process have been identified officially and are linked to the issues and challenges of security sector reform. The aim is to enhance the general ability of the sector to support efforts to restore a society where all individuals are treated equally, and whose stability is based on broadly accepted and approved regulatory mechanisms. A number of very important deficiencies still remain which are linked to both endogenous and exogenous factors.

Security and judicial services are still insufficiently established in the hinterland of the country, due to the low concentration of structures and staff. This absence of organisational structures and personnel has led to grave deficiencies in the performance of their roles. Where they exist, these services are not well organised and do not function effectively because staff are not adequately trained and very often the resources available are not appropriate for the duties they are expected to discharge.

Corruption and financial crime is rampant in the security services, as in all government departments. This situation detracts from the credibility and the authority of the state. The contribution of external partners could consist of improving the training of personnel in the different public corps in order to adapt and improve their professional capacities and performance. This contribution could also take the form of upgrading the equipment of forces that are in charge of the daily task of protecting persons and property. In the short term, this effort could serve to reverse the general trend of inefficiency among security personnel and enhance the feeling of security within the population. In the medium and long term, it would make possible the bolstering of state authority in all areas of economic and social life, while making the concept of the rule of law a tangible reality.

Where the justice system is concerned, there is a need to strengthen public justice services in order to combat corruption. The strategic objectives would be to improve the performance and credibility of the public service, contribute to the promotion and defence of human rights, and facilitate better integration of the legal system.

In the area of internal security, the strategic objectives would be to strengthen the operational abilities of the security forces by improving the legal framework, equipment and infrastructure, as well as increasing staffing. Other strategic objectives would be, firstly, to ensure that the professional ethics of the services are complied with by increasing internal controls, and secondly, to provide government with reliable intelligence.

Where defence is concerned, there is a need to readjust the framework of intervention of the armed forces through a review of the reference texts governing the organisation and use of troops, improvement of personnel management capacities and the restoration of discipline. The operational capacity of forces must be improved and the standard of living of the population must be raised. For this there is a need to define the methods of socio-economic and environmental intervention.

There is relatively little risk involved in implementing these measures because they are destined essentially to strengthen the functioning of already existing legal institutions. The reforms however do have a high financial cost for a government that is already constrained in its choices by development partners, and the framework of the 'Highly Indebted Poor Countries' initiative. The obvious reluctance on the part of the population and of security agents to adopt these reforms can be linked to administrative inertia, and a lack of confidence in administrative changes. Once this reluctance has been dispelled, it will be easier to set overall performance indicators. To date, criteria for effectiveness and efficiency have had to be defined sector by sector, in all areas of security activities. By these means, Mali will place itself in a position to better meet the numerous challenges of fostering good governance in the security sector.

## Notes

- <sup>1</sup> On 19 November 1968, the regime of President Modibo Keita was overthrown in a coup d'état led by Lieutenant Moussa Traore.
- <sup>2</sup> Although a municipal police service is provided for as part of the functions of municipalities, the service is not yet in place. For the moment, the state continues to provide all police services.
- <sup>3</sup> The World Factbook, "Mali," Central Intelligence Agency, [www.cia.gov/cia/publications/factbook/geos/ml.html](http://www.cia.gov/cia/publications/factbook/geos/ml.html) (2006).
- <sup>4</sup> See Ordinance no. 99-045, art. 18. The organisational structure of the directorate is governed by decree no. 01-246 of 7 June 2001, which also stipulates its mode of functioning.
- <sup>5</sup> Created by law no. 93-019 of 13 May 1993.
- <sup>6</sup> The group of rebel movements, under the name of the Unified Movements and Forces of Azawad, solemnly declared themselves dissolved on 27 March 1997 in the Flame of Peace ceremony held in Timbuktu.
- <sup>7</sup> Law no. 96-020 on private companies providing security, guard, secure transportation and bodyguard services was passed on 21 February 1996. Decree no. 96-064/P-RM of February 1996 sets the regulatory framework for the activities of such companies.
- <sup>8</sup> Law no. 96-020, art. 1.

<sup>9</sup> Constitution, art. 44.

<sup>10</sup> Constitution, art. 46, para. 2.

<sup>11</sup> Constitution, art. 50.

<sup>12</sup> Constitution, art. 49.

<sup>13</sup> Constitutions, arts. 46 and 47.

<sup>14</sup> On 11 April 1992, a National Covenant was signed between the government of Mali and the rebel movements.

<sup>15</sup> Constitution, art. 81.

<sup>16</sup> The operation involves Mali, Niger, Mauritania and Chad.

<sup>17</sup> The ECOWAS Regional Information Exchange System covers the following countries: Benin, Côte d'Ivoire, Gambia, Ghana, Guinea, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo.

## Chapter 12

# Mauritania

*Anonymous with Boubacar N'Diaye*

### **Introduction**

The Islamic Republic of Mauritania belongs to both the Greater Maghreb and the West African Sahel regions. Mauritania attained independence on 28 November 1960. Starting from 1966, ethnic rivalries between the Arab-Berber and the Negro-African components of the population began to emerge. In 1968 the army was brought in to crush a strike by miners in Zouérate. The opposition, which had initially been harshly suppressed, was finally appeased when, starting from 1973, the government began to implement some of the reforms it had been demanding. These included the creation of a national currency (1973) revoking the economic and cultural cooperation agreements with France (1973), and nationalising the iron mining company, Miferma (1974). In October 1973 Mauritania became a member of the Arab League, and withdrew from the Franc zone. Tensions between Mauritania and Morocco seemed to have been reduced in 1969, when Morocco recognised the Islamic Republic of Mauritania. However, in 1975 Spain decided to withdraw from its former protectorate, Morocco organised the 'Green March', and the Madrid agreements decided on the sharing of Saharawi territory. Far from resolving the tensions, all of the foregoing dragged Mauritania, as well as Morocco, into a destructive conflict with the Polisario Front and the 'Saharawi Arab Democratic Republic', which was declared in 1976. Mauritania found itself thrust into a costly war. By 1978, with the economy totally disrupted and the credibility of President Moctar Ould Daddah seriously undermined, it was no longer in a position to maintain the war effort.

On 10 July 1978 the regime of Ould Daddah was overthrown by a military coup. A military committee for national recovery presided over by Colonel Moustapha Ould Mohamed Salek suspended the constitution and immediately sought to disengage Mauritania from the Saharan conflict. A cease-fire was declared with the Polisario Front, and Mauritania withdrew its

troops from Tiris el-Gharbia. Morocco immediately decided to occupy this southern portion of the former Spanish Sahara.

For Mauritania, the establishment of a military regime marked the beginning of a lengthy period of political instability, characterised by a succession of military coups. The main cause of division between military factions related essentially to the modalities that had accompanied the disengagement from the Saharan conflict. Military factions were divided along the lines of those who felt that Mauritania had to stand either with or against Morocco. Some, however, were drawn towards a position of 'neutrality'. On 6 April 1979 the army set up a military committee of national salvation presided over by Colonel Ahmed Ould Bouceif as prime minister and head of government. Ould Saleck remained as head of state, but with no real powers. Ould Bouceif was killed on 27 May of the same year in a plane accident. Colonel Mohamed Mahmoud Ould Ahmed Louly then became head of state, following the resignation of Ould Saleck, with Colonel Ould Haidallah as prime minister. On 4 January 1980, Colonel Ould Haidallah deposed the head of state and took over the function, in addition to that of prime minister and president of the military committee of national salvation. In March 1981 a coup attempt, with the support of Morocco, was foiled. On 12 December 1984 Colonel Haidallah, who was attending the France-Africa Summit in Bujumbura, was overthrown and replaced by Colonel Maaouya Ould Sid'Ahmed Taya, army chief of staff and a former prime minister. This coup d'état is alleged to have been facilitated, if not sponsored, by France. Ould Taya remained in power for more than twenty years until he was overthrown on 3 August 2005 by a junta, the Military Council for Justice and Democracy.

The succession of military coups was sometimes made even more complicated by the existence of tensions between communities. The ethnic issue, which will be discussed subsequently, also coincided with deterioration in relations with Senegal. On 21 August 1989 diplomatic relations with Senegal were broken off. Although the conflict with Senegal was resolved in 1992, the question of the cohabitation of the two Mauritanian communities, the Moors and the Negro-Mauritanians, remains open.

At the end of the 1980s Colonel Maaouya Ould Sid'Ahmed Taya was compelled to begin a certain number of political reforms. The military committee authorised the organisation of competitive municipal elections in 1986. On 12 July 1991, under circumstances that will be further developed below, a new constitution instituting a multi-party system was adopted by referendum. On 24 January 1992 Ould Sid'Ahmed Taya was elected president with 62.6% of the vote in an election that was generally considered

to be fraudulent, and which was followed by days of bloodshed. In the subsequent parliamentary elections, which were boycotted by the opposition, the president's Democratic and Social Republican Party (PRDS) won 67 of the 79 seats, with the remaining seats going to its allies. On 3 April the PRDS, unsurprisingly, also won the senatorial elections. In 1996 the PRDS once again won the parliamentary elections, in spite of the participation of the opposition. The president was again re-elected in 1997 under the same circumstances and with more than 90% of the vote, in presidential elections that were boycotted by the main opposition leaders, with the exception of one person who had crossed over from the presidential majority. The municipal elections of 2001 enjoyed a certain amount of credibility, due mainly to the fact that there was not much at stake for the regime. Furthermore, between 1992 and 2002 an acceptable civil status register and electoral infrastructure had been set up.

#### *Security, National Concerns, and Democratisation*

At the end of the 1980s Mauritania had barely emerged from an acute crisis with Senegal during which its only support had come from Iraq, which was motivated by its desire to entrench itself in this 'western boundary of the Arab nation'. At the time, Iraq portrayed itself as the 'eastern boundary of the Arab world'. In addition, most of the younger Mauritanian military officers had trained in Iraq and some of them were arrested and tried for alleged coup attempts in September 1987 and August 1988, as well as in 1990.

At the same time, the country had to deal with considerable domestic upheaval, in part due to the conflict with Senegal. There was also a general climate of suspicion towards Negro-Mauritanians that had been fostered by the increasing sentiment of nationalist Arabism that was beginning to appear in the Moorish elite. This sentiment was itself fostered (or rationalised) as a result of the shock created by the 'Manifesto of the Oppressed Negro-Mauritanian', published in Dakar in 1986 by the Forces for the Liberation of Africans of Mauritania (FLAM). But, above all, it was generated by a plot fomented in October 1987 by officers who were exclusively of Halpularen ethnic origin. The three leaders of this putsch were tried by a military tribunal and found guilty of high treason. They were executed on 6 October 1987, while 53 other conspirators were sentenced to various terms of imprisonment and detention in inhuman conditions in the desert, at Oualatta. Ould Taya wanted to make a strong point at a time when he found himself at the head of a fragile regime. Although the plot had not even begun to be



executed, he took it as a personal affront. Already on 16 March 1981 a group of officers and soldiers who carried out an incursion from Morocco to overthrow President Ould Haidallah had been tried and some of them executed.

In any event, with the start of the activities of the FLAM in 1986, the aborted ethnically motivated coup of October 1987, and finally the crisis with Senegal in 1989, an era of disorder began. The regime took advantage of this to strengthen its pro-Arab position of distrust and even outright hostility towards the Negro-African population of Mauritania. This political reorientation was indeed welcomed by a good part of the Moorish public, who had been conditioned by the Arab nationalist propaganda which had created 'the Negro-African nationalist threat' and a regional and international plot that, according to it, was illustrated by the dispute with Senegal. The tragic irony of this situation, for an external observer, is that the border incident between nomads and shepherds, which sparked off the crisis between Senegal and Mauritania, involved only Negro-Africans on both sides. On the other hand the April 1989 riots that targeted the citizens of the two countries in the respective capitals, Nouakchott and Dakar, as well as other cities, were manifestly ethnically driven. Nevertheless, whereas the conflict with Senegal was gradually resolved, the strife between the Moorish and Negro-African elites within the military and which governed the country, continued to grow. The situation deteriorated to unprecedented levels and culminated in the organised purges and massacres of Negro-African soldiers and officers, following the rumours and counter-rumours of military coups that shook the governing body, the Military Committee of National Salvation. It subsequently became clear that a concerted strategy of ethnic cleansing had been implemented both in the army and in the civilian population. Indeed, the end of 1990 was a very favourable time for such activities as the attention of the whole world was turned towards the crisis in the Persian Gulf and the subsequent Gulf war. The position of Mauritania in this world conflict stood in contrast to that of the majority of countries in the Arab and African regions, because of its sympathy for Iraq. Obviously this was due to the fact the Iraq had been one of the rare countries to provide support, including military support, to Mauritania during the crisis with Senegal. Officially, Mauritania constantly claimed that its position was neutral. The Allies however considered this position lukewarm.

Mauritania therefore lived through the conflict that resulted in the liberation of Kuwait with this murky image. It was particularly isolated following the defeat of Saddam Hussein. As a result, the democratisation that was declared by the regime on 15 April 1991 has often been perceived

quite rightly as an attempt to overcome a situation that in many ways was at a stalemate. Indeed, Arab donors and Western partners had all suspended their assistance in protest against the regime. At the time, not only had the regime adopted the unfortunate strategy of being 'pro-Saddam', but things were made worse by its long history of human rights violations whose scope was only then coming to light, thanks to the work of human rights NGOs.

Liberalising the political scene was thus a first step in a strategy designed to return Mauritania to a state of grace, and which covered both internal and external aspects. The desire to recover the favour of the Western powers and return to the fold of 'normal' nations was incompatible with the persistence of internal political tensions. Today, Mauritania has established full diplomatic relations with Israel and has become an ally of the United States, with which it maintains excellent relations in all areas, including the military field. Mauritania enjoys a position of favour with donors, and has started the recommended economic reforms in particular by opening up to foreign investors. This has enabled it to become a country that appears politically stable and that seems to be progressing economically, in spite of its characteristic structural weakness, exemplified by the abortive coup attempt of June 2003 and its consequences.

This putsch was led by a former army commander who had returned to civilian life, ex-Commander Salah Ould Hanena, and served as a reminder that the relations between the army, society and politics have not yet become sufficiently stable and healthy. Although the end of the 1970s and the beginning of the 1980s may be considered as the time of the greatest structural tensions, it would appear that pluralist democracy has not yet been able to set up a security governance management framework. The attempted coup of June 2003 highlights two main facts: the first is that a civilian, albeit a former soldier, can attempt a coup d'état and still obtain obedience from the army; the second is that the perpetrators of the coup, some of whom were arrested a year later, claimed to represent an embryo of brewing rebellion against the existing regime. In August 2004 another plot by the same group was foiled and some of its leaders were arrested in Nouakchott, where they revealed caches of weapons and a detailed plan of attack. The man alleged to be the brain behind both coup attempts, Commander Hanena, was finally captured on 10 October 2004 at Rosso, 200km south of Nouakchott. The government openly accused Libya and Burkina Faso of having backed this new attempt to stage a coup d'état. In the wake of these events many mid-ranking and high-ranking officers were arrested. The malaise in the army was quite manifest and, for the second time within the space of a year, the president of the republic promised to improve conditions for the military.

In-fighting among 'soldiers' remains a reality, even with the façade of democratisation in place. This was illustrated once again during the November 2003 presidential elections when the current president stood against his predecessor, Mohamed Khouna Ould Haidallah, whom he had overthrown in December 1984. The progress of this electoral duel, and the incredible events that took place in the wake of the elections, did indeed mark the return to prominence, in a new manner, of the 1980s-style battle between colonels. This comes in addition to the abortive coups and incipient rebellions mentioned above. Perversely, these events were to create favourable conditions for the successful military coup of 3 August 2005.

### **The Security Sector**

The formal security apparatus comprises the army, a presidential guard (which is part of the army), the national guard, the police, and civilian and military intelligence services. The customs department, the gendarmerie and the national navy are also part of this apparatus. There are no paramilitary forces nor reservists. Where institutional arrangements are concerned, the various armed forces (gendarmerie, army, national guard) are all managed by a general staff and come under the responsibility of the ministry of defence, except for the national guard, which is under the ministry of interior. Likewise, the customs and police form part of two departments. The first is subordinate to the minister of finance, while the second is under the ministry of interior. Military intelligence is provided by two bodies: the second bureau of the armed forces headquarters, and the research and documentation bureau, which is attached to the presidency. The civilian intelligence service is headed by a colonel who is the head of the national security office, and who coincidentally is the chairman of the military junta that took power in August 2005. This office itself comprises several departments, including the department of territorial surveillance (counter-espionage) and the national police etc.

In all, there are about 35,000 men in the security forces. Given the small population of Mauritania, this represents the highest ratio of men in uniform per capita in the sub-region. Depending on the source of information, the defence and security budget of the country is estimated between US\$20-40 million per year.<sup>1</sup> Except in very rare cases, the heads of various agencies are generally from the army. However, the executive bodies are managed by individuals from the corps in question. Internal management is centralised and depends on each corps, which establishes its own rules of

procedure. Given the origin and the nature of the 1984-2005 political regime in Mauritania, one of the characteristics of the security sector has been the constant attention of the head of state to issues of security and his very close control of the sector.

There are no civil defence forces nor private militia in Mauritania. Although the instigators of the attempted June 2003 coup did create a clandestine military organisation called the 'Knights of Change', and the FLAM also took up arms briefly during the events of 1989-1991, no illegal or informal private forces exist in Mauritania. Private security companies do not yet have the right to set up business. The few existing companies that provide security guards are not permitted to carry arms. The Mauritanian army did not emerge from a colonial army nor a liberation army. It was created *ex nihilo* after independence by integrating new recruits with the few Mauritians who had served in the colonial army.

Security forces are generally loyal to the public authorities and elected institutions, as shown during the abortive coup in 2003 when there was real coordination in order to counter the attempt. There is no national security council. It is difficult to distinguish between the various agents involved in security at the national level. On the international scene, Mauritania has defence agreements with France. It collaborates with NATO and has a liaison officer stationed in Brussels. In addition, the national security policy enjoys support from the United States, both within the framework of bilateral relations and as part of regional efforts in the fight against terrorism. This cooperation flourished in 2004 when, following a visit by American officials in charge of security issues, the country was included in the US\$100 million Pan-Sahel Initiative, which is aimed at containing terrorist activities along the borders of Mali, Algeria and Mauritania. As a result, Mauritanian troops have undergone intensive training in counter-terrorism since the beginning of 2004.

### **Civilian Management and Control of the Security Sector**

Mauritania has a presidential constitution. Legislative power belongs to the parliament, which is made up of two houses, the national assembly and the senate. The national assembly comprises 79 members, elected for a term of five years by direct universal suffrage. The senate comprises 56 members who are also 'elected' for a terms of six years by the elected representatives of local authorities. Neither of the two houses has any standing committees dealing with defence or security matters. Furthermore, there is no institution

in charge of organising the civilian management and control of security forces nor does any organisational chart exist. Parliament passes laws that are then promulgated by the president of the republic, whose party dominates the legislature significantly.

The constitution of 20 July 1991 constitutes the legal framework governing the separation of powers between the government, parliament and the judiciary, and ultimately the security sector. Yet the duties, rights and obligations of the security sector are not always clearly defined. The recent vote on an 'army statute' by the national assembly would tend to suggest that there is a desire for reform. Nevertheless, the armed forces are neither subject to parliamentary control nor indeed to the control of any other institution. In fact, as stated earlier, the main characteristic of security sector management has been the close control of the head of state, including the misuse of the security forces against the opposition and to maintain power. Between 1989-1991 security forces were used to quell the Negro-Mauritanian opponents. More recently they have been particularly zealous in their actions against all opponents – in the demonstrations against the regime's policy relating to Israel as well as the political situation in general.

The president of the republic alone is responsible for managing security forces, in liaison with the minister of defence and the minister of interior. As there are no parliamentary committees on security, financial management of day-to-day spending is administered by the ministry of finance. However, the chiefs of the various corps have sole authority over disbursement of their respective budgets and no audit is carried out on their spending. Neither civilian legal bodies nor traditional authorities are in any way involved in the process.

The presidency has sole responsibility for appointing and terminating the appointments of security sector heads. Because of his constitutional status of commander-in-chief of the armed forces, the head of state has the principal responsibility for defining and recommending guidelines relating to the status, role and function of defence and security forces.

No constitutional or legal provisions restrict his prerogative in this area or indeed in the area of personnel appointments to military command posts. Obviously, the ministers of defence and the interior are expected to be members of any governmental group on the reform of security sector governance arrangements. However, the chiefs of staff and directors of the different agencies are also essential partners in the framework of security sector governance. Some components of the security apparatus exercise mutual control over each other. For example, the gendarmerie is authorised to carry out investigations relating to the army. There is no clear division of

labour between external and internal actors in security since external actors are not recognised in the management of security.

Apart from the separation of powers, and the fact that all security initiatives are centralised within the office of the president, no formal mechanisms exist to prevent members of government from using the security forces against their political opponents. As mentioned above, the Ould Taya regime did not hesitate to use the security forces to intimidate and repress the opposition and to limit their political choices and activities.

The government does not make any regular reports on security matters, either to the public or to parliament. The budget approval and audit processes for these agencies within the government are quite conventional. The national budget is approved by parliament and promulgated by the president of the republic as part of the finance act. The audit office is in charge of auditing state spending. The ministry of finance, which is the leading authority in this area, also exercises some prior control and is responsible for executing the state budget.

Parliament has no control over any of the following areas: security sector supervision, security planning and strategy, security sector restructuring, arms procurement, troop deployment in domestic or foreign emergency situations, deployment of foreign troops on national territory, ratification of agreements concerning the stationing of foreign forces and equipment, or the authorisation of internal agreements on security matters. Instruments such as defence committees, hearings, enquiries, investigations, reports etc simply do not exist. On the other hand parliament, which, as indicated earlier, is heavily dominated by the PRDS and its allies, is involved in approving the official defence and security-related budgets. They also pass laws on security.

In theory, under the terms of article 89 of the constitution, judicial power is independent of the legislative as well as the executive power. In practice, all judicial control structures remain under the authority of the ministry of justice. The skills of the judiciary, the ministry of justice, the penitentiary system, and the criminal investigation and prosecution departments are all put at the service of the government.

Civil society does exist in Mauritania, although its scope of action is extremely limited and authorisations are not given to bodies that are considered to be politically independent. One such example is the Mauritanian Human Rights Association, which is not recognised. The concept of civil society in the broadest sense in Mauritania encompasses local and national elected officers, NGOs, socio-professional organisations, religious leaders, academics, private sector bodies and the independent press.

The justice system has on countless occasions been used for political ends, including validating measures that were patently anti-constitutional.

There are an impressive number of NGOs in Mauritania although very few of them are actually operational. For a long time, those considered hostile to the government were banned or restraints were imposed upon their activities. In May 2005 the government formally recognised a great number of them and gave them licence to work more freely. These NGOs are grouped into 25 NGO networks and are active in the various sectors of economic, social and cultural life (the environment, health, education, cultural heritage, poverty alleviation, promotion of women, children's rights, extreme poverty, the rights of the disabled etc). Women's NGOs are very active.

The national association of the independent press has in vain been demanding a review of press legislation, which it considers to be repressive. About 60 French- and Arab-language papers are published. The wavelengths are still monopolised by public radio and television channels, which are not yet confronted with competition from independent channels.

To sum up, civil society is aware of the need for improved security sector governance and it is capable of playing a positive role in this regard, if the public authorities actually provide it with the opportunity and the means to do so.

### **Challenges of Security Sector Governance**

Currently, effective civilian oversight of the security sector is non-existent and would be difficult to implement. The many obstacles in this field relate mainly to the political context. Any intervention on this matter is extremely risky for anybody who is not within the existing spheres of state security. Security is the preserve of the head of state, who manages the sector strictly in that light. This intense personalisation of security is illustrated in the monopoly of key command positions by close relatives or members of the tribe of the head of state. For example, under Ould Taya the presidential security brigade was made up almost exclusively of members of the president's tribe, the Smassides. Only newspapers or political parties could raise this issue as a problem requiring attention. However, this has not yet occurred, and given the narrow room for manoeuvre available to them, going down that road could be suicidal. In Mauritania many parties and newspapers have been disbanded or shut down by government decree. It therefore requires time to build a dynamic and effective civil society. Once

the many obstacles to setting up a process of civilian control of the security sector have been removed, striking a balance between the requirements of transparency and the need for confidentiality will likely be a concern.

Today, respect for human rights is much better than in the 1980s and 1990s when mostly Negro-African officers, and to a lesser degree pan-Arab officers as well, were purged from the ranks of the military. In the case of the Halpuaren officers it is believed that more than 500 of them were victims of targeted executions. Things have improved somewhat in this area. However, this not so distant past sometimes re-emerges unexpectedly through the channels of foreign or international justice. In 2000 Captain Ely Ould Dah, an officer on a training course in France, was arrested and charged by a judge for crimes of torture, which he was alleged to have carried out on Negro-Africans under his command in 1990. This was the time of the ethnic cleansing in the army. This case sparked off an open crisis between Mauritania and France, which led to the cancellation of the military agreements between the two countries and the expulsion of French soldiers stationed in Mauritania. Since then the officer in question has been able to evade the French legal system and return to Mauritania. Military cooperation has not however been fully restored. Beyond the Franco-Mauritanian relations in the military field, this incident relates to one of the central challenges of the security sector in Mauritania. As indicated earlier, during the events of 1989-1991, the brutal repression that was exercised against the Negro-African population of the country by the military regime in the form of assassinations, torture, extortion and deportation was not limited to the black members of the security services. It also targeted thousands of other non-Arab Mauriticians, some of whom are still living in refugee camps in Senegal and Mali. Despite the advent of a multi-party system, the past has not been laid to rest, since the Ould Taya regime itself had not changed. On the contrary the past has become a subject of tension that permeates political life and, obviously, the management of security. On 14 June 1993, law no. 23/93 was passed (by an apparently poorly-elected parliament, dominated by the presidential majority). The law absolves all perpetrators of crimes during the period between 1989 and 1991 and the subject itself has become taboo. Reference to it is punishable by a prison sentence or heavy fines. For example, *Action pour le Changement*, which was at the time one of the principal opposition parties, was disbanded in 2001 for having dared to mention the negative humanitarian record of the regime in a debate at the national assembly. This strengthening of the hard line, and the existence of real tensions relating to the humanitarian record and the issue of slavery, remain a constant challenge to any real transformation of the security sector.



The security sector deals with all potential threats, and in particular threats to overthrow the government, border security and maintaining public order. Too many people have been arrested for so-called 'national security offences', sometimes leading to trials. There is a major difference in this respect between institutional mechanisms for democratic control and the reality on the ground. For example, ex-president Haidallah, the candidate who lost the presidential elections in 2003, and all of his campaign staff were arrested either on the eve of the election or immediately afterwards. They were even brought before the court although they received only fines and light sentence in spite of the gravity of the accusations levied against them (plotting to overthrow the constitutional order). Likewise, following the failed putsch in June 2003 dozens of military officers and NCOs were tried and some of them received heavy prison sentences. They were subsequently released after the coup. Nonetheless, acts of mutiny within the army were rare before the overthrow of Ould Taya on 3 August 2005, the attempted coups of 2003 and 2004 being the only isolated examples. Moreover, unlike the rest of Africa, Mauritania has generally escaped the increasing privatisation of the security sector. However, since the June 2003 putsch security has deteriorated as a result of the fact that an undetermined quantity of arms has gone missing, as well as instances of the looting of light weapons stockpiles. It would however appear that a part of this arsenal has been either recovered or sold abroad by smugglers, or else is still in circulation, while the weapons that were introduced into the country as part to the failed coup d'état of August 2004 were found and seized.

However, the most serious challenge to the security situation is no doubt the creation of the armed opposition group, the *Cavaliers du Changement* (Knights for Change), whose attempt to take on the regime in August 2004 failed. Despite the arrest of two of their leaders, who were given heavy prison sentences, along with some of their supporters, the group remained a threat that Ould Taya was far from ignoring. Although he attempted to pass them off as Islamist terrorists with links to Al Qaeda, observers remained sceptical and have their own ideas about who are the opponents or enemies of government. The bloody June 2005 attack on the Mauritanian army in the north of the country was further confirmation of the constant pressure on the regime, not only because of its poor humanitarian record, but also because of its stranglehold on political life over the past several years.

Moving on to the area of security of persons and property, any disruption of public order or infringement of the security of individuals or private property is firmly sanctioned. The tensions that might arise

sporadically over such issues between tribes or ethnic groups do not lead to armed conflict. A proactive and often heavy-handed policy ensures this. Individual security is guaranteed, but the security of the regime is guaranteed even more. Once again, the security of political or civic activists is assured as long as they refrain from criticising the regime for its poor humanitarian record, issues relating to slavery, economic management or its policy towards Israel.

The preceding account has suggested a close link between internal and external security matters. The period of the crisis with Senegal between 1989 and 1990 was marked by armed skirmishes along the banks of the Senegal River between Mauritanian refugees in Senegal and the Mauritanian army. During his arrest and trial at the beginning of 2004, former President Haidallah was accused of planning a coup d'état with the assistance of Libya and Burkina Faso. Foreign countries have been accused both explicitly and implicitly of being behind several such conspiracies. The geopolitical aspects of security therefore have a significant influence on the political dynamics within Mauritania. Neighbouring countries are often accused of destabilising the state authority in Mauritania. In 2004 two leaders of a rebel group were arrested. The group is allegedly based in Burkina Faso and financed with Libyan funds.

Mauritania is a member of a number of international organisations including the African Union, the UN, the New Partnership for Africa's Development (NEPAD) and the Arab Maghreb Union. It also has strong ties with NATO and with the group of 5+5 (Mediterranean – Greater Maghreb). With its neighbours in the Sahel zone, Mauritania is an active participant in the US Pan-Sahel Initiative. In June 2005 it took part in joint military manoeuvres between NATO and certain Sahelian countries. This rather substantial assistance from outside is assiduously courted. It does not however extend to transforming the security sector by improving governance. It is mainly limited to occasional activities to fight against terrorism and organised crime. The issue of 'ownership' does not therefore arise, since a process is not yet underway, and so far there has been no real assistance in the area. This assistance could take the form of exerting pressure to bring about such reforms. The United States has however officially begun a joint review with the national authorities on issues such as civil-military relations. A workshop was held in Nouakchott in January 2004, where military officers and civilians participated in seminars organised by American organisations such as the Africa Center for Strategic Studies.

## **Conclusion**

In Mauritania, the army has been at the centre of the battle to redefine political order for more than two decades. For the moment, and in the light of recent events, it is not possible to state that it has completely withdrawn from the fray. Obviously, the military, as a state body with the specialised functions of defending the sovereignty and territorial integrity of the nation, is an essential component of the security system. It is also a fully-fledged army, in charge of defence and security, but which is also the guardian of the political and institutional continuity of the state. The army acts upon the express orders or instructions of the existing state authorities. In this sense the army is the cornerstone of the security structure of Mauritania. It is often called upon to manage other bodies that are more or less under its authority. The state security department has been headed by a colonel since 1984 and other state enterprises have often been managed by high-ranking officers. Despite the fact that the military regime was transformed into a civilian regime in 1992, the security forces remain the main pillar of the regime.

External actors could contribute to bringing about a transformation of the security sector, based on two major conditions. First of all the right channels must be found to launch a dialogue in this field with the authorities in order to convince them of the need and the direction of such a reform. Once that has been accomplished, the next step would be to specifically identify the key difficulties in the area. Until its overthrow it remained illusory to convince the Ould Taya regime to accept such an approach. Bilateral cooperation with partners such as the United States, and to a lesser degree France, seems to be the most promising avenue if reforms are to be carried out.

As far as strengthening the democratic control of security institutions by the state or civil society is concerned, it would be useful to strive to make the security forces more open to different methods of communication and to link them to civil society networks. 'Institutional capacity-building' activities are likely to be welcomed by the security sector. There are clearly difficulties in this area, which require innovative solutions. Although the security forces are truly professional, they do require additional civic education on the practice of democracy and on communicating with civilians who might have an interest in security issues.

Demilitarisation and peace building are major axes of reform. The objectives must however be clearly defined. Mauritania, for instance, has never experienced a civil war or fighting between factions. On the other

hand it is necessary to identify, locate and confiscate light weapons, as well as to determine what has become of the weapons in circulation.

Where enhancement of the rule of law is concerned, there are national institutions that are supposed to work in this area. Theoretically, they could therefore be key partners in dealing with security sector governance. The UNDP-backed national good governance programme could be one such partner. As mentioned earlier on, the country has a 'national strategy for the promotion of human rights'. If this were made operational and independent of government, it could, and indeed should, include a security sector governance component. The Commission on Human Rights, Poverty Alleviation, and Insertion could be another of these partners. The ministries of defence and interior are obviously the key partners and executors of any reform. It would however be impossible to have a reform worth the name without setting up the required *democratic* instruments and mechanisms to ensure supervision and control of the security sector. Two essential activities therefore need to be undertaken. A parliamentary standing committee must be set up, with all the usual powers such as questions to the government and the establishment of inquiries and investigations. The committee must be provided with financial and legal resources, as well as the means to acquire the expertise required in order to carry out its mission. Secondly, civil society, in particular the component of civil society that is independent of government, must be expressly and effectively involved in control and oversight of the security sector. In order for its role to be legitimate, the right of civil society to be involved and active in security issues, especially when they relate to human rights, must be recognised. These measures must of course all be taken within the framework of redefining the concept of security and adopting a consensual and, overall, democratic security sector governance policy and strategy. Finally, such reforms must include the participation of representatives of parliament, civil society and other bodies involved in formulating and conducting the external component of Mauritania's security cooperation such as the Pan-Sahel Initiative. To date, the latter falls outside any democratic control. All this obviously presupposes that a truly democratic framework has been set up, within which the armed forces are not, and cannot, be used against political and civil opponents.

## **Epilogue**

As this chapter on the security sector governance of Mauritania was being finalised for publication, the armed forces overthrew the 21-year-old regime of Ould Taya. The coup was led by Colonel Ely Ould Mohamed Vall, the director of national security for the regime for more than twenty years after playing a key role in the 1984 coup which brought Ould Taya to power. This was a major development. The coup was a logical outcome of the flaws in security sector governance and, in many ways, validated our pessimistic assessment of how the Ould Taya authoritarian regime (mis)managed the security sector. At the same time, the 3 August coup constitutes an opportunity to overhaul the relations between the security sector and the political system in Mauritania and bring about 'justice and democracy' as the military junta promised. However, given what is known about after-coup dynamics, and the consistent failure of militaries throughout Africa to play midwife to genuine democracy, what the future holds for security sector governance cannot be predicted with certainty. Nevertheless, the coup was welcomed by most Mauritians and the first steps taken unilaterally by the military junta in its immediate aftermath were encouraging enough. It decreed unconditional amnesty for most political prisoners and exiles, and passed a constitutional ordinance barring its members and those of the transition government from standing for elections to be held throughout the transition period. It held an open national forum and reduced to 19 months (instead of two years) the transition to democratic institutions and truly free elections. Yet, the military has been unwilling to associate civil society and political parties as full partners in the management of the transition. It does not seem willing to even acknowledge, much less address directly and immediately, the legacy of state-sponsored violence and the excessive militarisation of the political culture. Finally, the military regime does not seem to have a clear appreciation of the opportunity the coup offers to design a security sector governance framework that learns from the mistakes of the Ould Taya regime and makes a radical break with its practices and legacy. Such a crucial and delicate overhaul will likely fall on the civilian regime that takes over from the current military regime. This will be an assuredly difficult task given the fact that the current head of state, although democratically elected, owes much to the military junta and in particular to its most influential members. For the moment, security sector reform does not seem to feature on the list of political priorities for the current head of state. If, as some suspect, his election for a single mandate (since the age limit will prevent him serving a second term) was intended to allow the chief

of the military junta to return to power through the urns, it is unlikely that Mauritania will undergo a democratic reform of its security sector in the near future. The fact that the head of state is surrounded by former members of the junta, who benefit from the status quo, leads to some doubt over whether far-reaching reform is in reality the order of day.

### **Notes**

- <sup>1</sup> According to *L'Année stratégique 2005*, for example, the military budget (not including certain components of the military sector) has fallen considerably in recent years since in 2004 it represented US\$19 million, or 3.6% of GDP.



## Chapter 13

# Niger

*Boubacar Issa Abdourhamane*

### **Introduction**

The Republic of Niger occupies a pivotal position at the junction between North Africa and sub-Saharan Africa. Niger has common borders with Algeria and Libya to the north, Chad to the east, Nigeria and Benin to the south, and Burkina Faso and Mali to the west and north-west, respectively. The estimated population of over 10 million inhabitants is divided into several ethnic groups: the Hausas, the Djerma, the Peulhs, the Tuareg, the Kanuris, the Toubous, the Arabs and the Grumanchis. The Hausa and the Djerma respectively represent 56% and 22% of the total population. The vast majority of the population is of the Muslim faith, but there are a minority of Christians and animists.

Over the past 15 years, security has been a central issue in Niger. During this period, the country has undergone armed rebellions in the northern part of the country between 1991 and 1998, and two military coups d'état in 1996 and 1999. The army itself has been affected by recurrent mutinies, and there has been an increase in urban crime and local conflicts around land ownership. At the same time, it has been difficult to establish effective mechanisms for conflict prevention and resolution. Indeed, ever since Niger attained independence on 3 August 1960, the issue of security has figured in the forefront of the design and implementation of the state's domestic and foreign policy. The sheer size of the Saharan region of the country, the high concentration of the population in the south, inadequate state control and the potential or real risks of external aggression or internal military uprising are some of the reasons for this preoccupation with security.

This chapter attempts to identify the main security institutions and agents, as well as their modes of intervention and capacity for action. At the same time, we shall examine their impact on the democratisation process, and the management, control and effectiveness of the security sector. With



this information, it will be possible to assess the capacity of the sector to meet the current security challenges in Niger.

## **The Security Sector**

### *Formal Security Structures*

Military and paramilitary institutions with a legal mandate to utilise force in carrying out their mission of protecting territorial integrity, ensuring the security of the population, maintaining public order and protecting the environment include the Armed Forces of Niger (FAN), the National Gendarmerie Squad, the presidential guard, the National Intervention and Security Forces (FNIS), the national police, the State Documentation Centre, the customs service and the municipal police.

The FAN was created by act no. 60-46 of 1 August 1960,<sup>1</sup> but it was only a year later that it was officially established. At present, the armed forces are governed by ordinance no. 99-62 of 20 December 1999, establishing the statute of military personnel of the FAN and the gendarmerie. According to estimated figures published in 2003, the Niger armed forces comprise roughly 10,000 men in the army and the national air force. Five percent are officers, 28% non-commissioned officers (NCOs) and 67% other ranks. Each year, about 800 new recruits are taken in. The minimum age for recruitment is eighteen, while compulsory military service lasts two years. The air force, which is called the National Air Squad, has a strength of about 300 (41 officers, of whom 25 are pilots, 95 NCOs and 150 in the ranks). The air force possesses a Boeing 737, which is used for travel by high-level officials of Niger and which is under the direct responsibility of the office of the president of the republic. In addition, the air force also owns some aircraft for transporting troops (one C-130, one Dornier 228 and one Dornier 28). For reconnaissance and combat, there are six TETRAS microlights and two Mi-17 helicopters.<sup>2</sup>

### *Organisation and Command Structure of the Armed Forces*

Up to December 2003, the FAN included the army and the air force, spread out in three defence zones situated in Niamey, Agades and Zinder. These defence zones were headed by zone commanders, who were subordinate to the armed forces chief of staff and his deputy. The military chain of command was placed under the authority of the ministry of defence. In

December 2003, the government of Niger restructured the armed forces and proceeded to set up two separate branches, the army and the air force. Each force is now under the command of its own chief of staff. Another innovation introduced in the restructuring was the creation of defence zones in Tahoua, Madawella, Dirkou, Diffa and Dosso, in addition to the existing zones of Niamey, Agades and Zinder. The zone commanders serve as back-ups for the armed forces general staff. Taking into account the numbers of troops and the diversity of operational units stationed on the ground, the principal defence zone covers the capital city and its surroundings.

Most soldiers are trained in Tondibiah (15km outside Niamey), whereas officers and NCOs receive basic training and refresher courses outside the country, in particular in Senegal, Madagascar, Morocco or the United States. Above all, a good number of them attend the major French military academies. Since 2001, however, an officer cadet school has been created in Tondibiah. The Niger Armed Forces Training Academy (*Ecole de formation des forces armées nigériennes* – EFOFAN), is now in charge of training officers as well as the graduates of the Niamey *Prytanée Militaire*, established in 1997.

#### *The National Gendarmerie*

The national gendarmerie, which was created in 1961, is made up of 2,500 men stationed in territorial and mobile brigades. Like the armed forces, the gendarmerie falls under the authority of the ministry of defence. However, in addition to carrying out its defence mission and maintaining public order, members of the gendarmerie also serve as military police and engage in criminal investigation and intelligence activities. The gendarmerie is considered an elite corps and its recruitment requirements are therefore more stringent than for the army. The gendarmerie headquarters, which has responsibility over all the units in the country, is located in Niamey. Gendarmes are increasingly being deployed towards the border areas as a result of the increase in cross-border trafficking in arms and drugs. At the same time, the gendarmerie is charged with the surveillance and control of all other military and paramilitary forces. The gendarmerie certainly appears to be well placed to carry out these functions as order, discipline and the respect of the hierarchy still appear to prevail in this corps, where there have never been any mutinies. Unlike the army, the national gendarmerie has never been involved in any forceful takeover of power. Although this corps is not as well armed as the various other military units in the capital, including the presidential guard, it is quite clear that the fact that the

gendarmerie has always respected republican institutions is also due to the high quality of its men. Nevertheless, it does still have a great amount of responsibility as the military police unit in charge of settling all disputes that involve soldiers and other paramilitary corps. This includes, in particular, the mutinies and various coup attempts in Niger.

#### *The Presidential Guard*

The several hundred men who make up the presidential guard are drawn from the ranks of the military – officers and NCOs – the gendarmerie and the FNIS. The mission of the presidential guard is to protect the head of state, the presidential residences and to provide security to the president when he travels into the interior of the country. The forces that make up the presidential guard are most often appointed on the basis of their loyalty towards the authorities in place. The assassination of General Baré by members of the presidential guard, then under the command of Commander Daouda Mallam Wanké, on 9 April 1999 shows the strategic place that this unit occupies as part of the protective apparatus of the ruling head of state and the regime. The appointment of the commander of this unit is a very important exercise, which is monitored closely by the president of the republic and his closest collaborators.

#### *The National Intervention and Security Forces*

This corps was set up in 1997<sup>3</sup> following the peace agreements signed between the government and the rebel movements. The FNIS come under the authority of the ministry of interior.<sup>4</sup> They are made up of members of the former republican guard, the oldest existing corps of the armed forces of Niger, to whom must be added the members of former rebel movements who were incorporated into the force in accordance with the peace agreements signed between 1995 and 1998. The FNIS is charged with administrative tasks and with maintaining order in certain regions. They also provide guard services in prisons. The 3,200-strong force is more commonly found in the rural areas where, in addition to the traditional tasks assigned to the republican guard, they also provide protection to high officials. In the major urban centres they guard public buildings.

*The National Police Force*

The national police force is under the responsibility of the ministry of interior. The head of the force is the director-general, and the force is made up of approximately 3,000 men, with 40 police commissioners, 120 officers and 300 inspectors. The Directorate General of National Police is subdivided into various departments: the department of public security is in charge of maintaining public order and prevention, the criminal investigations department investigates and prosecutes crime, the territorial surveillance department issues authorisations to enter and exit the national territory and the general intelligence department is in charge of general and individual surveillance, as well as administrative inquiries. Public security is the largest component of the mission of the police force. Each of the eight regions of Niger has a department of public security whose director has responsibility for all police in the region. Public security is also the area of activity of the police stations that are found in urban areas. They are in charge of operations to maintain public order and control common offences such as theft, mugging, fraud, assault etc. The criminal investigation department for its part is responsible for serious and organised crime. Although it is supposed to be represented throughout the country, the criminal investigations department is in fact only active in the capital city, because it numbers only 60 officers in all, with three commissioners.

*The State Documentation Centre*

The State Documentation Centre (*Centre de documentation d'Etat*) is the national intelligence service. Also designated as the general department of external security, its more common name is the Liaison and Coordination Bureau, a department that inspired great fear under military rule because its agents were allegedly capable of detecting even the slightest moves to oppose the existing regime. This department is made up officially of police officers who are exclusively responsible to the office of the president. Each day they submit a note on the state of security in the country to this office. The area of competence of this department goes beyond the national territory, and some of its agents are appointed to embassies of Niger abroad. The centre works with other police departments to ensure national security and detect signs of domestic political destabilisation. It is one of the principal correspondents of other foreign services, especially in the fight against international terrorism.

*The Customs Service*

The customs service forms part of the ministry of finance. The customs department is present in the border areas and is increasingly involved in helping to fight against cross-border trafficking in arms and narcotics.

*Informal Security Structures*

The informal security structures include armed rebel movements and self-defence and neighbourhood watch groups, as well as private security companies. Since the signing of a series of peace agreements,<sup>5</sup> under the auspices of the international community,<sup>6</sup> between the government of Niger and the various armed rebel movements in the period between 1995 and 1998, there are no longer any formally recognised bodies using force illegally. At the beginning of the 1990s, a number of armed groups were set up in the north and in the east of the country. These groups, whose demands were based on identity, took up arms against the state authority to demand access to public resources. The Tuareg and the Toubou rebellions are the two main rebel phenomena. The Tuareg rebellion comprises the Front for the Liberation of Air and Azawad established in September 1991, the Revolutionary Army of National Liberation established in June 1993, the Tamoust Liberation Front established in August 1993 and the Popular Front for the Liberation of Sahara established in January 1994. In 1995 all these movements came together to form the Armed Resistance Coordination. In turn, The Toubou rebellion<sup>7</sup> comprises the Democratic Front for Renewal established in 1994 and the Sahara Armed Revolutionary Front established in 1995.

With the signing of the peace agreements in 1995 and 1998, a High Commission for Restoring Peace was set up to implement the agreements, in particular in relation to the reintegration of former combatants. As part of a plan financed by international donors and Niger, hundreds of members of these movements were incorporated into various public institutions, in particular into the public service or the defence and security forces (armed forces, gendarmerie, FNIS, police force, customs service).

Self-defence groups in nomadic areas were set up at the beginning of the 1990s by the nomadic populations who were victims of an upsurge in robberies and other acts of violence linked to the circulation of arms that had accompanied the rebellion in these regions. Faced with the incapacity of the state to provide lasting security, the people in these areas organised themselves into groups to protect the property of the Arab, Peulh, Toubou

and Tuareg communities. These defence and surveillance groups now work in close collaboration with the forces of law and order.

Neighbourhood watch groups also first appeared in the early 1990s. Their members are civilians and they are found in the major urban centres, where they are paid by the inhabitants of the neighbourhoods. The fact that such groups have been set up by urban dwellers is a direct consequence of the growing nocturnal urban insecurity, but also a result of the reduction in the operating budget allocated to the formal security structures in charge of combating crime. Although this gradual privatisation of the security system has the advantage of providing a short-term solution to the problem of insecurity in certain areas, it nevertheless raises the issue of the right to security or the access of all citizens to security. Since all neighbourhoods do not have the same level of income, some tend to be better protected than others. Furthermore, since the members of these groups do not have any special training, 'suspicious' individuals are often subjected to public lynching, humiliation or torture, sometimes leading to death, with no respect for the principle of presumption of innocence.

Private security companies also employ civilians, but are much better structured than the neighbourhood watch groups. They provide guard services to individuals as well as national and international institutions. These private companies also generally call on the services of former members of the defence and security forces.

### **Civilian Management and Control of the Security Sector**

Democratic control of security forces is a constant feature of political debate in Niger. No one disputes the fact that security institutions must be subject to the rules of the constitution and the laws of the land. Indeed, the security forces are subject by law to the authority of the civilian power. However, the reality is different from the theory of legal arrangements. Indeed, there is very little control by civilian political and legal authorities, and much still remains to be done.

#### *State Institutions*

Before embarking on the democratisation process of the early 1990s, Niger had experienced first a single-party regime, then a military regime, between 1974-1989. Both were characterised by negligible or inexistent application of the principle of the separation of powers. The first republic (1960-1974),

under civilian leadership, was marked by the supremacy of the executive branch of power, which was personified by the head of state. The legislative and judicial powers were highly dependent on the executive and were therefore unable to affirm their authority and provide real checks and balances. The executive branch enjoyed significant prerogatives in the area of security and security forces. The 18 July 1999 constitution of Niger enshrines the principle of separation of powers between the executive, the legislative and the judicial branches and attributes specific competencies to each branch in relation to the functioning of the security apparatus.

#### *Executive Branch*

The president of the republic is the head of the executive, the guardian of territorial integrity and the commander-in-chief of the armed forces.<sup>8</sup> Subject to proposals by the ministry of defence and the view of the higher council on national defence, he appoints the principal officers of the military command structure.<sup>9</sup>

The prime minister, the minister of defence, the minister of interior and territorial administration and the minister of finance are all involved in the management of the security apparatus through the different bodies for which they are responsible.

The higher council on national defence is an advisory body chaired by the president of the republic. The council was created by the constitution of 18 July 1999 to assist the president in the task of making appointments within the armed forces.<sup>10</sup> The council was set up out of the desire to ensure that civilian management of the military would not lead to conflict between the military and civilians, and among the political authorities (head of state, prime minister, minister of defence) in charge of appointments and promotions within the army.

#### *Parliament*

Parliamentary involvement in the security sector is linked to the ratification of defence agreements and authorising a declaration of war or the engagement of national troops abroad. Parliament also approves the funds to be allocated to various defence and security structures as part of the national budget. Furthermore, the parliamentary standing committee on defence and security has the mandate to make enquiries and put questions to the prime minister or the minister of defence about security policy, or about problems that may arise in the implementation of such policy.

*Judicial Branch*

The judicial power is charged with drafting and enforcing laws that make it possible to prevent or punish any acts that are, or could be, detrimental to the security of persons and their property. The minister of justice is responsible for ensuring the smooth functioning of the judicial system and contributes in this way to security sector management.

*Civil Society*

The principles of freedom of assembly and freedom of expression are enshrined in the constitution, thus enabling civil society organisations such as associations, unions, the press and political parties to contribute to the debate on management and control of the security apparatus by expressing their opinions and positions and publishing newspaper articles.

With increasing political space, many human rights organisations have been created. Among these is the Niger Association for the Defence of Human Rights, one of the most important associations in Niger, which is an affiliate member of the International Federation of Human Rights Leagues. Other associations have specialised in the defence of certain specific aspects of human rights. The Timidiria Association, for example, is dedicated to fighting against slave-like practices in Niger, while the Network of Journalists for Human Rights defends the freedom of the press. The government of Niger has also demonstrated its willingness to implement a human rights promotion policy by establishing the National Commission on Human Rights and Fundamental Freedoms.

Since 1990, in a reflection of the newly established political pluralism, the press in Niger has become diversified. About ten daily and weekly newspapers are published regularly, and there are now both public and private radio and television channels. The press has a major role to play in sparking political consciousness through awareness-raising. It has ably fulfilled its role as the watchdog of democracy by speaking out regularly against political excesses at the highest levels of national authority, in the public administration and in society as a whole. With its coverage of subjects relating to the security sector, it has brought down upon itself both the repression of certain state institutions as well as attacks from some components of the defence and security forces, especially during the mutinies and military coups that took place in the country between 1992-2002.



### *International Cooperation*

Security is a major component of Niger's international cooperation. Increasingly, management of security issues extends beyond national boundaries and is dealt with in sub-regional, regional and international fora, as is the case with regard to terrorism, for example. Security issues have a cross-border dimension that cannot be neglected. Niger maintains close relations with its neighbouring countries in order to stamp out any possible sources of instability that could develop and protect against the fact that it is difficult to control all the borders. In the north this requires fighting both illegal commercial trafficking and the attempts of certain Algerian Islamic fundamentalist groups to set up base, or at least to use the Sahara as a fallback position in seeking to escape the Algerian army as it hunts down the remaining armed groups that preach *jihād*. Some operations are carried out with forces from Mali and Burkina Faso, while cross-border patrols include security forces from both Chad and Niger. Notwithstanding all these efforts, insecurity remains an overriding concern both in the desert areas and in major urban centres.

In addition to the funds allocated to them under the national budget, the armed forces of Niger also benefit from military cooperation with foreign partners, and in particular France,<sup>11</sup> the former colonial power. Niger is also involved in military cooperation with Algeria, Egypt, Libya, Madagascar, the Sudan, the United States, China, Pakistan, Germany and Belgium, among others. Niger has ratified many regional and international conventions on security and is a member of regional organisations, such as the Economic Community of West African States (ECOWAS)<sup>12</sup> and the African Union (AU).<sup>13</sup> Contingents of the Niger armed forces, as well as the police, have also participated in UN peacekeeping missions including in Rwanda (UNAMIR) and the Democratic Republic of the Congo (MONUC). They have also participated in AU missions to Burundi (MIOB) and Comoros (MIOC), as well as ECOWAS missions to Liberia, Guinea Bissau, etc.

### **Challenges of Security Sector Governance**

There are many factors that could explain the failure of the methods and policies that have been implemented to date to fight against insecurity. Some of these are linked to the human and material resources that have been deployed, while others relate to security sector management, particularly the

lack of transparency and the low levels of public involvement in the control mechanisms.

*Politicisation of the Defence and Security Forces*

Ever since 1974, involvement of the armed forces in politics has been a fact of life in Niger. Following the adoption of the 24 September 1989 constitution, the armed forces were even given a legitimate political role. Article 79 of that constitution stipulated that 'The national armed forces shall be integrated in all sectors of public life and hold political responsibility, like all other components of the nation'.<sup>14</sup> On the other hand the constitution adopted by referendum on 26 December 1992 was the result of movements in opposition to the military regime and therefore called for the withdrawal of the armed forces from the public arena. In the same vein, article 6 of the Charter of Political Parties forbids military personnel from carrying out political activities or holding political office. Also, according to the terms of article 108 of the electoral code,<sup>15</sup> the following persons shall be ineligible to hold elected office, unless they resign from their position or profession: personnel of the armed forces of Niger; agents of internal security forces, that is, police and national intervention and security forces; customs agents; forest rangers; and members of all other paramilitary bodies.

This situation did not last very long, however, because on 29 January 1996 the democratic process was interrupted by a group of officers calling themselves the Council on National Safety (CSN). Presided by the then chief of general staff of the FAN, Colonel Ibrahim Baré Maïnassara, the CSN found justification for its intervention in the institutional crisis that had resulted from the tumultuous cohabitation between the prime minister and the president of the republic. Under pressure from the international community, political parties and a section of civil society, the army agreed to restore constitutional order. A presidential-type constitution was adopted and General Ibrahim Baré resigned from the army to stand for election. He won the election after the first round of voting, with 52% of the votes. This was after the independent national electoral commission, the institution in charge of guaranteeing the fairness of the voting and the credibility of the results, had been dissolved. The legitimacy of these elections and of the government of the fourth republic was questioned right up to the time of the assassination of General Baré on 9 April 1999.

Discipline in the armed forces has been undermined by the eight different mutinies that took place between 1992 and 2002.<sup>16</sup> The first mutiny broke out in Niamey on 25 February 1992, during the transitional

period that followed the holding of the National Sovereign Conference. The basic demands of the mutineers included, first and foremost, the demand for payment of salaries in arrears and various allowances, and improvement of their living conditions. This mutiny became known as a troop movement, and was contained in Niamey. Things were resolved peacefully in part thanks to the mobilisation of the general public, who saw this as an attempt to destabilise the transitional authorities and the democratic process. Above all, it was the commitment made by Prime Minister Cheiffou Amadou to take their demands into account<sup>17</sup> and organise a general convention of the armed forces that led to a peaceful settlement of the crisis. This forum was expected to facilitate the emergence of a new definition of the role and status of the armed forces within the context of democracy, but also to explore the ways and means by which the socio-economic difficulties of armed forces personnel could be resolved.

There is no doubt however that the gravest crisis of the FAN was the one that started on 29 July 2002 in N'gourti, before spreading to certain units in the Niamey garrison. Whereas the uprisings in Niamey were quickly stamped out, those that started in the Diffa region did not end until 7 August 2002. Two soldiers were killed and two others injured, while 224 people, according to government sources (253 according to the private media), were arrested. At the end of the mutiny, 253 soldiers and four officers were arrested and detained, pending a possible trial.<sup>18</sup> This occurrence shows how much security sector governance can be a challenge for the democratic process, and even for the very survival of the state, if there is no control over the monopoly of legitimate physical violence. Indeed, it is clear that military insurrections take place both under civilian and military regimes. The transitional military authorities had to deal with such a situation in 1999, as did the civilian authorities in 1992. Even the government of General Baré, who took power in a military coup, was not spared and neither was the government that was set up by the constitutional and electoral process of the third republic (1993-1996). Military insurgents, who rose up against civilian authorities in the early 1990s, gradually began to agitate against their own command structure. Beyond the frustrations linked to the deteriorating living conditions in their barracks, this increasingly frequent mode of challenging discipline and the military hierarchy reflected the tensions and divisions that had resulted from the method of managing the security apparatus.

The events surrounding the fall of the fourth republic (1996-1999), marked another turning point for civilian control of the security sector and for the cohesion and internal management of security forces. These events exposed the divisions among officers of the armed forces and created the

conditions that fostered the emergence, hardening and expression of various other divisions.

To begin with, the assassination of President Baré by members of the presidential guard showed that, in spite of his repeated attempts, he had never been successful in controlling the armed forces. A review of the principal members of the CSN and the National Reconciliation Council (CRN) shows that some of General Baré's companions retained exclusive control of strategic units, but also that they had never been his faithful allies. Indeed, among the members of the military command that emerged from the putsch of April 9 were high-ranking officers of the presidential guard. Also among them were all the commanders of the main military barracks in the capital. Furthermore, by appointing Commander Daouda Mallam Wanké instead of the then chief of general staff of the FAN, Lieutenant-Colonel Moussa Moumouni Djermakoye, the members of the CRN for the first time violated the principle of appointing the longest-serving, highest-ranking officer as head of state and commander-in-chief of the military. This move, which ran counter to the practice of acknowledging the military hierarchy, led the highest-ranking military officers and their supporters to dispute the military chain of command that was thus put in place. Indeed, some of these officers did not hesitate to defy the orders of the younger officers and refused to accept the posts that they were offered. The multiple incidents of military authority being hijacked might also be the result of the lack of legitimacy of the new chain of command.

The perpetrators of the military coup of 1999, the members of the military junta, were the main proponents of the idea of including an amnesty in the constitution for all those who had organised coups d'état between 1996 and 1999.<sup>19</sup> The amnesty granted to perpetrators of coups illustrates the influence of the armed forces over the political class and reflects the incapacity of civilian regimes to subdue the military when their interests diverge. The question therefore arises as to how the functioning of the security apparatus will be affected by this lack of cohesion and the fact that high military office has become a political tool. This poses particular questions in the face of the demands and challenges of security sector governance in Niger.

#### *Limited State Spending on Security*

In 2004, the overall budget of Niger amounted to CFA 407.894 billion.<sup>20</sup> The security sector budget is managed by the ministry of defence, the ministry of interior and the ministry of justice. It is estimated at approximately

CFA 33 billion, that is, 8% of the national budget. Whereas the budget of the ministry of defence represents 4.2% of expenditure, the ministry of justice only represents 0.87% of the national budget, while the budget of the ministry of the interior is estimated at 2.9% of the same budget.

Generally speaking, the material resources available to the security forces are totally inadequate for their requirements and are not appropriate for the desert regions. With personnel unevenly stationed over the national territory, it is not possible to provide adequate and significant security coverage throughout the country. According to the most recent census, the country is divided administratively into 52 urban communes and 213 rural communes. It is not possible to make up for the deficit in human and material resources given the current economic crisis in the country, which started in the 1980s,<sup>21</sup> and the demands of international financial institutions on the state to reduce security sector spending. It may not be possible to have a precise figure of the operating budget of the armed forces, due to the fact that this is included in the general budget of the ministry of defence, and for other political and military reasons. Nevertheless, it is safe to say that this budget has been reduced, as shown by the fact that, since the early 1990s, one recurring demand in all the mutinies has been for an improvement of the working and living conditions of the military. The mutinies, which were initially organised from the capital, began to spread to military barracks in the interior, and even to other defence and security units, such as the republican guard, that were traditionally reputed for their high level of discipline. In spite of all this, some sections of society, such as trade unions and students' movements, are often offended by what they see as the priority given to the security sector, under strong pressure from military and paramilitary forces. They see this policy as proof of the unequal distribution of public resources.

### *Increasing Insecurity*

Generally, it can be said that the security environment in Niger is deteriorating, with robberies and crime-related deaths on the increase. Although there has been a general increase in insecurity in almost all the major towns in the country, the most affected areas are within the Niamey urban community, and also the areas close to the borders with Burkina Faso, Mali and Nigeria, and in particular the northern and eastern parts of the country. The main perpetrators of these anti-social acts and attacks in major towns are delinquents, idle youths and known criminals. In the north and the east of the country, those who cause such insecurity are mainly individuals

or isolated groups, as well as ex-combatants of the rebel fronts who were not successfully demobilised and re-integrated. The increased insecurity in urban centres is also linked to the circulation of firearms, a consequence of the multiplicity of conflicts in the West African sub-region.<sup>22</sup> A national commission for collecting and controlling illicit weapons has been set up.<sup>23</sup>

## Conclusion

Security sector governance does not function in isolation and must be assessed in the light of the overall governance of the country, taking into account all the political, economic, social and cultural sectors.<sup>24</sup> An analysis of all the component bodies involved in security sector governance, and how they interact with each other, clearly reveals certain limitations that are due essentially to the paucity of resources and the resulting organisational difficulties. There are also difficulties related to compliance, the lack of authority and discipline within the security corps, and inadequate civilian control over all things military. Some of these difficulties are not peculiar to the security sector but rather appear to be part of a structural problem arising from the insufficiency of national resources. Others, however, are linked to the history of the establishment and upkeep of the security apparatus. Such concerns require well-targeted responses.

### *Increasing Transparency in the Security Sector*

The security sector is characterised by a degree of opacity. While military secrecy must be observed in certain cases, the concept seems to be arbitrarily extended beyond its strictest definition, in order to avoid public debate or inquiries about many issues. As a result, many obstacles are placed in the way of the press and human rights associations in order to prevent them from addressing such issues. In the same way, the mystery surrounding the criteria for recruitment and promotion within the armed forces creates a climate of suspicion and frustrations that are harmful to the *esprit de corps*, a vital ingredient for the consistent and effective functioning of the security apparatus. There is also an urgent need to guarantee press freedom, including in relation to security matters. This will enable journalists to carry out investigations on the conduct of security policy and any instances of violations on the part of security forces, while at the same time preserving strictly military secrets. Indeed, such freedom of information could also

contribute to an early warning system on the deterioration of security conditions in the country.

#### *Rising to the Challenges of Military Justice in the Security Sector*

Ever since Niger attained independence in 1960 there has been discussion about instituting a military code of justice. However, for reasons linked to limited financial and human resources, Niger was obliged to allow crimes and offences committed by soldiers in Niger to be tried in civilian courts. On several occasions between 1991 and 2002 the military authorities or soldiers themselves have sought to escape due process, either by enabling military detainees held in civilian prisons to escape or by targeting investigating magistrates in charge of cases involving soldiers. Also, the political authorities hesitate to start enquiries into unlawful acts by agents of the security forces. In order to deal with the wave of mutinies,<sup>25</sup> which have worsened over the last ten years, the government decided in 2002 to set up a military tribunal<sup>26</sup> in charge of dealing with cases arising from such events. This code is based on the legislation of countries with the same legal tradition as Niger, that is, Senegal, Mali, Burkina Faso and Côte d'Ivoire.

#### *Early Warning, Crisis and Conflict Prevention and Resolution*

Prior to democratisation, security matters were exclusively in the hands of the political and military authorities. It was at the national conference in July 1991 that discussion started about security and, in particular, the armed forces. Following the recommendations of the conference, a general convention of the armed forces was organised in 1992. However, the incursion of the military into political life in January 1996, with the coup that overthrew democratic institutions, revealed the limits of such an exercise. As part of the move to restore democracy and set up a republican army, the Niger authorities, with the help of the international community, organised a seminar entitled 'Armed Forces and Democracy' in December 1999. The seminar examined the place of the armed forces in society as well as its relations with civil society. Subsequently, the government of Niger, with the support of the United Nations, organised a national forum on conflict prevention in Agades from 23-27 July 2001. The forum brought together 64 eminent personalities, representing state institutions, various political trends, public and private media, and other components of civil society. After the forum, an ad-hoc working group was

set up to follow-up the recommendations of the forum on conflict prevention.<sup>27</sup>

The establishment of the National Council on Political Dialogue (CNDP) is part of the endeavour to create conflict prevention mechanisms in Niger. The CNDP is a permanent framework for conflict prevention, for the resolution of political conflicts and for consultation among members on matters of national interest. Membership of the council includes both government and recognised political parties. In addition to these, the most representative figures of civil society may participate in meetings of the CNDP as Eminent Observers. The council seeks to arrive at consensus on the constitution, the charter of political parties, the electoral code and regular elections. Other areas include the constitutional prerogatives of institutions, fair access to government media, the rights of opposition movements, a political code of ethics and any other matters of national interest. The council is presided over by the prime minister, assisted by the majority and the minority leaders. The council proved its merit by facilitating consensus among the political parties at the time of the municipal elections on 24 July 2004 and the legislative and parliamentary elections in November of the same year. This is a positive example of conflict prevention and management.

In recent times, the issue of security sector governance has been viewed essentially from the point of view of withdrawing armed forces and paramilitary forces from the political scene, in order to allow for democratic political play between political parties and civil society. Experience shows, however, that the need to improve the management of the security sector transcends the legitimate requirements of democracy because it is vital for the very survival of the state as a political entity in the international arena. Recent conflicts in West Africa and elsewhere have shown clearly that deficiencies in staff management and promotion, or a failure to strike a balance in the representation of different communities, can have disastrous consequences. They can lead to tensions, or at least become an aggravating factor in crises that destroy or sap any effort at national consolidation.

There is therefore a pressing need to carry out the reform of the security forces within a framework of democratic security sector governance. This is part and parcel of normal governance, where prevention goes hand in hand with short-term problem solving, as well as enhancing the training of the people who are managing the security sector at all levels. There is no doubt that such an exercise can benefit from existing examples of best practices in SSR from all over the world. What is required first and foremost, however, is the firm commitment and unflinching political will to put



security at the service of citizens and of the state, as part of implementing simple and sound governance policies.

## Notes

- <sup>1</sup> Law no. 60-46 of 1 August 1960, which had been the legal basis for the National Armed Forces, was replaced by laws 61-35 and 61-36 of 24 November 1961.
- <sup>2</sup> See the liaison magazine of military and defence cooperation special edition covering military cooperation between Niger and France: *Frères d'armes* 241, no. 4, 2003.
- <sup>3</sup> Law no. 97-42 of 5 December 1997, establishing the autonomous corps known as the National Intervention and Security Forces.
- <sup>4</sup> Ordinance no. 99-63 of 20 December 1999, establishing the statute of staff of the autonomous structure of the FNIS.
- <sup>5</sup> The principal peace agreement was signed on 17 February 1995 in Ouagadougou (Burkina Faso) between the government of Niger and the Armed Resistance Coordination.
- <sup>6</sup> Modibo Keita, *La résolution du conflit touareg au Mali et au Niger* (Raoul-Dandurand Chair: Note de recherche no. 10, 2002), 31.
- <sup>7</sup> The Toubou represent 1% of the population of Niger, which is less than 100,000 people. They live in the extreme east of the country, in the regions of Kawar and Manga, the desert areas extending to Lake Chad in Libya.
- <sup>8</sup> See art. 35 of the constitution.
- <sup>9</sup> See art. 52 of the constitution.
- <sup>10</sup> Article 52 of the constitution of 18 July 1999 stipulates: 'The President of the Republic is the Commander-in-Chief of the armed forces. He shall be assisted by the Higher Council on National Defence, of which he is the chairman. He shall make appointments to military offices, upon proposals by the minister of national defence and after the view of the Higher Council on National Defence. The law shall determine the membership, attributions and rules of functioning of the Higher Council on National Defence'.
- <sup>11</sup> See special edition of *Frères d'armes*.
- <sup>12</sup> Such as the ECOWAS Protocol relating to the Mechanism on Conflict Prevention, Management, Resolution, Peace-keeping and Security of 10 December 1999.
- <sup>13</sup> Such as the AU Solemn Declaration of the Conference on Security, Stability, Development, and Cooperation in Africa.
- <sup>14</sup> See article 79 of the 24 September 1989 constitution. Indeed, it appears that the whole of chapter X of this constitution was devoted to the armed forces.
- <sup>15</sup> Ordinance no. 99-37 of 4 September 1999, establishing the electoral code of Niger.
- <sup>16</sup> The exact dates are 25 February 1992, 9 July 1993, 2 June 1997, 21 February 1998, 30 May 1998, 4 October 1999, 7 November 1999 and 29 July 2002: "Retour sur les mouvements de la troupe. Un phénomène récurrent," *Journal Alternative*, no. 276 (14 August 2002).
- <sup>17</sup> The recommendations included payment of salaries at the due date, the right to low-cost housing for all soldiers who have served more than 10 years, and payment of overdue wages, temporary absence allowances and travel allowances.
- <sup>18</sup> *La roue de l'histoire*, no. 151 (9 July 2003).
- <sup>19</sup> Read article 141 of the 1999 constitution of Niger.

- <sup>20</sup> See the site Investing in the Franc Zone, *Investir en zone franc*, <http://www.izf.net>.
- <sup>21</sup> This crisis was aggravated by the drop in the price of uranium which, at the end of the 1970s, as the main export product of Niger, representing almost 70% of state revenue.
- <sup>22</sup> Ebo Adedeji and Laura Mazal, *Small arms control in West Africa - Niger* (International Alert, 2003), 40. See also Abdulai Napoleon. "Arms for Development in Niger is Working," *IANSAs news*, June 2003, [http://www.iansa.org/newsletter/june2003/niger\\_p4.pdf](http://www.iansa.org/newsletter/june2003/niger_p4.pdf).
- <sup>23</sup> C. Albert. *Le Niger, un pays pionnier* (GRIP report/Special issue, 2004), 20-22.
- <sup>24</sup> Laurie Nathan, "Obstacles to Security Sector Reform in New Democracies," *Journal of Security Sector Reform in New Democracies* 6 (2004): 6.
- <sup>25</sup> *Evènement* newspaper, 21 July 2004.
- <sup>26</sup> *Sahel* newspaper, 20 October 2003.
- <sup>27</sup> Decree no. 08/PM of 21 January 2002, *Official bulletin of the Republic of Niger*, 15 February 2002.



## Chapter 14

# Nigeria

*J. 'Kayode Fayemi and 'Funmi Olonisakin*

### **Introduction**

After fifteen years of unbroken authoritarian rule in Nigeria, legitimate expectations of security sector reform accompanied the inception of civilian government in 1999. At the end of eight years of President Obasanjo's time in office, the consensus was that these expectations had been grossly exaggerated. The scale, scope, virulence and intensity of conflict in the first eight years of civilian rule demonstrated that there is no teleological link between military disengagement from politics and the deepening of the security sector reform agenda, especially in a state where the values, ethos and principles of governance are still essentially authoritarian. Other key challenges to the democratising polity in Nigeria include that of establishing effective and accountable security agencies in pursuit of individual and community security in parallel with state security, and that of establishing effective governance of the security sector through the empowerment of civilian oversight mechanisms.

Yet these challenges must not be treated outside of their historical context. Equally, to understand the nature of the challenges and offer solutions, an assessment of Nigeria's political environment is critical. To what extent, for example, has the question of the nation been settled (national framework)? What do the constitution and other laws say about the control of the security forces (legal basis of the security sector); what is the mission, purpose and nature of the security forces (professional stance of the security forces); what is the interaction between the composition of security forces and the composition of society as a whole; does the mission derived from the security threat correspond to the size, composition and equipment of the security forces; are resources used to fulfil the identified mission of the security forces, or are they misused in various ways (financial management of resources); what are the roles of non-state security actors (positive and negative) and how effectively do the key oversight agencies –

legislature, civilian bureaucracy, civil society – function in general (accountability)?

The roots of defective security sector governance in Nigeria can be traced to the affairs of the immediate post-independence years. Barely half a decade after independence, the military intervened in its politics (1966), and for the next three decades, with the brief exception of about four years (1979 to 1983), the country was administered by the military. Any discussion of security sector governance in Nigeria must be seen within this context of long-term military involvement in politics. The country experienced military coups in 1966 (January and July), 1975, 1976, 1983, 1985 and 1993; and a civil war from 1967 to 1970. This long period of military rule witnessed the near complete breakdown of security sector governance in the country, including massive human rights violations, destruction of *esprit de corps* in the military, corruption and truncation of democratic agendas. This chapter however focuses on the period of democratic transition, which began in 1999, with the election of retired general Olusegun Obasanjo as president – the outcome of a brief transition period following the sudden death of General Abacha in 1998 and the interim leadership of General Abdusalam Abubakar from 1998-1999.

A key challenge for Nigeria, like many reforming states, is how to translate the linkage often drawn between security and development – on the one hand rooting insecurity in conditions of under-development, and on the other the recognition that security is an essential precondition and component of development – into an operational framework for governance in the security sector. In essence the key challenge is how to achieve both security and accountability simultaneously. The central argument in this chapter is that the extent to which a government succeeds in reforming the security sector is dependent on the politico-security context, the level of ownership and control, power relations in that given context and the comprehensiveness of the vision of security sector governance.

*Security Sector Governance in the Post-Military Era: The Obasanjo Administration 1999-2007*

The nature of General Abacha's exit and the arrival of General Abubakar on the scene in July 1998 arguably determined the outcome of the democratisation project in 1999. However one may view the eventual outcome of the rushed transition programme, the fact that the military elite were not responding to a full-scale defeat by the population cannot be discounted in understanding the *nature* of security sector governance in the

post-military period. Dominance of the party hierarchy by the retired military and civilians closely connected to the military elite set the tone for party formation and it also resulted in the presidential governance of the security sector, rather than its democratic governance. Essentially this ensured a reconfiguration of the political space, rather than a transformation of politics that would have resulted in comprehensive security sector reform.

Given the above context of military hangover, the election of an ex-military general with significant support from the military constituency, was seen in civil society as an extension of continued military rule of sorts. His initial moves however proved to be symbolic and gave a broad indication of his preference for professionalism and careful ethnic balancing. Through the appointment of service chiefs the day he came into office he gave a strong impression of a government committed to military professionalism and determined to ensure civilian supremacy. It was also a careful balancing act in ethnic and regional juggling given the fact that all the senior service chiefs came from minority ethnic groups in the north and south. In spite of these symbolic gestures, there was no framework for security restructuring, even though a transition document had been worked on by General Danjuma, who later became defence minister.

### **The Security Sector**

Nigeria's security sector comprises the following:

- The armed forces (army, air force and navy of approximately 77,000 personnel);
- The Nigerian Police Service (of about 360,000 men and women – increased in 1999 from the initial size of 120,000);
- Paramilitary bodies including customs and excise, the immigration service, intelligence services – including military intelligence and the state security service;
- Judicial and public security bodies – judiciary, justice ministry, correctional service (prisons);
- Private security outfits;
- Militia groups – including, for example, the Odua People's Congress, Bakassi Boys, Hizba Corps;
- Community vigilante groups.

Two sets of issues are central to a discussion of the functioning of the Nigerian security sector. The first relates to the co-existence alongside the formal security establishment of non-statutory security providers because they respond to security needs of communities that are far from the view of the state. As such, informal arrangements for security provision have been accorded different degrees of legitimacy by citizens and groups that exercise their demand for security through these informal sources. As a result the state has lost a significant portion of its monopoly on the use of force as well as some degree of legitimacy as a security provider. This can be explained in several ways. First is the failure of the state to respond to deep-seated issues of social and political exclusion, which accounts in part for the creation of the Odua People's Congress. Second is the lack of capacity of state security institutions to contain the levels of rising crime and unrest which led on several occasions to the use of the army to respond to internal security situations.

The second issue concerns the complexity of Nigeria's federal structure, which further compounds the complexity of decision-making surrounding the provision of security. There are issues of a lack of coherence and coordination as well as contradictions, which hamper the effective functioning of the security sector. Under Nigeria's federal constitution, responsibility for defence and security – the armed forces, police and prisons – resides with the central (federal) government on the exclusive legislative list. In this regard, the functioning of the armed forces (defence) is supported largely by the ministry of defence. The responsibility for the justice sector is however shared between the federal and state governments. In practice therefore, while the federal government has exclusive authority over the police notwithstanding the decentralisation of police command, state governments have decision-making authority over the state justice mechanisms excluding the police.

In effect, there are multiple structures for the management of security and justice institutions at both federal and state levels. The federal ministries of internal affairs, justice and police affairs have major responsibility for policy-making, coordination and delivery of services. In reality however there is poor coordination between these institutions, as each appears to operate individually without an overall policy framework.<sup>1</sup> The ministry of police affairs, in particular, is rendered irrelevant, because the inspector-general of police reports directly to the president. At the state level each state government has its own security council headed by the state governor, which is parallel to and complements the police command structure. However, where decisions on security made by the state governor and his state security

council conflict with those of the national police command, they are discarded by the state commissioner of police who takes orders directly from the inspector general of police, who in turn reports to the president. It is this centralisation of security decision-making in the presidency that has defined the working of the security sector in Nigeria.

The Obasanjo regime focused attention only on specific parts of the security sector from the start. Apart from a wish list of what the president wanted to focus on in restructuring the security sector in his inaugural speech to the nation, there was no clear articulation of the new administration's agenda until July 1999 when he addressed the graduating class of the National War College. In the speech he highlighted the following principles:<sup>2</sup>

- Acceptance of the elected civilian president as commander-in-chief of the armed forces, and the supremacy of elected officials of state over appointed officers at all levels;
- Acceptance of civilian headship of the ministry of defence and other strategic establishments;
- That decisions regarding the goals and conduct of military operations must serve the political and strategic goals established by the civil authority;
- Acceptance of the application of the civilised principles to all military investigations and trials;
- The right of civil authority (the supreme court) to review any actions or decisions taken by military judicial officers.

In the post-May 1999 period, discussion about the structure and management of the security sector was dominated by two important issues. These comprised the need to de-politicise the military in a bid to address the problem of entrenched militarism in society, and the need to clarify the role and mission of the security sector. However, much of the effort to restructure and control the security sector has been centralised in the presidency. In Nigeria where the military has become entrenched in all facets of civic, and economic life and where politics has featured a reconfiguration rather than a transformation of power, anchoring the need for objective civilian control to the notion of an apolitical military underestimates the seriousness of the issues at stake.

While formal mechanisms for control are not in themselves wrong, the reality underpinning Nigeria's crisis of governance underscores the fact that



subordination of the armed forces to civil control can only be achieved when civil control is seen as part of a complex democratic struggle that goes beyond elections and beyond subordination to the presidency, but also to other oversight institutions. These processes are expressions of institutional relationships that are inherently political, subjective and psychological and it is only when the political and psychological issues arising out of military involvement in politics are grasped that we can begin to look at objective control mechanisms. One innovative way of integrating both objective control mechanisms and subjective political and psychological issues into a vision of change that is transformational is the use to which the constitution is put in the quest for governance in the security sector. The fact that many of these steps were taken with no discussion as to the precise nature of security that the citizens desired underscores the need to locate improvements within a constitutional framework.

The mission of the military remains an issue without clarity. There was no clear articulation of the new administration's agenda with regard to the mission of the military, beyond the general statement on the need for a professional military. Unfortunately, previous constitutions have tended to be nearly silent about the armed forces and its role in society. Section 217(1) of the 1999 constitution stipulates the role and broad functions of the armed forces: defending Nigeria from external aggression, maintaining its territorial integrity and securing its borders from violations on land, sea or air, acting in aid of civil authorities to help keep public order and internal security as may be prescribed by an act of the national assembly, and performing such other functions as may be prescribed by an act of the national assembly. However there was no attempt to reflect on the problems that arose from prolonged military rule in the intervening two decades. While it is arguable that this broad depiction of the roles of the security forces gives the political authority enough flexibility to define what it seeks, the lack of clarity has also been a problem.

In circumstances where civilians frequently lack knowledge and understanding of military affairs, and the apportioning of civilian and security responsibilities often depends on the security institutions or on a small coterie of elected civilian officials close to the president, this has led to a further lack of accountability and the assumption of an all-powerful executive branch. Given the burden of its authoritarian past and the loss of credibility by the security sector (especially the military and the police) it was thought that elected civilians would be allowed to play a key role in security sector restructuring and the redefinition of roles and missions, but this has not materialised. Even with the appointment of a federal government

commission to study national security in 2001 there remained a conflict between a section of the populace that felt that legislative oversight should be central to democratic control and others who are of the opinion that the president and his defence minister, as ex-military leaders, should have the freedom to restructure the military without adequate or necessary recourse to other checks and balances within the system simply because ‘they know what they are doing’.

### **Civil Management and Control of the Security Sector**

In line with the background factors discussed above, critical decisions around the management and control of the security sector since 1999 have been largely centralised in the presidency. Perhaps this was necessarily so given the long history of authoritarian rule in the country and concerns about the continuing influence of the military. The net effect however is the tendency to rely too much on the executive for action and, when action is not taken or sanctioned by the executive, there is generally a lack of attention by the very institutions that are supposed to exercise control over the security sector.

These discussions and decisions around oversight have been dominated by the following issues all of which have been potential stumbling blocks to effective governance of the sector:

- De-politicisation and subordination of the military to civil authority;
- Constitutionalising and redefining the role and mission of the military;
- Reorientation and reprofessionalisation policy;
- Demilitarisation of public order and increasing relevance of civil policing.

Let us briefly examine what has been done in these areas.

#### *Depoliticisation and Subordination of the Military to Civil Authority*

The incoming administration gained the confidence of sceptics by tackling the immediate challenge in the choice of military chiefs to lead the military restructuring and reprofessionalisation project. The next move by the administration was even more popular when ‘politicised’ military officers were retired on 10 June 1999 – two weeks after the government was sworn

in. The retirement exercise saw the exit of 93 officers in total (53 from the army, 20 from the Navy, 16 from the air-force and 4 from the police). The third move, which also elicited the support of the civil society, was the government's announcement of an anti-corruption crusade that saw the immediate termination of several contracts awarded by the erstwhile military administration (many awarded to companies associated with the outgoing military hierarchy) as well as the setting up of a judicial commission to investigate human rights violations under the military.

#### *Constitutionalising and Redefining the Role and Mission of the Military*

As discussed earlier in this chapter, there was no clear articulation of the mission of the security sector. Instead it appeared that the political leadership came with its own preconceived notions about what to do with the military and there was a strong hint that it felt the solution lay in reducing the size of the military without any objective assessment of the threat environment and the capability of the institution. A military mission gives an indication of the threat a nation must deal with and its location in relation to that threat. Is it internal, external or both? A 'mission-less' military poses a great danger in relation to its primary role as a defender of the nation's territorial integrity and it is really the responsibility of the civilian, political leadership to define the role of the military after due consultation with all stakeholders in society, including the military. Although this is not always based on an 'objective' assessment of the threat environment, one would expect that any exercise in search of a military mission in the immediate aftermath of a discredited era would be subjected to a measure of professional assessment and confidence building amongst all stakeholders. This has been the case in other countries that are successfully moving from an era of military fracturing and civil society agitation, such as South Africa.

The legislature largely functioned as a rubber-stamp national assembly as far as security matters were concerned in the first term of civilian rule from 1999. Not only were they often unaware of critical developments that would ordinarily require their intervention – even the role of the legislature in terms of determining policy on the size and character of the armed forces, overseeing the armed forces' activities and approving actions taken by the executive branch – were short-changed by an overbearing executive branch. There has been widespread agitation in civil society about constitutionalising, in a comprehensive manner, the role of the military in internal security issues, the use of emergency powers and the limits of emergency powers vis-à-vis the citizens' non-derogable rights, the place of

international law in the practice and professionalism of the military as well as the debate over the composition of the military. The federal government has shown very limited interest in subjecting this discourse to popular participation. While this may not mean that the discussion is not taking place within the inner circles of government, the clear evidence is that it had not involved the parliament, not to mention the civil society.

#### *Reorientation and Reprofessionalisation Policy*

With regard to reprofessionalisation, the government promised a 'comprehensive transformation of the Armed Forces into an institution able to prove its worth' when the Vice President Alhaji Atiku Abubakar addressed the inauguration of Course Eight at the National War College in Abuja, 10 September 1999. Components of the transformation included:

- Continuation of rationalisation, down-sizing and right-sizing to allow the military to shed its 'dead wood' as well as discard obsolete equipment;
- Re-equipping the services and upgrading soldiers' welfare, albeit within the limits of budgetary allocation;
- Reversing the harm inflicted on military-civilian relations by years of military rule through measures to subordinate the military to the democratically constituted authority;
- Building, rehabilitating and strengthening the relationship between the Nigerian military and the rest of the world, especially African countries, following years of diplomatic isolation and sanctions.

Although the word 'demobilisation' was avoided, it was clear that euphemisms like 'down-sizing' and 'right-sizing' meant precisely that, and there was no doubt that years of military involvement in politics had impacted negatively on military professionalism. Indeed the Defence Minister Lt. General T.Y. Danjuma was less diplomatic and actually stated that military be pruned by at least 30,000 men from current strength.<sup>3</sup> Although the need for demobilisation held strong appeal, since it was not based on any informed threat analysis the military was able to argue for maintenance of current force strength. By December 2000 the defence minister had turned full circle and acknowledged that the government had decided against demobilisation because of the 'multifarious commitments of

the military ... the Armed Forces even have commitments for the maintenance of law and order in this country'.<sup>4</sup>

It would appear that this shift in the official position was informed partly by the perennial concerns over recruitment and representativeness in the armed forces, hence the wariness in government circles to confront demobilisation openly.<sup>5</sup> The strong perception of a disproportionate recruitment of 'Northerners' into the Nigerian military in spite of the rigorous operation of the federal quota system in military recruitment is one that previous regimes had had to deal with. The retirement of 'political' officers by the Obasanjo government was immediately perceived in affected circles as a response to the demand to 'right-size' the ethno-religious dimension of the military institution.

#### *Demilitarising Public Order and the Role of Civilian Policing*

Given the threats posed to internal security by the militarised (dis)order since the Obasanjo government assumed office, the role of policing has been a subject of widespread debate in the country, especially against the backdrop of opposition to the use of military power in 'aid of civil authority', the rise of 'ethnic militias' in the country, public perception of police inefficiency and collusion with 'agents of crime and insecurity'. On the one hand, the statutory duties and responsibilities of the Nigerian police force are clearly spelt out in section 4 of the Police Act of 1956 as follows:

Prevention and detection of crime; apprehension of offenders; preservation of law and order; protection of life and property; due enforcement of all laws and regulations which they are directly charged; and performance of such military duties within and without Nigeria as may be required of them under the authority of the Police Act.

With 37 state commands, 106 area commands, 925 police divisions, 2,190 police stations throughout the country and 120,000 police officers, the force clearly had an acute personnel shortage. Whilst the UN stipulates a police-citizens ratio of 1:400, the ratio was 1:1,000 when Obasanjo assumed power. Within a few years, there was a dramatic increase in the size of the police force from 120,000 to 360,000. However, problems of inadequate accommodation and transportation, poor communication networks, poorly funded training institutions and insufficient criminal intelligence gathering capacity continue to pose huge challenges.<sup>6</sup>

### Challenges of Security Sector Governance

The challenges of security sector governance in Nigeria have crucial internal and external dimensions, which are discussed below. The internal dimensions, unsurprisingly, are a consequence of the issues discussed in the previous section.

#### *Balancing the Demands of Defence with the Needs of Development*

The concomitant effect of the new dispensation has been the challenge posed to sectoral reform by the management of security expenditure ‘within limits of budgetary allocation’ as the vice president put it. Yet the process of reform need not be antagonistic or adversarial to the management of military expenditure even as the debate about how much is enough for defence remains a realistic issue on the agenda. In this regard it is commendable that the government recognises that strengthening the military professionally without corresponding provision of adequate resources and political support may simply lead to frustration and possibly unfulfilled and exaggerated expectations. On the other hand, it is important for government to realise that ‘down-sizing’, ‘right-sizing’ and sectoral reform may actually lead to an increase in military expenditure, not a decrease at least in the interim.<sup>7</sup>

**Table 1: Military Expenditure as Percentage of Government Expenditure**

<i>Year</i>	<i>ME (Naira-mil)</i>	<i>% of GDP</i>
1999	45, 400	1.4
2000	37, 490	0.8
2001	63, 472	1.1
2002	64, 908	1.1
2003	76, 890	-

Source: SIPRI Yearbook: 2003

#### *Impact of De-politicisation*

Popular as the measures taken to de-politicise the military in 1999 were, the government’s attention still appeared to have focussed on the dominant model of civil-military relations, which assumes a level playing field in

which 'autonomous military professionalism' can be predicated on 'objective civilian control', one that encourages an 'independent military sphere' that does not 'interfere in political matters'. In reality though this perspective treats civilian control as an event, a fact of political life, not a process that has to be negotiated within a continuum, especially in states emerging from prolonged authoritarian rule. In our view, civilian control should not be seen as a set of technical and administrative arrangements that automatically flow from every post-military transition, but part of complex political processes, which must address the root causes of militarism in society, beyond the formal removal of the military from political power or the retirement of politically 'tainted' officers.

*Continued Lack of Clarity over the Mission of the Military*

There is a growing clamour for broadening the definition of security in the military reform agenda. This broader conception seeks to articulate security in a manner that the individual, the group, as well as the state may relate to its fundamental objectives of promoting and ensuring the right to life and livelihood. While the government has recognised the need to strike the right balance and understand the dangers that might accompany too broad a conception of security which altogether dismisses the legitimate need for the military – as is already evident in the *carte blanche* demand for the reduction of military expenditure in some civil society circles – enough is not being done to develop a consensus in society around this broader definition of security.

For example it ought to be possible for the government both in words and in deed to demonstrate why post-military Nigeria ought to be equated to a post-conflict situation given the level of damage inflicted on the country by military rule. As the Nigerian situation has amply illustrated in the eight years of civilian rule (post-1999), the security required in the immediate post-conflict or post-military environment almost always requires a higher rather than lower security expenditure to enable the state and citizens to cope with the impact of reconstruction through the provision of a safe, secure and enabling environment. In situations where conditions of poverty and instability prevail in post-military rule situations, it is reasonable to predict a correlation between the lack of opportunities in terms of direct income generation, increased criminality and possible reignition of conflict.

Nigeria in the aftermath of military rule demonstrates this view amply. First, the military institution that was the chief victim of military rule due to extensive deprivation had hoped that restoration of civilian rule would

correlate to renewal of attention to the institution's objective material needs. Equally, the civilian population, totally oblivious of how much suffering the institution experienced under military rule, began to clamour for its disbandment and reduction in military expenditure. At the end of the Obasanjo regime, as demonstrated below, the government has failed to satisfy both critical constituencies and the scale, scope and intensity of communal conflict during this period demonstrated why security sector reform should be holistic, rather than ad-hoc.

This continued lack of clarity over the mission of the military poses a real challenge and it is one that really ought to be addressed quickly, especially in the face of new and emergent threats beyond the traditional confines of the military's constitutional responsibilities.

#### *Democratic Control and Accountability*

The lack of a clear pronouncement in the constitution on the issue of the military's accountability to the people and their elected representatives poses another set of challenges. If the objective of creating efficient and effective professional armed forces is to be achieved, particular attention must be paid to the principle of accountability. The location of the military in terms of its accountability to the executive, the legislature and the wider society must be clarified in constitutional terms. This is important for a number of reasons.

First, accountability, transparency and openness have become fundamental constitutional tenets and the Obasanjo administration attempted to lead the way in this respect. Second, as a national institution, the military relies on the public for support and sustenance in order to fulfil its constitutional mandate. Third, the idea that security matters reside exclusively in the realm of authorised bodies empowered to use force and the executive branch is one that is increasingly challenged by the broadened and inclusive meaning of security to society. Hence, the view that issues relating to the armed forces and security services must be subjected to public discourse is becoming widespread and acceptable. Therefore, if the state must resolve the problems of accountability and address the current lacunae arising from the character of the security structures as a result of prolonged military dictatorship, popular participation and organisational coherence, not exclusivity, are the crucial things needed to ensure democratic control and widen national security perspectives.<sup>8</sup>

Even on an issue that has become the most contentious with the Nigerian public – the quest for an anti-coup strategy – the current Nigerian constitution is severely muted in its content. A clause that is most worrying



to many observers of the constitution is the nearly unlimited powers it awards to the security agency to overthrow the constitution which is the supreme law of the land. Section 315 (5)c of the 1999 constitution states that the National Security Act (a body of principles, policies and procedures on the operation of the security agencies) remains in law and cannot be overridden by the constitution unless the legislature can muster two thirds of its members to override it both in the national as well as state assemblies. Opponents claim that for an act that came into being via a military decree to still have this imposed legitimacy makes a mockery of the democratisation process and exposes the country to the whims and caprices of security agencies that operate largely in the dark.

It is this lack of constitutional clarification regarding the accountability of the security agencies to parliament that was underscored in the debate over a purported allegation of a 'coup d'état' or a 'security breach' in Nigeria in 2004. Parliament demanded full information on the 'security breach', but the government was most reluctant to make public any evidence of the 'security breach' nor confirm the nature of the 'security threat'.<sup>9</sup> So, security sector governance in this context is highly questionable and is still a work in progress.

#### *Reorientation and Reprofessionalisation*

Reorientation and reprofessionalisation requires focused attention as part of the reform process. The question of an appropriate size for the security forces must be seen in an institutionally open and transparent manner and through a process of confidence building and conflict management but equally based on an objective threat assessment. For example if the military mission is primarily coastal and maritime, i.e. protection of offshore economic interests, and external, i.e. peacekeeping duties, then the question must be asked: are the personnel currently emphasised in the armed forces' order of battle suitable for the types of missions the military will be called to respond to? Are the human resource levels cost effective, and most importantly, does the institutional recruitment process procure individuals that are wholly dedicated to their military duties, in a reliable and efficient manner? Alternatively, if an objective threat assessment reveals that internal threats are the dominant threats to the country, should the armed forces be the answer to this or a properly equipped, well-trained civil policing arrangement that can guarantee security and safety from crime?

If the question of professionalisation is approached this way, then central to the issue of military recruitment in terms of military

professionalism are three key questions: should the Nigerian armed forces in a democratic dispensation be an equal-opportunities institution? Should it be a combat-effective, battle-ready force recruited from among the most able in the most rigorous and competitive manner? Should the manner of recruitment matter if the training is standardised and geared towards bringing out the best in every recruit? Although the above are the rational questions to which answers must be found, there is no evidence to suggest that one cannot have an equal-opportunities military that is professionally competent and up to the task of defending the territorial integrity of the nation whilst satisfying the ethno-religious balance necessary in a diverse democratising polity.

Critical to the reprofessionalisation of the armed forces as far as the military was concerned is the ability of the state to provide efficient and well-functioning institutions and infrastructure and an enabling environment for their constitutional tasks to be accomplished. The former chief of army staff, General Victor Malu, was of this view. While General Malu's position reflects a feeling of despondency both within the military hierarchy and the other ranks, it is hardly fair to blame the civilian government for the years of neglect of the military, even less so to expect the president and his team to change this anomaly in just a few years. What the political leadership can be blamed for is the lack of shared understanding about the problem and the lack of ownership of the reprofessionalisation process even by the elected representatives of the people. The feeling is rife within the military as it is in civil society that the life of the average Nigerian did not improve in eight years of civilian governance. Unlike in civil society however, where these things are expressed daily in the public domain, they have simmered underneath the surface in the military, partly due to the nature of the institution but mainly due to the military's credibility deficit with the Nigerian people, who blame all soldiers for the mess the country is in.

The need to negotiate a process of reconciliation or restitution between the military and civil society that takes into account what is in the long-term best interests of human rights and fundamental freedoms in consolidating democracy without generating new conflicts is more crucial than ever, and the government seems to recognise this. Given the military's chequered history of political intervention and inherent fears in political circles that some might use the immense economic clout acquired over the years to undermine the gains of the democratic dispensation, the government's careful approach to this issue is understandable.

Yet in a consolidating democracy the government was correct to recognise that a blanket declaration of amnesty or refusal to revisit past

misdeeds posed a serious challenge to the strengthening of stable civil-military relations. Indeed, revisiting past misdeeds is a necessary cathartic exercise, located within the context of sustainable, civil-military relations. In its establishment of a 'truth commission' to investigate past violations however, the right balance must be sought between restitution and reconciliation, between the search for immediate justice and the need for long-term democratic stability. The key therefore is to ensure an institutional strategy that will streamline and ensure proper accountability and legislative oversight over security actors. There is no evidence to suggest that this has happened and it remains a key priority in the new dispensation.<sup>10</sup>

#### *The Role of Civilian Policing*

Although the Obasanjo administration paid greater attention to the police than any of its predecessors, this attention had more to do with additional men and materials rather than the culture of policing.<sup>11</sup> Indeed critics have suggested that there seems to be a direct correlation between the increase in police personnel and the deterioration in policing and crime prevention. There is no doubt that the Nigerian police force has witnessed a serious deterioration in the quality of the service it provided the average citizen under military rule. Yet, the only period it enjoyed attention from government and occupied pride of place in the scheme of things, during the civilian administration of 1979-1983, the police management became embroiled in partisan politics. Aside from the politicisation of the police in the second republic however, the Nigerian police force's reputation for brutality, corruption and arbitrariness created poor community relations. Consequently, while the civil populace is usually opposed to military involvement in internal security matters, doubts persist about the efficacy of the police authority in confronting public order issues in the post-military transition period. This in part explains the rise in civil militia groups and vigilante groups in Nigeria.

In spite of the civilian government's declared commitment to expand, strengthen and improve terms and conditions, there is evidence to suggest that it still has serious doubts about excluding the military completely from internal security issues, given the recurrence of situations where the police have found it difficult to cope with incidences of internal dissension. Although on coming to office, the president announced the withdrawal of the military from joint security patrols with the police – a feature used to intimidate and abuse ordinary citizens in the previous dispensation – public clamour over the inability of the police to cope with the dramatic increase in

crime, especially in the urban areas, encouraged a return to these joint patrols in places like Lagos, Abuja, Kaduna and Port Harcourt. Even if it were to receive the most appropriate support from the government, correcting the flaws of the past can only take place within a particular political, socio-economic and historical context. Thus, the increase in the size of the police force and its description as a 'Police Service' rather than a 'Police Force' are yet to generate a transformation in its public image. The evidence of the last eight years is that the ad-hoc reforms have not addressed the post-military internal security conditions in the country. This is understandable even if not excusable for a number of reasons:

- First, the serious economic problems that led to massive unemployment, including the highest graduate unemployment rate in the continent, requires an integrated strategy, not an exclusive focus on law and order;
- Second, the nature of the political problems in the country is directly linked to the rise of ethnic militias and the campaign for state/regional police accountable to state governors;
- Third, the proliferation of arms in the country (sometimes of superior quality to the weapons carried by the police) creates a paradox between a decomposing security sector and an increasingly virulent private security environment;
- Fourth, the continuing tension between the military and other security agencies in terms of role clarification encouraged by the rampant crime rate has tended to overwhelm the capacity of the reforming police force;
- Fifth, the psyche of militarism remains all-pervasive in society and discourages dialogue and consensus-driven resolution of problems.

The above factors definitely pose immense challenges to any successful governance of the civilian police sector in the security sector reform agenda. Having said this, the question of engaging civil policing for democratic governance is central to the issue of exorcising militarism from the body politic as it is relevant to the issue of returning security to the community and ensuring accountability in the country.

In this regard, how to decentralise the police organisation, structure and operations has been particularly central to this discourse given the problems that have attended the centralised control of the police force and the use to which it had been put under previous regimes. To create a

service *culture* – and not a regimented force arrangement, which the military put in place when in power – accountability to the ordinary citizens is central to public order. The police force cannot be trusted within the community if it retains a structure that is only accountable to the president and celebrates a ‘fire for fire’ culture, rather than a crime prevention strategy. If a crime prevention strategy is chosen as the primary purpose, then what gets emphasised is police intelligence and investigations, not the extent of its brutality and use of force.

This is what has emboldened citizens’ campaigns for community policing and neighbourhood vigilantes, and many states are responding to the citizens’ clamour by employing the services of ethnic militias for policing duties. In Anambra, Rivers, Enugu, Oyo, Osun, and Lagos States, Bakassi Boys’ and Odua Peoples Congress’ operatives had taken full charge of traffic management, confronting armed robbers with the approval of the state executives and, sometimes, tacit endorsement of the federal police authorities, before the federal government proposed that some of them be proscribed. As a result of these evident problems of performance and credibility that the federal police encounter, the debate continues to rage in the media and among politicians with no clarity.

Indeed the relevant and legitimate role of informal security structures was in part acknowledged by the DfID-supported community policing initiative, the Security, Justice and Growth programme, in which individual community policing developers were identified from within the police force and trained to operate alongside community vigilante groups. This initiative was piloted in six states of Nigeria but without a ‘buy-in’ by critical actors, such as the minister of justice, inspector general of police (and by implication the president), it was unable to generate the desired multiplier effect.<sup>12</sup>

Serious as the problems of policing are though, the problems cannot be seen in isolation of the criminal justice system since the police are an implementing agent of the criminal justice system. Yet, reforms to the judicial system have been much slower than reforms to the military and the police. Until there is a comprehensive approach to access to justice and law enforcement, even the ad-hoc approach adopted by the Obasanjo administration by trying to correct the resource deficit will not bring change. A comprehensive approach will necessarily involve addressing existing gaps in accountability, oversight, access, due process, effectiveness, efficiency and representation at the level of the judicial, prosecutorial and policing institutions and ensuring the necessary linkages in the justice and security

sector community (the police, correctional services, the judiciary and prosecution services etc.).<sup>13</sup>

Obasanjo's second term in office revealed the extent of the challenges associated with management and control of the security sector. First, the widely held view that some segments of the forces were corrupt came clearly into the open, when the Inspector General of Police Tafa Balogun was arrested and charged with corruption. What is worthy of note were the celebrations reported in police barracks across the country after the sentence was passed on the country's number one police officer. Exposure of the corruption in the police later extended to the armed forces, when three senior naval officers were court-martialed over the disappearance of a Russian ship that had earlier been detained for illegal trading in oil. While the anti-corruption drive of the government was hailed by observers within and outside of Nigeria, these attempts at reform (even if uncoordinated) became heavily politicised in the last two years of the Obasanjo regime following his campaign for a third term in office and a breakdown in relations between the president and the vice president.

### **International and Regional Challenges to the Security Sector Reform Programme**

While the reform of the security sector is a wholly internal project, the Nigerian state has had to respond to international interest in its security sector reform. It is not surprising therefore that the vice president referred to the specific need to 'build, rehabilitate and strengthen the relationship between the Nigerian military and the rest of the world, especially African countries, following years of diplomatic isolation and sanctions'. That the international community does have a role to play is not contested. The issue is how to determine the process of engaging the international community in the security sector transformation project. The litmus test for this hovered around the decision to involve foreign advisers in the reprofessionalisation programme of the military.

#### *Foreign Advisers and the Military Reprofessionalisation Programme*

In seeking to understand the involvement of foreign military advisers in the reprofessionalisation programme, it is important to state that the Nigerian security sector, especially the military, is not new to bilateral military

cooperation agreements. As a product of a colonial army, the British helped set up the army and the navy; the Germans helped establish the air force; and, the premier training institutions, the Nigerian Defence Academy and the National War College, were established with the assistance of the Indians and the British.

Although there were various options open to the Obasanjo administration on coming to power, it decided to engage the services of a foreign private concern of retired military officers known to have close connections to the government of the United States in the reprofessionalisation programme. The organisation, MPRI (Military Professional Resources Incorporated), had been involved in military training, weapons procurement and advisory services in Croatia, Saudi Arabia and Angola before winning the US-government-supported contract to be involved in Nigeria. In 1999 MPRI undertook on behalf of the US Department of Defense and USAID Office of Transition Initiatives an 8-person, 120-day assessment mission aimed at developing 'an action plan to integrate a reformed military establishment into a new civilian context.' In the course of the assessment mission in the country, it also ran a series of workshops on civil-military relations for senior military officers, civilians and various armed formations across the country. After completing the initial assessment, it signed a new contract, the Transition Civil-Military Program for Nigeria, which focuses on three key areas: military reform, creation and development of new civilian institutions for civil-military affairs, and support for demilitarisation of society.

No doubt, all of the above constitute areas in which support can be rendered to the Nigerian military, as long as local ownership is not jeopardised and this involvement is under the purview of the legislature and the professional military, not just the president and the minister of defence. Unfortunately this was not the case. MPRI became a permanent fixture in the ministry of defence with an office and full complement of staff. Apart from the undisguised opposition of the military professionals to MPRI's unrestricted access, MPRI's belief that models of civil-military relations from a different social-cultural context can be transferred into another context wholesale was seen to be more problematic. Since this is also a pattern that Nigerians have become familiar with in other areas of the security sector – the seeming dependency on foreigners for assistance even where local expertise will do – General Malu's public criticism of the need to 'protect our nation' was understandable even if it was insubordination.

General Malu went to great lengths in his interview with Tempo to explain his opposition to the involvement of MPRI and the Fort Bragg team:

We are a sovereign nation and we should protect our national interest. I don't think it's the duty of any foreign country to tell us what our defence policy or what our strategic policy or those things that can only be determined by Nigerians should be ...

... Part of the misunderstanding we had with the Americans coming to train us was that they wanted to train us in the rudimentary art of soldiering. We objected to that because we are an army of well-trained soldiers and seasoned officers that lack logistics ...<sup>14</sup>

What seems clear is that the involvement of MPRI has been more donor-driven than would ordinarily have been the case and it is important that partnerships between donors and national governments be on an equal footing if it is to produce the right results. Approaches that allow supporters to assist in the security sector reform process without seeking to drive them and without placing more premium on ownership ought to be the pivot of such relationships.

The Nigerians ought to have placed greater premium on defining the mission of the new military and should conduct with all stakeholders a defence-security review exercise leading to a plan that can form the basis of an overarching request for assistance. Rather than take advantage of the weak capacity of the state to clarify what it seeks to achieve, international institutions should seize the momentum provided by the weak capacity of the state to align external assistance with local needs and efforts, not utilise it as an opportunity to impose received wisdom on civil-military relations.

#### *Nigeria within the West African Region*

Given the intertwined nature of many of the conflicts in the sub-region, the government takes as its point of departure the fact that any prospect for demilitarisation and security sector governance can only occur as part of a concerted effort by the ECOWAS community. Consequently the Nigerian government has been pivotal to the renewed vigour experienced by that regional body lately. For example the Nigerian government links the proliferation of weapons that has fuelled the latent internal conflicts in the country in part to the flow of small arms within the region, not unconnected to the various wars. Hence, the commitment, which hitherto has been



predicated on the largeness of heart, is now being tied to unresolved political issues at home, some of which require a transformation in governance patterns, and regional factors are merely seen to provide an escape route to avoid dealing with the crisis generated internally. There is no doubt however that regional factors have a central place in the security sector reform agenda and the government needs to take this seriously.

#### *International Peacekeeping Commitment*

To a large extent the government's continued focus on peacekeeping is also tied to this twin strategy of using opportunities presented abroad to address some of the problems faced at home. In this regard, peacekeeping has been the main mechanism for maintaining professionalism in the military in the three decades of military involvement in politics and it now seems that the government is interested in institutionalising this role and carving a niche for the military and other security outfits in preventive diplomacy and peacekeeping. This has resulted in the establishment of a directorate for peacekeeping at the army headquarters as well as in the defence headquarters and the proposal to set up a peacekeeping academy at the Command and Staff College in Jaji. The appointment of a major player in the international peacekeeping scene as the chief of army staff<sup>15</sup> seemed to convince government and the military of the critical importance of moving towards the creation of a standby peacekeeping division with units that can be activated at short notice in the event of demonstrable need.

#### *Focus on the Gulf of Guinea*

It seems obvious that in addition to a peacekeeping role, which is a natural terrain for the Nigerian military, the institution ought to be paying more attention to developments in the Gulf of Guinea, which is increasingly being perceived as a key source of alternative off-shore oil in the light of the challenges in the Persian Gulf. Those in charge of scenario building within Nigerian foreign and defence ministries should seriously consider what this increasing focus on the Gulf by external players means for national security, especially the security of off-shore oil deposits and the contiguous interests involving neighbours like São Tomé and Príncipe, Cameroon, Equatorial Guinea and perhaps further afield to Angola. This should necessitate a review of threat assessments that should be incorporated into the national

security framework such that all the possibilities could be considered and addressed.

### *Anti-Terror Campaign*

A late addition to the list of threats that is gaining the attention of the security sector in Nigeria is the alleged increase in the activities of extremists. Although there have been some legitimate concerns following the incursion of a so-called Taliban movement in the north-eastern part of the country and the rising tide of religious fundamentalism, it remains unclear whether this is an agenda informed by a clear threat assessment or one that is informed by externally driven concerns. Since this is an issue placed on the agenda by powerful countries, it may well be one that the state will focus on in the next few years as it gives the security operatives, especially the intelligence service, a new level of responsibility.

From the foregoing analysis, the challenges and trajectories of civil-military relations and security sector reform in a country emerging from prolonged authoritarian rule is quite different from what obtains in settled polities. While this chapter contends that the Nigerian government has shown some commitment to security sector governance by concentrating on traditional forms of military reform with foreign assistance, the deep-seated legacies of thirty years of military rule have left indelible effects on the security institutions as well as on the psyche of ordinary Nigerians, ensuring that militarism and militarisation will continue to pose a major problem for the Nigerian state in years to come.

### **Conclusion**

On the basis of the trajectory of Nigeria's democratic dispensation, several challenges will remain central to any quest for security sector reform. Nigeria is still experiencing some shocks in its political economy in the country's attempt to deal with its post-military, prolonged authoritarian past. While electoral politics is key to the consolidation of the democratic process, there are fears that severe security problems triggered by lack of access to resources might create deteriorating security challenges. Commentators cite the various 'resource control' crises in Nigeria as the touchstone of this issue. While the Obasanjo regime appeared to have a strong appreciation of the place of security and economic revitalisation in the country's growth and

developmental processes, its responses were often too personality driven, rather than institutionally focused, placing democratic governance at the mercy of the leading players in politics and not on the collective wisdom of the people.

Governance is at the core of all the concerns raised above. The success of Nigeria's democratisation and decentralisation programmes, and policies to improve governance and civil-military relations, are as important to the overall performance of the government as are the socio-economic performance criteria. Related to the effectiveness of a governance strategy is the question of capacity at all levels and proper utilisation of the available expertise. High priority should be placed on redressing the policy expertise and human resource imbalance that is critically hampering the performance of government.

All of the above underscore the important point that this is a process and that there is no teleological link between military disengagement and consolidation of democracy. Yet, deepening democracy is a core requirement for building an accountable and transparent state and achieving effective security sector reform. From the foregoing analysis and conclusions, it seems clear that the future of democratic consolidation depends on both reforming the institutional and constitutional basis of governance in the security sector as well as on the performance of the civilian administration.

## Notes

<sup>1</sup> See, for example, Nicole Ball, Pete Biesheuvel, Tom Hamilton-Bailey and 'Funmi Olonisakin, "Security and Justice Sector Reform Programming in Africa," DfID Evaluation Working Paper 23 (2007).

<sup>2</sup> For further discussion of the approach to SSR in the early years of the Obasanjo regime, see J. 'Kayode Fayemi, "Governing the Security Sector in a Democratising Polity, Nigeria" in *Governing Insecurity*, eds., G. Cawthra and R. Luckham (London and New York: Zed Books, 2003), 57-77.

<sup>3</sup> *Daily Times*, 29 July 1999.

<sup>4</sup> See Pan African News Agency, "Nigeria shelves plans to trim Military," 24 December 2000.

<sup>5</sup> It should be recalled that both the president and the defence minister were victims of the failed 1976 coup, which was traced, in part, to the post-civil war demobilisation exercise that they had championed.

<sup>6</sup> Interview with the former Inspector-General of Police Musiliu Smith, 11 May 2003.

<sup>7</sup> Lack of funds remains the most vexatious issue raised in several interviews conducted with senior and middle-ranking military officers. While they all endorse the direction of

professionalism, some hint at a deliberate attempt to under-fund the sector as a way of incapacitating it. While there is no reason to believe that this is the case, under-funding has certainly been responsible for some of the problems in the sector, such as delayed barracks development and accommodation problems, the ammunitions dump disaster in Lagos, the pensions crisis and procurement issues.

- <sup>8</sup> This view was strongly espoused by the president and the national security team at the first presidential retreat on national security where a range of stakeholders were invited by the president to discuss security issues within the context of a democratic society.
- <sup>9</sup> See *The Guardian* (Lagos), 15 April 2004. Also see All Africa.com, <http://www.allafrica.com> (14 April 2004).
- <sup>10</sup> Although President Obasanjo apologised to all Nigerians for the excesses of the past when receiving the report of the Oputa Commission in May 2002, the government is yet to release the white paper on the report.
- <sup>11</sup> Obasanjo's government recruited 240,000 policemen and women. Evidence suggests that because of the desperation to recruit, some of the new recruits have come from criminal gangs, and some recent dastardly crimes have been traced to men in uniform, according to the new Inspector General of Police Alhaji Tafa Balogun.
- <sup>12</sup> See Ball et al.
- <sup>13</sup> The Access to Justice Initiative by DfID, later known as the Security, Justice and Growth Programme, started some work in this regard, but investigations in the course of this study suggest a need for greater coherence and 'buy in' by the key institutions.
- <sup>14</sup> General Victor Malu, Interview, *Tempo Magazine*, 8 March 2001.
- <sup>15</sup> General Martin Luther Agwai assumed the position of chief of army staff in July 2003. He was until his appointment the deputy military adviser (peacekeeping) to the UN Secretary-General and before that, the deputy force commander of UNAMSIL in Sierra Leone.



## Chapter 15

# Senegal

*Saidou Norou Tall*

### **Introduction**

Since attaining international sovereignty on 4 April 1960, Senegal, like other African countries, has been affected by the consequences of regional and sub-regional crises that have brought in their wake poverty, disease, drought, refugees and displaced persons, and external debt, among others things. Senegal has survived various incidents, which although resolved, have nevertheless revealed the existence of problems linked to security. With this in mind, this chapter attempts to define the important issues of security sector governance that underpin the plethora of standards and structures that have been set up in this country. From a regional perspective it is important to underline that although Senegal has voluntarily placed itself within the framework of Least Developed Countries, it is one of the driving forces of the West African Economic and Monetary Union (WAEMU), the Economic Community of West African States (ECOWAS), the African Union and the New Partnership for Africa's Development (NEPAD).

From the perspective of public law, this study reviews the security apparatus, its management and functions, the challenges of security sector governance, and the needs and options for reform in Senegal.

### **The Security Sector**

Traditionally, external defence is the responsibility of the military, while the police are in charge of internal security. The same format applies in Senegal. Furthermore, public security agents must be distinguished from private agents, without neglecting the possibility of coordination and cooperation between the two. The category of private security actors includes guerrilla armies, private security companies, self-defence organisations and the few militias with affiliations to political parties.

*Agents with a Legal Mandate to Use Force*

Since Senegal is a developing country, it is not surprising that the various military corps are faced with numerous difficulties in the area of equipment and training. Military service is not compulsory and the age for recruitment is set at eighteen, the same age at which young people attain their majority and can enjoy their civic and political rights. The Senegalese army includes the gendarmerie, the Civil Protection Service, the National Officer Training School, the National NCO Training School, the Military Health School, the General Intelligence Service and the Gendarmerie Special Intervention Group. The Senegalese army often provides contingents for UN peacekeeping operations. It is present in many fields of operation, from Lebanon and Cambodia to Burundi and Côte d'Ivoire.

The missions of the gendarmerie, for its part, are to ensure public security, to maintain public order and to enforce laws and regulations, as well as providing permanent, preventive and corrective surveillance. It carries out functions of direct administrative, investigative and military policing. In its administrative role the gendarmerie is in charge of preventive services. It ensures public order, regulates traffic and polices aliens, landlords, public places, concert halls and drinking establishments. It also acts as the police service for economic activities, itinerant professions, fishing, hunting, civil protection, emergency services and the safety of persons and goods. In its investigative function the gendarmerie receives instructions from the public prosecutor relating to the reporting of crimes and offences, and seeking out proof, as well as the perpetrators of such acts. In its military role the gendarmerie is expected to prevent disorder, maintain discipline in the army corps, track down deserters, supervise soldiers on leave and report on violations of military regulations or violations of common law by soldiers.<sup>1</sup>

Through the intelligence it provides, the gendarmerie is a very important link in the operational defence of the territory. In times of peace it participates in military manoeuvres. In times of armed conflict its intervention force and general reserve take part in combat alongside the army, air force and navy. This is in addition to its role as military police (provost) in the theatre of operations. It carries out a general civil defence mission by providing intelligence, as well as assistance to people in danger. Since 1962 the gendarmerie has been in charge of providing security to the office of the president of the republic, the national assembly, the Court of Justice and the national broadcasting house. It is also called on to escort officials and dignitaries. The population generally recognises the efficiency

of the gendarmerie and considers it to be much better able than the police to provide security.

In Senegal the ministry of the interior and local authorities are in charge of coordinating police activities. This is done through the department of public security. The ministry supervises the activities of many units and corps such as the national fire fighters' group, the department of territorial surveillance, the department of civil protection, the judicial police department, the security services inspectorate, the department of air and border police, the criminal investigation department and the department of police in charge of aliens and travel documents.

The police force has been undergoing restructuring since the beginning of the 1990s with the creation of a municipal police service and a related recruitment drive. As part of the move to strengthen the police, a major programme of modernisation was drafted, covering the period between 2004-2010. The programme is expected to cost CFA 23 billion, with new technologies being provided for the forensic police department.<sup>2</sup> However, the Senegalese police force is plagued by a lack of motivation on the part of its agents, insufficient human and material resources, the dilapidated state of police stations and real or perceived levels of corruption. In 1987, following a wave of discontent and demands, the whole force was disbanded. The effect of the various ills plaguing the police force has been to make citizens distrustful of them. Furthermore, the low levels of remuneration and attendant low purchasing power have had a deleterious effect on the morale of the police.

The traditional missions of the customs service relate to fiscal and budgetary measures. The customs service is in charge of protecting the national economy by combating fraud and dumping. It thus contributes to economic advancement. The customs service also fights against smuggling, counterfeiting and the laundering of illicit gains, and contributes to the protection of endangered animal and plant species and the fight against drug-trafficking.<sup>3</sup>

All these bodies are faced with a series of problems that can be summed up as resulting from an inadequate endowment in weapons and equipment, low levels of compensation and dilapidated infrastructure. The activities of these public agencies are supplemented by, and frequently in competition with, the activities of other non-statutory agents in the security sector.



*Non-statutory Security Structures*

Since 1982 Senegal has been confronted with a separatist rebellion in the region of Ziguinchor by the Movement of Democratic Forces of Casamance (MFDC). The historical leader of the political wing of this movement is Father Diamacoune Senghor. The MFDC also includes a regionalist and ethnic-based military branch or *Atika* ('warrior' in the Diola language). In recent times the MFDC has been weakened by internal divisions. Notwithstanding the two peace agreements signed with the Senegalese government thanks to the mediation of Guinea-Bissau and The Gambia, the rebellion has led to numerous violations of human rights in the form of exactions against civilians (northerners) by armed groups that are thought to belong to the MFDC. Civilians alleged to be spies of the MFDC have been murdered by the Senegalese army and members of the MFDC have been detained without trial.

Concerning the crisis in Casamance, the signing of a peace agreement between the MFDC and the government, represented by the minister of interior, in Ziguinchor on 30 December 2004, gave new cause for hope. The terms of the agreement called for:

- An end to the armed struggle by the MFDC;
- The clearing of landmines in the Casamance province;
- The return of refugees from neighbouring Guinea-Bissau and The Gambia;
- The incorporation of ex-rebels into Senegalese paramilitary units.

The National Agency for the Revival of Economic Activities in Casamance, created in July 2004, has the task of monitoring the implementation of the agreement. The agency has a budget of CFA 80 million, and is assisted by the *Rencontre Africaine pour la Défense des Droits de l'Homme*, the International Committee of the Red Cross (ICRC) and a Casamance youth association.

Initial hopes have been however overshadowed by the dissension among the rebel factions. Divergent positions between the internal and external branches and those in the north and in the south remain. In spite of the general enthusiasm about the agreement and the prospects of renewed investment in tourism, agriculture and other activities attendant to the imminent resumption of maritime traffic between Dakar and Ziguinchor, some irredentist 'falcons' seem to be against ending the hostilities. Also, the

highly equivocal discourse of the MFDC leadership led to fears that the 2004 peace deal would become 'just another agreement'.

Another dimension which must not be neglected is the alleged or real involvement of Guinea-Bissau and The Gambia in the Casamance crisis. In the past both countries provided sanctuary to the rebels, but today they seem more inclined to a rapprochement with Senegal for reasons of political and economic interest. The Senegalese president has acted as mediator between the political adversaries in Guinea-Bissau since the 2005 elections and The Gambia levies a transit tax on traffic along the trans-Gambian route. Accused of holding an entire region hostage, the MFDC previously held military bases in Guinea-Bissau. This was the excuse for a Senegalese military incursion into that country during the 1999 civil war. In 2000 President Kumba Yala expelled the MFDC fighters. However, some pockets of resistance remain. The acute under-development of Guinea-Bissau has fostered links between ethnic groups along the border with Senegal.

The prospect of an amnesty for the rebels; the death of Sidy Badji, the leader of the MFDC's military wing; and the new stance adopted by Father Diamacoune during his meeting with President Wade on 14 September 2002 for final peace in the southern region of Senegal are all encouraging signs of an imminent end to the conflict. This conflict has bled Casamance dry and left behind issues relating to anti-personnel landmines and massacres of innocent civilians, refugees and displaced persons.

Private companies are also involved in security activities. The existence of guard, watch and secure transportation companies leads to a 'dangerous privatisation of the security sector, with the proliferation of guard companies with links to organised crime'.<sup>4</sup> In Dakar, for example, there has been a sharp increase in the number of parallel police services with companies such as Sagam, Eagle, *Phoenix Sécurité*, *Dakar Intérim Sécurité* etc, accompanied by a proliferation of different coloured uniforms. The risk of blunders is also higher, due to the psychological effect of carrying arms and the temptation to use them. This state of affairs led a representative of the UN Information Centre to state to the Movement against Light Weapons in West Africa that 'there would be a greater sense of security if these weapons were in the hands of soldiers'.<sup>5</sup>

A similar problem arises with neighbourhood militia. In certain urban centres, self-defence committees have been formed and are more or less tolerated by the police. The excesses of these vigilante committees prompted the director of security to launch an appeal to the managers of such units during a sub-regional seminar held in January 2004. He called on them to contact 'police stations and the security authorities' in order 'to enable the

police to obtain the information required to complete its investigations' and avoid a solitary approach that would have the disadvantage of 'taking justice into individual hands, sometimes hastily'.<sup>6</sup>

The existence of militia serving political parties must also be acknowledged. They are often badly organised and are generally mobilised for election campaigns. Some examples are the 'Blue Caps' of the Senegalese Democratic Party, or groups of traditional wrestlers who, for the duration of the campaign, serve as bodyguards to election candidates.

#### *Coordination and Cooperation*

The army and the gendarmerie may be called on to assist the police in maintaining internal order. The army is currently training the third contingent of young Senegalese volunteers who will be taking part in reconstruction and development operations in Casamance. The army also assists the police in enhancing security at the Leopold Sedar Senghor international airport, and participates in 'crackdowns' to ensure the safety of persons and goods in areas where there is an upsurge of crime, theft of livestock and illicit trans-border trafficking.<sup>7</sup>

As a member of ECOWAS, Senegal is a party to the Lagos Protocol on Non-Aggression of 22 April 1978, to the Freetown Protocol on Mutual Assistance in Defence of 29 May 1981, and is part of the regional mechanism for collective security, which includes ECOMOG. As a member of the African Union (AU), Senegal adopted the 1993 Mechanism for Conflict Prevention, Management, and Resolution, which provides for the setting up and deployment of civilian and military observation and monitoring missions. Alongside these initiatives there has been a new desire to set up operational mechanisms that are free of the delays inherent in the AU and ECOWAS. This has led to the setting up of innovative forms of cooperation programmes. For example the African peacekeeping capacity building programme (RECAMP) was set up during the diplomatic/military conference held in Dakar from 20-23 October 1997 on the initiative of France, the United States and Great Britain. The objective was to constitute African forces capable of carrying out peacekeeping operations. The first operational component of this programme culminated in the holding of joint military manoeuvres, called GUIDIMAKA 98, in the east of Senegal. The exercise involved 1,400 Senegalese soldiers, 650 Mauritians, 900 French soldiers, 40 US marines and 63 British soldiers, with the logistical support of 600 vehicles and 30 fighter planes.<sup>8</sup>

In addition to RECAMP, which also includes a humanitarian component dealing with the protection of civilians, displaced persons and refugees, there is the African Crisis Response Initiative, initiated in Senegal from 21 July to 21 September 1997. The ambition here is to identify, organise, equip and train African forces for humanitarian missions, with the involvement of the UNHCR, the ICRC, Africare and World Vision International. The initiative has received a US\$15 million endowment from the United States.<sup>9</sup>

### **Civilian Management and Control of the Security Sector**

#### *Government Mechanisms*

Senegal is one of the rare African countries that has been spared the experience of a military coup d'état. Under the terms of the constitution adopted on 7 January 2001, the head of state is the commander-in-chief of the armed forces, the president of the Higher Council on National Defence, and the National Security Council. He has the power to make military appointments and to deploy the armed forces (article 45 of the constitution).

Within each ministry, a general inspectorate coordinates security activities. The ministry of the interior is the headquarters of the inter-ministerial drug control committee. The membership of the Higher Council on National Defence includes representatives of the different ministries, with the inspector-general of the armed forces, the chiefs of general staff of the army and gendarmerie, and the presidential chief of staff.<sup>10</sup> The various army corps are coordinated by the armed forces chief of general staff, the gendarmerie high command and the director of military justice. They are placed under the authority of the ministry of defence.

In addition to the ministries, both the office of the prime minister and the office of the president include units or liaison offices in charge of coordinating the activities of the different security services. It is also worth noting that a national security agency has been created. Its attributions are to be defined by the head of state.<sup>11</sup> However, notwithstanding the existence of these numerous structures, there is a need for smoother cooperation and closer monitoring, with the possibility of creating databases that are accessible to the public.

### *Parliamentary Control*

The political regime is characterised by the separation of powers between the executive, the legislative and the judicial branches. It is a semi-parliamentary, semi-presidential system, with emphasis on the role of the president. The Senegalese parliament is a unicameral national assembly, made up of 120 members. The work of parliament is undertaken by various standing, special, or *ad hoc* committees, as well as the commission of delegations, and the audit and accounting committee. The national assembly may set up commissions of enquiry.

The assembly often puts written or oral questions to government about the socio-economic situation of the country. These questions may or may not give rise to debate. However, given the fact that government has a parliamentary majority of 93 members, the rare motions by the opposition for a vote of no-confidence have never had any effect. Parliamentary control is hardly ever exercised effectively because members of the parliamentary majority are reluctant to provide members of the minority with fodder for their electoral campaigns, should such controls lead to fingers being pointed at government leaders.

### *Judicial Control*

The judicial branch of power is independent of the executive and the legislative branches. Judicial power is exercised by the Constitutional Council, which votes on the constitutional validity of texts; by the Council of State, for action *ultra vires*; by the Supreme Court of Appeal, for civil, criminal and commercial suits; by the Court of Accounts, which verifies national accounts; and by the courts and tribunals situated in the 11 regions and 33 districts of the country. A minister-commissioner in charge of human rights forms part of the office of the president. This minister is in charge of centralising the various functions that were carried out until 2000 by the Senegalese Human Rights Committee and the Inter-Ministerial Committee on Human Rights and Peace.<sup>12</sup>

One of the difficulties of the Senegalese system of justice is that its independence is often called into question, as a result of the numerous cases involving political leaders. It has often been accused of being a tool used to destabilise the opposition or to sideline troublesome personalities.

### *Civil Society*

Senegalese citizens enjoy freedom of association and may form political parties. Such parties must obtain a receipt of registration from the ministry of interior. More than 75 political parties have been created since the advent of an unrestricted multi-party system in 1981. On another note there has been a marked increase in the number of Senegalese and foreign non-governmental organisations (NGOs), thus demonstrating the active role played by civil society. One such example is the *Rencontre Africaine Pour la Défense des Droits de l'Homme*, which has observer status with the UN and the AU in areas of economic, social, cultural and educational activities. Most civil society organisations in Senegal however work essentially in the area of respect of human and individual rights, in particular for children, women and the disabled. Apart from a few organisations that are working to promote democracy and good governance, very few civil society organisations are active in the security sector. The presence of many international NGOs nevertheless makes it more or less possible to overcome this deficiency.

The press for its part is free and independent. There are more than a dozen daily newspapers in circulation. Television is limited to two national channels and several foreign channels. Notwithstanding the real qualities of journalism in the country, the press is often blamed for recruiting untrained journalists, or individuals with limited professional ethics. On the other hand the press accuses the public authorities of only using the media to put forward political propaganda, and of not giving sufficient rein to journalists who seek greater transparency in the management of national accounts. Relations between the press and political authorities are never calm in Senegal. Although the rights and liberties are spelt out in the constitution, there have been many instances of journalists being sued for libel. Some journalists are however guilty of not adequately checking the sources of their information.

### **Challenges of Security Sector Governance**

The lack of adequate numbers of staff in the various public security units could be cited as a major challenge. In February 2004 the government made a commitment to recruit a total of 15,000 public servants by 2007, at a pace of 5,000 per year. Recruitment into the military however remains at rather low levels. Unfortunately, after 24 months of service, young recruits are returned to civilian life where they join the growing number of unemployed

people, thus making them more likely to succumb to crime. The armed forces also lack modern equipment, in spite of the cooperation efforts of France, which has a military base in Dakar,<sup>13</sup> and of the United States and Germany. The armed forces must develop its own, specific, home-grown capacity to train its officers and men. There is also an increasingly pressing need to employ the services of legal and psychological experts. Military training programmes must now include a humanitarian component.

Another challenge is the communication deficit on the part of the different corps. Too often, as a result of their duty to observe a certain discretion, there is a tendency to fall back on the pretext of 'defence secret' or 'confidential' classifications.<sup>14</sup> Indeed, this tradition of secrecy is applied to many administrative acts which are thus never published in the official bulletin, nor made accessible to ordinary citizens. Another challenge is the sluggishness of the administrative process, which is characterised by the existence of a lengthy decision-making chain, and a failure to provide information to citizens.

In addition to providing the armed forces, the police, and other official security units with the requisite human and material resources, troop morale must be boosted and the coverage of national territory must be extended. It is also unfortunate that more women are not recruited into public security forces. The armed forces must however be commended for resisting religious and political affiliations. Indeed, soldiers do not have the right to vote. One constant danger, common to many African militaries, that must be averted is the divisive tendency to set up ethnic or religious groupings.<sup>15</sup>

It is appropriate to note that the Senegalese armed forces are well represented in various fields of operation as part of UN and ECOWAS peacekeeping missions. In order to improve the understanding of laws governing armed conflicts, humanitarian issues have been included in the training given to troops. In 1998, for example, the Dakar regional delegation of the ICRC co-authored with the Senegalese armed forces a soldier's manual as part of the training programme for 1,500 officers and soldiers from 15 military bases.<sup>16</sup>

Light and small-calibre weapons have become available as the result of trafficking in the country's interior. Some come from the weekly market in Diaobé, and the towns of Mbacke and Touba, which supplies locally manufactured guns, while others come from neighbouring countries. Trafficking runs along the Lower Santafu-Georgetown-Medina Yoroufoulah axis in The Gambia. From Guinea-Bissau arms come in to serve the MFDC rebellion. From the area between Bassiknou and Fassala Nere in Mauritania weapons are supplied by the Tuareg and Negro-Mauritians, while arms

from Mali are brought in via the Dakar-Bamako railway link.<sup>17</sup> Gendarmerie, police and customs services also have to deal with smugglers using fishing vessels and canoes carrying drugs and arms along the Casamance, Gambia and Senegal rivers, and in creeks along the Casamance or in the Saloum Islands.

Where the security forces are concerned, doubts about their ethics should be dispelled by implementing a programme focusing on moral values, and giving them better incentives in order to restore a sense of the honour and prestige to the corps. As indicated in the report of the council of ministers meeting of 19 June 2003, it is also high time to put some order into the private security sector and impose an obligation to carry out a yearly security, social and fiscal audit.<sup>18</sup> A new decree setting more rational conditions for providing guard and watch services and secure transportation of valuables should be finalised rapidly. This requires an urgent response because certain security companies are better equipped than the police and are less inclined to comply with any code of professional ethics and commit crimes related to their infringement.

There is a crying need to set up neighbourhood police services. The number of police stations must be increased, with emphasis on the most dangerous areas. In this regard, problems relating to the state of disrepair of the penitentiary system and the wave of armed attacks in major cities and tourist centres should sound the alarm for decision makers. The media reports regularly on the increase in sexual tourism and its attendant communicable diseases. This should lead to the adoption of a text that imposes more severe sanctions, in particular in cases of paedophilia.

Greater emphasis must be placed on civic education, as well as teaching about humanitarian values and human rights. In order to be successful in their republican missions, security forces need to work hand in hand with the population. They must supervise the neighbourhood-watch committees, and work more closely with community based organisations such as village, neighbourhood and youth movements. In more general terms it may be surprising to note that no studies have been carried out to assess cases of fraud, waste and corruption. Parliamentary committees often only serve political ends. The challenge of security therefore needs to be placed within the general framework of good governance and enhancement of the rule of law.

The planned reform of the criminal code,<sup>19</sup> with the inclusion of crimes like terrorism, war crimes, genocide, crimes against humanity and computer crime, should not only focus on sanctions, but should also provide for crime prevention. In Senegal, 2004 was earmarked as the year for



combating crime, insecurity and banditry. Priority was given to the southern region as part of the move to strengthen peace in Casamance. The MFDC now seems to be more amenable to a conclusive settlement. The government intends to cooperate with the rebels to de-mine the region, while continuing operations to rebuild the villages that were destroyed in the process of mobilising volunteers. In reality the political changes of 2004 gave rise to great hopes which were soon dashed. Juvenile delinquency increased, essentially due to endemic unemployment.

The political changeover has certainly not done away with the tendency to concentrate political power in the hands of the president, and this is fostered by the presidential regime in Senegal. The adoption of the new constitution in 2001 did not transform this reality, which has been further illustrated in various incidents of political violence over the past three years. Other changes have neither affected the security structure nor brought about any innovations that might have made for more democratic management of the security sector by reducing presidential prerogatives, increasing the powers of parliament and involving civil society more closely. Such innovations might have improved the management of the sector and tackled corruption as well as some of the other challenges mentioned above. It is true that there has always been an unfortunate tendency to think that the security sector does not require any in-depth reform.

In the area of security, as in many others, Senegal has played a role in West Africa that far exceeds its economic and military weight in the sub-region. Security issues for Senegal are either political, linked to the management of long-standing disputes with its immediate neighbours, or crime-related, linked to the need to work more closely with its neighbours to eradicate trans-border crime. Such crime can become very serious in scope and in nature. At sub-regional level Senegal was part of the ECOWAS intervention force in Liberia and in Sierra Leone. In addition, it continues to provide troops to the regional force currently deployed in Côte d'Ivoire. Senegal still plays a major role in seeking solutions to ongoing regional crises. It was also involved, albeit with more unfortunate results, in the civil war in Guinea-Bissau. Prior to, and until the dissolution of, the defunct Senegambia confederation in 1989, Senegal had provided security services to The Gambia. Where Mauritania is concerned the sharp tensions of the late 1980s and early 1990s settled into a sort of *entente cordiale* between the governments of the two countries a few months after President Wade came to power. Thousands of Mauritanian deportees who fled to Senegal nevertheless remain on Senegalese soil and the issue has not been totally resolved. Bearing in mind the instability in Mauritania, in conjunction with

the activities of the refugee organisations in Senegal, sooner or later this issue could emerge once again as a security challenge that Senegal will have to deal with.

In view of the settlement of the crisis in Casamance, and the prospect of a new start for democracy in Guinea-Bissau, there is expected to be a significant diminution of security challenges along the border between the two countries. Their dispute about maritime borders has been amicably resolved. At the same time, if the recent elections in Guinea-Bissau do not turn that democratic corner, or if the instability brought about by the coup attempts of the Bissau-Guinean armed forces persists, this will not fail to have a negative impact on security in Senegal.

With The Gambia, however, there is no *entente cordiale*. This is due, among other things, to the role that the president of that country is thought to have played in the crisis in Casamance. The main concern with this country is however the various trafficking and smuggling activities that are carried out along the borders between the two countries. This will continue to be one of the main security challenges facing Senegal (and The Gambia) in the future because of the scope of these activities and also because they sometimes involve small-calibre weapons and drugs. The possible degradation of the political situation in The Gambia could also affect Senegal.

Finally, although Senegal has never played a role in the Republic of Guinea, the prospect of violence or upheavals in the move to put a successor in place after President Lansana Conté leaves power could be a further strain on the security of the sub-region, and of Senegal in particular.

## **Conclusion**

Senegal has faced a range of security-related challenges since independence. These challenges have been and remain both internal and external in character. Internally, there is a need to provide for more efficient and effective security forces within a framework of democratic security sector governance. A participatory approach, which ties in civil society and takes account of the security of individuals as well as the state, is essential. The signing of a peace agreement in Casamance also offers an important opportunity that must be exploited. Externally, Senegal must continue to develop regionally based solutions to security challenges such as small arms, trafficking and the demands of peacekeeping. Only through such an

integrated approach to governance of the security sector will lasting peace and development be sustained.

## Notes

- <sup>1</sup> Senegalese National Gendarmerie, <http://www.gendarmerie.sn>.
- <sup>2</sup> Speech by Macky Sall, minister of interior, in December 2003 on the occasion of the vote on the 2004 budget of his ministry in the national assembly.
- <sup>3</sup> *Le Quotidien de la République*, 9 December 2003.
- <sup>4</sup> M. Bocoum, "Circulation des armes légères : les ONG sonnent l'alerte," *Sud Quotidien* (independent newspaper) 2 July 2001 (no. 2741): 6.
- <sup>5</sup> Senegalese Government Portal, [http://www.gouv.sn/Conseil\\_ministres/index.cfm](http://www.gouv.sn/Conseil_ministres/index.cfm).
- <sup>6</sup> The Panos Institute of West Africa, <http://www.panos.sn> website.
- <sup>7</sup> *Le Quotidien de la République*, 21 January 2004 (no. 251).
- <sup>8</sup> For details see *Le Soleil*, 25 February 1998; *Le Soleil*, 2 March 1992; *Jeune Afrique*, no. 1939 (10-16 March 1998): 34-37.
- <sup>9</sup> See *Armée-Nation*, no. 19 (October 1997): 32.
- <sup>10</sup> Decree no. 2001-753, on the organisation and attributions of the Higher Council on National Defence.
- <sup>11</sup> Decree no. 2001-768 of 5 October 2001, establishing a National Security Agency, JORS, no. 6011 (13 October 2001): 619.
- <sup>12</sup> Decree no. 2001-275 of 10 April 2001, setting up the Inter-ministerial Commission on Human Rights and Peace, JORS, no. 5983 (29 April 2001): 302.
- <sup>13</sup> See *Sud-Quotidien*, 12 May 2000.
- <sup>14</sup> In this study, the author only sought to quote official sources that would be accessible and easy to check. He was often confronted with this argument.
- <sup>15</sup> This manual was translated into English for Gambian military and into Portuguese for the Guinea-Bissau armed forces: CICR-INFO, no. 10 (Dakar: April 1999).
- <sup>16</sup> CICR-INFO.
- <sup>17</sup> *Armée-Nation*, no. 27 (28 April 2000).
- <sup>18</sup> As reported by M.T. Diatta, "Prévention de la délinquance et de la sécurité urbaine: la police de proximité comme outil de persuasion," *Le Quotidien* no. 319, 23 January 2004.
- <sup>19</sup> Decree no. 2002-1142 of 27 November 2002 setting up the Commission for the Review of the Criminal Code and the Code of Criminal Procedure, JORS, no. 6099 (3 May 2003): 456.

## Chapter 16

# Sierra Leone

*Al-Hassan Kondeh*

### **Introduction**

Sierra Leone's political history has been a peculiar one in that it was one of the first countries in sub-Saharan Africa to establish democratic governance. Up to the time of the death of the country's first prime minister in 1964, the country enjoyed a relatively stable ethnic balance. This situation changed on the coming to office of Sir Albert Margai, succeeding his brother Sir Milton Margai, and subsequently by the rise to power of Siaka Stevens as leader of the All Peoples Congress (APC). These two different administrative eras have been referred to as the period of 'North-South' or 'Mende-Temne' divide.<sup>1</sup> The leading roles these two major ethnic groups, Mende and Temne, played in the political and cultural arena could best be described as sub-imperialism of Africans among Africans, a situation that widened the Mende-Temne, North-South divide. Thus, during the tenures of Albert Margai and Siaka Stevens, the security forces witnessed high politicisation in the areas of recruitment, appointment and promotions. According to Turay and Abraham, it was during the tenure of Albert Margai that senior figures in both the police and armed forces were encouraged to attend public political functions in a bid to entrench Margai and the Sierra Leone People's Party in power.<sup>2</sup> It is no wonder that, as soon as the opposition came to power under Siaka Stevens, a campaign of weeding out the 'bad guys' from senior public offices and replacing them with 'loyalists from the north' was enacted.<sup>3</sup>

The Siaka Stevens era was a sad chapter for Sierra Leone as the country experienced a high degree of political instability, blatant politicisation of the security forces, manipulation of the justice system and repression of the press and all pro-democracy initiatives.<sup>4</sup> Making matters worse was the introduction of a one-party system of government in 1978. However, prior to this, Stevens had already integrated heads of both the armed forces and the police into mainstream government by appointing them as members of parliament and ministers of state. This was the official

institutionalisation of the security forces into politics, undermining the political neutrality, independence and professionalism of the security services.

The compromised position of the leadership of the security forces during this period placed Sierra Leone in an unfortunate situation. The post-independence and republican era had been threatened not just by social, economic and political factors but by dysfunctional civil-military relations, particularly in the absence of effective civilian oversight of the security sector.<sup>5</sup>

This situation prevailed up to the outbreak of the Revolutionary United Front's rebellion in March 1991. The security apparatus at that time was incompetent to handle the rebellion due to inadequate training and equipment as well as low morale. In the context of allegations that funds budgeted for logistics and training for the army were being misappropriated by senior officers, a group of young officers seized power from the APC in April 1992 and ushered in a military regime with very junior officers at the helm of government. The resultant effect of this was 'a total collapse of discipline among young officers and the rank and file'.<sup>6</sup> The junta attempted to derail the return to civilian rule by creating obstacles in the way of the electoral process. However, the military ruled for four years before conducting an election that ushered in a democratic civilian government in March 1996.

Only fourteen months after the restoration of democratic government, very junior military personnel staged another coup that ousted the elected civilian government and replaced it by the Armed Forces Revolutionary Council (AFRC) military junta. Reasons advanced for this coup included that the government favoured the Kamajors<sup>7</sup> against the army and that the restructuring/reform exercises undertaken by the government were a strategy to disband the military. Notwithstanding these allegations, the coup met great resistance from the general populace. These claims were seen as a smoke screen intended to undo a popularly elected government. Civil disobedience to the junta allowed the Economic Community of West African States Monitoring Group (ECOMOG) with support from the Civil Defence Forces to successfully oust the AFRC junta in February 1998.

The democratic government was reinstated ten months after being overthrown by the junta regime. Relying on the popular support of the international community, the reinstated government embarked on a holistic plan to review the security sector of Sierra Leone with a key focus on the military, police, judiciary and the intelligence services in order to make them democratically accountable and ensure that resources are prudently used for

the promotion of democratic values. In this regard, the involvement of international actors, particularly the British government, in reforming the security sector was very timely following the signing of the Lomé Peace Accord.<sup>8</sup> The main thrust of British involvement was to maintain a stable democratic government by restoring all its functional machinery and social institutions, with particular emphasis on the security sector. The government received popular support for its policy of instituting civilian control and promoting accountability in a force that had been detached from the citizens and therefore seen as hostile and repressive.

### **The Security Sector**

The security apparatus in Sierra Leone is designed in a simple fashion in order for it to meet the current and future challenges it faces.<sup>9</sup> The democratisation process has highlighted the need for security sector reform in Sierra Leone as part of the restoration of democratic governance.<sup>10</sup>

The Republic of Sierra Leone Armed Forces (RSLAF), headed by the chief of defence staff, is composed of an army of three brigades and the Freetown Garrison<sup>11</sup> with 12 battalions, an air wing, a maritime wing, an engineering regiment and a medical unit. There is also a reconnaissance unit and force intelligence and security unit within the structure of the RSLAF. The police force has its headquarters in Freetown with three regional headquarters and 12 district offices, plus an armed division responsible for crowd control in times of civil disobedience. The police, under the leadership of an inspector general, also have a special branch that deals specifically with intelligence gathering and coordinates with other intelligence institutions. There is also a rural police force known as the Chiefdom Police that is administered by the respective paramount chiefs throughout the country.

The national security structure is now established with the National Security Council (NSC), served by a coordinator who runs the Office of National Security (ONS), which consists of the Joint Intelligence Committee, the Joint Assessment Team and the Monitoring and Oversight Department. There are also provincial and district security committees and the Central Intelligence and Security Unit headed by a director general. The Anti-Corruption Commission has within its structure an intelligence unit responsible for the collection of information/intelligence on issues ranging from corruption to economic crime.

*The Ministry of Defence*

The new ministry of defence was established in 2000 with a mission to 'formulate, implement, monitor and evaluate strategic defence policy for the Republic of Sierra Leone Armed Forces that is effective and fostered within a framework of democratic governance'.<sup>12</sup> It was predominantly staffed with civilians as a precursor to the joint civil-military department which was to be put in place as soon as the RSLAF identified potential and competent personnel to man offices created under the new dispensation. When this occurred in January 2001, it showed Sierra Leoneans in particular and the international community more broadly how civil-military relations had progressed. The defence ministry, according to the Sierra Leone Defence White Paper, 'plays a vital role in handling and consolidating democratic civil-military relations'.<sup>13</sup>

A new budgetary structure has been put in place to align with the ongoing restructuring of the RSLAF/ministry of defence. The current budget delineates nine programme areas, of which each has a manager accountable to the vote controller. These programme managers are responsible for the management of their respective resources with guidance and oversight provided by the Finance and Budget Directorate. Much of the defence ministry/RSLAF budget is fixed and non-discretionary. There are limited funds available for discretionary areas such as infrastructure, equipment and uniforms, a major concern in the current budget.<sup>14</sup> The British government, through the Department for International Development (DfID), has been rendering financial assistance to the ministry to achieve its goals aimed at improving the welfare of the military.

*The Sierra Leone Police*

The Sierra Leone Police (SLP) are undergoing serious restructuring aimed at making them more effective, transparent and democratically accountable. The very nature of the functions of the SLP has made it very crucial for the government to focus attention on restructuring in order to achieve peace in Sierra Leone. Hitherto, the police had been used by successive governments as an instrument to hunt down political opponents or quell demonstrations organised by a disillusioned public. This generated a passionate wish by the people to see the de-politicisation of the police service in the country by making it 'pro-people'. The government released the 'police charter' highlighting the new focus of the police on assisting in returning communities to peace by acting in a manner which will ensure police

primacy in internal security, guarantee the respect of fundamental human rights, prevent and detect crime, and, above all, ensure freedom from corruption at all levels.<sup>15</sup>

The new structure of the SLP is part of this strategy to gain public confidence and make the SLP accountable. Very senior officers can now be accessed while decision-making has been devolved where possible to the regions. This in itself facilitates both command and operations, which are cardinal for efficiency.

In terms of financial propriety, the SLP has established a Procurement Unit and an Internal Audit Department, whilst the Medium Term Expenditure Framework introduced by the ministry of finance is being used to guide budget preparation and expenditure tracking. A Community Relations Department has been created to sensitise the people on police activities. At divisional command level, the department has established local partnership boards as part of the new concept of community policing. There is also a Family Support Unit that deals with all domestic violence and related issues through each police station.

#### *The Office of National Security and the Central Intelligence Security Unit*

The ONS is responsible to the NSC and supported by the other security and intelligence agencies, in particular the Central Intelligence Security Unit, to ensure the effective coordination of intelligence collection and assessment to inform government policy on all matters concerning national security. Progress within the ONS in achieving its objectives has been impressive. This can be attributed to the creation of a wholly new organisation with local staff motivated to demonstrate their potential. Sierra Leonean staff appear skilled, motivated and demonstrate a sense of commitment and ownership of their organisation which augurs well for future sustainability. There are however inherent challenges to be envisaged in the absence of adequate financing: demotivation of staff, attrition and corruption, which could be compounded in the absence of a capacity-building strategy to professionalise the staff to fully and functionally meet the demands of their jobs.

#### **Civil Management and Control of the Security Forces**

The notion and concept of civil management and control can be traced to the Sierra Leone constitution (1991) and other legal and regulatory instruments that are in force in the country. The constitution and other relevant



instruments have detailed and explicit provisions relating to the functions, roles and responsibilities of the security sector, civil control and oversight, political authority, and relationships between the military, the executive and legislature.

#### *Constitutional and Legal Framework*

Section 73(1) of the constitution establishes a legislature which 'shall consist of the President, the Speaker and Members of Parliament'.<sup>16</sup> Section 73(3) says 'Parliament may make laws for the peace, security, order and good governance of Sierra Leone'.<sup>17</sup> It is interesting to note regarding these two provisions of the constitution that the president as the chief executive of the state is constitutionally part of the law-making body of the country and also chairman of the Defence Council.<sup>18</sup>

In recognising the need for clear separation of the police from politics, section 155(3) of the constitution prohibits any member of the armed forces from participating in politics, ranging from holding executive position to being a member of the legislature.<sup>19</sup> The same provision is made for members of the armed forces under section 165(3). However, section 165(2) describes the functions of the armed forces as 'to guard and secure the Republic of Sierra Leone and preserve the safety and territorial integrity of the state, to participate in its development, to safeguard the people's achievements and to protect this constitution'.<sup>20</sup> This section of the constitution has been the smoke screen under which members of the armed forces have wielded power in the past on the grounds of 'safeguarding the people's achievements and protecting the constitution'. The ambiguity of this section calls for a review if we are to avoid subjective or circumstantial interpretations in the future.

The National Security and Central Intelligence Act (2000), the Ombudsman Act (2000), and the Anti-Corruption Act (2000) were passed into law as part of the government's determination to strengthen the security sector. They were created to provide the constitutional and legal framework for the effective management and civilian oversight of the security services. The structure, composition, roles, powers and oversight processes for the security sector are described below.

#### *Civilian Control and Management*

Establishing civilian control, oversight and management of the security sector in Sierra Leone has gained significant attention from both the

government and its partners. Like all other sectors within the wider circle of governance institutions, the security sector must remain subordinate to the elected government and respectful to the principle of civil supremacy. The establishment of civil oversight over the security sector has been reflected both in the national constitution and various acts of parliament. Appropriate civil oversight and control mechanisms, including fostering civil society groups, have been put in place to ensure that the management of the security services in Sierra Leone is transparent and accountable to the people through their elected representatives.

Notwithstanding the constitutional and legal framework, it can be argued that democratic governance of the security sector can never be achieved if structures that will effectively oversee and monitor the sector are not put in place. There are a host of actors and interlocutors that must display genuine and concerted interest in the security sector. There is also a need to increase overall budgetary support to fill funding gaps and there has to be commitment on the part of the political class to keep members of the security forces out of politics.

Recognising the importance of civil oversight of the security sector, the government in the Defence White Paper promised to set up an independent security sector committee made up of representatives from across the political spectrum, as well as public institutions.<sup>21</sup> The committee, according to the government:

will be tasked with monitoring the decisions taken by officials on behalf of government and endorsed by it. Their findings will be published, open to public scrutiny and open to critique. They will be watchdogs, the eyes, ears and voice of the people, keeping them in touch, and provide a forum for popular and informed debate.<sup>22</sup>

This committee has yet to be established though the government took a step forward by appointing a Security Sector Review Committee Working Group drawn from key stakeholder ministries and departments as well as civil society to undertake a holistic review of the security situation in Sierra Leone and develop a national security policy document.

#### *The Constitution and Civilian Oversight of the Security Forces*

The 1991 constitution and other acts of parliament are clear as to the subjection of the security sector to civilian primacy and oversight. The

various oversight bodies as provided for in the 1991 constitution and subsequent acts of parliament are described below.

#### *The Presidency*

The 1991 constitution gives tremendous powers to the president of Sierra Leone as commander-in-chief. Powers ranging from appointing heads of the various security institutions to that of declaring war are vested in the presidency.<sup>23</sup> The intention of empowering the president with such powers under the constitution was to ensure civil control and oversight over the security forces at the highest political level. However, these provisions made no reference to dismissal procedures, thereby leaving room for an autocratic and despotic president to appoint people not on their professional merit but on their personal and political loyalty, thus reinforcing regime security instead of national security.

#### *The Vice President*

The vice president, under section 156(1)(a) of the 1991 constitution, is the chairman of the Police Council, deputy chairman of the NSC<sup>24</sup> and member of the Defence Council.<sup>25</sup> The presence of the vice president in all the committees that have oversight functions over the security sector in Sierra Leone demonstrates the determination of the framers of the constitution to involve the highest-ranking politicians in the management of those institutions to achieve the full participation and commitment of the political class. The role of the vice president during the early stages of restructuring the SLP was no doubt one of the many reasons why accelerated change in the police force gained the kind of momentum it did.

#### *The National Security Council*

The NSC is established in accordance with section 2(1) of the National Security and Central Intelligence Act (2002), and is charged with the responsibility to provide the highest forum for the consideration and determination of matters relating to the security of Sierra Leone. One very important feature of the NSC is that in times of war it should act as a war cabinet as and when required.<sup>26</sup> The composition of the NSC gives a picture of a very good mix of civilians, with just the heads of the armed forces and police included as professional representatives from the security sector. However, the absence of representatives of the Central Intelligence Security

Unit, prisons and even the justice ministry raises the question as to how the practical realities that obtain in these departments can be articulated at deliberations of the NSC, given the strategic role of these institutions within the security sector. Apologists for the present composition of the NSC would say that these officials can attend council meetings at any time under article 3(2) of the National Security and Central Intelligence Act (2002), though forgetting to note that article 3(3) of the same act prohibits such invited persons to vote on any matter for decision before the council. These are all grey areas that need revision for the better governance of the security sector in Sierra Leone.

Notwithstanding its composition, the NSC plays a very important role in the management and oversight of the security sector in Sierra Leone. Among these are: (1) to consider and take appropriate measures to safeguard the internal and external security of Sierra Leone, (2) to ensure the gathering of information relating to the security of Sierra Leone, and (3) to integrate domestic and foreign security policies so as to enable the security services and other departments and agencies of government to cooperate more effectively in matters relating to national security.<sup>27</sup>

The NSC has as its secretariat the ONS, headed by the national security coordinator appointed by the president under subsections (1) and (2) of section 154 of the 1991 constitution. The ONS has five different divisions: Secretariat to the NSC, the Joint Intelligence Committee, the Joint Assessment Staff, Monitoring and Oversight, and Security Coordination. All these divisions play a country-wide oversight role.

The NSC Coordinating Group considers matters relating to the security of Sierra Leone and advises the NSC on appropriate measures to safeguard the internal and external security of the state. It also maintains a watching brief on security issues and prepares situation papers and policy options on major issues for consideration by the NSC.

To ensure decentralisation of the work of the NSC's operations and coordination of the various intelligence bodies, the National Security and Central Intelligence Act (2002) makes provision for the establishment of provincial security committees, district security committees<sup>28</sup> and a joint intelligence committee. The Joint Intelligence Committee is composed of all heads of the intelligence agencies and is chaired by the NSC coordinator. It approves assessments of intelligence and other related information prepared by the security services and processed by the joint assessment team for the consideration of the NSC and other ministers and officials as appropriate.<sup>29</sup>

*The Defence Council*

The Defence Council (DC) is established under article 167(1) of the 1991 constitution and has a mix of civilian and military members. Among many other functions, the DC advises the president on all major matters of policy relating to defence and strategy, including the role of the armed forces, military budgeting and finance, administration and the promotion of officers above the rank of lieutenant or its equivalent. The DC may also, with prior approval of the president, develop any other law for the effective and efficient administration of the armed forces.<sup>30</sup>

The DC has been very effective in the ongoing restructuring of the RSLAF and it has proved to be the pivotal element in the government's drive of democratising the RSLAF. Although the constitution made no reference to the specific roles of civilians in ensuring democratic oversight, it concentrates significant powers in the hands of the president. It has been argued that there was no need to further elaborate on the role of the defence ministry as the president is the defence minister. However, nowhere in the constitution does it indicate that the president should be the minister of defence. All strategic policy guidance aimed at developing the defence ministry/RSLAF have been endorsed by the DC to ensure that the political direction is in line with normal policy processes, although most of the time the DC appears to rubber stamp all issues brought before it. This cannot be attributed to increasing confidence in the RSLAF but rather to a lack of expertise and experience by the civilian component in the council.

*The Police Council*

The Police Council is created under article 155(1) of the 1991 constitution. It is charged with the responsibility of advising the president 'on all major matters of policy relating to internal security, including the role of the police force, police budgeting and finance, administration and any other matter'. Notably, no specific role is prescribed for the minister of internal affairs, whose ministry supervises the police. This situation always generates friction between the inspector-general of police and the permanent secretary of the ministry, particularly when it relates to the control of resources.

Unlike the previous years of the country's history, when appointment, promotion, demotion in rank and dismissals of senior officers from the rank of assistant superintendent of police and above were the prerogative of the political class, the Police Council, in accordance with the constitution, is responsible for all of the above save for the appointment of the inspector-

general, which is made by the president, subject to parliamentary approval. However, the Police Council, as an executive committee with little policy support, is currently neither providing effective civilian oversight of the police service nor is it a sufficiently robust mechanism of accountability.

### *Parliamentary Oversight*

This section examines the role of the Sierra Leonean parliament in the enforcement of democratic control and accountability of the security sector and the extent to which it has been able to hold those in authority within the security sector accountable. The constitution of Sierra Leone makes parliament the prime agent for the general enforcement of democratic accountability. All government actions or intended actions must be approved and ratified by parliament, whilst parliamentary support is needed for all proposed legislation before it becomes law.<sup>31</sup> This is critical for good governance.

In Sierra Leone, oversight of the security services is carried out by different committees charged with the responsibility to monitor the activities of the security apparatus. These include the Committee on Presidential Affairs and Defence, responsible for oversight of defence and national security; the Committee on Internal Affairs and Local Government, responsible for the police and prisons, among other institutions of government; a legislative committee having the ministry of justice under its purview; and the Transparency Committee, which looks into such issues as conflict of interest, impropriety of actions and abuse of power by public officials. The Finance Committee monitors the revenue and expenditure pattern of the ministry of finance vis-à-vis budgetary allocation to the security sector.

These strategic committees are constituted to ensure fair representation of the different parties represented in parliament. In most cases, however, members are selected on the basis of their experience and competence, though this does not guarantee their effectiveness as ‘the perception of government and the general public that the status of parliamentarians is inferior to that of the Ministers’<sup>32</sup> to some extent impairs the effectiveness of parliamentary scrutiny.

### *Judicial Control*

The court system in Sierra Leone is divided in two: the superior and inferior courts of judicature. All appointments to the superior courts, including that

of the chief justice, are made by the president on the recommendation of the Judicial and Legal Service Commission. To ensure that the courts are free from political manipulation, article 137(7) ensures that no judge of the superior courts shall be removed from office if the issue has not been sent to a specially convened tribunal and if parliament has not sanctioned his removal by a two-thirds majority. As a control measure, the superior court has supervisory jurisdiction over all lesser courts. There is also what is referred to as the doctrine of binding precedent, which ensures inferior courts follow decisions arrived at by a superior court.

With regards to the prisons as a security institution in Sierra Leone, there is only one central prison which is located in the centre of Freetown. It is highly congested and in an appalling state. Prisons in the provinces are grossly inadequate for housing detainees. There are two correctional centres for juveniles, both of which are in Freetown.

There was no documented human rights law in Sierra Leone apart from those rights guaranteed in the 1991 constitution. However, the Truth and Reconciliation Commission took note of that omission and recommended the establishment of a National Human Rights Commission to address the culture of impunity and human rights abuses in the country. Consistent with that report, the government enacted into law the National Human Rights Commission in 2006. Previously the National Commission for Democracy and Human Rights performed some functions similar to a human rights commission, receiving complaints on human rights abuses, but not necessarily taking legal action. There is also an ombudsman, established under the Ombudsman Act (2000), who receives complaints and checks the administrative excesses of government ministers and other public servants. He investigates such complaints and makes recommendations for action by the government.

### *Civil Society*

In Sierra Leone, civil society groups represented the 'voiceless people' when the central government had lost the confidence of its citizens. However, the membership of civil society organisations comprised mostly young, unemployed graduates seeking recognition in pursuit of personal ambitions. They operated under the guise of representing the people, but as soon as they were given this recognition they became lukewarm in their advocacy. This historical situation has put Sierra Leone in an unfortunate position in which civil society capacity to challenge bad policies is very much lacking.

The situation described above pervaded the whole governance apparatus of the country. No civil society groups showed interest in the security sector, up to the point when the Campaign for Good Governance (CGG) was established and supported by DfID. Apart from other governance issues the CGG is engaged in, it has shown interest in improving civil-military relations in Sierra Leone by focusing attention on good governance within the security sector. CGG has organised seminars for the police, the armed forces, parliamentarians and even the justice sector, all geared towards ensuring democratic accountability and oversight of the security forces. The involvement of CGG in improving civil-military relations paid positive dividends as it has helped in narrowing the gap between the military and members of the public, particularly in areas where most of the atrocities were committed in the war years. Moreover, through support from the National Democratic Institute, a series of regional seminars were held at the end of which civil-military focus groups were formed to oversee/monitor the activities of the military deployed in their respective areas.

Apart from the CGG, there is also a relatively newly established civil society group named Lawyers Centre for Legal Aid that has been engaged in the monitoring of the judicial sector, the police, prisons and the courts. This group was formed by young lawyers and does very good work in the areas of monitoring and oversight. Their successes are measured by the number of people whose releases they have facilitated from unlawful detention and those they have represented in court because they lack money to hire the services of professional legal counsel.

The current enthusiasm and activism within civil society is unfortunately not matched by the knowledge base to provide effective oversight of the security sector. While some groups have understood the need for improved civil-military relations, there is limited technical expertise within civil society on the functioning of the security sector. As such, there is no ready pool from which to draw support for parliamentarians and other institutions responsible for oversight, i.e. through recruitment of parliamentary staff and researchers. Equally important, public scrutiny of the security sector can only be as effective as the depth of existing knowledge within civil society.

However, the commencement of work on the security sector review document represents a promising new beginning aimed at enhancing civil society awareness and participation in the security sector. Moreover, the government, through the ONS, has designed a programme on 'education for security' aimed at creating space for the active participation of civil society in all aspects of security sector governance.



### **Challenges of Security Sector Governance**

Security sector governance in Sierra Leone over the past decades has been chequered, threatened not just by socio-economic and cultural factors but by dysfunctional security sector institutions. Recognising the fact that good governance and democracy in a state cannot be achieved without a reformed security sector, the government embarked on a holistic reform process. At face value, these reforms look good but the practical reality on the ground demonstrates that there are serious challenges to be addressed in achieving democratic governance within the security sector in Sierra Leone. Among the significant issues to be addressed are the following:

*The legal framework:* The provisions of the 1991 constitution to some extent provide for civilian oversight mechanisms over the security sector. However, there are inadequacies which include: the constitutional limitation on members of parliament not to vote against their parties irrespective of their beliefs;<sup>33</sup> the lack of a description of the role of both the ministries of defence and internal affairs in their management and oversight responsibilities; the need to amend the constitution to meet the current security challenges facing the security sector; and finally, the importance of convincing the president to relinquish the portfolio of defence by appointing a substantive office holder.

*Effective civil management and oversight:* The idea of having effective civil management and oversight mechanisms in Sierra Leone is present though implementation is lacking, given that the ministry of defence and the NSC are far ahead of the other security services in terms of capacity to oversee the sector.<sup>34</sup>

*Civil society:* This is a weak link in establishing oversight over the security forces though there are a number of civil society groups engaged in ensuring democratic accountability. In encouraging civil society to fully participate in the oversight of the security sector in Sierra Leone, both the government and the international donor community should embark on building capacity and providing training on the principles of good governance of the security sector.

*Transparency versus confidentiality:* This is being gradually achieved as the police, the ministry of defence and the office of the president have embarked on proactive rather than reactive campaigns to disseminate and explain the

activities of their respective institutions. This has increased the level of public confidence in the security sector, in contrast to the status quo prior to the beginning of the restructuring process.

*Human rights protection:* The focus of the security sector review in Sierra Leone is not only the physical security of the state but securing its citizens. This is entrenched in the police charter while the military has embarked on a series of training exercises for its personnel on human rights and the law of armed conflict. However, if governance in Sierra Leone is to ensure that the rights of individuals are meaningfully protected from arbitrariness, parliamentary oversight capacity needs to be enhanced.

*Threats addressed by the security sector:* Recognising the problems the country and the government have faced, the focus in reforming the security sector has been on internal security, restoration of law and order and limiting the role of the armed forces to protecting the territorial integrity of the state from external aggression. These issues have been addressed to a very great extent with the support of the international community. The police have taken over internal security functions with a consequent restoration of law and order; the armed forces' role has been restricted to external defence but can render support to the police if a situation is beyond their capability. Reforms of the judicial system and the courts are ongoing but with much more to be done. This leaves the fear that all the successes achieved so far in the reforms undertaken by the police could be lost if corresponding support is not given to the judiciary/courts system.

*Internal versus external security:* Security in Sierra Leone is inextricably linked to stability in the sub-region, and the relative peace enjoyed in Sierra Leone cannot be sustained in the context of regional instability. Therefore, all efforts should be made to resuscitate the Mano River Union<sup>35</sup> (MRU) in order to have a common avenue for the resolution of internal and external conflict resolution for the return of lasting peace. Sub-regional organisations, such as the MRU and most notably ECOWAS, allow for the targeted application of political pressure on states that are otherwise closed to democratic transformation. Given the long and porous nature of Sierra Leone's borders, the MRU could offer an important framework for a joint border patrol initiative aimed at curbing illegal migration as well as trafficking in drugs, weapons and people.

*Membership of international organisations, conventions and agreements:* Sierra Leone has benefited from being a member of sub-regional, regional and international organisations and is a signatory to many treaties and agreements, which played a significant role in bringing the country back towards democracy and good governance. The government has been at the forefront of the campaign to strengthen the security and defence fora of the respective sub-regional and regional organisations. In that light, a joint patrol team was established to conduct exercises between and among members of the MRU. Though currently ineffective, it is a step in the right direction.

*Donor assistance towards security sector governance:* Sierra Leone cannot talk of good governance in the security sector today without referring to British involvement. The British government was initially involved in Sierra Leone to help restore peace in the country, but was later requested by the government of Sierra Leone to help reform the security sector, particularly the military and police. The approach has been holistic and the successes of foreign involvement in security sector reform in Sierra Leone have far outweighed the disadvantages given the fact that, on its own, the Sierra Leone government could not have undertaken such reforms due to its very weak revenue base after the war. Apart from infrastructural development, there is also an improvement in the professional competence of service personnel, as many of them were able to benefit from the numerous training packages sponsored by the British government. Their morale improved greatly as public confidence has been restored. There are, however, certain weaknesses that can be pointed out from foreign involvement in the security sector in Sierra Leone. First among these was the fact that the initial reforms paid very little attention to socio-cultural values, initially resulting in a structure too complex for Sierra Leone, as in the case of the armed forces. This sometimes resulted in a situation wherein many people were marginalised. This created an inherent problem, causing pockets of resistance from those that felt the reforms were aimed at putting them out of a job. Apart from structural problems, there was also a dominant role for foreigners who held executive positions instead of maintaining an advisory role. In the police there was a British inspector-general, thus leaving Sierra Leoneans as secondary actors in the decision-making process. However, this situation has changed as Sierra Leoneans now occupy decision-making positions, though at times they are remotely controlled by foreigners.

Ultimately, confidence in the management of the security sector has improved, and the need for local ownership has been recognised in the shape of a government-appointed security sector review working group mandated

to undertake a strategic review of the country's security apparatus. This process is ongoing and has seen workshops in all provincial headquarter towns, thus contributing to the confidence of the people as they increasingly feel part of the process of shaping the future of their country's security.

### **Conclusion**

Notwithstanding the challenges of security sector governance in Sierra Leone, there is a promising prospect for effective civilian management and oversight of the security sector. The following issues must be addressed if progress is to be sustained:

- Firstly, the government must continue to commit itself to the principles and practices of democratic governance by ensuring that the security sector is not used as a tool for repression and the protection of the regime or members of the party in power. It must remain a force for the protection of the fundamental rights of the citizen and also as a tool for the protection of the state from external aggression;
- Secondly, though it is clear that the government at this time cannot provide adequate resources to address all the needs of the country, it is also evident that funding for the security sector should not be left in the hands of donors, as this will compromise the position of the state;
- Thirdly, there is a need for the government and the international community interested in democratising the security sector in Sierra Leone to be engaged in four broad categories of measures relating to security sector reform: the strengthening of democratic control over security institutions by the state and civil society, the professionalisation of the security forces, demilitarisation and peace-building, and strengthening the rule of law.<sup>36</sup> To a very large extent, Sierra Leone is accomplishing these tasks, save for the areas of the rule of law and enhancing the oversight capacity of civil institutions, but efforts need to be sustained.

Sierra Leone is at a critical threshold. The need for large-scale, multi-pronged institutional reform is urgent. There is a compelling need to fast track some or all of these reforms. Priority should be given to the security sector reform agenda as the need increases for national security entities to take over their traditional mandates and responsibilities. The reliance on donor funding and leadership within the sector will require rapid and

continuous review, with an increasing focus on local leadership, control and sustainability. The gains made to date will only have a long-term, positive governance impact if the security sector is democratised, professionalised and places emphasis on service to the people in a professional, non-political and constitutional manner.

## Notes

- <sup>1</sup> The ethno-cultural division of Sierra Leone has seen the Temnes, Koranko, Lokos, Yalunkas, Fullahs and Limbas based in the north, with the Temnes as the majority tribe, hence its influence over the lesser tribes. In the southern and eastern parts of Sierra Leone the Mendes are the largest ethnic group, with Sherbro, Konos and Kissis as lesser groups but with greater affinities with the Mendes. See E. Turay, and A. Abraham, *The Sierra Leone Army: A Century of History* (Macmillan: London, 1987), 102.
- <sup>2</sup> Turay and Abraham, 102.
- <sup>3</sup> *Ibid.*, 106.
- <sup>4</sup> This was a view expressed in the executive summary of the draft National Security Paper of Sierra Leone in 2000.
- <sup>5</sup> A view expressed by A.K. Kondeh, "How the military is governed in Sierra Leone" (presentation, Workshop on Security Sector Governance in Africa, ASDR, Elmina, Ghana, 24-27 November 2003).
- <sup>6</sup> Kondeh.
- <sup>7</sup> The term Kamajor was used to describe one of the local hunting groups that fought the Revolutionary United Front and later the Sierra Leone Army in defence of their locality. Basically they were drawn from the southern and eastern parts of Sierra Leone and formed part of what was called the Civil Defence Forces.
- <sup>8</sup> The peace agreement reached between the government and the RUF signed in Lomé, Togo, on 7 July 1999.
- <sup>9</sup> The threats that the military will be called upon to address are actually mild to medium and so there is no pressing need for a complex military infrastructure.
- <sup>10</sup> The military had been left to itself, its welfare had not been monitored and was subject to manipulation by the officer corps.
- <sup>11</sup> This garrison is the equivalent of a brigade but is in charge of the Lungi International Airport and Freetown, as well as its immediate environs.
- <sup>12</sup> Sierra Leone Ministry of Defence (SLMoD), "Mission statement of Sierra Leone Ministry of Defence," in *Informing the People* (Defence White Paper, 2000).
- <sup>13</sup> SLMoD.
- <sup>14</sup> This could be largely due to the current national budgetary situation wherein 60 per cent of the total budget portfolio is supplemented by donors with stringent conditions determining areas of expenditure and limits of discretion by vote controllers.
- <sup>15</sup> See the Sierra Leone Government Policing Charter, 2000.
- <sup>16</sup> See the National Constitution of Sierra Leone, act no. 6, 1991, The Republic of Sierra Leone Statehouse Online, <http://www.statehouse-sl.org/constitution/>
- <sup>17</sup> Constitution.
- <sup>18</sup> *Ibid.*, section 167(1)(a).

- <sup>19</sup> Ibid., section 155.
- <sup>20</sup> Ibid.
- <sup>21</sup> See SLMoD, *Informing the People*, chapter 3.
- <sup>22</sup> Ibid.
- <sup>23</sup> See Constitution, chapters 5 and 10.
- <sup>24</sup> In fact, apart from being the deputy chairman of the NSC, the vice president is chairman of the NSC Coordinating Group. National Security and Central Intelligence Act (Security and Intelligence Act) (2002), art. 2(2)(b).
- <sup>25</sup> Constitution, art. 167(1)(b).
- <sup>26</sup> Security and Intelligence Act, art. 4(2)(f).
- <sup>27</sup> Ibid., art. 4(2)(a) and (b).
- <sup>28</sup> Work at the various provincial security committees and district security committees has started slowly because of financial constraints in setting up offices at the various levels. Frantic efforts are being made by the NSC coordinator to see these committees established as soon as possible.
- <sup>29</sup> Security and Intelligence Act, art. 5(2) and (3).
- <sup>30</sup> Constitution, art. 169(2).
- <sup>31</sup> Ahmed Ramadan Dumbuya, "Parliament and the Enforcement of Democratic Accountability in Sierra Leone," (unpublished paper).
- <sup>32</sup> A notion articulated by Dumbuya (note 31).
- <sup>33</sup> Constitution, art. 77 (1)(L).
- <sup>34</sup> This could be attributed to the special support given to these two instructions by the UK ministry of defence and DfID as the focus was to establish democratic governance in the military and intelligence services.
- <sup>35</sup> This is the economic and political union among the three states of Sierra Leone, Liberia and Guinea that make up the Mano River Bassin.
- <sup>36</sup> Heiner Hänggi, "Making Sense of Security Sector Governance," *Challenges of Security Governance*, ed. Heiner. Hänggi, and Theodore Winkler (Münster: Lit Verlag, 2003), 18.



## Chapter 17

# Togo

*Comi M. Toulabor*

### **Introduction**

It is a truism to state that any legitimate government must protect its citizens and their property as part of the contract that guarantees the regime its own security. In general, in countries of the South, the state seeks to protect itself from its own population, which is seen as an 'internal enemy'. Taking into account the insecurity that the forces of law and order have instilled throughout the country, and in Lomé the capital in particular, this description can be applied to the Togo of General Eyadema.<sup>1</sup> After his death on 5 February 2005, the crisis of his succession aggravated this insecurity and led to almost 1,000 deaths, while 40,000 people sought refuge in neighbouring countries.<sup>2</sup>

General Eyadema took power following the assassination of Sylvanus Olympio in January 1963, and his own coup d'état against Nicolas Grunitzky in January 1967. In 1969 he created a state political party, the Togolese People's Rally, to serve as a civilian smokescreen for the military junta, which continued to wield the real power.<sup>3</sup> The Togolese people lived beneath the weight of the military/single-party system, which governed their political conscience, until October 1990 when the first wave of democratic demands began. Although General Eyadema allowed a national conference to be held in July/August 1991, it was clear by the end of 1992 that through the use of unprecedented violence he had recovered most of the powers that he had lost to the transitional institutions. The democratic process thus came to a premature end and the Togolese people were back to square one.<sup>4</sup>

It must be recalled that General Eyadema always wielded a very personal power, respecting no constitutional limits, even when these existed. Following the January 1974 plane accident in Sarakawa from which he emerged unscathed, this personal power became an excessive personality cult, with the head of state considered almost divine. This consecration enabled the regime to shift to arbitrary and extreme violence,<sup>5</sup> thus creating a



pyramidal link between violence and the sacred, to cite the striking comparison drawn by René Girard.<sup>6</sup> This enabled the person holding power to place himself, more than ever before, above all standards and institutions.

Furthermore, over nearly forty years in power, the Eyadema regime developed an ethnic geopolitical system based on a rather simplistic division of the country into the 'backward' North and the 'developed' South. Indeed, the discourse on national unity in the single party coexisted alongside another discourse, accompanied by communitarian practices, focusing on the head of state's native region. Under the pretext of 'avenging' the populations of the North against those of the South, the alleged 'beneficiaries' of colonisation,<sup>7</sup> General Eyadema directed most of his 'economic development policy' at his own ethnic group, the Kabye, and, to a lesser degree, at other northern ethnic groups. They, and indeed all the Togolese people, are still awaiting the tangible results. Faced with the democratic movement of the 1990s, however, General Eyadema quite naturally turned to the armed forces, which are largely dominated by his ethnic group. The democratic demands were denounced as manoeuvres by the southern populations to wrest power from him and 'his people'.<sup>8</sup> The ideology of revenge led to an initially subtle 'Kabyeisation' of all the upper echelons of administration, which became very visible in the 1990s. It was preceded by a similar move in the armed forces in the 1970s, as will be shown below.

### **The Security Sector**

The main part of the security apparatus used to control the population is centred on the Togolese armed forces. They are disengaged from their conventional republican functions of territorial defence and used for internal police duties. Other bodies are the paramilitary militia, and private security companies.

#### *The Togolese Armed Forces as the Linchpin of the Security Apparatus*

The Togolese armed forces comprise 13,074 men.<sup>9</sup> Of these, 12,212 are within the army (including the 2,710 in the national gendarmerie), 636 in the air force and 226 in the navy. The police force consists of 2,280 men. There are also 403 prefectural guards, 126 forest rangers<sup>10</sup> and 4,800 veterans.<sup>11</sup> With a ratio of 1 soldier to 300 inhabitants, Togo is one of the most militarised countries in Africa. The number of soldiers has increased from 300 in the 1960s to over 13,000 today, while military spending increased

regularly from the arrival in power of General Eyadema. In 2001 it represented 2.2% of GDP.<sup>12</sup>

In addition, no African military is as ethnically biased as the Togolese armed forces. General Eyadema built up the military, which was the central axis of his power, around his ethnic group. Of the 13,000 serving soldiers, 10,000 originate from the north of the country, with the remaining 3,000 coming from the South. Of the 10,000 northerners, 7,000 are Kabye, of whom 3,000 are from Pya, the native village of the president. Whereas the Kabye form between 10-12% of the general population, this group alone represents 54% of the staff of the armed forces, with 23% of those from Pya. Overall, 77% of the staff comes from the north.<sup>13</sup>

The supervisory structure of the Togolese armed forces is also almost entirely in the hands of the Kabye. Out of 300 officers, 50 are from the South and 250 are from the North. Of these, 200 are Kabye, and 50 of them are from the village of Pya. Also, not one of the 26 command units that make up the backbone of the Togolese armed forces is under the command of a Southerner. In the 17 units held under the command of Kabye, 10 of the commanding officers are from Pya, the seven others come from other northern ethnic groups. It follows logically that the training structures such as the Togolese Armed Forces Officer Training College in Kara and the NCO Training College in Temedja mainly recruit candidates from the North. The same may be said of the Tchitchao military academy, which is situated in the Kabye region, where 80% of cadets are from General Eyadema's ethnic group.<sup>14</sup> In this configuration, it goes without saying that often a Kabye is in command of various barracks and command units in this quasi mono-ethnic army supported by the militias.<sup>15</sup>

#### *Paramilitary Militia*

A number of militia with close links to the regime exist alongside the Togolese Armed Forces. There are four main militia parading under the guise of student associations based on the Lomé university campus. The High Council of Students' Associations and Movements (HACAME), which was set up in the early 1990s, is the oldest militia. Others are the Togolese League of Students and Interns, the Togo Students' Union, and the Federation of Students and Pupils of Togo, created more recently. These are the current incarnations of the erstwhile National Movement of Students and Pupils of Togo, the Northern Togo Students' Club, and the Association of Togolese Students of Benin,<sup>16</sup> which were branches of the youth wing of the Togolese People's Rally in the 1970s and the 1980s.

A number of self-defence militia exist in Togo. One example is the *abrafo* or *zangbeto*, who work as night watchmen in the southern part of the country. These groups also exist in the Fon regions of Benin.<sup>17</sup> Between the 1950s and the 1960s, the *ablode sodja* (literally, the soldiers of independence), a group of young radicals close to the party of Sylvanus Olympio, functioned essentially as a political militia group. Later on, in the 1990s, the *Ekpemog* emerged. This was a group of young people who protested against the dictatorial order. Unable to stand up against the HACAME, which enjoyed the support of the army elite in power, *Ekpemog* finally disappeared around 1992. At the time of the presidential elections of 24 April 2005, other militia were created by the children of the late president or by close relations of the Eyadema family. It is clear that militia groups have been part and parcel of the political history of Togo. Today, however, we are witnessing an extreme degree of militarisation of these groups.

#### *Private Security Companies*

There are currently about a dozen private companies, all located in Lomé, providing guard and watch services. The leading companies are the Agence pour le Développement et la Sécurité, Intercom Security, American Eagle Security, Optimal Protection Services, the Société Togolaise de Surveillance and the Togo Metropolitan Security Service. The company profiles are summed up in Table 1.

All three components of the apparatus (armed forces, militia and security companies) work together, despite the fact that legally they are completely separate bodies. This is illustrated by the extraordinary ease with which armed forces personnel migrate towards the militia and security agencies.

The members of the various militias are drawn from the ranks of the unemployed, petty criminals, out-of-uniform soldiers of the regular army and veterans.<sup>18</sup> The HACAME is the largest militia. It can be said to have spawned the others, since they all pattern their mode of functioning on it. Although purportedly dormant, the HACAME continues to cause trouble on the Lomé campus, preventing rallies from being held and impeding strike actions by the majority student movement, the University of Lomé Students' Council, which fervently defends its autonomy.<sup>19</sup> The campus lies close to the Doumassesse (or Adewikome) neighbourhood, where the majority of inhabitants are from the north and in particular Kabye. In the early 1990s, the regime is alleged to have distributed arms and clubs to these inhabitants. It is also alleged that there are caches of arms on the university campus and

that certain extremist students are armed. The militias regularly organise highly publicised (and remunerated) marches, as well as readings of laudatory motions, in honour of the head of state.

**Table 1: Private Security Companies in Togo.**

Security companies	Date of creation	No. of staff
Agence pour le développement et la sécurité	Not known	More than 300
American Eagle Security	2000	1,000
Togo Metropolitan Security Service	2000	More than 250
Intercom Security	1998	1,500
Optimal Protection Services	July 1994	1,000
Société togolaise de surveillance	1997	800
L'Assaut Veille	2002	100
Société africaine de sécurité Togo International (SAS-Togo)	Early 1990	400
Eurafric Corporation	Not known	Not known

The private security companies also have ties to the political power. They recruit their staff mainly from the ranks of retired soldiers, veterans and sometimes the militia. The sharp increase in the supply of security services brought about the implosion of this very profitable market in which the largest share was held by the late General Jeannou Lacaze and his associate, Robert Montoya. The former, who died on 4 August 2005, was a former military advisor to François Mitterrand and security advisor to General Eyadema. The increase was caused by a rise in delinquency and crime, as well as greater demand from major companies. These, mostly French, companies are grouped in the Council of Investors in sub-Saharan Africa, and the France-International business movement. They now face stiff competition from Asian and Levantine companies. Lacaze's group, SAS International, employs 2,500 people in seven francophone African countries where he had close ties with leaders. SAS International also had close links with Executive Outcomes, the powerful South African company specialising in the recruitment of mercenaries. The local branch of SAS International,

SAS-Togo, employs 400 agents. In 1996 it was alleged to have obtained a contract for tapping the phones of about 300 government opponents.<sup>20</sup>

While the police department for international and security co-operation, which is under the ministry of interior, trains the Togolese police, security cooperation is strengthened through military cooperation between Togo and France, covering two conventional aspects: technical military assistance and defence agreements. As part of the assistance agreement signed in 1963, French military technical assistants (roughly 20 in 2001 and 2002) are present in Togo to train the Togolese army. France also trains high-ranking Togolese officers in its war colleges. In 2001 Togo received €760,000 worth of direct material assistance, and €180,000 of assistance in the form of equipment for internal security forces,<sup>21</sup> a part of which also goes to the militia.

The provisions of the defence agreements signed in the 1970s remain secret. They do however allow France to intervene to protect or support its partner, if called upon. Both armies regularly carry out joint manoeuvres, and the French army has a supply base at Niamtougou, in the north of the country. With six other countries in the sub-region, Togo is a part of the African peacekeeping capacity-building programme initiated by France in 1997. Although the programme is presented as a crisis prevention tool, it is difficult not to see it as a form of support to the Eyadema regime. There is still a functional as well as a structural osmosis between the Togolese and the French armed forces. The latter has exported and disseminated its doctrine and practice of fighting against subversion and the internal enemy to the dictatorships in Latin America, and to Indochina and Algeria in the 1950s and 1960s.<sup>22</sup>

It is difficult to speak about a real military in Togo due to the inexistence of a military statute or any effective table for career advancement. Top-down discipline is also very uncertain. In this army it is possible for a soldier in the rank and file to disobey his superior at will, if they are not from the same ethnic group. Even worse, with the appropriate coverage and protection from the hierarchy, or better still from General Eyadema, who was the true commander-in-chief of the armed forces, a mere soldier could have disciplinary measures imposed on his superior officer. Despite never having been part of the armed forces, Faure Gnassingbe seems ready to continue his father's practices in this area by maintaining the status quo.

Moving vertically, the head of state is at the summit of the security sector. He is assisted by the ministers of defence and interior, who too often since the 1990s have been appointed from the military. At the intermediate

level, in a prefecture such as Bassar, which is reputed to be politically rebellious, the military is put in command. At the local level traditional leaders in the cantons, villages and neighbourhoods, as well as mayors, often appointed by central government, have the responsibility for providing close-quarter surveillance and control. Private militia and security companies are also involved in this task.

Horizontally, there is an all-inclusive, invisible system of surveillance. It involves a horde of individuals who divulge 'information' at the instigation of the authorities. In this manner a very tight security net is cast over the country, both vertically and horizontally, making it possible to entrench and maintain authoritarian order in Togo.

### **Civilian Management and Control of the Security Sector**

There is almost no civilian management and control of security to speak of in Togo. The reason for this is that neither the October 1992 constitution of the fourth republic nor the amended constitution of December 2002<sup>23</sup> is applied. Both set out the separation and balance of powers between the government, the national assembly, the judiciary and the media. *Habeas corpus* is not enforced. This situation raises the vital question of 'how to control the state authority through a constitutional body that indicates how limits may be imposed upon it in exercising power, and make it democratically accountable'.<sup>24</sup>

#### *Constraints on Judicial and Parliamentary Control of the Security Sector*

Security is a recurring theme of Togolese political discourse. It has been amplified by the various real or imagined coups d'état, the most serious of which was the September 1986 attempt in which commando forces from outside tried to assassinate General Eyadema.<sup>25</sup> Directly following this event the infamous 750-strong Rapid Intervention Force was created. Each coup attempt provided the state with an opportunity to further tighten the security screws. The government took excessive advantage of the 11 September 2001 attacks in the United States, and the anti-terrorist policy of President George W. Bush, to serve its own ends. The former prime minister, Agbeyome Kodjo, notes for example that:

Justice is exploited for political ends, and is subject to the whims of untimely interventions in the form of specific decrees. As a result, honest citizens are

held illegally beyond the regulatory period of remand, without legal assistance. Others are sentenced to heavy prison terms by an invisible power that does not hesitate to corrupt magistrates in order to overcome their resistance against such ignominious iniquity.<sup>26</sup>

In its June 2004 report, the International Federation for Human Rights corroborated this statement by describing the Togolese system of justice as ‘an instrument of the political power’, ‘submissive to the executive’, and affected by ‘endemic corruption’. It draws the following conclusion:

In reality, what emerges from these interviews is that the Togolese regime has no desire to see its justice system stand on its own feet. This system is no more than one of the instruments of the political power whose purpose, according to the circumstances, is only to be either an armed branch or a docile accomplice.<sup>27</sup>

Although a national human rights commission was created by the head of state in June 1987 and restructured in December 1996, it does not enjoy any real autonomy. The same may be said of the supreme court and the constitutional court, the highest courts of the land, which are supposed to interpret the law. The latter, in particular, has validated all the elections organised since 1993, which have suffered from widespread accusations of fraud. The council of the magistrature, which is known for compelling magistrates to tow the line, and the Higher Authority on Audiovisual Broadcasts and Communication, which is prompt to trim the wicks of the feeble lamps of private media, instead of protecting them, are both further examples of ineffectual institutions.<sup>28</sup> Another such body is the national commission on corruption and economic sabotage, which is used as an instrument to settle accounts with ‘internal enemies’ rather than contributing to good governance.<sup>29</sup> There is a criminal investigation department with about 80 officers, but it is based exclusively in Lomé. It sorely lacks the means to do its work, and seems to be just another decorative piece in the judicial and security setting of the regime.

Generally speaking, the division of labour in the area of security is unfavourable to the judicial institutions. Men in uniform are clearly above the law and the justice system. The Togolese Human Rights League points out this flaw in its recent report. What this means is that no civilian, whether they be a magistrate, a lawyer, or even a member of parliament, has the same weight as a person in uniform, especially a ranking officer. This has jeopardised the law and regulatory institutions, and is worsened by the fact

that the monochromatic legislature passes more and more liberticidal laws, sometimes overzealously exceeding the expectations of the executive.

*Improbability of Political and Civilian Control of the Security Sector*

To give a rapid overview of Togolese civil society, it can be noted that, up to 1966, only four religious NGOs existed in the country. Ten years later, in 1976, the Council of NGOs working in Togo was born, with a membership of about twenty organisations. Their numbers continued to grow in the 1980s and reached about forty. The Council was restructured and became a decentralised NGO in 1986. By 1989 there were about sixty NGOs in the country. This number reached roughly 400 in 2001, including many branches of international or foreign NGOs with solid financial backing and proven expertise, such as the African Institute for Economic and Social Development, the Red Cross, CARE International, Friends of the Earth etc. Most NGOs work in the area of sustainable development and good governance, and are grouped in two main federations: the Federation of NGOs in Togo, which is considered close to the opposition, and the Union of NGOs in Togo, considered close to government. The former, which is the more dynamic of the two, comprises about 200 NGOs, though not all are active.<sup>30</sup> A number of other subgroups exist, like the group of NGOs in the maritime region; the Alafia consortium, a network for the promotion of microfinance; the group of NGOs and associations of the plateaux, and the Togolese federation of UNESCO clubs and associations.

At the same time, thanks to the flexibility of the 1901 French law, which is the only legal framework governing associations in Togo, many community-based, village and women's associations have sprung up. It is difficult to give a number here because these associations can be created freely, without a need for prior authorisation or declaration. Nevertheless, over recent years, a number of associations have been recognised by the ministry of interior and confirmed by the ministry of planning as NGOs. Most of them joined the Union of NGOs in Togo, which is seen as 'an attempt by the regime to establish its dominance over the movement of associations, without really working to improve the sector in any way'.<sup>31</sup> Many of these NGOs and associations also have a political agenda focussing on legal assistance and human rights. However, these are more theoretical than operational because, in order to exist within the political system, they are only allowed to engage in 'economic development', renouncing the 'human rights' aspect, which is a politically explosive and thus undesirable category.



Alongside these organisations, which cultivate a wholesome apolitical stance, other bodies work to defend human rights or militate for free and autonomous trade unionism. Most of them are in a very precarious position vis-à-vis the political authorities.

Apart from the positions adopted by the Togolese Human Rights League, and although the population is the first victim of the security apparatus, it is not deeply concerned about human rights violations. Indeed it is commonly accepted that any victim of arbitrary acts must somehow be guilty: guilty of being at the wrong place at the wrong time, or guilty of having 'misbehaved' towards the regime. In this system where fear produces devastating psychological effects, the very fact of being a victim makes you guilty because you do not have the right to be a victim. It is not easy to convince victims or their families to bring cases to court. In fact, the Togolese have mentally internalised the security environment so completely that they cannot imagine that defending human rights could be a principle or a tool of political activism in a power struggle with a dictatorial regime. Although some protest movements exist, especially on the Lomé campus, they are very fragmented and geographically limited. They are unable to cover the whole of society, due to the absence of a major federating movement of associations such as existed in the 1990s, with the Front of Associations for Renewal or the Group of Women's Associations.<sup>32</sup>

### **Challenges of Security Sector Governance**

The challenges of security sector governance are manifold and arise from the very nature of the existing regime, that is, the ideology that underpins the functioning of the system. Paradoxically, or maybe logically, the armed forces are a legal structure whose security capabilities need to be overhauled and strengthened in line with the law. Although some in the military are opposed to the process of democratisation, others would like to have a modern, republican, Togolese military that only intervenes within the strict framework of its legitimate functions. Many soldiers disapprove of the fact that some of their colleagues hold civilian positions as ministers, regional prefects, presidents of sporting federations, and directors of state and parastate companies or the customs service. It is therefore safe to assume the gap between the military hierarchy and the rank and file has grown. The men have been subjected to fatigue duty and to harassing and humiliating treatment that has sometimes led to mutinies, discontent and coup attempts.<sup>33</sup> Although the soldiers themselves are victims of the system, the use of force

and brutality against the population as a way of entrenching the system has become an integral part of their own mindset.<sup>34</sup> Everybody, both in the armed forces and in the civilian population, more or less accepts the fact that the force of arms is stronger than the force of law. This explains why both the government and the governed seek ways around the law when it exists, thus setting up a society that is totally lacking in the most basic ground rules conducive to stability and order. As a result, any civilian control or supervision of the security sector is doomed to fail, although, once again, there is still a small group of convinced democrats that continues to fight for the advent of the rule of law in Togo.

#### *An All-security Stance that Provides Little Security*

In a highly advanced process of transforming the state into a personal asset, General Eyadema made the armed forces his private property, serving his exclusive interests. This was made easier by the fact that the forces are made up almost exclusively of men from his ethnic group, and that the law of the republic is suspended in this military where 'some are more equal than others'. This situation has led to feelings of frustration and injustice, which have in turn fed into the spiral of mutinies and attempted coups. Whether real or imagined, such acts weakened the power of General Eyadema and gave rise to a wave of imprisonments, eliminations and purges, the most vicious of which took place on 25 March 1993.<sup>35</sup>

Meanwhile, the security system provided personal protection to General Eyadema, his extended family and his numerous progeny. The second circle of protection included all those who proclaimed their intent to fight against the internal enemy, even if they could also one day be found guilty, according to the whims and caprices of the leadership. Generally, the new term now applied is 'treason', a very extensible term, which neither spares the 'brothers of the North' nor the 'opportunists of the South' to use the terms coined by Wen'sa Yagla, the academic and ideologist of the regime.<sup>36</sup>

#### *Have External Factors Buttressed the Security-conscious Regime?*

The various crises in the sub-region, past and present, coupled with the globalisation of terrorism, strengthened the conviction of the late Togolese president about his policy on internal security. However, the various purges led to numerous desertions from the Togolese armed forces. During the time of President Jerry Rawlings, who was hostile to General Eyadema, some of

the deserters, with the assistance of the High Commission on Refugees, settled in Ghana, close to the border with Togo. When John Kufuor, a close associate of the Togolese president and his son, took over power in 2000, the hostility between the two countries changed into a more cordial relationship.

Fearing for their safety, the deserters fled Ghana and are rumoured to have settled in Burkina Faso, in the military camp at Po, where they are allegedly being trained under the command of Lieutenant-Colonel Kouma Bitinewe, a former army chief of staff who fell from grace.<sup>37</sup> It must be recalled that Presidents Compaore and Eyadema became good friends following the assassination of Thomas Sankara in October 1987. Their relations however became increasingly stormy, partly in the struggle for leadership following the vacuum left by the passing away of the Ivoirian president Houphouët-Boigny, but also partly due to the sabre-rattling and rumours of coups d'état,<sup>38</sup> while tracts were being circulated inciting the Togolese army to revolt.<sup>39</sup> Knowing the state of arms trafficking in the sub-region as a result of the various wars and the general state of decline, it can be said that General Eyadema was seated on a powder keg somewhat similar to the Ivoirian situation, which has now been inherited by his son.<sup>40</sup>

On the other hand, in the geopolitics of the sub-region, General Eyadema appears to have been an unavoidable partner for his peers, inclined to play the role of mediator in practically all conflicts (Liberia, Sierra Leone, Côte d'Ivoire etc.). He also tended to dispense advice, on account of his long record in power and his age. This is not yet the case for his son. When General Eyadema spoke about security issues, his peers listened. Sub-regional, continental and international bodies, such as the Economic Community of West African States, the West African Economic and Monetary Union, the African Union, the New Partnership for Africa's Development, the United Nations and so on, all constantly echoed his recurring topics: peace, security, integration, and development. This was illustrated once again at the Twenty-seventh Summit of the Economic Community of West African States held in Accra in December 2003.<sup>41</sup> It is not by chance that a Togolese, Goupouguini Komi Lamboni, was elected president of the African Union youth foundation, in charge of promoting peace on a continent that is plagued with numerous conflicts.

Like its ancestor, the Organisation of African Unity, the African Union condemns regimes that are set up by military coups. In July 1999 in Algiers, President of the Commission Alpha Oumar Konare, stated firmly that they would 'not recognise regimes set up by military coup d'état, or founded on repression and violence'.<sup>42</sup> The intention is laudable, but the union illustrated its inability to re-establish 'constitutional order' when coups

d'état took place in Côte d'Ivoire in September 2002, in Central Africa in March 2003, in Guinea-Bissau in September of the same year, and in Mauritania in August 2005. In the crisis of the succession in Togo, the African Union, sub-regional organisations and the different heads of state involved all quickly set aside their initial firm stance and finally played a most ambiguous role when, against all expectations, they validated the results of the election of 24 April 2005 which brought Faure Gnassingbe to power, despite allegations of widespread vote-rigging and intimidation.<sup>43</sup>

The late president was probably aware of the dangers and threats facing his regime and that of his peers. This is why he proposed that they adopt a joint response by setting up a sub-regional, or even a continental, army. However, Francophone countries tend to count more on the military intervention capacity of France (through defence agreements), rather than on a hypothetical African army. For them, France represents a much more reassuring and satisfactory guarantee.

#### *The Need for Reform and Available Options*

Togo is an excessively militarised, excessively security-oriented state. The presence of many men in uniform is widespread, especially in Lomé, where 66% of the country's law and order forces are stationed. There is a need for in-depth reform of the security sector including the regular army, the gendarmerie, the police force, the militia and private security companies, informers etc. Many institutions for the democratic control and management of the security sector have been created, but they do not function in any meaningful way.

Certainly, the democratic management of the security sector by the state and civil society must be enhanced; the state must be demilitarised, and the rule of law must be entrenched and bolstered. All these principles sound like common sense; the difficulty lies in their implementation. A legal institution or standard derives its existence from its practical functions and its effective enforcement. Its concrete role in the political and social order gives it value and effectiveness. The priority therefore is to make already existing institutions function. In this case, it means that the military must find its rightful place in the political order and significantly reduce its hegemonic position in the security sector and in the general administration of state affairs.

*Challenging the Security Doctrine that is the Foundation of the System:* As we have seen, General Eyadema was the designer and principal craftsman of

the security sector. He attached great importance to the mode of functioning of the security apparatus, and its performance was entirely satisfactory to him. This is set to continue as the regime transforms into a dynasty with the accession to power of Faure Gnassingbe. He, in turn, appointed his brother Kpatcha as minister of defence in June 2005. This model of a horizontally and vertically constructed security apparatus consists of using both military and psychological control of the population as a means of fighting against internal subversion, in order to ensure the 'stability' of the regime.<sup>44</sup> Togo is one of the most striking examples of the ideal implementation of this doctrine of a war against subversion, which is quite incompatible with any idea of democracy and the rule of law.

*Enhancing Democratic Control of Security Institutions:* With the existing atmosphere of fear, members of regulatory bodies – such as the national assembly, the judicial authorities, the national human rights commission, and the higher authority on audiovisual broadcasts and communications – believe they will please the head of state by following his reasoning that pluralist institutions are only of interest if they enhance the image of the country for the outside world, and by anticipating what they believe to be his wishes. Thus, the reason for the creation of these institutions, that is to improve the quality of societal life, no longer prevails. Such acts by the regulatory authorities have accumulated into structural obstacles to democratic security sector governance.

Only a very small part of civil society is informed or educated about security sector governance. With the exception of international human rights organisations in the field, hardly any local organisations speak out in this area. Those that do include some NGOs and unions, as well as a few private newspapers and radio stations, and some isolated individuals. The doctrine of psychological and anti-subversive warfare has totally weakened and dismantled the civil society organisations of the 1990s. In their place, or alongside them, the regime has fostered a multitude of associations, trade unions and press organs which specialise in publishing statements of support for the head of state.

One can even go further to say that the Togolese are not deeply concerned about struggling for and defending principles and ethical values; people rarely demand that the law be respected. It may be unfortunate, but there exists an uncomfortably close link between the regime and the prevailing collective mentality. This statement does not in itself spell the end of everything and it is up to the ruling elite to help the population. Strong pressure must be exerted on the regime in order to compel it to move

towards real democracy. Also, due to the links between the two countries, the firm support of France is indispensable, if the 1993 decision to suspend aid from the European Union to Togo because of its 'democratic deficit' is to yield the expected results.

*Professionalising the Security Forces:* The Togolese military is a career armed forces, with professional soldiers. This raises the issues of the quality of recruits, training and the links between soldiers and civilians. The Togolese army rather gives the impression of being recruited mainly because they belong to the same ethnic group as the head of state, and who are used to wage violence and repression against the civilian population. A number of seminars to promote good relations between civilians and the military, and to instil in the latter a culture of public-mindedness, have been organised by the United Nations Regional Centre for Peace and Disarmament in Africa. They bear witness to this persistent malaise.<sup>45</sup> The violence that followed the death of General Eyadema goes to show how long a road remains to be travelled towards democratic security sector governance.

*Demilitarising Civilian Institutions:* Togo is an excessively militarised country, with a ratio of one soldier to every 300 inhabitants, as though the country were at war. The Togolese armed forces must be down-sized to acceptable proportions. In the early 1980s the structural adjustment plans led to the laying off of thousands of public servants. The Breton Woods institutions however neglected to do anything about the number of soldiers.

In violation of existing texts, soldiers are often appointed to civilian positions, whether they have the requisite competence or not. They are directly or indirectly involved in various commercial activities, sometimes using front men. At roadblocks and border posts they extort money from taxi drivers and their passengers. It is generally accepted that being a soldier, and in particular an officer, is a sinecure. With the rampant corruption, soldiers are increasingly involved in various forms of trafficking. Some have also been appointed to office in the former single party, thus rendering the political neutrality and impartiality of the armed forces highly questionable. On 5 February 2005, when the death of General Eyadema was made public, five army generals, four of whom were retired, propelled Faure Gnassingbe onto his father's vacant seat. This shows the great influence of the military in Togolese political life, but also that this is not a military worthy of the name.

## Conclusion

The security forces represent the greatest danger for the political life of the country. In order to emerge from the current political impasse, the hegemony of the military will have to be discarded. Four possible scenarios may bring this about:

- A coup d'état that is initiated within the military institution by discontented and frustrated high-ranking officers or NCOs who wish to see the advent of a republican and modern armed forces. They are increasingly fed up with the fact that at each presidential election, the military vote is switched in favour of the candidate of the former single party. The military may be mono-ethnic, but this does not mean that it is monolithic. And the way in which the crisis of succession was handled, bringing Faure Gnassingbe into power, did not go down well within the armed forces. It has left scars that will not heal very easily. The current state of calm is only on the surface, and it can be expected that at any moment, there could be a resurgence of military pride that could bring about a political *tabula rasa*;
- An external military intervention from neighbouring states remains a hypothetical possibility, even if the current geopolitical situation in the sub-region makes this unlikely;
- A move by Paris, which would finally push the authorities of Lomé onto the path of democracy. This would require setting France's African policy on a new foundation;
- A strong popular movement, armed or unarmed, with the support of the Togolese diaspora, to compel the armed forces to return to their barracks. This scenario could succeed if it receives the blessing and the support of a part of the military, and if Paris is prepared to maintain a certain neutrality. The experience of both the distant and the recent past however make this scenario unlikely.

The security sector is an essential vector of political life. Nevertheless, it is also the referee, and a handicap on the political playing field. The political slate needs to be wiped clean in order to enable all parties to compete on an equal footing, but obviously to do this the military slate must also be wiped clean. Both issues are inextricably linked. Only through reforming the security sector within a framework of democratic security sector governance

can deficits be addressed and security transformed to focus on the state and its citizens.

## Notes

- <sup>1</sup> See Kodjo A. Afanvi, "Insecurity in Togo: the case of Lomé," *Cahier d'Animation*, Wagne Net, [http://www.wagne.net/csp/csp2003cahier\\_animation/ec3.htm](http://www.wagne.net/csp/csp2003cahier_animation/ec3.htm).
- <sup>2</sup> Amnesty International, "Togo: Is history about to repeat itself?" Amnesty International, <http://web.amnesty.org/library/index/engaftr570122005>; Togolese Human Rights League (LTDH), "Stratégie de la terreur au Togo (II): un règne aussi court que sanglant," *Togo : Mémoire sur les violations des droits de l'Homme depuis le coup d'état du 5 février 2005* (Lomé: Rapport de la LTDH, March 2005).
- <sup>3</sup> A., Pepevi Lodonou, *Le Rassemblement du peuple togolais: instrument de légitimation du pouvoir militaire* (thesis, Bordeaux II, 1988), 374.
- <sup>4</sup> Céline Thiriot, *Démocratisation et démilitarisation du pouvoir: Etude comparative à partir du Burkina Faso, Congo, Ghana, Mali, et Togo* (Thesis, Centre d'études d'Afrique noire, Institut d'études politiques de Bordeaux, 1999).
- <sup>5</sup> Comi Toulabor, *Le Togo sous Eyadéma* (Paris: Karthala, 1986).
- <sup>6</sup> René Girard, *La violence et le sacré* (Paris: Grasset, 1972).
- <sup>7</sup> Wen'sa Yagla, *L'édification de la nation togolaise* (Paris: L'Harmattan, 1976).
- <sup>8</sup> Comi Toulabor, "Au Togo, le dinosaure et le syndrome ivoirien," *Le Monde*, March 2003.
- <sup>9</sup> The updated figure is between 14-15,000 men, because the Togolese armed forces made new recruitments in August 2004. Recruitments are conducted practically every year. Mathias Akoulansa, "Togo: encore un recrutement militaire?" Togoforum, <http://www.togoforum.com/Ap/ap04/ap0820042.htm>.
- <sup>10</sup> In addition to these, there are the 99 new recruits who graduated from the national training centre in Kara in June 2004. Eric Lamatetou, "Les nouveaux forestiers ont prêté serment vendredi," *Togo Presse*, 8 June 2004.
- <sup>11</sup> The number here is high because a growing number of Togolese soldiers participate in international peacekeeping missions. On their return home, they are included in the corps of veterans.
- <sup>12</sup> Centre de documentation et de recherche sur la paix et les conflits, "Togo," Centre de documentation et de recherche sur la paix et les conflits, [http://www.obsarm.org/obsarm/transfert\\_armes/pays2000/togo.html](http://www.obsarm.org/obsarm/transfert_armes/pays2000/togo.html).
- <sup>13</sup> Ayayi Togoata Apedo-Amah, "Le tribalisme dans l'armée," Communiqué to the national conference, Comité d'action contre le tribalisme et le racisme (CATR), Lomé, August 1991, p. 3.
- <sup>14</sup> Apedo-Amah, 3.
- <sup>15</sup> Comité togolais de résistance, "L'armée ethnique a defilé," Comité togolais de résistance, [http://www.ctrtogo.com/articles/news/news\\_item.asp?NewsID=110](http://www.ctrtogo.com/articles/news/news_item.asp?NewsID=110).
- <sup>16</sup> "Benin" refers to the University of Benin, which is now called the University of Lomé to distinguish it from the newly created University of Kara.
- <sup>17</sup> N., Kanhonou, *Les zangbeto, gardiens de nuit* (Bordeaux: IEP de Bordeaux, 1992).



- <sup>18</sup> Veterans are aged between 30 and 40 years. This makes it easy for them to blend in with the students. Some hold fake student cards.
- <sup>19</sup> Interview with Alphonse Lawson-Hellu on 15 April 2002, "Le tour des difficultés des étudiants et leaders à l'Université de Lomé," Togoforum, <http://www.togoforum.com/Ap/Interviews/InterviewLawsonHellu.htm>; Alain Nococo: Togoforum, "Le campus universitaire de Lomé en état de siège : le mouvement de revendications des étudiants brutalement réprimé par les 'forces de l'ordre'," Togoforum, [http://groups.msn.com/TOGOFORUM/general.msnw?action=get\\_message&mview=0&ID\\_Messa](http://groups.msn.com/TOGOFORUM/general.msnw?action=get_message&mview=0&ID_Messa) (1 May 2004). *Le Canard enchaîné*, 2 October 1996.
- <sup>20</sup> Bernard Cazeneuve, avis no. 3323-I AN, 11 October 2001.
- <sup>21</sup> Alyse Ceyhan and Gabriel Périès, *Construire l'ennemi intérieur* (Paris: L'Harmattan, 2001).
- <sup>22</sup> On 30 December 2002, the newly elected monochromatic national assembly proceeded to overhaul the constitution of October 1992. A brief reminder of some of the major amendments: the existing Article 59, which limited the number of presidential terms to two was amended to stipulate that the head of state 'shall be re-eligible', without any other specification. This meant that he could stand for election for an unlimited number of terms. A new Article 62 lowered the minimum age for election as president from 45 to 35. According to the terms of Article 60, presidential elections were now to be held by a "first past the post system", and no longer with the existing two rounds of voting. The new constitution set up a bi-cameral parliament, with the creation of a senate. In addition, the provisions relating to the membership of the constitutional court and the appointment of its president (Articles 100 and 101) were amended. Furthermore, the new constitution created an 'office of the Ombudsman, in charge of settling non-jurisdictional disputes between citizens and the administration' etc.
- <sup>23</sup> Philip Pettit, *Républicanisme* (Paris: Gallimard, 2004), 54.
- <sup>24</sup> Toulabor, *Le Togo sous Eyadéma*, 275.
- <sup>25</sup> "Statement by Agbeyome Kodjo: Il est temps d'espérer," *Le Togolais*, <http://www.letogolais.com/article.html?nid=85>.
- <sup>26</sup> International Federation for Human Rights, "A propos des événements de Soudou survenus le 5 mai 1992," Report no. 155 Togo: mission d'enquête internationale du 8 au 13 June 1992, 2004, p. 21.
- <sup>27</sup> Most radio stations and newspapers that attempt to maintain a certain level of independence have either been banned or taken over by the regime, and have now become a simple transmission channel for the regime. See for example "La Ligue togolaise des droits de l'homme exige la réhabilitation de Radio Victoire: la HAAC est l'ennemi n°1 de la liberté de presse au Togo," Motion d'information, no. 282, Lomé, 20 September 2004.
- <sup>28</sup> Francisco De Souza, "La Commission anti-corruption préfère la polémique avec la presse à la confrontation devant le juge," Motion d'information, no. 261, Lomé, 2-8 February 2004.
- <sup>29</sup> Girard 52.
- <sup>30</sup> *Ibid.*, 52.
- <sup>31</sup> Yawovi Agboyibo, *Combat pour un Togo démocratique: une méthode politique* (Paris: Karthala, 1999), 59; Tètè Tète, *Démocratisation à la togolaise* (Paris: L'Harmattan, 1998), 51-74; Jean Yaovi Degli, *Togo: la tragédie africaine* (Ivry-sur-Seine: Editions nouvelles du Sud, 1996).
- <sup>32</sup>

- <sup>33</sup> See, for example, Agence France Presse (AFP), "L'étrange histoire des soldats togolais qui auraient fomenté un putsch contre Eyadema," 21 July 2004.
- <sup>34</sup> On these issues, also see Kofi Folikpo, "Kpatcha Gnassingbé ministre de la Défense nationale: un rendez-vous manqué avec l'histoire," Togoforum, <http://www.togoforum.com/TL/TL05/kkf081105.htm> (11 August 2005).
- <sup>35</sup> Survivors of 25 March 1993, "La fusillade du 25 mars au camp RIT. Règlements de compte au sein de l'armée togolaise," Cotonou, 2 April 1993; "Coup de force au cap RIT," *La Tribune des démocrates* (Lomé), no. 94, 29 March and 1 April 1993; "Événement sanglant du 25 mars: épuration ethnique dans l'armée togolaise," *Sentinelle* (Lomé), no. 5, 1 April 1993; and also Marie-Pierre Subtil, "Togo: purge au sein de l'armée," *Le Monde*, 6 April 1993.
- <sup>36</sup> According to this writer, who expresses the official theory, General Eyadema represents the 'revenge' of the northern part of the country over the southern. This is why the populations of the North owe total loyalty to the head of state. When this is withheld, they are seen as traitors and are sanctioned accordingly.
- <sup>37</sup> "Togo: les menaces de Blaise Compaoré," Lacoted'ivoire.net, [http://www.lacoted'ivoire.net/français/actual190603\\_2.htm](http://www.lacoted'ivoire.net/français/actual190603_2.htm). This article is also published in *Afrique Education* of 16-30 June 2003. We must point out that this magazine is close to the Togolese authorities.
- <sup>38</sup> Read the following article on the Togo government site with some caution: "Burkina: un camp d'entraînement dirigé par un opposant togolais," Republic of Togo Government site, <http://republicoftogo.com/fr/news/news.asp?rubID=1&rubID=2&themeID=1&>
- <sup>39</sup> Mathias Akoulansa, "Arrêtés pour détention de tracts incitant l'armée à la révolte," Togoforum, <http://www.groups.msn.com/TOGOFORUM/artspourdntentiondetractsincitantlarmelarevolte.msnw>.
- <sup>40</sup> Toulabor, "Le dinosaure et le syndrome ivoirien".
- <sup>41</sup> Kossi N'Bouké, "Paix, sécurité et intégration économique de la sous région: des idées chères au président Eyadema," *Togo-Presse* (Lomé), 22 December 2003.
- <sup>42</sup> Republic of Togo web portal, <http://www.republicoftogo.com/fr/news/news.asp?rubID=1&rubID=8&themeID=1&newsID=7818> (2004).
- <sup>43</sup> Association Survie (coord.), *Avril 2005: le choix volé des Togolais. Rapport sur un coup d'Etat électoral perpétré avec la complicité de la France et de la communauté internationale* (Paris; L'Harmattan, 2005).
- <sup>44</sup> Ceyhan and Périès.
- <sup>45</sup> 29-31 October 2001 and 27-29 May 2002, two such workshops were organised in Lomé, with the participation of several African countries.



**PART III**  
**CONCLUSION**



## Chapter 18

# Addressing the Challenges of Security Sector Governance in West Africa

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### **Introduction**

Notwithstanding the ‘democratic revolution’ of the 1990s, for the 16 states studied in this volume, as for virtually every single other African state, it is fair to say that security – even when qualified as ‘state security’ or ‘national security’ – has meant first and foremost securing, preserving and perpetuating a regime, if not its personification, the sitting head of state. The structure, composition, outlook, style and more or less explicit missions (and practices) of the security sector have typically reflected this purpose as well as the character of the regime they were meant to serve and protect. Consequently the security apparatuses set up to guarantee that security are more or less elaborate and more or less efficiently managed, but have all almost always been ruthless and problematic for the state’s political institutions and its citizens. This has held true both before and after the emergence of such concepts as ‘human security’ (and its corollaries ‘security community,’ ‘public control’ etc)<sup>1</sup> in the political vocabulary and preoccupation of scholars, elites and policy makers. There are qualitative differences between the features and characteristics of the security sectors of for example, Senegal and Burkina Faso, or of Niger and Guinea-Bissau; however all have in common that democratic governance of the security sector was not reflected in their *raison d’être*, their internal dynamics and functioning, the nature of their relationship to society or to the overarching political system.

Despite the simmering conflicts and underlying tensions that mark the West African sub-region, there is also reason for optimism. A number of states in the sub-region have ongoing SSR programmes assisted (for better or worse) by external actors. Civil society, at least in some states, is increasingly recognised both as a source of expertise but also as a key actor

in situating security within a broader framework of democratic governance. Moreover, as discussed in the introductory chapter to this volume, the Economic Community of West African States (ECOWAS) has played an important role in brokering peace, in the planning and execution of peacekeeping operations and in the development of norms and standards that promote democratic governance of the security sector.

This concluding chapter considers the security sector governance picture drawn from the various West African cases. It assesses the historical legacies that have shaped current security sector governance concerns. In particular, the chapter addresses the consequences of a dysfunctional relationship between political authorities, the security sector and society for security sector governance across West Africa. An assessment of entry points for SSR in the sub-region provides the basis for some policy-focused conclusions for West Africa's SSR agenda.

### **Historical Legacies and the Curse of 'Regime Security'**

As many of the cases illustrate, the security apparatuses and certainly their military component were constituted from remnants of colonial armies and security forces or guerrilla liberation movements. This legacy has weighed heavily. In the case of colonial armies, by far the most common, a philosophical outlook and practices that were neither democratic nor attuned to the needs of the people was carried over into the independence era and the 'new' state. The notion that armed and security forces could be in the service of ordinary citizens individually and collectively (beyond mere lip service), or that they are bound in their duties by certain abiding, stringent norms and principles, was anathema. Of course the principles of civilian supremacy, respect for human rights and the rule of law were not unknown. It was rather the notion of security forces being bound to uphold them at all times that was far from being accepted and internalised. In the case of guerrilla liberation movements, an orientation supposedly more reflective of people's needs and aspirations instead evolved into a bifurcation of agendas, preoccupations and practices, all of which resulted in a gap between the internal dynamics of former guerrilla movements (and to some extent populist, revolutionary armies too) and the people of the states concerned. Consequently, the overall pattern starting in the early years of independence, and persisting under a variety of guises and rationalisations to the present day, is that of a concentration of power in the executive shored up by the security sector.

The phenomenon of the 'divine right of presidents'<sup>2</sup> resulted uniformly in the misuse of power and created a vast economic, institutional and social wasteland in virtually all the states of the sub-region. In the security arena this translated into a complete monopoly by the executive branch of the management of this aspect of national life to the express exclusion of other institutions and civil society at large. From Mauritania to Nigeria and from Guinea to Niger, the president – whether civilian or military – and his inner circle transformed the state security apparatus into their own private tool. Through deliberate ethnic, regional or political manipulation, the security sector became a political instrument, precluding any possibility of democratic evolution. In virtually all cases, these practices invariably led to continuous interventions in politics, thoroughly securitising both the political system and society and introducing a culture of force and repression.

In addition, very few militaries escaped other even more pernicious manipulations along ethnic or regional lines. Not every case displayed the most extreme pathologies: in Burkina Faso, Mali and Senegal, for example, there is no evidence that such practices were deliberate and pervasive. However, in Togo, Guinea, Liberia and Mauritania, the most egregious ethnicisation of the armed forces occurred, transforming the security sector into the reserved domain of the ethnic group of the head of state (and his allies) or his regional compatriots. Recruitment, promotion and the functioning of the security sector more broadly were all handled according to a calculus based on patronage with the bottom line being regime security.

Aside from the ethnicisation and politicisation that has plagued the security sector, other more practical dysfunctions have been pervasive. Whether because of incompetence, or as part of a deliberate strategy to play the various security actors against one another, the result has been an absence of cohesion with a consequent impact on effectiveness. Adding the dimension of rivalries for resources or for the favour of the head of state and his immediate entourage translated into even more dysfunction and hastened the debilitation and breakdown of many of these actors.

By the late 1990s, hopelessly divided, ethnicised and politicised (in some instances criminalised), the security sector was a permanent fixture of the body politic of virtually all West African states. Indeed, in Liberia, Sierra Leone, Guinea-Bissau and Côte d'Ivoire, this concentration of political power, deliberate promotion of exclusionary policies and attendant abuse led to virulently contagious civil wars whose shadows hovered over the sub-region in the form of marauding mercenaries, child soldiers and weapons trafficking. In these extreme cases the state practically collapsed, raising the



nightmarish scenario of anarchy and chaos some Afro-pessimist commentators had prophesised.<sup>3</sup> It should not be forgotten however that even when the outcome was not so drastic, the unsavoury practice of the head of state appropriating the means of state violence for political, ethnic and other reasons led to profound disarticulation and durable rifts in states such as Niger, Mauritania and Togo. As the analysis in this volume strongly suggests, these states are still living with and are constantly threatened by the legacies of the past misuse of the security sector.

The consequences of the policies and practices described in the case studies range from an exaggerated sense that reform is unnecessary, as in Senegal, to the dangerously dysfunctional, including Togo, the Gambia and Guinea. A further set of states have suffered complete collapse and are recovering from civil war. Liberia and Sierra Leone fall within this category, while it is hoped that Côte d'Ivoire will emerge from the current uncertain status quo to become a truly post-conflict state. These devastating and highly context-specific consequences of mismanagement provide the overall context in which any – now definitely overdue – overhaul of the security sector will have to be designed and carried out.

With a delinquent and non-responsive state, citizens fall prey on a daily basis to petty corruption and racketeering by the security forces. As any traveller in West Africa will testify, these practices are so routine that they have become part of the fabric of the relationship between citizens and a 'uniformed' representative of the state. This situation has created a new, twisted social morality between the security forces and a desperate populace in which the latter willingly purchases its citizenship rights, and the former demands and expects payment for any transaction with citizens. Of course, in such conditions, not just individuals but also communities and organisations, including civil society groups (and certainly indigenous ones), are not in a position to have a say regarding their access to security. It is evident that the very concept of security, let alone its provision, will never take into consideration the interests of communities and groups as long as these stakeholders do not have a clear and respected voice in a debate on the need for democratic security sector governance. The uniqueness of the Malian case makes its example all the more powerful. During the 1991 National Conference that led to the birth of the third republic, a declaration was read out on behalf of the armed forces that asked for the forgiveness of the population. This gesture went a long way to quelling resentment over past conduct and provided a positive basis to move forward in forging a new polity. It is for this reason that 'transformation' aptly captures the challenge of promoting democratic governance of the security sector in West Africa.

Whatever the roots of this clearly unsatisfactory state of civil military relations and security sector malgovernance, one of the consequences has been that as states throughout the sub-region failed to provide their people with security, other actors emerged to offer this vital service. Whether guerrilla movements, mercenary organisations, vigilante groups, or privately owned, more or less legal, domestically or externally controlled security agencies, actors other than the state are agents of security or insecurity in virtually all of West Africa. It is therefore clear that a central challenge is not only the state's *ability* but its *willingness* to provide security on behalf of its citizens. Armed non-state actors relate to both aspects of this question. They may undermine a state's ability to provide security to its citizens but at the same time may exist as a complement or response to the state security sector, reflecting its inability to provide such security (or even to provoke insecurity through repression and violence).

The loss of monopoly over the means of coercion – a central pillar of the modern state – raises a new set of problems and concerns. Because of the weakness of the state, not only as the depository of the monopoly of the use of violence (here we must omit the concept 'legitimate' usually central to the Weberian formula) but also as the key regulatory agent, these actors have in some instances exercised their activities in an environment devoid of any rules or standards. This phenomenon can be seen not just in the provision of security but in the field of SSR itself. Post-conflict Liberia provides a troubling example where, for the first time, a private Western company has been given responsibility for training an African army. The lack of transparency and accountability to Liberian stakeholders in the executive, legislative or society more broadly resulting from such an arrangement means that there is little clarity on the specifics of the work being undertaken. This has led to mistrust and the undermining of nascent post-conflict Liberian governance institutions.<sup>4</sup> The Governance Reform Commission headed by former President Amos Sawyer was created to promote good governance in the public sector. It will need to confront the lack of transparency, accountability and democratic control inherent to the outsourcing of significant aspects of SSR. Addressing these deficits is essential if the security sector is to shake off its historical legacy as a tool for repression and win the trust of the communities and individuals they are mandated to protect.

### **Democratic Governance of the Security Sector**

In order to derive useful analytical and prescriptive conclusions on the imperative for meaningful *democratic* governance of the security sector in West Africa, both nationally and sub-regionally, it is important to reiterate that there is a symbiotic connection between the nature of a political regime (specifically the extent of its adherence to norms of democratic governance) and how its security sector is managed. It should not be surprising therefore that the military and security services have been remarkably dysfunctional in *all* the cases, including where processes of democratisation have been further advanced.<sup>5</sup> Nor is it unusual that the role of formal oversight institutions remains largely under-developed in this area while civil society, even if it has a voice, lacks influence in the face of *la grande muette*.<sup>6</sup> In this regard West Africa is no different than any other regional context for SSR. It is therefore fundamentally important that due attention be paid not just to enhancing the operational effectiveness of security providers but to national capacity to manage reform processes within a framework of democratic control and oversight. Only through a mutually reinforcing emphasis on effectiveness, sound management and democratic governance can sustainable progress be achieved in reforming the security sector, its management and oversight. Moving beyond state-centric approaches to emphasise the human security of individuals and communities is the only way to forge a covenant between government, security providers and citizens based on trust and respect for the rule of law.

While acknowledging the perils of rigidly categorising states with rapidly evolving political systems and constant security challenges, it is useful to compare the nature of governance in the 16 West African states on the basis of their actual (or potential) engagement in SSR. We attempt in the table found in Annex B to this volume to categorize West African states according to the space available for reform. Such an exercise is daunting given the difficulty in fitting countries with rapidly evolving political systems and constant security challenges into neat categories. The extreme diversity of the countries of the sub-region, the involvement of external actors in the management of their security sectors, as well as their recent evolutions, all add to the difficulty of systematic categorisation. Yet without intending to oversimplify complex national contexts, it provides a useful shorthand for the analysis provided by the case study authors in terms of the nature of security sector governance and consequently the potential for meaningful reform of the security sector in different parts of West Africa.

This categorisation is intended first and foremost to stimulate debate and therefore shed further light on similarities and contrasts across the region.

Faced with the competing demands of a new political dispensation, Mali, Senegal, Cape Verde, Benin, Ghana, and Niger have been unable to focus on SSR. The four latter states are struggling to make democracy irreversible and have carried out little substantive overhaul of their security sectors. Mali on the other hand is renowned for the remarkable strides made not only in instituting a working democratic system, but also in reforming its military and other security forces.<sup>7</sup> However, examples of political corruption, long porous borders open to refugee flows, small arms and other forms of trafficking, a growing, unregulated private security sector and an endemic lack of resources call into question the long-term sustainability of these reforms. Senegal has enjoyed a long-running pluralist and tolerant political system, with a comparatively well-managed security apparatus. But similar cross-border trafficking issues, privatisation of security, a lack of emphasis on community-focused policing and the long-running conflict in the Casamance region of the country – involving abuses by both government and rebel forces – are all causes for concern.

Nigeria, the Gambia and Burkina Faso have in common the absence of serious or sustained approaches to reform from the regimes in power, or indeed to the obligations flowing from the various protocols they have adopted despite the existence of a vigorous opposition and a vibrant and capable civil society. Reform-related activities are occurring in varying degrees in each of these states. While Nigeria, with a long history of military intervention in politics, had to take steps to reverse this trend, as demonstrated by the Obasanjo regime's removal of political officers evincing a lack of respect for civil authorities, the others were not faced with this sense of urgency. Nigeria has also embarked on several re-professionalisation programmes for the military, largely with external support, whereas this has been absent in the other two. In Burkina Faso, we have seen an emerging civil society campaign against perceived excesses of security agencies, which may have contributed to the 2004 decree clarifying roles of security actors. All however share a limited knowledge base and weak oversight institutions.

In the case of states emerging from years of civil war, despite major efforts at disarmament, demobilisation and reintegration (DDR) after the cessation of hostilities, little attention was typically paid to the need to carry out profound transformation of the overall security apparatus, beyond the disarmament, partial demobilisation and merger of formerly insurgent groups into a 'national' military apparatus. This represents in these states –

Sierra Leone, Liberia, Guinea Bissau and Côte d'Ivoire – a potential afforded by the end of conflict that has typically not been capitalised on. Obviously the states in this category vary widely in their outlook and the stage reached in the management of their post-conflict situation. A number of positives can be drawn from the situation in Sierra Leone in which locally driven reform efforts have been complemented by external assistance that has evolved over time to demonstrate an increased sensitivity to local needs and capacities. This may augur well for future engagement in Liberia. However, in both cases emphasis has been placed more on the reform of security actors than on the broader governance framework in which they are situated.

In the final category of West African states, there has been at best only cosmetic political change in the shape of a tightly controlled liberalisation of the pre-existing authoritarian structure. The resulting regimes in these states – Togo, Guinea and Mauritania – rely on a largely untouched security apparatus, conceived as the regime's repressive arm. In each of these countries the security sector is personalised and tightly controlled by close family members or ethnic kin of the head of state and a reform, much less transformation of the security sector and its oversight, is not in view as long as the political system is not itself genuinely democratised. A distinguishing characteristic of these states is the high risk of degeneration into violence, particularly on the disappearance – or evident frailty as in the case of Guinea – of the long-reigning head of state. Recent events in Togo provide a mixed picture with the positive example of an elected succession offset by the fact that the army was able initially to impose its candidate of choice and that the legislature was swiftly co-opted into endorsing such a move. Deeply flawed elections ended up legitimising the decision of the military and froze the precarious security situation Toulabor has vividly described. In what seems a step forward, the October 2007 parliamentary elections that kept the governing party in power saw the participation of all major opposition parties and did not involve the widespread violence of the 2005 elections. The security and socio-political crises in Guinea quite logically led to the breakdown of law and order. Brutal repression by the security forces resulted in hundreds of victims. In the end, an ailing President Conté succeeded in appeasing the populace and his restive soldiers by making a few concessions, but the question remains: how long is this going to last? Finally, the August 2005 coup in Mauritania, looked at in its most positive light, offers an opportunity to overhaul relations between the security sector and the political system. The ability and willingness of the military junta to undergo such a necessary if painful process was very much open to question

from the beginning of the transition. In the end, the interim military regime decided to forego such a process, leaving it up to the fledgling democratic regime; so far, the latter has not demonstrated any willingness to tackle this task. However, for its own sake it cannot ignore security sector reform for ever.

### **Opportunities for Security Sector Reform**

Amid the range of achievements, half successes and outright dysfunctions, an immense potential exists to steer states in West Africa toward peace and sustainable development. It is important to recognise that, as a whole, West Africa has made strides toward that vision. It is now accepted that security is no longer a 'sacred cow' left to executive branches and their security apparatuses, beyond the reach, even in theory, of any other branch of government, let alone civil society actors. This cannot but affect positively the whole sub-region and, beyond, the whole continent. This evolution certainly bears comparison with the SADC region, where, despite impediments comparable to those present in West Africa, substantial progress is being achieved thanks to the 'emulation effect' of the South African example in security governance issues. In this sense West Africa is not unique. It simply reflects in one sub-region a continent-wide struggle to come to terms with drastic governance deficits.

As has already been argued, democratisation does not necessarily imply democratic governance of the security sector. Burkina Faso, the Gambia, Niger and Nigeria all enjoy a widened political space, thriving free press and dynamic civil society organisations, but have carried out little, if any, transformation of their security apparatuses, remarkably illogical and counter-intuitive as this clearly appears. The recognition on the part of the main political actors at the national level that democratisation is indivisible, and that responsiveness, effectiveness and accountability are mutually reinforcing values that must prevail in *all* sectors of national life, remains elusive. For the states that cannot be credited with genuine democratic opening, the constraints are even more real. It is likely that the entrenched authoritarian regimes that have made just the cosmetic changes necessary to remain in power will continue their resistance to substantive reform.<sup>8</sup>

The wholesale political, institutional and security breakdown resulting from a civil war, quite unsettlingly, in at least two cases seems to offer a propitious opportunity for a thorough transformation of the security sector, provided the appropriate committed and sustained sponsorship of an external

actor. The reality however shows that these contexts in themselves do not guarantee sustainable reform. The experience of Liberia in 1996 revealed that such opportunities are often not seized among the local leadership or the international community. Where there is considerable international engagement, support and direction, tangible progress has been made. Sierra Leone constitutes the best example in this regard and it is the only case in West Africa that has received dedicated assistance from a committed external actor, the United Kingdom. The development of Sierra Leone's Defence White Paper<sup>9</sup> is an example of a participative process in which a wide range of national stakeholders defined their own security needs as a point of departure for moulding the shape and purpose of the security sector. Specific reforms were framed by a strategic-level appreciation of the country's security context, including threats, priorities and, in particular, the values that should underpin such a process. This example well illustrates the important role that developing a national security strategy can play in bringing different groups together in order to develop a vision of security. The new post-conflict phase in Liberia which followed the second wave of armed conflict that ended with the signing of the Comprehensive Peace Agreement (CPA) in August 2003 now presents another opportunity to undertake SSR. This new phase has witnessed greater international resolve, with a plan for SSR to be undertaken by a lead nation – the United States. This, as in the case of Sierra Leone, has its own complexities.

It is important to underscore that the breakdown, acrimony and deep divisions civil wars inevitably bring about can also complicate SSR efforts. In Côte d'Ivoire, first implicitly and then quite explicitly, it was the prospect of a necessary SSR process, its modalities and related issues that made peace so difficult to achieve in the first place. The fractures in the armed and security forces and the political class will undoubtedly make it more difficult, not less so, to carry out much needed reform of the security sector. No external actor has yet to step forward to emulate the United Kingdom's role in Sierra Leone. Whether or not such an external actor comes on the scene, it remains true that these divisions are likely to make sustainable reform more difficult to pull off in Côte d'Ivoire. This suggests strongly that civil-war-induced breakdown may also hinder SSR, not necessarily constitute the best hope for its successful implementation. Of course this only means that SSR advocates should not wait before seizing opportunities to push for change. It is therefore fortunate that non-governmental actors are increasingly vocal in their efforts to ensure transparency and accountability in the security sector. This sector can and should become an important player in the effort to promote effective security sector governance in West Africa.

Recent years have witnessed the creation of regional and sub-regional networks on peace and security, including networks on SSR. These regional networks have been useful in maintaining momentum on key regional initiatives.<sup>10</sup> Such networks have been particularly significant from the point of view of local actors in states where the space for expression and activism remains limited. Collective opinion and action among regional groups serves as a valuable pressure point and reduces the exposure of local activists to danger at home. As clearly demonstrated in the contributions to this volume, it is possible for network members based in Ghana, Nigeria and Senegal to freely articulate positions that their counterparts operating from Côte d'Ivoire or Togo cannot freely express.

A genuinely acknowledged, empowered and competent civil society can therefore be a locus and catalyst for positive change. While this involvement may not alone result in far-reaching reforms, thoughtful, pragmatic advances can result. The inclusion of civil society actors under the 2003 Accra Peace Agreement for Liberia, not just as observers but as part of the power sharing arrangement, is an important new beginning.<sup>11</sup> More broadly, fostering participative approaches that systematically question the status quo, as introduced at the sub-regional level within ECOWAS, is invaluable. However, a wide gap remains between recognition on the policy level of the need to broaden the debate to elements of society that have historically been ignored – women being a conspicuous example – and its application in practice. Often where such a role is emerging it comes at considerable risk. In this regard it is important to look beyond international NGOs to recognise the important work – as highlighted in Burkina Faso, Niger and Liberia – carried out by local civil society organisations. In addition to reflecting the necessary ownership of SSR processes, such an approach can be the best hope for recasting generally feeble levels of popular trust in security actors.

On a sub-regional level, the commitment of ECOWAS to promoting a SSR agenda based on core principles of democratic governance has been further demonstrated by its support for the development of a Code of Conduct for Armed and Security Forces in West Africa.<sup>12</sup> The purpose of such a normative framework is to facilitate the infusion of democratic values – such as transparency and accountability – into the behaviour of security actors. This process has been founded on a wide consultative process among West African stakeholders. It adopts an overtly human security approach to the relationship between the security sector and citizens. In this regard, links can be drawn to the 'Soldiers' Manual' developed jointly by the International Committee of the Red Cross (ICRC) and the Senegalese armed



forces that emphasises the importance of humanitarian concerns. The ECOWAS Code is also a logical development from the Code of Conduct of the armed and security forces of Mali, developed through a dialogue between Malian government and security and civil society actors as a mechanism for encouraging harmonious civil-military relations.<sup>13</sup> The Malian Code also provided the backdrop to efforts by the United Nations Regional Centre for Peace and Disarmament in Africa to develop an all-African Code. The ECOWAS Code was adopted by Chiefs of Defence Staff at a meeting of the ECOWAS Defence and Security Commission on 30-31 October 2006. It is now critically important that adoption of the Code at the political level be placed on the agenda of ECOWAS ministers and heads of state. Implementation of the provisions of the Code at national level should serve as both an important confidence-building measure and provide a basis of minimal behavioural requirements for West African armed and security forces.

With regard to the role of international actors, aside from commitment to support and finance the rebuilding of collapsed states, external donors have a role to play in helping West African states engage in and sustain an SSR agenda. Although local ownership and popular participation are critical to success, it is important to recognise the heavy dependence of most West African states on developed countries, their institutions and their industries. While acknowledging the sensitivity of security issues and the legitimate concerns of essentially weak states, donors must make security a 'public good' in which the provision of efficiency, transparency and accountability are important conditions of their assistance. Secret defence agreements between African governments and former colonial powers are antithetical to such an approach, while the outsourcing of SSR to private commercial actors raises similar issues of legitimacy and sustainability.

Assisting national authorities in building effective, legitimate and sustainable security institutions is a key component of a holistic security and development agenda. This requires that external actors accept and internalise the premise that they are only facilitators for processes designed, implemented and managed at the national level. While state of the art policy tools, notably the *OECD DAC Handbook on Security System Reform*, recognise the centrality of local ownership to sustainable SSR, major efforts are still required to operationalise this concept in SSR programming.<sup>14</sup> The conflicting interests of different domestic constituencies and the presence of spoilers must always be taken into account. But the challenging framing conditions described throughout this volume should not mask shortcomings in policy and practice that ignore local actors, demonstrate a lack of

flexibility in programmes and their funding, or policy agendas and timeframes which may be inimical to local realities, interests and priorities.

## **Conclusion**

It is clear that the possibilities for reform, let alone transformation, currently exist only in a small number of West African states. However, a first step to addressing such challenges lies in developing a clear picture of the actors and mechanisms implicated in the governance of the security sector and delineating clear roles and duties. Such an approach is the only way to ensure that reform processes are grounded in the specific, highly sensitive contexts in which they take place. This volume is an effort to support that objective.

Complex challenges do not lend themselves to straightforward policy prescriptions. However, a number of issues emerge, outlined below, that are of relevance to policy makers and practitioners – domestic and international – seeking to develop and implement SSR programmes in West Africa:

### *Adopt a Holistic Approach to Security Sector Governance*

Security is best understood in a holistic manner. This means that African states must broaden and incorporate in their notion of security the necessity of a free and effective parliament, judiciary, prisons system, as well as depoliticised, professional security providers, including intelligence agencies and socio-economic security bodies such as the customs and environmental protection services. Developing an all-encompassing conception of security as indivisible, pursued in a variety of ways across all layers of state and society, will ultimately permit the emergence of coherent and sustainable security sector governance frameworks at national and regional levels. SSR can therefore only be successful if it is approached within a framework of democratic governance. The ability to manage reform processes within a framework of democratic control and oversight of the security sector therefore represents a key focus of reform efforts. In developing such processes it is essential that a broad range of actors at national, regional and local levels are involved. Only by considering security as a public good will the political will be developed to effect meaningful change.

*Embrace a Transformative SSR Agenda*

The position of a sitting head of state as the epicentre of political authority, influence and patronage is most apparent in the sensitive area of security. West African parliaments and judiciaries may have constitutionally defined roles that are comparable to many developed democracies but this is meaningless if these institutions are ignored or co-opted by the executive. Similarly, civil society actors may be free to express themselves in some countries but if their impact on the policy process is marginal then their efforts are wasted. The various case studies make clear that institutional reform is an insufficient basis for meaningful SSR. If democratisation does not necessarily lead to reform within the security sector then prospects for change are all the more bleak in less open polities. A transformative approach to SSR must be predicated on building trust among government, the security sector and society. On the one hand this requires drastic behavioural change on the part of the security sector, on the other it necessitates a rights-based approach that favours professionalisation and eschews political, ethnic or other biases in the treatment of armed and security forces. This is a project that will span generations. But taking steps to re-orient the state from a focus on regime to human security represents a process that itself is more important than any end-state.

*Construct a National Vision of Security*

A security sector configured to the protection of the regime rather than the human security of its citizens will prove resistant to reform. Participative processes that aim to develop a national security strategy based on a common understanding of threat and need can help re-shape a national vision. Although not confined to post-conflict contexts, peace agreements offer an opportunity to bring stakeholders together and jointly shape future security needs. The process of bringing actors together and building consensus on security needs and challenges breaks down taboos over the security sector and can be an essential precursor to developing credible and sustainable reform processes. To ensure that this vision of security is truly national in character, it is critical that the role of the parliament, as one of the most important symbols of democracy and often the most representative institution of the state, as well as that of civil society organisations, be enhanced. It is their vigilant oversight that will guard against the executive branch's monopolisation of security. It is encouraging that in many cases both these sets of actors have increasingly sought to assert their roles in the

crafting of national security-related policies and in monitoring all aspects of their implementation.

#### *Recognise the Regional Dimensions of SSR*

West Africa's security challenges transcend national borders. Conflicts and related challenges such as small arms and other forms of trafficking, as well as refugee flows, show no respect for national borders. Therefore, where political will is lacking at the national level, entry points at the sub-regional level, primarily through ECOWAS, should be vigorously pursued. Donors should therefore coordinate their actions at the sub-regional level. This should also lessen the ready criticism of undue influence by external actors on vulnerable sovereign states. ECOWAS has taken a strong position in linking peace, security and development through a number of important regional instruments. Emphasis must be placed on implementing these frameworks at the national level. Regional networks have also started to focus on SSR. Such collective action, allowing network members in one country to address issues that would not be possible in certain national contexts, represents an important avenue for SSR where there is little space at the national level.

#### *Calibrate External Support and Foster Local Ownership*

External actors will continue to play a strong role in West African security and development for many years. In the highly sensitive area of SSR, such support needs to be carefully calibrated. Donors will need to further develop their own capacities in order to support a holistic SSR agenda. Good practices are emerging that can assist the SSR community in facilitating these processes. Operationalising these good practices and lessons learned represents the major challenge for external actors involved in SSR. While donors are often criticized for applying approaches that take little account of the specific framing conditions that shape the opportunities and constraints on SSR, national authorities are most directly responsible for security policy and practice. Local ownership therefore requires participation beyond 'national' elites within government to include a broad range of actors on all levels of society. Only through achieving such buy-in, and allowing the status quo to be questioned, will a genuine transformation be achieved in relations between the security sector, the state and its citizens.

If one message is to emerge from all the contributions to this volume, it is the need to nurture a culture of 'positive opportunism' when it comes to

addressing security sector governance challenges. Opportunities can present themselves in dramatic events, such as the failed coup attempts in Guinea-Bissau in October 2004 and the successful one in Mauritania in August 2005. But they can also certainly come in less dramatic guise, such as the peaceful democratic transfer of power in Senegal, or simply as emulating positive developments in a neighbouring state, or periodic administrative attempts at improving the lot of any part of the security sector.

A final lesson to be drawn is an overarching one: the best setting for a successful and sustained SSR process is in the growth and strengthening of structures, institutions and organisations, both sub-regionally and nationally, that are self-perpetuating and independent of external assistance. In West Africa, as elsewhere on the continent, the promotion of democratic security sector governance will be achieved through good practices and sound methods, combined efforts in institutional contexts, and long-term commitments rather than hopeful reliance on the good will of individual actors.

## Notes

- <sup>1</sup> H. Solomon, "From Marginalized to Dominant Discourse: Reflection on the Evolution of New Security Thinking," in *Caring Security in Africa*, eds., H. Solomon and M. Van Aardt (ISS Monograph Series, No. 20, February 1998), 3-14; Commission on Human Security, *Human Security Now* (New York, 2003), <http://www.humansecurity-chs.org/finalreport/English/FinalReport.pdf>; N. Ball, "Democratic Governance in the Security Sector," *Learning from Experience for Afghanistan* (unpublished paper, UNDP Workshop, 5 February, 2002); H. Hänggi and F. Tanner, "Promoting Security Sector Governance in the EU's Neighbourhood," *Chaillot Paper* no. 80 (2005), 15.
- <sup>2</sup> W. Tordoff, *Government and Politics in Africa* (Bloomington, IN: 4<sup>th</sup> edition, Indiana University Press, 2002), 7.
- <sup>3</sup> See for example R. Kaplan, "The Coming Anarchy," *Atlantic Monthly*, February 1994.
- <sup>4</sup> See A. Ebo, "The Challenges and Opportunities of Security Sector Reform in Post-Conflict Liberia;" *DCAF Occasional Paper* no. 9 (December 2005).
- <sup>5</sup> See the table annexed to this volume for a summary analysis linking democratisation and security sector governance developments in each West African state.
- <sup>6</sup> This French phrase means 'the great silent one', in reference to the military.
- <sup>7</sup> For an analysis of the transition in Mali see R.E. Poulton and I.A. Youssouf, *A Peace of Timbuktu: Democratic Governance, Development and African Peacemaking* (Geneva; UNIDIR, 1998).
- <sup>8</sup> See B. N'Diaye, A. Saine, and M. Houngnikpo, *Not Yet Democracy: West Africa's Slow Farewell to Authoritarianism* (Durham; Carolina Academic Press, 2005).
- <sup>9</sup> Sierra Leone's Defence White Paper, <http://www.statehouse-sl.org/policies/defence-white-paper.html>.

- <sup>10</sup> Examples include the African Security Sector Reform Network (ASSN) and its sub-regional components, the West African Network on Small Arms (WANSAs) and the West African Civil Society Forum.
- <sup>11</sup> K. Fayemi, "Governing Insecurity in Post-Conflict States: The Case of Sierra Leone and Liberia," in *Reform and Reconstruction of the Security Sector*, eds., A. Bryden, and H. Hänggi, (Münster; Lit Verlag, 2004), 186. Also available at: <http://www.dcaf.ch>.
- <sup>12</sup> Details of this work including the text of the Code can be found at : [http://www.dcaf.ch/awg/\\_projects.cfm?navsub1=9&navsub2=4&nav1=3](http://www.dcaf.ch/awg/_projects.cfm?navsub1=9&navsub2=4&nav1=3).
- <sup>13</sup> Poulton & Youssof, 273-278.
- <sup>14</sup> See A. Bryden, "From Policy to Practice: the OECD's Evolving Role in Security System Reform," DCAF Policy Paper no. 22 (November 2007).



**ANNEX A**

**ECOWAS INSTRUMENTS**





Annex A (i)

Excerpts from the Protocol relating to the  
Mechanism for Conflict Prevention, Management,  
Resolution, Peace-keeping and Security\*

**Chapter I: Establishment, Principles and Objective of the Mechanism**

*Article 1: Establishment*

There is hereby established within the Economic Community of West African States (ECOWAS), a mechanism for collective security and peace to be known as “Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security”.

*Article 2: Principles*

Member States reaffirm their commitment to the principles contained in the Charters of the United Nations Organisation (UNO) and the Organisation of African Unity (OAU) and to the Universal Declaration of Human Rights, as well as to the African Charter on Human and People’s Rights, particularly the following fundamental principles:

- a) that economic and social development and the security of peoples and States are inextricably linked;
- b) promotion and reinforcement of the free movement of persons, the right of residence and establishment which contribute to the reinforcement of good neighbourliness;
- c) promotion and consolidation of a democratic government as well as democratic institutions in each Member State;
- d) protection of fundamental human rights and freedoms and the rules of international humanitarian laws;
- e) equality of sovereign States;
- f) territorial integrity and political independence of Member States.

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\* The text contained in this Annex is a reproduction of excerpts from the original instrument. These transcriptions do not constitute the official text as enacted into law and should not be cited as an official or authoritative source.

*Article 3: Objectives of the Mechanism*

The objectives of the Mechanism shall be as follows:

- a) prevent, manage and resolve internal and inter-State conflicts under the conditions provided in Paragraph 46 of the Framework of the Mechanism ratified as per Decision A/DEC.11/10/98 of 31 October 1998;
- b) implement the relevant provisions of Article 58 of the Revised Treaty;
- c) implement the relevant provisions of the Protocols on Non-Aggression, Mutual Assistance in Defence, Free Movement of Persons, the Right of Residence and Establishment;
- d) strengthen cooperation in the areas of conflict prevention, early-warning, peace-keeping operations, the control of cross-border crime, international terrorism and proliferation of small arms and anti-personnel mines;
- e) maintain and consolidate peace, security and stability within the Community;
- f) establish institutions and formulate policies that would allow for the organisation and coordination of humanitarian relief missions;
- g) promote close cooperation between Member States in the areas of preventive diplomacy and peace-keeping;
- h) constitute and deploy a civilian and military force to maintain or restore peace within the sub-region, whenever the need arises;
- i) set up an appropriate framework for the rational and equitable management of natural resources shared by neighbouring Member States which may be causes of frequent inter-State conflicts;
- j) protect the environment and take steps to restore the degraded environment to its natural state;
- k) safeguard the cultural heritage of Member States;
- l) formulate and implement policies on anti-corruption, money-laundering and illegal circulation of small arms.

**Chapter II: Institutions of the Mechanism***Article 4: Institutions*

The institutions of the Mechanism shall be: The Authority; The Mediation and Security Council; The Executive Secretariat; Any other institution as may be established by the Authority.

*Article 5: Composition and Meetings of the Authority*

The Authority is composed of Heads of State and Government of Member States as stipulated in Paragraph 1, Article 7 of the Revised Treaty. The Authority shall meet as often as necessary.

*Article 6: Functions*

The Authority shall be the Mechanism's highest decision-making body. It shall have powers to act on all matters concerning conflict prevention, management and resolution, peace-keeping, security, humanitarian support, peace-building, control of cross-border crime, proliferation of small arms, as well as all other matters covered by the provisions of this Mechanism.

*Article 8: Composition of the Mediation and Security Council*

The Mediation and Security Council shall comprise nine (9) Member States of which seven (7) shall be elected by the Authority. The other two (2) members shall be the current chairman and the immediate past chairman of the Authority, each of whom shall have an automatic right to membership of the Mediation and Security Council.

The elected Members of the Mediation and Security Council shall serve for two (2) years renewable.

*Article 10: Functions*

The Mediation and Security Council shall take decisions on issues of peace and security in the sub-region on behalf of the Authority. It shall also implement all the provisions of this Protocol. Pursuant to the provisions of Article 7 of this Protocol and Paragraph 1 above, the Mediation and Security Council shall:

- a) decide on all matters relating to peace and security;
- b) decide and implement all policies for conflict prevention, management and resolution, peace-keeping and security;
- c) authorise all forms of intervention and decide particularly on the deployment of political and military missions;
- d) approve mandates and terms of reference for such missions;
- e) review the mandates and terms of reference periodically, on the basis of evolving situations;
- f) on the recommendation of the Executive Secretary, appoint the Special Representative of the Executive Secretary and the Force Commander.

*Article 15: Role and Functions of the Executive Secretary*

The Executive Secretary shall have the power to initiate actions for conflict prevention, management, resolution, peace-keeping and security in the sub-region. Such actions may include fact-finding, mediation, facilitation, negotiation and reconciliation of parties in conflict. The role of the Executive Secretary shall include the following:

- a) recommend the appointment of the Special Representative and the Force Commander for approval by the Mediation and Security Council ;
- b) appoint members of the Council of Elders;
- c) have responsibility for political, administrative and operational activities and provide logistic support for the mission;
- d) prepare periodic reports on activities of the Mechanism for the Mediation and Security Council and Member States;
- e) deploy fact-finding and mediation missions, on the basis of his/her assessment of the existing situation;
- f) convene, in consultation with the Chairman of the Authority, all meetings of the Mediation and Security Council, the Council of Elders, and the Defence and Security Commission;
- g) Implement all decisions of the Mediation and Security Council.

The ECOWAS Secretariat shall service the Mediation and Security Council and the Defence and Security Commission. In implementing the provisions of this Mechanism, the Executive Secretary shall be assisted by the Deputy Executive Secretary in charge of Political Affairs, Defence and Security.

### **Chapter III: Supporting Organs of the Institution of the Mechanism**

In carrying out their missions, the Institutions stipulated in Article 4 shall be assisted by the organs enumerated in Article 17 of this Protocol.

#### *Article 17: Organs*

The following organs are hereby established to assist the Mediation and Security Council. The Defence and Security Commission; The Council of Elders; ECOWAS Cease-fire Monitoring Group ( ECOMOG).

#### *Article 18: Composition of the Defence and Security Commission*

The following representatives from Member States shall constitute the Defence and Security Commission:

- a) Chiefs of Defence Staff or equivalent;
- b) Officers responsible for Internal Affairs and Security;
- c) Experts of the Ministry of Foreign Affairs;
- d) Depending on the agenda, Heads of any of the following services may be invited:
- e) Immigration;
- f) Customs;
- g) Drug/Narcotic Agencies;

- h) Border Guards; and
- i) Civil Protection Force.

*Article 19: Functions*

The Defence and Security Commission shall examine all technical and administrative issues and assess logistical requirements for peace-keeping operations. It shall assist the Mediation and Security Council in:

- a) formulating the mandate of the Peace-keeping Force;
- b) defining the terms of reference for the Force;
- c) appointing the Force Commander;
- d) determining the composition of the Contingents.

The Defence and Security Commission shall meet once every quarter and when necessary. The Commission shall examine reports from the Observation and Monitoring Centres and make recommendations to the Mediation and Security Council.

*Article 20: Composition and Mandate of the Council of Elders*

The Executive Secretary shall compile annually, a list of eminent personalities who, on behalf of ECOWAS, can use their good offices and experience to play the role of mediators, conciliators and facilitators. The list shall comprise eminent persons from various segments of society, including women, political, traditional and religious leaders. The list shall be approved by the Mediation and Security Council at the level of the Heads of State and Government.

These Personalities shall be requested by the Executive Secretary or the Mediation and Security Council, whenever the need arises, to deal with a given conflict situation.

Whenever the circumstances require, the Executive Secretary shall assemble eminent personalities from the approved list who shall now constitute the Council of Elders.

The composition and mandate of the Council of Elders shall be defined by the Executive Secretary on the basis of the missions to be carried out.

Members of the Council of Elders selected to deal with a given situation shall report to the Executive Secretary.

The Executive Secretary shall report to the Mediation and Security Council on the initiatives taken in conformity with the provisions of Paragraphs 2 and 3 of this Article.

Members of the Council of Elders shall be neutral, impartial and objective in carrying out their mission.

*Article 21: Composition of ECOMOG*

The ECOWAS Cease-fire Monitoring Group (ECOMOG) is a structure composed of several Stand-by multi-purpose modules (civilian and military) in their countries of origin and ready for immediate deployment.

*Article 22: Role of ECOMOG*

ECOMOG is charged, among others, with the following missions:

- a) Observation and Monitoring;
- b) Peace-keeping and restoration of peace;
- c) Humanitarian intervention in support of humanitarian disaster;
- d) Enforcement of sanctions, including embargo;
- e) Preventive deployment;
- f) Peace-building, disarmament and demobilisation;
- g) Policing activities, including the control of fraud and organised crime;
- h) Any other operations as may be mandated by the Mediation and Security Council.

**Chapter V: Application of the Mechanism**

*Article 25: Conditions for Application*

The Mechanism shall be applied in any of the following circumstances: In cases of aggression or conflict in any Member State or threat thereof; In case of conflict between two or several Member States; In case of internal conflict:

- a) that threatens to trigger a humanitarian disaster, or
- b) that poses a serious threat to peace and security in the sub-region;

In event of serious and massive violation of human rights and the rule of law; In the event of an overthrow or attempted overthrow of a democratically elected government; Any other situation as may be decided by the Mediation and Security Council.

## **Chapter VI Conflict Management**

### *Article 28: Composite Stand-by Units*

Member States hereby agree to make available to [ECOWAS Monitoring Group – ECOMOG] units adequate resources for the army, air force, navy, gendarmerie, police and all other military, paramilitary or civil formations necessary for the accomplishment of the mission. Each Member State shall provide ECOMOG with a unit the size of which shall be determined after consultation with each Member State. The strengths of these units shall be reviewed according to the situation on the ground.

### *Article 29: Mandates of the Force and Missions of Deployed Units*

Whenever the force is deployed, the strength, mandates and missions of the units shall vary according to the evolving situation on the ground.

### *Article 30: Training and Preparation of the Composite Stand-by Units*

The Executive Secretary, through the departments concerned and in consultation with Member States, shall contribute to the training of civilian and military personnel that shall be part of the stand-by units in various fields, particularly in international humanitarian law and human rights. In this regard, he shall:

- a) support the development of common training programmes and instruction manuals for national schools and training centres;
- b) organise training and proficiency courses for personnel of the units in the regional centres in Côte d'Ivoire and Ghana;
- c) work towards the integration of these centres into sub-regional centres for the implementation of this Mechanism;
- d) take the necessary measures for the organisation of periodic staff and commanders' exercises and joint operations.

### *Article 31: Observation Missions*

Unarmed civilian and military personnel provided by Member States may be deployed alone or in conjunction with armed personnel. They shall, inter alia, supervise and monitor cease-fires, disarmament, de-mobilisation, elections, respect for human rights, humanitarian activities and investigate any complaints or claims brought to their notice. They shall undertake such other activities under the terms of reference as determined by the Mediation and Security Council. The Observer Missions shall report on their activities and findings to the Executive Secretary.



*Article 32: Appointment and Functions of the Special Representative*

On the recommendation of the Executive Secretary the Mediation and Security Council shall appoint a Special Representative for each Operation undertaken by ECOMOG. The principal role and functions of the Special Representative shall include the following:

- a) serve as the Chief of the Mission and shall be responsible for the political orientation of the mission;
- b) direct peace-keeping activities and initiate political and diplomatic negotiations with the parties, neighbouring States and other Governments involved in conflict resolution;
- c) brief troop-contributing States and other States on the situation and operations of the mission as and when required;
- d) coordinate activities of the sub-regional and international organisations, including NGOs involved in humanitarian relief and peace-building activities in the mission area. Where necessary, he shall be assisted by a Deputy responsible for humanitarian affairs;
- e) maintain constant contact with and submit regular reports to the Executive Secretary.

*Article 33: Appointment and Functions of the ECOMOG Force Commander*

On the recommendation of the Executive Secretary an ECOMOG Force Commander shall be appointed by the Mediation and Security Council and in consultation with the Defence and Security Commission for each operation. The role and functions of the ECOMOG Force Commander shall include the following:

- a) he shall be responsible for the efficiency of operational, administrative and logistical plans of the mission;
- b) he shall issue instructions to contingent commanders for all operational activities;
- c) he shall ensure the security of personnel and materiel of humanitarian organisations' in the mission area;
- d) the ECOMOG Force Commander is accountable to the Executive Secretary, through the Special Representative.

*Article 34: The Chain of Command*

The Special Representative shall report directly to the Executive Secretary. The Force Commander shall report to the Executive Secretary through his Special Representative. All Contingent Commanders shall report directly to the Force Commander. All Civil Units shall report directly to the Special Representative.

*Article 35: Role of Member States*

In addition to their responsibilities as stipulated by the Treaty and this Protocol: Each Member State shall immediately, upon request, release Stand-by Units with the necessary equipment and materiel; Member States hereby undertake to fully cooperate with ECOWAS in carrying out the mandates of this Protocol, including all forms of assistance and support required for the Mechanism, especially as regards the free movement of ECOMOG within their territories.

**Chapter IX: Peace-building**

The Community hereby adopts a graduated strategy for building peace which shall be implemented as a continuum.

*Article 42: ECOWAS Institutional Capacity for Peace-Building*

To stem social and political upheavals, ECOWAS shall be involved in the preparation, organisation and supervision of elections in Member States. ECOWAS shall also monitor and actively support the development of democratic institutions of Member States. ECOWAS shall endeavour to assist Member States emerging from conflicts to increase their capacity for national, social, economic and cultural reconstruction. In this regard, all ECOWAS financial institutions shall develop policies to facilitate funding for reintegration and reconstruction programmes.

*Article 43: Peace-Building During Hostilities*

In zones of relative peace, priority shall be accorded to implementation of policies designed to reduce degradation of social and economic conditions arising from conflicts.

*Article 44: Peace-building at the End of Hostilities*

To assist Member States that have been adversely affected by violent conflicts, ECOWAS shall undertake the following activities:

- a) consolidation of the peace that has been negotiated;
- b) establishment of conditions for the political, social and economic reconstruction of the society and governmental institutions;
- c) implementation of disarmament, demobilisation and reintegration programmes including those for child soldiers;
- d) resettlement and reintegration of refugees and internally displaced persons;
- e) assistance to vulnerable persons, including children, the elderly, women and other traumatised groups in the society.

*Article 45: Restoration of Political Authority*

In situations where the authority of government is absent or has been seriously eroded, ECOWAS shall support processes towards the restoration of political authority. Such support may include the preparation, organisation, monitoring and management of the electoral process, with the cooperation of relevant regional and international organisations. The restoration of political authority shall be undertaken at the same time as the development of respect for human rights, enhancement of the rule of law and the judiciary.

**Chapter X: Sub-Regional Security***Article 46: Control of Trans-Border Crime*

In order to facilitate the control of trans-border crime, ECOWAS shall promote close cooperation among the security services of Member States. The security services of Member States shall assist one another and ensure proper coordination for the apprehension of criminals.

Member States shall establish specialised departments within their Ministries of Justice, Defence and Security with trained personnel and communication equipment for coordination and centralisation of cooperation matters in particular, mutual assistance in criminal matters, and extradition requests.

Member States shall supply the Executive Secretariat with documents setting out the details of criminal procedures in their countries. The information provided by Member States shall include a summary of the criminal process, from beginning to end, and shall outline what is needed for each State to grant a request for mutual assistance, extradition or the restraint or forfeiture of proceeds of crime. Member States shall also provide all the contract particulars for their national units and exchange information concerning any other relevant authorities and provide updated lists of the said units. The information shall be translated and circulated by the ECOWAS Secretariat to all the specialised units (Central authorities) established to handle requests and other related matters that may arise in the course of implementation.

With a view to strengthening national legal instruments on mutual legal assistance and extradition and making them more functional and efficient, all Member States shall harmonize their domestic law in accordance with the relevant ECOWAS Conventions on Mutual Assistance in Criminal Matters and Extradition. Member States undertake to adopt a convention to incriminate and make punishable the most commonly committed crimes in the sub-region.

Member States shall keep statistics, in particular, on the number of mutual legal assistance and extradition requests received and sent, as well as results obtained. There shall also be periodic meetings of the specialised departments of the Ministries of Justice, Defence and Security and the INTERPOL National Central Bureaux for the purpose of exchanging information on past or ongoing cases and on measures aimed at improving cooperation.

Member States shall develop simplified restitution procedures for vehicles and other stolen objects seized by the requested State.

The judicial and police authorities of ECOWAS Member States shall consider the red notices published by the ICPO-INTERPOL at the request of an ECOWAS Member State as valid requests for provisional arrest for the purpose of Article 22 of the ECOWAS Convention on Extradition.

Member States shall establish a special fund for detected proceeds of crime. This fund can be used for preventive and criminal justice response to, inter alia, trans-border crime and drug trafficking. Member States shall also give consideration to the establishment of confiscated asset management offices, where required.

Legislation on forfeiture of proceeds of crime in Member State shall be applicable to all crimes.

ECOWAS shall establish a Crime Prevention and Criminal Justice Centre (ECPCJS) to serve as focal point for mutual legal assistance. The Centre shall be part of the Legal Department within ECOWAS. This ECPCJC shall assist in linking up ECOWAS Member States to non-ECOWAS Member States in Mutual Assistance Matters. It shall also serve as a supervisory power to ensure that countries implement conventions they sign.

*Article 47: Coordination of Policies*

The Executive Secretary shall be responsible for the coordination and implementation of all decisions relating to sub-regional security.

*Article 48: Anti-Corruption Measures*

To eradicate corruption within their territories and in the sub-region, ECOWAS and its Member States shall promote transparency, accountability and good governance.

*Article 49: Measures Against Money Laundering*

The ECOWAS Secretariat and Member States shall adopt strategies for combating the problem of money laundering by extending the scope of offences, enabling the

confiscation of laundered proceeds and illicit funds and easing bank secrecy laws within and outside the sub-region.

*Article 50: Control of the Proliferation of Small Arms*

While taking into account the legitimate national defence and security needs, and those of international peace-keeping operations, ECOWAS shall establish effective measures to:

- a) control the importation, exportation, manufacture and eradicate the flow of small arms;
- b) register and control the movement and use of legitimate arms stock;
- c) detect, collect and destroy all illicit weapons;
- d) encourage Member States to collect and destroy all surplus weapons.

*Article 51: Preventive Measures Against the Illegal Circulation of Small Arms*

ECOWAS shall take all the necessary measures to combat illicit trafficking and circulation of small arms. These measures shall include:

- a) developing a culture of peace;
- b) training for military, security and police forces;
- c) enhance weapons control at border posts;
- d) establishment of a database and regional arms register;
- e) collection and destruction of surplus and illegal weapons;
- f) facilitating dialogue with producers and suppliers;
- g) reviewing and harmonising national legislation and administrative procedures;
- h) mobilising resources.

ECOWAS shall strengthen its institutional and operational capabilities and those of its Member States for the effective implementation of the measures mentioned in Paragraph 1 above.

The Executive Secretariat's Department of Political Affairs, Defence and Security shall coordinate and monitor implementation of all programmes and activities and shall analyse information from the zonal headquarters.

In order to promote and ensure coordination of concrete measures at national level, Member States shall, in accordance with guidelines adopted by ECOWAS, establish national commissions made up of representatives of the relevant authorities and the civil society.

At the beginning of any ECOMOG peacekeeping operations, all dedicated light weapons and ammunition shall be declared to the Executive Secretariat so as to ensure their effective control as well as removal upon completion of the operations. All weapons collected during any disarmament exercise shall be destroyed.

**Chapter XI: Cooperation with the Organisation of African Unity, United Nations and Other International Organisations**

*Article 52: Cooperation*

In pursuit of its objectives, ECOWAS shall cooperate with the Organisation of African Unity (OAU), the United Nations Organisation (UNO) and other relevant international organisations.

In the implementation of this Mechanism, ECOWAS shall fully cooperate with the OAU Mechanism for Conflict Prevention, Management and Resolution.

In accordance with Chapters VII and VIII of the United Nations Charter, ECOWAS shall inform the United Nations of any military intervention undertaken in pursuit of the objectives of this Mechanism.



Annex A (ii)

## Excerpts from the Protocol on Democracy and Good Governance<sup>\*</sup>

### Chapter 1: Principles

The provisions of this chapter complement and clarify the principles set out in Article 2 of the Protocol of 10 December 1999.

### Section I: Constitutional Convergence Principles

#### *Article 1*

The following shall be declared as constitutional principles shared by all Member States:

- a) - Separation of powers – the Executive, Legislative and Judiciary.
  - Empowerment and strengthening of parliaments and guarantee of parliamentary immunity.
  - Independence of the Judiciary: Judges shall be independent in the discharge of their duties.
  - The freedom of the members of the Bar shall be guaranteed, without prejudice to their penal or disciplinary responsibility in the event of contempt of court or breaches of the common law.
- b) Every accession to power must be made through free, fair and transparent elections.
- c) Zero tolerance for power obtained or maintained by unconstitutional means.
- d) Popular participation in decision-making, strict adherence to democratic principles and decentralisation of power at all levels of governance.
- e) The armed forces must be apolitical and must be under the command of a legally constituted political authority; no serving member of the armed forces may seek to run for elective political.
- f) Secularism and neutrality of the State in all matters relating to religion; freedom for each individual to practise, within the limits of existing laws, the religion of

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his/her choice everywhere on the national territory. The secularism shall extend to all parts of the State, but shall not deprive the State of the right to regulate, with due respect to human rights, the different religions practised on the national territory or to intervene when law and order break down as a result of any religious activity.

- g) The State and all its institutions belong to all the citizens; therefore none of their decisions and actions shall involve any form of discrimination, be it on an ethnic, racial, religion or regional basis.
- h) The rights set out in the African Charter on Human and People's Rights and other international instruments shall be guaranteed in each of the ECOWAS Member States; each individual or organisation shall be free to have recourse to the common or civil law courts, a court of special jurisdiction, or any other national institution established within the framework of an international instrument on Human Rights, to ensure the protection of his/her rights. In the absence of a court of special jurisdiction, the present Supplementary Protocol shall be regarded as giving the necessary powers to common or civil law judicial bodies.
- i) Political parties shall be formed and shall have the right to carry out their activities freely, within the limits of the law. Their formation and activities shall not be based on ethnic, religious, regional or racial considerations. They shall participate freely and without hindrance or discrimination in any electoral process. The freedom of the opposition shall be guaranteed. Each Member State may adopt a system for financing political parties, in accordance with criteria set under the law.
- j) The freedom of association and the right to meet and organise peaceful demonstrations shall also be guaranteed.
- k) The freedom of the press shall be guaranteed.
- l) All former Heads of State shall enjoy a special status including freedom of movement. They shall enjoy special benefits compatible to their status as former Heads of State.

#### **Section IV: The Role of the Armed Forces, the Police and the Security Forces in a Democracy**

##### *Article 19*

- 1) The armed forces and police shall be non-partisan and shall remain loyal to the nation. The role of the armed forces shall be to defend the independence and the territorial integrity of the State and its democratic institutions.
- 2) The police and other security agencies shall be responsible for the maintenance of law and order and the protection of persons and their properties.
- 3) The armed forces, the police and other security agencies shall participate in ECOMOG missions as provided for in Article 28 of the Protocol.

- 4) They may also, on the decision of the constitutionally constituted authorities, participate in peacekeeping missions under the auspices of the African Union or the United Nations.
- 5) Members of the armed forces may be drafted to participate in national development projects.

*Article 20*

- 1) The armed forces, the police and other security agencies shall be under the authority of legally constituted civilian authorities.
- 2) The civilian authorities shall respect the apolitical nature of the armed forces and police. All political or trade union activities and propaganda shall be forbidden in the barracks and within the armed forces.

*Article 21*

The armed and security forces personnel, as citizens, shall be entitled to all the rights set out in the constitution, except as may be stated otherwise in their special regulations.

*Article 22*

- 1) The use of arms to disperse non-violent meetings or demonstrations shall be forbidden. Whenever a demonstration becomes violent, only the use of minimal and/or proportionate force shall be authorised.
- 2) All cruel, inhuman and degrading treatment shall be forbidden.
- 3) The security forces, while carrying out investigations, shall not disturb or arrest family members or relations of the person presumed guilty or suspected of having committed an offence.

*Article 23*

- 1) The armed forces, the police and other security agencies shall during their training receive instructions on the Constitution of their country, ECOWAS principles and regulations, human rights, humanitarian law and democratic principles. In this regard, seminars and meetings bringing together members of the armed forces, Police and other Security Agencies and other sectors of society shall be organised from time to time.
- 2) Joint training sessions shall also be arranged for members of the armed forces from different ECOWAS countries, the police, other security forces, university dons and members of the civil society.

*Article 24*

- 1) The Member States undertake to strengthen their national agencies responsible for preventing and combating terrorism.
- 2) In accordance with Articles 3 (d) and 16 (1) of the Protocol, the Department of Political Affairs, Defence and Security of the Executive Secretariat shall initiate joint activities for the national agencies of Member States in charge of preventing and combating terrorism.

**Section VII: Rule of Law, Human Rights and Good Governance***Article 32*

Member States agree that good governance and press freedom are essential for preserving social justice, preventing conflict, guaranteeing political stability and peace and for strengthening democracy.

*Article 33*

- 1) Member States recognise that the rule of law involves not only the promulgation of good laws that are in conformity with the provisions on human rights, but also a good judicial system, a good system of administration, and good management of the State apparatus.
- 2) They are also convinced that a system that guarantees the smooth running of the State and its administrative and judicial services contributes to the consolidation of the rule of law.

*Article 34*

- 1) Member States and the Executive Secretariat shall endeavour to adopt at national and regional levels practical modalities for the enforcement of the rule of law, human rights, justice and good governance.
- 2) Member States shall ensure accountability, professionalism, transparency and expertise in the public and private sectors.

*Article 35*

- 1) Member States shall establish independent national institutions to promote and protect human rights.  
The Executive Secretariat shall take measures to strengthen their capacities. The institutions shall be organised into a regional network. Within the framework of this network, each national institution shall systematically submit to the Executive Secretariat, any report on human rights violations observed on its

territory. Such reports and reactions of governments shall be widely disseminated through the most appropriate means.

*Article 36*

Member States shall institutionalise a national mediation system.

*Article 37*

- 1) Each Member State shall work towards ensuring pluralism of the information sector and the development of the media.
- 2) Each Member State may give financial assistance to privately-owned media. The distribution and allocation of such assistance shall be done by an independent national body or by a body freely instituted by the journalists themselves.

*Article 38*

- 1) Member States undertake to fight corruption and manage their national resources in a transparent manner, ensuring that they are equitably distributed.
- 2) In this regard, Member States and the Executive Secretariat undertake to establish appropriate mechanisms to address issues of corruption within the Member States and at the Community level.

*Article 39*

Protocol A/P.1/7/91 adopted in Abuja on 6 July 1991, relating to the Community Court of Justice, shall be reviewed so as to give the Court the power to hear, inter-alia, cases relating to violations of human rights, after all attempts to resolve the matter at the national level have failed.

**Section VIII: Women, Children and the Youth**

*Article 40*

Member States agree that the development and promotion of the welfare of women are essential factors for development, progress and peace in the society. Consequently, they undertake to eliminate all forms of discrimination and harmful and degrading practices against women.

*Article 41*

- 1) Member States shall guarantee children's rights and give them access to basic education.
- 2) Special laws shall be enacted in each Member State and at the level of the Community against child trafficking and child prostitution.
- 3) The Community shall adopt laws and regulations on Child Labour in line with the provisions of the International Labour Organisation (ILO).

*Article 42*

- 1) Member States shall agree on rules to be adopted on the training and development of the youth.
- 2) Uniform laws shall be adopted within the Community to prevent and handle cases of juvenile delinquency.

*Article 43*

The Executive Secretariat shall put in place all necessary structures within its establishment to ensure the effective implementation of common policies and programmes relating to the education and the promotion of the welfare of women and youth.

**Chapter II****Modalities for Implementation and Sanctions***Article 45*

- 1) In the event that democracy is abruptly brought to an end by any means or where there is massive violation of Human Rights in a Member State, ECOWAS may impose sanctions on the State concerned.
- 2) The sanctions which shall be decided by the Authority may take the following forms, in increasing order of severity:
  - Refusal to support the candidates presented by the Member State concerned for elective posts in international organisations;
  - Refusal to organise ECOWAS meetings in the Member State concerned;
  - Suspension of the Member State concerned from all ECOWAS decision-making bodies. During the period of the suspension the Member State concerned shall be obliged to pay its dues for the period.

- 3) During the period of suspension, ECOWAS shall continue to monitor, encourage and support the efforts being made by the suspended Member State to return to normalcy and constitutional order.
- 4) On the recommendation of the Mediation and Security Council, a decision may be taken at the appropriate time to proceed as stipulated in Article 45 of the Protocol of 10 December 1999.



Annex A (iii)

Draft Code of Conduct for the  
Armed Forces and Security Services  
in West Africa<sup>\*</sup>

**Preamble**

We, the Heads of State and Government of the Economic Community of West African States (ECOWAS);

Mindful of Articles 7, 8, and 9 of the Revised ECOWAS Treaty relating to the creation of the Authority of Heads of state and Government and defining its composition and functions;

Mindful of Article 58 of the said Treaty relating to sub-regional security and prescribing the need to safeguard and consolidate the maintenance of peace, stability and security within the region in establishing and creating appropriate mechanisms for the prevention and resolution of conflicts;

Mindful of the 1999 ECOWAS Protocol Relating to the Mechanism for Conflict Prevention, Management, Resolution, Peace-keeping and Security, particularly relating to training in international humanitarian law and human rights;

Considering the 2001 Protocol on Democracy and Good Governance, particularly the Constitutional convergence principles as contained in Article 1 of the Protocol;

Determined to overcome the legacy of conflicts, military rule, difficult and ineffective interactions between civilians and the Armed Forces and Security Services in our sub-region;

Aware of the need to promote sound democratic civil-security relations, effective governance of the Armed Forces and Security Services, ensure the security and safety of people and property, safeguard peace and stability, protect territorial

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\* Draft adopted at the 17th Meeting of the ECOWAS Defence and Security Commission, 30-31 October 2006, Ouagadougou, Burkina Faso. The text contained in this Annex is a reproduction of the original instrument. This reproduction does not constitute the official text and should not be cited as an official or authoritative source.



integrity and democratically established institutions, as well as establish common standards in the behaviour of the Armed Forces and Security Services;

Reaffirming our commitment to the principles of democracy, and Human Rights as defined in the United Nations Charter, the 1948 Universal Declaration of Human Rights, and the 1981 African Charter of Human and People's Rights;

Considering the Constitutive Act of the African Union and other stipulations of international Law;

Considering 1979 ECOWAS Protocol Relating to the Free Movement of Persons, Residence, and Establishment;

Hereby agree to common principles and standards defining politico-security relations, as specified in a Code of Conduct for Armed Forces and Security Services in West Africa

## **Chapter I: Definitions and General Principles**

### **Definition:**

#### *Armed Forces and Security Services*

In this Code of Conduct, "Armed Forces and Security services" refer to all those who, on behalf of the State, have a defence or security role. The "Armed Forces" include the Army, Air Force, Navy, and Gendarmerie; "Security Forces" the Police, Gendarmerie, National Guards and other Forces assigned with security.

### **General Principles**

#### *Article 1: Inviolability of National Integrity*

The Armed Forces and Security Services are the cradle of national unity and cohesion. Therefore, personnel recruitment and management shall be conducted without discrimination as to race, gender, ethnic, regional or religious affiliation.

#### *Article 2: Civilian Supremacy*

The Armed Forces and Security Services shall be at the disposal of the constitutionally established political authority and are subordinated to the constitutionally democratically elected authorities. Political authorities and groups shall refrain from undue interference or to extend partisan politics to the operations

of the Armed Forces and Security Services. Personnel of the Armed Forces and Security Services shall observe strict neutrality in partisan political matters.

*Article 3: National Cohesion*

The Armed Forces and Security Services are at the service of the nation and the people. Their mission shall be to guarantee, if necessary by force of arms, defence of the Nation and the territorial integrity of the state, ensure the protection of citizens and property as well as maintain peace and security in the ECOWAS sub-region.

*Article 4: Affirmation of Human Rights and International Humanitarian Law*

In the conduct of defence and security affairs, the behaviour of armed and security personnel shall duly uphold international humanitarian law, human rights and pertinent national laws and show due regard to property and the physical integrity and psychological well-being of persons. In situations of armed conflict, all armed groups and individuals are subject to Human Rights, International Humanitarian Law and pertinent national laws.

**Chapter II: Armed Forces and Security Services, Human Rights and International Humanitarian Law**

*Article 5: Training*

In addition to their professional training, Armed Forces and Security Services personnel shall each be given the education in constitutional law, human rights, international humanitarian law, and peacekeeping appropriate to their rank in order to build and enhance their capacity to meet rapidly changing challenges and threats.

*Article 6: Individual Responsibility*

Civilian political or administrative authority, personnel of Armed Forces and Security Services and their commanders shall be held individually responsible for instructions, orders and/or actions and omissions in violation of human, rights international humanitarian Law, and relevant domestic laws.

*Article 7: Humanitarian Assistance*

In the exercise of their duties, armed and security personnel shall provide adequate protection, refuge and assistance to all persons in need. They shall ensure that internally displaced persons, refugees, non-nationals, stateless persons, minorities, women, children, the elderly, and people with disabilities are not discriminated

against. No one shall discriminate on the basis of race, identity, religion, political beliefs, status or condition.

*Article 8: Human Rights in Periods of Emergency*

During exceptional circumstances, such as state of emergency or state of siege as defined by the Constitution and the ECOWAS Mediation and Security Council, Armed Forces and Security Services shall conform to their own national law and international humanitarian law as well as accepted international customary norms. At all times Armed Forces and Security Services personnel should be aware of and respect basic fundamental human rights.

*Article 9: Unlawful Acts*

Personnel of Armed Forces and Security Services shall refrain in all circumstances from the following acts: murder; torture; corporal punishment; rape; mutilation; cruel, inhumane, and degrading treatment; hostage taking; collective punishment; and any other act, including intimidation and threats, aimed at impairing the physical and psychological well-being of the individual.

*Article 10: Commensurate Use of Force*

In enforcing domestic law and order, Armed Forces and Security Services shall use firearms as a last resort with maximum restraint, and respect the principle of minimum force, even in situations of self-defence.

- a) After the use of firearms and in the event of injuries, the personnel of Armed Forces and Security Services shall assist the wounded without discrimination.
- b) The families of the victims shall be informed.
- c) A public enquiry shall be opened, and a report issued.

**Chapter III: Regulatory Framework Governing Civil-Military Relations**

*Article 11: Financial Responsibility*

The national political authority shall ensure that adequate financial resources and logistics are made available to Armed Forces and Security Services to enable them carry out their missions successfully.

*Article 12: Resistance to Human Rights Abuse*

Every person has the right and the duty to denounce and to resist any abuse of his/her constitutional and legal rights. Such acts should not be deemed contravening

to the law. Competent national jurisdictions should be available to review complaints by any person regarding violations of his/her human rights or property rights.

*Article 13: Loyalty to Constitutional Authority*

The personnel of Armed Forces and Security Services shall be disciplined and loyal to the State at all times and owe loyalty and obedience to the democratically elected constitutional authorities. The lawful command of such authorities shall be executed.

*Article 14: Confidentiality*

In executing the missions assigned to them, the Armed Forces and Security Services are required to uphold operational confidentiality except where exemption is granted by the appropriate authority. This provision shall not be construed as derogative of any articles in this Code.

*Article 15: Human Rights of Armed Forces and Security Services Personnel*

In exercising their functions, the personnel of Armed Forces and Security Services shall enjoy, within the limits of national law, their fundamental rights and freedoms as stipulated by the Constitution.

*Article 16: Non-Execution of Illegal Orders*

In the exercise of command, no order which contravenes international humanitarian law, human rights, pertinent national laws or ECOWAS democracy and good governance principles shall be given to, or obeyed by, armed and security personnel.

*Article 17: Military Operations in Compliance with International Humanitarian Law*

The civilian political and administrative authority shall ensure that the military operations it orders, including operations to maintain domestic law and order, shall be executed in conformity with the relevant provisions of international humanitarian law, human rights, national laws, the ECOWAS Protocol on Democracy and Good Governance and this Code of Conduct.

*Article 18: Guarantee of Expression of Fundamental Human Rights*

Under no circumstance shall the civilian political and administrative authority resort to Armed Forces and Security Services to restrict the peaceful, legitimate and legal exercise of the individual and collective rights of the citizens as guaranteed by the Constitution.

*Article 19: Transparency and Accountability in Security Management*

The democratic control of the Armed Forces and Security Services by State institutions (executive, judiciary and parliament) as well as ECOWAS institutions (executive, secretariat, parliament and court) shall be exercised with transparency and accountability, particularly in the process of security and defence planning, budgeting, and procurement.

*Article 20: Protection of Lives and Property*

Armed Forces and Security Services are to respect individual human dignity and protect the rights and security of the civilian population, including the physical integrity of the individuals as well as the security of their property.

*Article 21: Public Relations*

The high command of the Armed Forces and Security Services shall ensure that relations between their personnel and the civilian population are harmonious and based on mutual trust. In this regard, the armed and security forces shall, in collaboration with the national government, ECOWAS authorities, civil society, including non-governmental organisations and the media, endeavour to inform and educate the public on their unclassified programmes and operations.

*Article 22: Corporate Integrity*

In their relationships with the civilian population, the personnel of Armed Forces and Security Services shall avoid any act or behaviour that may bring their institutions into disrepute.

*Article 23: Contribution to National Development*

The Armed Forces and Security Services shall contribute, as appropriate, to the economic and social development of their country.

*Article 24: Security, Civil Society and Media*

Civilian, political and administrative authority, Armed Forces and Security Services personnel, civil society, including non-governmental organisations and the media, shall engage in regular interactions at different levels through public fora to promote cordial relationships, and enhance mutual respect and confidence between the civilian population and the Armed Forces and Security Services.

*Article 25: Free Movement and Harmonisation of Border Control Measures*

Armed Forces and security personnel shall ensure the implementation of the ECOWAS protocol regulating the free movement of persons, residence, and establishment. Armed Forces and Security Services should integrate and harmonise control measures at borders; the physical integrity of individuals and their personal possessions are to be respected and protected.

*Article 26: Support to Humanitarian Assistance*

Armed Forces and Security Services shall support humanitarian assistance operations at the national or international levels. In the execution of this mission, they shall cooperate, as appropriate, with humanitarian organisations.

*Article 27: Cultural Sensitisation in Peace Operations*

When Armed Forces and Security Services personnel are to form part of multinational operations in other countries, they shall undergo appropriate training and sensitisation on cultural differences to guide their conduct.

**Chapter IV: Relations between the Armed Forces and the Security Services***Article 28: Collaboration between Uniformed Personnel*

In the execution of their duties, Armed Forces and Security Services shall co-operate in the context of their respective and complementary responsibilities. They shall maintain permanent and harmonious relationships in times of peace (through joint seminars, exercises etc), as well as during crises, social upheavals, or armed conflicts.

*Article 29: Policing In Peace Times*

In peacetime, the maintenance of law and order is the responsibility of the Police, Gendarmerie and National Guard where they exist.

*Article 30: Policing In Times of Crisis*

In times of crisis or social upheavals, the protection of life and property shall be the primary responsibility of the Police, and the Gendarmerie, where it exists. In exceptional circumstances, and at the request of the political authority, the Armed Forces may intervene, as a last resort, in accordance with the national Constitution.

*Article 31: Rules of Engagement in Times of Crisis*

In times of armed conflict, the political authority shall define the rules of engagement for the Security Services as well as the scope of their involvement in the defence of national security alongside the Armed Forces.

*Article 32: Joint Operations*

Consistent with national laws, relevant international instruments, and as directed by the political authority, Armed Forces, alongside the Security Services, may be involved in combating criminal activities, such as illicit trade and proliferation of arms, terrorism, drug trafficking, other organised crime, violence against women and children, and any form of illicit trafficking. These missions may be carried out through joint operations, patrols, and the monitoring of politically sensitive areas.

*Article 33: Enhanced Linkages and Communication*

Necessary measures shall be taken to introduce or strengthen at all levels liaison systems, both within and between states, and among the various Armed Forces and Security Services.

**Chapter V: Implementation and Propagation of the Code***Article 34: Propagation*

The present Code of Conduct shall be translated into the working languages of ECOWAS, integrated in the training and educational programmes, and taught to the Armed Forces and Security Services at all levels of all Member States of ECOWAS.

The Code of Conduct shall be widely disseminated through national sensitisation campaigns using appropriate media (state institutions, NGOs) within the respective territories of these States in the national and, if necessary, local languages.

*Article 35: Monitoring and Oversight*

The status of implementation of this Code of Conduct shall form part of the agenda of relevant ECOWAS organs, in particular the Defence and Security Commission.

Oversight of the implementation of the Code of Conduct shall rest with ECOWAS. Each Member State shall appoint a National Independent Ombudsman to monitor its implementation and to take appropriate measures following any violations of this Code of Conduct.

*Article 36: Biannual Review*

Recognising the importance of this Code of Conduct and its potential in promoting peace, security, stability, and the well-being of West African Nations, bi-annual meetings shall be convened to assess its implementation at the local, national and sub-regional levels. Participants shall include experts, the representatives of governments, Armed Forces and Security Services, and civil society, including non-governmental organisations, the media and other relevant stakeholders. The said bi-annual meetings will consider reports to be submitted by each ECOWAS member-state on the implementation of the Code.

*Article 37: Codification*

This code of conduct shall be implemented with an eye toward its domestication.





## Annex A (iv)

# The ECOWAS Conflict Prevention Framework\*

### Section II: Introduction

1. The Economic Community of West African States (ECOWAS) has, over the years, proven its capacity to undertake successful conflict prevention, peacemaking and conflict resolution under the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security of 10<sup>th</sup> December 1999 (hereafter referred to as the Mechanism). The Institution has achieved remarkable success in fulfilling its mandate by containing violent conflicts in the sub-region and carrying out conflict prevention interventions through preventive diplomacy initiatives - fact-finding missions, quiet diplomacy, diplomatic pressure and mediation.

2. The institution has also established several promising conflict prevention organs to underpin its mandate, including the Early Warning System, the Mediation and Security Council, Offices of the Special Representative, the Council of the Wise and Special Mediators. However, the implementation of the preventive aspects of the Mechanism has at times, lacked a strategic approach. It has been characterized by weak internal coordination, underutilization and misdirection of existing human capacities as well as the deployment of limited instruments.

3. In particular, the distribution of roles and responsibilities between ECOWAS and Member States, between ECOWAS and civil society, as well as between ECOWAS and external partners is weak, resulting in the utilization of limited instruments, piecemeal interventions and late response to crises. The development of a strategic framework to underpin the preventive aspects of the Mechanism has, therefore, become imperative.

4. ECOWAS Member States bear primary responsibility for peace and security. However, as steps are taken under the new ECOWAS Strategic Vision to transform the sub-region from an 'ECOWAS of States' into an 'ECOWAS of the Peoples', the tensions between sovereignty and supranationality, and between regime security and human security, shall be progressively resolved in favor of supranationality and

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human security respectively. Consequently, civil society shall play an increasingly critical role alongside Member States in the maintenance and promotion of peace and security. In this order of things, the principal role of ECOWAS shall be to facilitate creative conflict transformation interventions by Member States and civil society.

5. To this end, the purpose of the ECOWAS Conflict Prevention Framework (ECPF) is to serve as a reference for the ECOWAS system and Member States in their efforts to strengthen human security in the sub-region. Achieving this objective requires effective and durable cooperative interventions to prevent violent conflicts within and between States, and to support peace-building in post-conflict environments.

6. For the purposes of the ECPF, human security refers to the creation of conditions to eliminate pervasive threats to people's and individual rights, livelihoods, safety and life; the protection of human and democratic rights and the promotion of human development to ensure freedom from fear and freedom from want.

7. The ECPF is intended as follows:

- a) A comprehensive operational conflict prevention and peace-building strategy that enables the ECOWAS system and Member States to draw upon human and financial resources at the regional (including civil society and the private sector) and international levels in their efforts to creatively transform conflict.
- b) A guide for enhancing cohesion and synergy between relevant ECOWAS departments on conflict prevention initiatives in order to maximize outcomes and ensure a more active and operational posture on conflict prevention and sustained post-conflict reconstruction from the ECOWAS system and its Member States. Within the ECOWAS Commission, it is primarily the Office of the Commissioner for Political Affairs, Peace and Security (PAPS) that bears primary responsibility for operational conflict prevention policy and initiatives. However, the crosscutting nature of conflict issues means that PAPS has to work in close collaboration with other departments, such as Human Development and Gender, Communication and Legal.
- c) A reference for developing process-based cooperation with regional and international stakeholders, including the private sector, civil society, African RECs, the AU and UN systems, as well as development partners, on conflict prevention and peace-building around concrete interventions.

**Section VI: Aim, Objectives and Outputs**

27. The overall aim of the ECPF is to strengthen the human security architecture in West Africa. The intermediate purpose is to create space within the ECOWAS system and in Member States for cooperative interaction within the sub-region and with external partners to push conflict prevention and peace-building up the political agenda of Member States in a manner that will trigger timely and targeted multi-actor and multi-dimensional action to diffuse or eliminate potential and real threats to human security in a predictable and institutional manner.

28. The ECPF sets the following objectives:

- a) Mainstream conflict prevention into ECOWAS' policies and programmes as an operational mechanism.
- b) Increase understanding of the conceptual basis of conflict prevention, and in so doing, interrelate conflict prevention activities with development and humanitarian crisis prevention and preparedness.
- c) Build awareness and anticipation, and strengthen capacity within Member States and civil society to enhance their role as principal constituencies and actors in conflict prevention and peace-building.
- d) Increase understanding of opportunities, tools and resources related to conflict prevention and peace-building at technical and political levels within Member States, the ECOWAS system and beyond.
- e) Increase awareness and preparedness for cooperative ventures between ECOWAS, Member States, civil society and external constituencies (RECs, AU, EU, UN, International Financial Institutions (IFIs) and development/humanitarian agencies) in pursuit of conflict prevention and peace-building.
- f) Strengthen capacity within ECOWAS to pursue concrete and integrated conflict prevention and peace-building facilitation, and concomitant activities such as development and humanitarian crisis prevention and preparedness, in Member States using existing resources, such as the Departments of the Commission; the Early Warning System; organs of the Commission, including the Council of the Wise and Special Mediators; and other ECOWAS institutions.
- g) Enhance ECOWAS' anticipation and planning capabilities in relation to regional tensions.
- h) Extend opportunities for conflict prevention to post-conflict environments through targeted restructuring of political governance, conflict-sensitive reconstruction and development, as well as humanitarian crisis prevention and preparedness, and related peace-building initiatives.
- i) Generate a more pro-active and operational conflict prevention posture from Member States and the ECOWAS system.

29. *Outputs*: This framework document:

- a) sets practical guidelines on conflict prevention to which ECOWAS and Member States can refer in their cooperation and in their engagement with partners.
- b) sets practical guidelines for cross-departmental and cross-initiative cooperation and synergy within ECOWAS on conflict prevention.
- c) provides practical guidance for cooperative ventures between ECOWAS, Member States, civil society and external partners in pursuit of conflict prevention and peace building.
- d) incorporates an ECOWAS strategy on resource mobilization, advocacy and communication to underpin the initiatives with respect to conflict prevention and peace-building.
- e) creates the necessary bridge linking everyday conflict prevention initiatives to structural (strategic) conflict prevention.
- f) shall be supplemented by a Plan of Action and Logical Framework with identified priority activities to be undertaken by ECOWAS, Member States, civil society, the private sector and external partners in the short, medium and long term.

### **Section VIII: Components, Activities and Benchmarks of the ECPF**

42. The ECPF comprises fourteen components that span the chain of initiatives designed to strengthen human security and incorporate conflict prevention activities (operational and structural) as well as aspects of peace-building. They are: [1] Early Warning; [2] Preventive Diplomacy; [3] Democracy and Political Governance; [4] Human Rights and the Rule of Law; [5] Media; [6] Natural Resource Governance; [7] Cross-Border Initiatives; [8] Security Governance; [9] Practical Disarmament; [10] Women, Peace and Security; [11] Youth Empowerment; [12] ECOWAS Standby Force; [13] Humanitarian Assistance; and [14] Peace Education (The Culture of Peace).

43. Given the interconnectedness of the initiatives, components and activities under conflict prevention may be replicated in peace-building interventions

52. *Democracy and Political Governance*: Without prejudice to other Protocols and Decisions of Heads of State and Government, this component shall set the objective of facilitating the realization of the relevant provisions of Article 58 of the Revised Treaty; the relevant provisions of the Protocol on Free Movement of Persons, the Right of Residence and Establishment; The Declaration of Political Principles (1991); Articles 2(A), 42-1, 44 (B) and 45 of the Mechanism; and in particular, the provisions of the Supplementary Protocol on Democracy and Good Governance. To this end, the objectives of Democracy and Political Governance shall be: [i] to create

space and conditions for fair and equitable distribution and exercise of power and the establishment and reinforcement of governance institutions; [ii] to ensure the active participation by all citizens in the political life of Member States under common democratic, human rights and constitutional principles articulated in ECOWAS Protocols, the African Charter on Human and People's Rights, NEPAD principles and other international instruments.

53. To achieve the objectives of Democracy and Political Governance, the following activities shall be undertaken:

- a) ECOWAS shall facilitate, and Member States shall ensure, the strengthening of the Executive, Legislature and the Judiciary of Member States to promote efficient delivery, the enhancement of separation of powers and oversight responsibilities in governance.
- b) ECOWAS shall assist Member States to promote the professionalization of governance institutions by building and strengthening transparent, nonpartisan, efficient and accountable national and local institutions, in particular the civil service.
- c) Member States, in cooperation with ECOWAS and with the full participation of civil society organizations, shall assist political parties with financial support and know-how to strengthen internal party democracy and participation, and to mobilize resources to make credible the access to political power through the crafting of manifestos that promote national cohesion, consensus, participatory democracy and sustainable development.
- d) ECOWAS shall facilitate, and Member States shall adopt and implement targeted programs to enhance the active involvement of women in decision making, seeking elective offices and participating in the electoral process.
- e) In post-conflict environments, ECOWAS shall facilitate the creation of mechanisms to help former guerrilla movements and other non-state armed groups to make the transition to exclusively peaceful means of political contest, including the creation, capacity enhancement and financing of political parties.
- f) ECOWAS shall facilitate the provision of assistance to Member States and local constituencies in the preparations for credible periodic elections, including technical and financial support for the conduct of census, voter education, enactment of credible electoral codes, compilation of voters' registers and training of electoral officials, monitors and observers.
- g) ECOWAS shall facilitate the enactment and enforcement of statutes in Member States to strengthen the capacity of all political parties to effectively compete in elections and minimize the impact of the incumbency factor in elections.
- h) Member States shall establish and ensure the functioning of mechanisms and processes for power decentralization, including the strengthening of local government structures and assisting traditional rulers to effectively oversee

community development and engage in mediation and alternative dispute resolution. They shall undertake to assign specific self-governance roles to local government authorities.

- i) Member States shall encourage the establishment of permanent platforms that bring together electoral management bodies, political parties, security services, the media and civil society for the exchange of views, formulating of electoral codes of conduct and modalities and the resolution of election related disagreements.
- j) Member States shall facilitate the active involvement of civil society organizations, including NGOs, traditional structures and community-based organizations in electoral and governance processes.
- k) Civil society organizations shall carry out activities to promote credible and transparent electoral and governance processes, including awareness-raising, training workshops for political parties, electoral management bodies, the media, security services, election monitors and observers.
- l) Civil society organizations shall assist Member States to establish mechanisms to strengthen the capacity of the media, security services and the judiciary to deliver efficient electoral oversight, security and arbitration.
- m) ECOWAS and Member States shall develop after-office roles for out-going incumbents and former Heads of State.
- n) Member States shall allocate resources and training to enhance the effectiveness and fairness of traditional courts to complement the work of the justice system.
- o) Member States and civil society organizations shall undertake to popularize and educate citizens on ECOWAS Protocols relating to Democracy and Good Governance.

54. The benchmarks for assessing progress in the promotion of democracy and political governance shall include the following:

- a) Adoption and/or enforcement of national constitutions that reflect the constitutional convergence principles contained in the Supplementary Protocol on Democracy and Good Governance, the African Charter on People's and Human Rights, and international norms and standards.
- b) Grassroots awareness of supranational and international norms and standards of democracy and good governance, and the determination of national stakeholders to defend and promote democratic gains.
- c) Public confidence in governance structures at all levels.
- d) Adoption and/or enforcement of anti-corruption policies and enhanced transparency and accountability in the public sector.
- e) Adoption and/or enforcement of policies and mechanisms to enhance participation at all levels in the governance process.

- f) Availability and application of affirmative policies on minorities, women, youth and the marginalized, including quota systems and waivers for women, as well as incentives for pro-women parties.
- g) Minimum sub-regional norms and standards set and applied for elections and electoral administration.
- h) Vibrant political party activity during non-electoral periods.
- i) The existence of a reliable and credible voters' register
- j) Increased confidence in the electoral management bodies.
- k) Increased vibrancy and non-partisanship of the media that do not propagate hatred.
- l) The holding of predictable, periodic and credible elections to determine the accession to, retention and exercise of power.
- m) Reduced incidence of electoral fraud, disputes and violence.
- n) Increased willingness to accept electoral verdicts and relinquish power peacefully.

55. Stakeholders shall meet the following capacity needs under the Democracy and Political Governance component:

- a) Recruit staff and governance experts for the Department of Political Affairs, and equip the Department with tools to facilitate interventions in the area of democracy and political governance.
- b) Strengthen the conflict prevention capacity of the Office of the Commissioner for Political Affairs, Peace and Security as well as the capacity of the Electoral Assistance Unit with personnel, financial support and relevant equipment to lead interventions in electoral processes across the sub-region.
- c) Develop training packages and organize workshops for the legislature to enhance their capacity in following and analyzing developments, the art of motion passing, parliamentary debate, law enactment and oversight.
- d) Organize targeted refresher and reorientation courses for the leadership of the civil service, state administration and local government in modern administration and management techniques.
- e) Equip the leadership of local government structures, traditional structures and community groups with training and tools in decentralization.
- f) Provide established networks of sub-regional electoral management bodies with resources and expert support.
- g) Organize training programmes to enhance the capacity of political parties to promote internal democracy, self-organization, sustainability and elaboration of manifestos.
- h) Organize capacity-building workshops for political parties and women organizations, and provide them with resources to enhance the participation of women at all levels of politics.



- i) Leverage resources for national and community programmes targeting the promotion of common citizenship and ethnic harmony.
- j) Identify and fund roles in mediation and advocacy for Former Heads of States and Government

56. *Human Rights and Rule of Law*: Drawing inspiration from the Universal Declaration of Human Rights and the African Charter on Human and People's Rights, the Human Rights and Rule of Law component sets out to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty; the relevant provisions of the Protocol on Free Movement of Persons, Right of Residence and Establishment; Articles 2(D, E), 31-1, 25(D) and 45 of the Mechanism; and Articles 29-39 of the Supplementary Protocol on Democracy and Good Governance. The objective shall be to ensure equal protection and access to justice and social services for all before the law, and strengthen the institutions of human rights and justice in the sub-region towards this end.

57. To achieve the objective of Human Rights and Rule of Law, ECOWAS and Member States shall undertake the following activities:

- a) ECOWAS shall facilitate the harmonization of policy and practice with regard to human rights, the rule of law and access to justice across the sub-region through networking and sharing of best practices among national human rights and judicial institutions based on regional and international norms.
- b) ECOWAS shall facilitate the adoption, reform and enforcement of national constitutions and human rights instruments to promote human rights, access to justice and social services for all, and shall monitor compliance by Member States.
- c) ECOWAS shall facilitate the adoption and enforcement of human rights policies in favor of the marginalized, including ethnic and religious minorities, women and youth, particularly in the areas of participation, political, inheritance and property rights.
- d) Member States shall create space and structures to address issues of past and present justice to promote reconciliation and unity, especially in post-conflict and post-authoritarian settings.
- e) Member States shall adopt and implement specific policies to promote child rights, including the right to education, measures against human trafficking and child labor.
- f) Member States shall pass, reform and enforce legislation against outmoded and discriminatory practices, including forced marriages, modern slavery and caste discrimination.
- g) Member States shall adopt and implement specific measures to ensure girl child education, including the promotion of girls' schools and compulsory primary education for all.

- h) Member States shall respect and enforce constitutional provisions that guarantee the independence, transparency and fairness of the Judiciary and human rights institutions.
- i) Member States shall adopt and implement security governance reforms to ensure that the practices of security forces and prison services are in strict conformity with the requirements of human rights and the rule of law, and are subject to democratic control.
- j) Member States shall adopt, reform and implement Constitutions and related instruments to promote human rights and guarantee access to justice for all citizens.
- k) Member States shall ensure that criteria for citizenship are fair, equitable and in conformity with ECOWAS instruments, including criteria for registration of deaths and births, naturalization, inheritance rights and the right of residence and establishment.
- l) Member States shall implement measures to guarantee access to justice for all, including the recognition, assistance to and modernization of the traditional, religious and community justice delivery systems, and shall ensure their conformity with the Constitution and other national statutes.
- m) Member States shall prioritize infrastructure development and job creation in partnership with the private sector and implement measures to increase the population's access to social services such as education, health, water and energy.
- n) Member States shall adopt and implement freedom of information legislation and media policies that promote inclusiveness and sanction hate media.
- o) Civil society organizations shall actively participate in the adoption, reform, implementation and evaluation of human rights policies and practices in Member States.
- p) Civil society organizations shall monitor Member States' compliance with human rights instruments, and shall popularize and raise awareness about ECOWAS Protocols, regional and international instruments relating to human rights and the rule of law.

58. The benchmarks for assessing progress in the promotion of Human Rights and Rule of Law shall include the following:

- a) Establishment of a functioning and accountable regional network of human rights institutions and measurable compliance of Member States with regional norms on human rights and rule of law.
- b) Capacity and action within the ECOWAS Commission, including PAPS, the Legal Department and the Department of Human Development and Gender to facilitate the promotion and protection of human rights and the rule of law in Member States.

- c) Active role of the Community Parliament, Community Court of Justice and the Arbitration Tribunal in monitoring compliance of Member States' with human rights and rule of law instruments.
- d) Existence of transparent and affordable avenues at regional level and in Member States for airing and seeking redress to grievances and injustice.
- e) Absence of or measurable reduction in tensions relating to citizenship and ethnicity.
- f) Positive public perception and confidence in the formal and traditional judicial and arbitration systems.
- g) Reduction in the cost of access to justice.
- h) High public awareness of ECOWAS and international legal instruments and active civil society involvement in judicial matters and debates.

59. The capacity requirements for the promotion and protection of Human Rights and Rule of Law shall include the following:

- i) Training workshops for the ECOWAS Legal and Political Affairs Departments, the Human Rights Committee of the Community Parliament, as well as the ECOWAS National Units in the elaboration of 'model' Human Rights legislation for adoption, modification and application by Member States; and also in judicial reform and interpretation of statutes.
- j) Training of the ECOWAS Legal and Political Affairs Departments, in tracking compliance
- k) Training of the Community Parliament and the Arbitration Tribunal in tracking compliance and making rulings on human rights cases.
- l) Training workshops for national parliaments and national human rights commissions in harmonization of instruments and oversight functions.
- m) Workshops and seminars for officials of the traditional justice system on the penal code, marriage laws, the customary code, the land tenure system and related legislation.
- n) Human Rights training for security forces and services, including the military, police, military police, gendarmerie and prison service officials.

60. *Media*: In the efforts to operationalize the provisions of Articles 65 and 66 of the Revised ECOWAS Treaty and Articles 1 (K), 32 and 37 of the Supplementary Protocol on Democracy and Good Governance, the objective of the Media component of ECPF shall be to forge an enabling West African information landscape of freedom, transparency and accountability, where the electronic and print media shall become veritable watch dogs of human security, and platforms for mobilization and discourse on the processes to promote human rights and the rule of law, common citizenry and integration, social harmony, democracy and development.

61. Towards the attainment of this objective, the following activities shall be undertaken:

- a) ECOWAS shall facilitate the emergence of a network of media practitioners in the sub-region, including the Media Commissions, Journalist associations, media owners and oversight bodies as a vehicle for the establishment of ECOWAS minimum norms and standards for media practice and the promotion of interaction and cooperation among journalists and media practitioners in the sub-region.
- b) ECOWAS shall conduct feasibility studies with a view to promoting the establishment of a region-wide news channel “ECOTV” and “ECORADIO” in cooperation with regional media houses and with the active support of the private sector.
- c) ECOWAS shall promote and defend media practice by facilitating the enactment, enforcement and propagation of freedom of information laws and codes of conduct for media practitioners across the sub-region.
- d) ECOWAS shall enhance the capacity of West African media to lend visibility to ECOWAS activities and interventions. To this end, ECOWAS shall develop a scheme to invite journalists and media houses on a rotational basis to be part of ECOWAS missions and activities.
- e) ECOWAS shall also facilitate workshops for journalists through Regional and National Journalists Associations to enhance their capacity to interpret and inform about ECOWAS policies and activities in regional integration, democracy, peace and security.
- f) ECOWAS shall, with the active involvement of Member States, promote the establishment of ‘EcoPeace’ Community Radios along sensitive borders to promote community spirit, regional integration and combat cross-border crime.
- g) Member States shall adopt, apply and ensure respect for freedom of information laws and discourage the persecution of media practitioners by ensuring strict adherence to the independence of the judiciary, the rule of law and due process.
- h) Member States shall facilitate the acquisition of media equipment, newsprint and other relevant materials by media houses.
- i) Member States shall adopt and enforce targeted laws to combat hate media and shall promote programmes in support of national reconciliation and regional integration based on common citizenship and justice, particularly in post-conflict settings.
- j) Member States shall facilitate the creation of regulatory and ethical bodies to oversee and monitor compliance with codes of conduct and other laws relating to media practice

62. In assessing progress in the media landscape with respect to peace and security, the following yardsticks shall be employed:

- a) The availability of and adherence to an ECOWAS Code of Conduct for the Media in Member States and freedom of information laws in Member States.
- b) The existence of a diverse and vibrant media landscape where responsibility, fairness and objectivity, as well as the promotion of national unity and regional integration, guide media practice.
- c) Reduced incidence of persecution of journalists.
- d) Greater popular awareness within the Community about ECOWAS protocols and interventions to promote regional integration, peace and security.

63. Stakeholders in the ECPF shall endeavor to meet the capacity needs of the Media component with all available means, including the following:

- a) Financial support and expertise for the creation and functioning of networks of National and Regional media practitioners.
- b) Financial and expert support to organize targeted workshops and monitor media practice in the sub-region.
- c) provide appropriate support to the disadvantaged media to encourage pluralism, particularly in post conflict environments so that they can be used to promote national reconciliation.
- d) Funding the establishment and provision of expertise and training for 'EcoPeace' community radios in sensitive border communities.

68. *Cross-Border Initiatives:* The objectives of Cross-Border Initiatives shall be to reduce tensions, fight cross-border crime and enhance communal welfare and harmony, as well as Community citizenship as espoused by relevant ECOWAS Protocols, including the Revised Treaty, the Mechanism, the Supplementary Protocol on Democracy and Good Governance and the Protocol on Free Movement of Persons and Goods, Right of Residence and Establishment. These objectives are intrinsically intertwined with initiatives regarding natural resource governance, gender equality, humanitarian crisis prevention and preparedness, youth empowerment, money laundering, the fight against drug and human trafficking and weapons proliferation.

69. ECOWAS and partners shall undertake the following activities under the Cross-Border Initiatives component:

- a) ECOWAS shall set up an inter-departmental committee within the Commission to map out the challenges at sensitive borders and identify specific threats to peace, security and human well-being at different cross-border zones in the sub-region, with special attention to the situation in island and landlocked States, criminality and threats to women's livelihoods.

- b) ECOWAS shall actively cooperate with the UN system and other institutions working on cross-border issues in the sub-region for the purposes of harmonization and capitalization.
- c) ECOWAS shall facilitate the strengthening and smooth functioning of the West African Police Chiefs' Committee (WAPCCO) as a platform for effective cooperation between the police, the gendarmerie, the intelligence services and other institutions working on security, and shall facilitate the harmonization and coordination of interventions to fight cross-border crime.
- d) ECOWAS shall actively involve decentralized ECOWAS institutions and resources (the Zonal Bureaux, Council of the Wise, National Units, Offices of the Special Representative and specialized agencies), as well as community groups in the conceptualization, implementation and monitoring of cross-border initiatives.
- e) ECOWAS shall promote the establishment of model 'common border settlements' built around quick impact employment opportunities for the youth, citizenship forums, and health, recreational and information centers.
- f) ECOWAS shall facilitate the study of specific threats to island and landlocked States with a view to adopting measures to counter criminality in island States and facilitate free movement of persons, goods and services to and from landlocked States.
- g) ECOWAS shall prioritize and facilitate infrastructure development, including intra-regional trunk roads, rail networks and telecommunication as conflict prevention tools, with the cooperation of Member States and resources from the private sector and development partners.
- h) ECOWAS shall promote the establishment of 'EcoPeace' community Radio Stations at sensitive borders to serve as rallying points for cultural exchanges, communal harmony, information sharing and for combating cross-border crime.
- i) ECOWAS shall assist Member States to take steps to protect their territorial integrity against external threats, secure their external borders against criminality and aggression, and promote good neighborliness with countries bordering ECOWAS territory.
- j) Member States shall promote cross-border cooperation, facility and intelligence sharing, as well as joint operations, between security forces (border guards, police, custom officials, gendarmeries) along common borders within the framework of the West African Police Chiefs' Committee.
- k) Member States shall enforce compliance with the Protocol on Free Movement of Persons, the Right of Residence and Establishment among security and custom agencies, and shall sanction extortion and erection of illegal check points along regional routes and at crossing points.
- l) Civil society organizations shall promote awareness about regional integration and peace enhancement processes through 'EcoPeace' Radio stations, workshops, seminars, sporting activities and other such platforms.

- m) Civil society organizations shall undertake conflict prevention and peace building activities in sensitive border areas, including civil-military cooperation; campaigns against human trafficking, drug trafficking, banditry and other cross-border crimes; promotion of the harmonious distribution and use of land, forest and water resources; promotion of ethnic harmony; youth empowerment and the fight against HIV/AIDS and STDs.
- n) Civil society organizations shall undertake advocacy and mass awareness campaigns around the Protocol on Free Movement, against roadblocks and extortion at crossing points.

70. The following benchmarks shall be used to assess progress in the implementation of Cross-Border Initiatives:

- a) Elimination of, or reduction in, 'no man's lands' or border zones considered as safe havens for lawlessness and crime.
- b) Measurable reduction in illicit trade such as money laundering, weapons and human trafficking and other criminal activities in the border areas within the Community, particularly in vulnerable border areas.
- c) Increased security of the external borders of the Community
- d) Increased inter-communal harmony and cooperation, as well as greater opportunities and better livelihoods for all, in multi-ethnic environments.
- e) Increased safety at crossing points and the elimination or reduction of roadblocks and extortion.
- f) Increased awareness about ECOWAS values, particularly with regard to regional integration and Community citizenship.
- g) Agreed cross-border arrangements to support humanitarian crisis prevention and preparedness as part of comprehensive approach to foster communal welfare and harmony.

71. The underlisted capacity requirements shall facilitate the attainment of the goals set under Cross-Border Initiatives:

- a) Financial and expert support for the study and capitalization of challenges facing sensitive internal and external borders.
- b) Transfer of expertise and financial support to the West African Police Chiefs' Committee (WAPCCO) for the coordination of information sharing, cooperation and networking between the police, gendarmerie, the intelligence services and other security services.
- c) Training, financial and equipment support, including X-ray technology, night vision equipment, detectors and transport to facilitate joint cross-border cooperation by security agencies.
- d) Resources and training to support community policing initiatives in sensitive border areas.

- e) Capacity-building workshops for decentralized ECOWAS institutions, traditional/community leaders and NGOs on land tenure, community development and alternative/traditional dispute resolution.
- f) Provision of funds and equipment as well as training to support advocacy and quick impact projects, including EcoPeace Radios; entrepreneurial training for youth; micro-credit facilities; recreational, health and educational centers.
- g) Resources and expertise for cross-border humanitarian crisis prevention and preparedness strategies and activities.

72. *Security Governance*: The objectives of Security Governance shall be: [i] to eliminate threats to individual and group rights, safety, life, livelihoods, and property, and the protection of the institutions and values of democratic governance, human rights and the rule of law under a human security umbrella; [ii] to orient the focus and capacities of individuals, groups and institutions engaged in the security system to make them responsive and responsible to democratic control and to adhere to basic human rights; [iii] to ensure the emergence and consolidation of accountable, transparent and participatory security systems in Member States. The purpose of this component is to facilitate the implementation of the relevant provisions of Article 58 of the Revised ECOWAS Treaty; the relevant provisions of the Mechanism and Protocol on Free Movement; and particularly Articles 1 (C, E) and 19-24 of the Supplementary Protocol on Democracy and Good Governance.

73. Target groups for Security Governance shall include the following:

- a) Statutory institutions legally mandated to stock, manage and apply the instruments of coercion, such as the armed forces, police, gendarmerie, intelligence units, border guards, custom and immigration services, paramilitaries and forest rangers.
- b) Statutory and non-statutory institutions responsible for the administration of justice and the penal code, such as the judiciary and the prison service, as well as customary and traditional justice systems.
- c) Statutory and non-statutory bodies and organizations responsible for security sector policy, financing, regulation and oversight, such as the executive and advisory bodies on national security, the Legislature, the Ombudsman, relevant ministries and civil society organizations.
- d) Legal and informal non-statutory security sector actors, such as militias, vigilantes and neighborhood watch outfits.
- e) Private security providers, arms brokers and suppliers (local and foreign).
- f) Local, foreign and international institutions implementing or supporting Security System Reform in the sub-region.

74. To achieve the objectives set under Security Governance, the following activities shall be undertaken by stakeholders:



- a) ECOWAS shall develop a security governance framework with a Plan of Action that takes into account peculiarities of the sub-region to feed into continental and global processes on Security System Reform. Towards this objective, an expert group composed of relevant ECOWAS departments, experts and NGOs shall be established by the Commission.
- b) ECOWAS shall facilitate the conduct of a study into the military and security agencies as part of SSR needs analysis for West Africa to identify and define areas of intervention.
- c) ECOWAS shall develop, adopt and facilitate the implementation of a regulatory framework with a sanctions regime on non-statutory armed groups, including militias, vigilantes, and private security outfits.
- d) ECOWAS shall develop, adopt and enforce prohibition legislation on mercenary and terrorist activities, and other cross-border criminal activities.
- e) ECOWAS shall develop and promote the implementation and monitoring of a set of practical guidelines to govern the activities of all actors implementing or supporting SSR initiatives in the sub-region.
- f) ECOWAS shall facilitate the mainstreaming of security governance into relevant conflict-sensitive initiatives, including DDR, practical disarmament, cross-border programmes, youth empowerment and the protection of human rights and the rule of law.
- g) Member States shall launch initiatives to restructure and right-size national security agencies in post-conflict environments with the facilitation of ECOWAS and the support of UN agencies and specialist NGOs.
- h) Member States shall ensure that demobilized combatants and retrenched or retired soldiers and officers are adequately retrained, reintegrated, rehabilitated or compensated under restructuring and DDR exercises.
- i) Member-States shall develop, reform and implement policies on prisons, spelling out minimum acceptable conditions for detention camps, prisons and rehabilitation centers, access to legal aid and corrective programmes, gender sensitivity in prisons, and all other rights of prisoners and detainees, as well as the responsibilities of prison guards and wardens.
- j) Member States shall adopt or reform policies to ensure that the recruitment, promotion and entitlements of members of the armed forces and other security agencies are transparent, equitable and on merit, and that they reflect ethnic balance and gender sensitivity.
- k) Member States shall guarantee competitive emoluments and ensure the supply of adequate equipment to the security forces and services.
- l) Member States shall adopt and implement policies to discourage the use of the military in policing activities.
- m) Member States shall promote the holding of workshops on the rights and responsibilities of security agencies, with the active cooperation of specialist civil society and research institutions.
- n) Member States, in cooperation with specialist civil society organizations and research institutions, shall organize capacity-building workshops on the

command structure, military ethics and the functioning of the security apparatuses for oversight bodies, including the parliamentary committees on security and defense budgeting, justice and other security-related ministries.

- o) Member States shall develop, with the assistance of the private sector and civil society, youth empowerment schemes designed to engage the youth in gainful endeavors, community and national development.
- p) Specialist NGOs and research institutions shall develop or adapt training packages and organize workshops on civil-military/security cooperation, community policing and practical-disarmament for community leaders, the youth, the police, the military and related security agencies.
- q) Relevant ECOWAS Bodies, specialist NGOs and research institutions shall promote dialogue, exchanges and other joint activities between security agencies and communities to enhance confidence-building and mutual trust.

75. The following shall constitute the benchmarks for assessing progress in security governance:

- a) The existence of an operational ECOWAS security governance framework.
- b) The existence of transparent and competent oversight institutions, policies and procedures on security.
- c) Increased predisposition of the armed forces towards democratic control.
- d) Increased confidence and trust between oversight bodies and the military/security hierarchy.
- e) The elimination of the incidence of military incursions into politics and drastic reduction in armed brutality or recourse to arms to resolve disputes.
- f) Positive public perception of, and increased confidence in, the security forces.
- g) Increased mutual trust and respect between the community and security agencies.
- h) Reduced crime in the community.
- i) Reduced incidence of prison congestion, detention without trial and second time offenders.
- j) Frequency of national dialogues on SSR, which are consultative and predicated on participation of all critical stakeholders including security providers (both statutory and non-statutory) and oversight bodies including civil society and vulnerable groups.
- k) Armed forces and security services whose composition reflects ethnic, geographic and gender balance.

76. The following capacity needs shall be met in undertaking the activities outlined under security governance:

- a) Training and recruitment of DDR and SSR experts to build expertise on security governance facilitation within the ECOWAS Commission.

- b) Expertise and equipment support to build a database of SSR resources in the sub-region and beyond.
- c) Provision of a package of resource materials, incentives and tools to accompany SSR and DDR initiatives in Member States.
- d) Extension of financial and legal aid to underpin judicial and prison reforms.
- e) Provision of financial and technical support for community policing and practical-disarmament initiatives.

81. *Women Peace and Security*: This component aims to facilitate the realization of the provisions of UN Security Council Resolution 1325; the relevant provisions of the Revised ECOWAS Treaty, in particular Article 63; the relevant provisions of the Mechanism; and the provisions of Articles 40 - 43 of the Supplementary Protocol on Democracy and Good Governance. The objective of the Women, Peace and Security component of ECPF shall thus be to propel and consolidate women's role and contribution to centre stage in the design, elaboration, implementation and evaluation of conflict prevention, resolution, peace-building and humanitarian initiatives while strengthening regional and national mechanisms for the protection and advancement of women.

82. To enhance the role, visibility and impact of women in peace and security, the following activities shall be prioritized:

- a) ECOWAS shall, through the Department of Human Development and Gender and the Gender Center, and in collaboration with identifiable networks of women organizations in West Africa, conduct an evaluation of literature and focused study on the gendered impact of violent conflicts on women and map out their role in the emerging ECOWAS security architecture. The study shall take into consideration the contribution and positive roles played by women in peace processes and peace-building, and the need to include women in the leadership missions and peace negotiations, and mainstream gender in all aspects of the ECOWAS peace and security architecture.
- b) ECOWAS shall facilitate the development and implementation of targeted programs to enhance the leadership, negotiation and dispute resolution skills within women organizations.
- c) ECOWAS shall take practical steps to increase the number of women in senior decision making positions on peace and security matters within the Commission and other ECOWAS institutions.
- d) ECOWAS shall adopt a regional policy to combat discrimination against women in all its forms, including inheritance, property rights, dehumanizing cultural practices, pay differentials, female genital mutilation (FGM), arranged and forced marriages, and child labor.

- e) ECOWAS shall facilitate the development of a regional strategy to combat gender-based violence (GBV) and the strengthening of legislative and judiciary measures, awareness and training on GBV in Member States.
- f) ECOWAS shall facilitate the adoption and implementation in Member States of affirmative policies to enhance girl-child education and female literacy and numeracy.
- g) ECOWAS shall facilitate the establishment of 'Young Women's Fellowship' programmes with the collaboration of institutions of higher learning and the private sector within the ECOWAS region and other regions working on peace and security.
- h) Member States shall take practical steps to increase the number of women in senior positions on peace and security matters within Government institutions at all levels.
- i) Member States shall develop, enhance and build on existing programmes to strengthen the capacity of women organizations in project design and implementation, and support them with targeted financial packages and equipment.
- j) Member States shall take practical steps, including legislative reform and affirmative measures, to promote the recruitment of women into the armed forces and other security agencies, and their active participation in the military and civilian components of ESF.
- k) Member States shall take practical measures to put women organizations at the forefront of community and cross-border initiatives, including programmes to combat human trafficking, HIV/AIDS and STDs.
- l) Civil society organizations shall develop and implement pro-women programmes in Member States, including capacity building for women, awareness raising and advocacy on women empowerment.

83. The following shall constitute benchmarks for assessing progress under the Women, Peace and Security component:

- a) Adoption and implementation of affirmative policies in favor of women at the regional and national levels.
- b) Greater visibility of women and their organizations at regional, national and local levels of peace and security activities.
- c) Special emphasis on the adoption and practical implementation of measures to prosecute violence against women in national and regional penal codes.
- d) Progressive reduction in gender-based discriminatory practices.
- e) Greater self reliance and independence of women in the social and economic spheres.
- f) Narrowing of the parity gap between boy and girl child school enrolment.

84. To promote interventions in favor of women in the peace and security domain, stakeholders shall provide capacity in the following priority areas:

- a) Expertise, financial and equipment support to ECOWAS departments and agencies working on gender to enable them spearhead regional interventions.
- b) Financial and expert support to women organizations for capacity building workshops.
- c) Facilitation of access to micro-credits and equipment for women in the sub-region.
- d) Creation of a special fund to support girl-child education and fellowships through advocacy and the establishment of trial model girl schools in select vulnerable settings.

### **Section X: Plan of Action, Monitoring and Evaluation**

122. *Plan of Action:* The ECPF shall be accompanied by a four-year Plan of Action to be developed by the Commission. The Plan shall be supported by performance indicators and a reporting plan. It shall be elaborated in a logical framework that shows detailed activities to be carried out, the actors and target groups involved, inputs, expected outcomes and impacts, and the time frame for the activities.

123. *Monitoring and Evaluation (M&E):* The purpose of the Monitoring and Evaluation process shall be to assess the progress of all aspects of the ECPF on a regular basis with a view to gauging impacts on the conflict landscape in West Africa and applying corrective, incremental or reinforcing measures, wherever and whenever necessary, to maximize outcomes. The following measures shall be undertaken in the M&E process:

- a) The Commission shall make an annual report on the level of implementation of the ECPF at the end of year summit of the Authority of Heads of State and Government.
- b) M&E shall become an integral part of the ECOWAS peace and security strategy.
- c) M&E shall be continuous, participative and transparent.
- d) M&E shall be carried out on components as well as the totality of the Framework.
- e) The M&E Department of ECOWAS shall oversee the monitoring and evaluation process with the active participation of all stakeholders.
- f) M&E shall be carried out at the grassroots (community), national and regional levels.
- g) The processes and outcomes of the M&E exercise shall be made available to all stakeholders and shall constitute the subject of lessons learned and capacity enhancement workshops between the stakeholders of the ECPF, including the ECOWAS system, Member States, civil society organizations, other Regional Economic (Integration) Communities, the UN system, the AU Commission and development partners.

## **ANNEX B**

# **CLASSIFICATION OF STATES ACCORDING TO SIGNPOSTS FOR SSR**



## Signposts for SSR

<b>Benin</b> <i>Democratising</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>Limited, no clear statements</li> <li>Successive elections and widening democratic spaces provide opportunity for reform</li> </ul>	<ul style="list-style-type: none"> <li>Constitutional framework exists</li> <li>Some evidence that security organisations are accountable to elected authorities</li> <li>Civil society participation in policy still low</li> </ul>	<ul style="list-style-type: none"> <li>Elected government in control of limited process</li> <li>Culture of civil society participation is limited</li> </ul>	<ul style="list-style-type: none"> <li>Limited capacity for parliamentary oversight</li> <li>Difficult for civil society to gain access</li> </ul>

<b>Burkina Faso</b> <i>Stagnant – weak democratic control channels</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>No stated commitment to reform</li> </ul>	<ul style="list-style-type: none"> <li>2004 Decree clarifying roles of security actors</li> <li>No security/ defence policy</li> </ul>	<ul style="list-style-type: none"> <li>Civil society is engaged in constructive criticism of role of security agencies</li> <li>No opportunity to participate in policy reform</li> </ul>	<ul style="list-style-type: none"> <li>Limited role for oversight institutions and limited knowledge base</li> </ul>



<b>Cape Verde</b> <i>Democratising</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• No clear evidence of commitment to SSR but pursuit of democratisation agenda</li> </ul>	<ul style="list-style-type: none"> <li>• Constitutional framework</li> <li>• Clear oversight roles and channels of accountability</li> <li>• Respect for civil authority by security sector</li> </ul>	<ul style="list-style-type: none"> <li>• Room for constructive dialogue with civil society</li> </ul>	<ul style="list-style-type: none"> <li>• Need for broadened knowledge base of SSR within civil society</li> </ul>

<b>Côte d'Ivoire</b> <i>Potential post-conflict</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• Peace Agreement will provide an opening for reform</li> </ul>	<ul style="list-style-type: none"> <li>• Dependent on implementation of peace agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Too early to judge</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>The Gambia</b> <i>Stagnant – weak democratic control channels</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>No clear statements indicating commitment</li> </ul>	<ul style="list-style-type: none"> <li>No clear policy and no strategic framework</li> </ul>	<ul style="list-style-type: none"> <li>Restricted civil society participation</li> <li>Overall lack of transparency</li> </ul>	<ul style="list-style-type: none"> <li>N/A</li> </ul>

<b>Ghana</b> <i>Democratising</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>Government commitment to SSR demonstrated by its commitment to the Performance Improvement Programme in MoD</li> </ul>	<ul style="list-style-type: none"> <li>Existing constitutional framework and other legislation defining role of security institutions and oversight bodies</li> <li>No defence or security policy</li> <li>No strategic policy framework for the security services</li> </ul>	<ul style="list-style-type: none"> <li>Reform efforts largely locally directed but strong external drive and supply-driven</li> </ul>	<ul style="list-style-type: none"> <li>Capacity building through seminars and training courses for military and oversight bodies</li> <li>Civil society gradually developing knowledge base and performing limited oversight activities</li> <li>Overall, oversight tradition still low; knowledge base still weak</li> </ul>

<b>Guinea</b> <i>Resistance to change</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• No commitment to reform</li> </ul>	<ul style="list-style-type: none"> <li>• Constitutional framework unclear</li> <li>• No security policy</li> <li>• Lack of transparency in SSG</li> <li>• Accountability mechanisms blurred and irrelevant</li> <li>• Lack of transparency in management of security sector</li> </ul>	<ul style="list-style-type: none"> <li>• Civil society totally excluded from security sector-related issues</li> <li>• Lack of knowledge base within civil institutions and civil society</li> </ul>	<ul style="list-style-type: none"> <li>• No process of internal dialogue whatsoever on SSR</li> </ul>

<b>Guinea-Bissau</b> <i>Potential post-conflict</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• Post-conflict phase not yet at advanced stage</li> </ul>	<ul style="list-style-type: none"> <li>• Not yet on agenda/not yet feasible</li> </ul>	<ul style="list-style-type: none"> <li>• Civil society involvement in transitional process is encouraging and greater participation in any future SSR is likely</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>Liberia</b> <i>Post-conflict</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>Peace Agreement provides for SSR</li> </ul>	<ul style="list-style-type: none"> <li>Constitutional framework does not fully support SSR: overwhelming powers in hands of president</li> <li>Organisations managing peace implementation process are not familiar with SSR</li> </ul>	<ul style="list-style-type: none"> <li>Limited local ownership of ongoing reform/ reconstruction processes</li> <li>Positive step that civil society representation included in peace agreement</li> </ul>	<ul style="list-style-type: none"> <li>Limited understanding of what SSR entails among key local and international actors</li> <li>No coherence among those engaged in different aspects of reform</li> </ul>

<b>Mali</b> <i>Democratising</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>Clear statements of intent by government and the people</li> </ul>	<ul style="list-style-type: none"> <li>Respect for constitutional framework</li> <li>Articulation of reform agenda by government in collaboration with civil society</li> <li>Respect for civilian authorities by security sector</li> <li>Transparency of policy process</li> <li>Role of oversight institutions well defined</li> </ul>	<ul style="list-style-type: none"> <li>Process completely owned by the government and the people</li> <li>Civil society actively involved in planning and implementation of reform programme</li> </ul>	<ul style="list-style-type: none"> <li>Advanced state of reform</li> <li>Evidence of professional security sector</li> <li>Active role of oversight bodies</li> <li>External challenges to consolidation of democracy</li> </ul>

<b>Mauritania</b> <i>Resistance to change</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• No commitment to reform</li> </ul>	<ul style="list-style-type: none"> <li>• Absence of security policy and no clear framework</li> </ul>	<ul style="list-style-type: none"> <li>• Restricted democratic spaces</li> <li>• Limited fundamental freedoms</li> </ul>	<ul style="list-style-type: none"> <li>• N/A</li> </ul>

<b>Niger</b> <i>Democratising</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• Some evidence of commitment to reform demonstrated by partnerships with key international agencies and facilitation of dialogue processes, e.g. by NDI, UNDP, DPA</li> <li>• No clear policy statements on SSR</li> </ul>	<ul style="list-style-type: none"> <li>• Clear constitutional framework exists</li> <li>• No security/ defence policy</li> <li>• Emerging process aimed at embedding culture of respect for civil authorities by the military</li> </ul>	<ul style="list-style-type: none"> <li>• Externally supported but nationally controlled processes</li> <li>• Space for dialogue involving civil society organisations</li> </ul>	<ul style="list-style-type: none"> <li>• Process of democratisation and reform ongoing</li> <li>• Encouraging early signs of regime's commitment to change</li> <li>• Constructive engagement by civil society</li> <li>• Need for improved knowledge base on SSR</li> </ul>

<p style="text-align: center;"><b>Nigeria</b> <i>Recent transition, weak democratic control channels</i></p>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>• Early presidential statements on commitment to avoid return of military rule</li> <li>• Early action to reverse extreme politicisation of armed forces through retirement of political officers in the armed forces</li> <li>• No clear statements of commitment to an overall SSR agenda</li> </ul>	<ul style="list-style-type: none"> <li>• No security policy or defence review process</li> <li>• Constitutional framework exists</li> <li>• Existence of oversight mechanisms but superficial practice of oversight functions given limited knowledge base in parliamentary committees and limited independence of action</li> <li>• Lack of horizontal accountability</li> </ul>	<ul style="list-style-type: none"> <li>• Reform-related activities are externally supported and driven through, process is controlled by government</li> <li>• Limited participation of civil society</li> </ul>	<ul style="list-style-type: none"> <li>• Professionalisation of the armed forces</li> <li>• Largely with external support</li> <li>• Limited knowledge base of SSR but some oversight activities performed by civil society</li> <li>• Oversight still weak, lack of knowledge and best practice within oversight institutions</li> </ul>

<b>Sierra Leone</b> <i>Post-conflict</i>			
<b>Commitment to SSR</b>	<b>Key Principles and Framework</b>	<b>Local Ownership/ Participation</b>	<b>Level of Progress</b>
<ul style="list-style-type: none"> <li>• Government commitment to full reform</li> <li>• A range of SSR-related activities undertaken as part of effort to move from collapsed state to viable, stable state</li> </ul>	<ul style="list-style-type: none"> <li>• Constitutional framework but potentially blurs relationships, e.g. president is also minister for defence</li> <li>• Security policy in the making</li> <li>• Emerging accountability by security sector to civil authority</li> <li>• Clear role of oversight institutions</li> </ul>	<ul style="list-style-type: none"> <li>• SSR process largely externally driven and externally led. Local government and commanders have limited leadership before management is transferred</li> <li>• Evidence of civil society involvement in the process</li> </ul>	<ul style="list-style-type: none"> <li>• Oversight institutions still relatively weakened by poor knowledge base and lack of adequate training. Parliamentary committees in particular require greater exposure to SSR issues</li> <li>• Sustainability difficult to predict as government has limited resources to continue the scale of reform once external actors leave</li> </ul>

<b>Senegal</b> <i>Democratising</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>• Some signs of commitment to reform by government</li> </ul>	<ul style="list-style-type: none"> <li>• Constitutional framework and guidelines clear</li> <li>• Clear role for oversight institutions</li> <li>• Accountability and respect of civil authorities by security sector apparent</li> </ul>	<ul style="list-style-type: none"> <li>• SSR-related activities largely led by government</li> <li>• Limited participation by civil society</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge base within civil society is weak</li> </ul>

<b>Togo</b> <i>Resistance to change</i>			
Commitment to SSR	Key Principles and Framework	Local Ownership/ Participation	Level of Progress
<ul style="list-style-type: none"> <li>• No commitment to reform</li> </ul>	<ul style="list-style-type: none"> <li>• Framework blurred by domination of military and executive arm</li> <li>• Parliament heavily influenced by military and executive arm</li> </ul>	<ul style="list-style-type: none"> <li>• No civil society participation</li> <li>• Limited fundamental freedoms and democratic spaces</li> </ul>	<ul style="list-style-type: none"> <li>• No oversight functions by oversight institutions and civil society</li> </ul>





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# About the Geneva Centre for the Democratic Control of Armed Forces (DCAF)

The Geneva Centre for the Democratic Control of Armed Forces (DCAF) is an international foundation whose mission is to assist the international community in pursuing good governance and reform of the security sector.

To this end, the Centre develops and promotes appropriate norms at the international and national levels, determines good practices and relevant policy recommendations for effective governance of the security sector, and provides in-country advisory support and practical assistance programmes to all interested actors.

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