

# **Conflicts and Security Governance in West Africa**

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**Altus Global Alliance**

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Altus works to improve public safety, security and justice in countries around the world, bringing empirical and multicultural perspectives to that work and promoting greater participation of civil society in security and justice reform. Altus places special emphasis on accountability of security forces in domestic and regional justice systems.

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## Foreword

Security sector governance is a crucial part of pre-colonial African history of governance with all the inter-ethnic and religious wars from within and without. This is because the traditional system of separation of powers between the Commander of the fighting forces and the ruling authority was clear even in cases where the King or Queen led the forces to the war front. There were also coup d'états, and then came the colonialists who brought in their own system, instruments, and institutions and used force not for security but for political and economic exploitation.

During this period, the rule of law, respect for human rights and the states' responsibility to protect were far distant dreams. In addition, security sector governance was not taken as an important part of local governance as orders were coming from the colonial capitals. Eventually, the colonialists left and encouraged the so-called independent states to adopt the same structure, instruments and institutions that were built for a different purpose. Not long after the African military, aided and abetted by external sources and resources, went along with their Latin America counterparts to replace the elected political regimes.

Since then the African political elites and civil society have not seen the need for an adaptation or to think outside the box for initiating new instruments, institutions, and reconstructing the system. This was so until South Africa gave us a model in Africa for building a people-centred security sector. This innovative act by South Africa and the various conflicts within the sub-region attest to the weaknesses of the military in political toga and as a security instrument. Africans waited for their ex-colonial masters to realize the need for reforms and through Defence Diplomacy brought the issue of Security Sector Governance to the front burner beginning from the late 1980s by creating and funding networks of academia, military and CSOs to work with various Governments especially in post conflict countries with the potential for renewed conflicts.

In addition, we saw a change of mind from those who encouraged coup d'états during the cold war years. They now started telling us that in the post-cold warworld, coups will face sanctions. The periods of cold war, post-cold war, civil wars and conflicts all had their own share of atrocities concerning African experiences of the military. For nearly two decades now, there have been series of workshops for PEPs and CSOs concerning the military institution. There have also been academic seminars, studies, publications, handbooks, and guidelines by the United Nations Think-Tanks, and consultant reports, all supported by the International Development partners who have seen that a professional security community that respects Human Rights and Rule of Law serves as an instrument for the State's Responsibility to Protect. Such a security community with such principles clearly indicates that good governance is in place. This may be easy to say from an activist's

perspective but more difficult to achieve in the mist of terrorism, insurgency, and civil war. A balance therefore has to be found.

This is where this publication has filled a niche which must be explored to the point of turning praxis to policy and policy to practice in that part of Africa where security sector governance is under serious stress. This is especially the case as the security community must now operate under the scrutiny of the internal and external media in line with various international Instruments like IHL,R2P, and the Protection of Historical Monuments.

The various contributing authors to this book have tried to situate security sector governance within the political context (but some miss the constitutional gaps). They also touch on the social context (with no emphasis on Think-Tanks and the Community Based Organizations in urban and rural areas). There have been less discussion on the cultural traditions of the past influencing the current culture of the security sector, including the Intelligence structures (Human and Technology) in place. There has been inadequate emphasis on how economic constraints, the youth bulge, and reliance on external assistance weaken or strengthen governance of the security sector.

It is also important to note that most of the authors refer to ECOWAS which has now assumed responsibility for the collective security of all its fifteen member states. In view of the above concerns, I have no doubt that academia, experts, practitioners and students across the five continents of the world will find this well researched publication useful. They would see the need for further study of the situation while the political elites in decision making positions will find the publication vital for further engagement and policy formulation. Those in various National Assemblies across Africa will also find it valuable for their oversight functions.

In conclusion, the renowned editor and authors of this publication have provided us a stimulus for further study on how the strengths and stresses of the governance of security and public safety in conflict situations can function without legal erosion of the National Fighting Power which should be a pillar of Human Security i.e. an instrument of freedom from fear (See new Policy Exchange Report on “Fog of War”). Furthermore, it is also imperative to think outside the box by making the national crisis and conflict resolution mechanism an important pillar of governance in West Africa when rule of law and human rights are the indispensable framework.

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## Introduction

### **Waging Peace in West Africa: A Good Practices Guide to Security Interventions in Conflict Situations**

By  
*Abdul Raufu Mustapha*

#### **1. Introduction**

The 15 countries of the West Africa sub-region, organized under ECOWAS, stretch from Senegal in the west to Nigeria in the east. Most of these countries 'have established rule of law, functioning state institutions and relatively good governance.' Furthermore, they also experienced relatively strong rates of economic growth: in 2012 they grew at the average GDP growth rate of 6.9 per cent, a rate that is higher than the Africa average.<sup>1</sup> West Africa is also a region of profound experimentation in the development of collective security institutions and mechanisms. At a 2010 conference to review the progress of ECOWAS in this regard, participants, including past and current Heads of State and other senior officials, pointed out some of the considerable achievements of the West African states under ECOWAS in the sphere of peace-keeping and peace-building over the last two decades. The conference:

mentioned the fact that the region had been transformed from a zone of crippling wars (in the Greater Mano River Basin) in the 1990s into a space where no active war is raging today, as evidence of the progress that has been made. It did not also escape the attention ... that democratic culture was steadily taking root in the region.<sup>2</sup>

Some of the achievements of the West African states include:

- i. The restoration of peace to Sierra Leone, Guinea Bissau and Cote d'Ivoire;
- ii. Aversion of war through effective preventive diplomacy in Togo and Guinea Bissau;
- iii. The adoption and implementation of institutional and legal frameworks for conflict prevention, management, resolution, peace-keeping and peace-building;
- iv. The adoption and effective application of constitutional convergence principles with an accompanying sanctions regime.

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<sup>1</sup> Adjoa Anyimadu, 'Maritime Security in the Gulf of Guinea: Lessons Learned from the Indian Ocean', Africa 2013/02, Chatham House, London, July 2013, p.7.

<sup>2</sup> ECOWAS, 2010, 'Two Decades of Peace Processes in West Africa: Achievements – Failures – Lessons', Monrovia, Liberia, 22-26 March 2010, [http://www.comm.ecowas.int/dept/h/h1/en/rapport/Final\\_Report\\_Two\\_Decades\\_English.pdf](http://www.comm.ecowas.int/dept/h/h1/en/rapport/Final_Report_Two_Decades_English.pdf), p..4

- v. The institutionalization of “home-grown” strategies in preventive diplomacy and military intervention...<sup>3</sup>

These achievements notwithstanding, the conference went on to note that the West Africa ‘region remains precariously fragile and susceptible to relapse into violence and reversals in the democratization processes.’<sup>4</sup>

Indeed, another high-level conference in 2013, this time organized by another pan-African organization, the African Governance Institute (AGI) in Dakar, re-emphasised this theme of the fragility of peace in West Africa. It is significant that the AGI conference connected this fragility with the governance of the security sector, noting that negative:

recent developments in West Africa, especially in Mali and Guinea Bissau and elsewhere ... [are] consequences of poor governance in armed and security forces. ... [and] in order to address the emerging human security challenges facing the continent, there is a need to reconsider the missions, the structures, the training and logistics of the armed and security forces.<sup>5</sup>

Participants at the AGI conference specifically pin-pointed ‘the bad governance of the armed forces’ as a major challenge facing African countries, noting that ‘there was a disconnect between democratic governance and the governance of the armed forces’.<sup>6</sup> Two important challenges were noted regarding the poor governance of the security forces: (1) the ‘politicization of the armed forces’, and the ‘defence corruption vulnerability of nations and ... the corruption in African armed and security forces.’<sup>7</sup> An intimate connection was made between the lack of democracy in a country, the poor governance of its armed forces, the country’s susceptibility to corruption, and the threat to the human security of the citizenry. Two key lessons were highlighted:

countries with higher levels of democratization faced lower risk of corruption in the armed and security forces, while those with low levels of democracy faced higher levels of corruption in the armed and security forces as well as bigger threats to their existence as independent entities. The second lesson ... was that it was realistic and practical for the armed forces of nations, together with involved regional organizations and civil society, to tackle this problem and to make significant improvement.<sup>8</sup>

The AGI conference thereby put on the agenda, the democratic governance of the security forces and the role of civil society organizations in the process. The conference went on to highlight 9 key points for the democratic governance of the security forces, including the fact that the ‘good governance of the armed and security forces is a prerequisite for entrenching accountable, inclusive and participatory democracy in an environment of peace and security’.

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<sup>3</sup> *ibid.*

<sup>4</sup> *ibid.*, p.5

<sup>5</sup> African Governance Institute, ‘High-Level Policy Dialogue and Strategic Thinking Session on Governance of African Armed Forces’, policy Brief No. 1, Dakar, April 9, 2013.

<sup>6</sup> *ibid.*, p. 3

<sup>7</sup> *ibid.*, pp. 3-5

<sup>8</sup> *ibid.*

The two high-level pan-African conferences summarized above draw our attention to the urgent challenge of the promotion of good governance in the armed and security forces of West African states and the need to strengthen the capacity of these forces to resist and limit partisan politicization on the one hand, and systemic corruption, on the other. Indeed, as noted by Nigeria's Minister of State for Defence, Erelu Obada, for these West African states to address their current marginalization in world affairs, and achieve their full potential, they must address the question of the security of lives and property across their countries and the general stability of the West African sub-region and the Gulf of Guinea (GOG).<sup>9</sup>

This ALTUS sponsored study of the governance of the security sector in seven West African states is aimed at contributing to a better understanding of the dynamics of the security forces in the sub-region. It is hoped that good practices in some countries can become important lessons for others across the sub-region. Experts with intimate knowledge of each country were commissioned to write the individual country studies that are presented here. To improve comparability, efforts were made to ensure that each study spoke to a similar set of concerns. First concern is our understanding of the concept of security. Wole Soyinka's parody of African tyrannical regimes in *Kongi's Harvest* presents us with the conflation of the person of the ruler with the state. The ruler is the state, and by extension, the security of the state is reduced to the security of the ruler. Even with the wave of democratization after 1990, many African states still suffer from this personalization of the state by the leadership. In these studies, we move beyond the narrow identification of security with the person of the leadership, or even with state institutions. We adopt a wider definition of security as human security, concerned, not just with the institutions of the state, but also with the integrity of the society, and with the well-being of the individual citizen.

This connection between the state, the governance of its security sector, and the welfare of the citizenry is examined from a number of angles in these studies. Some key questions addressed are: What kind of state exists in each case? What political, social, and economic contexts characterize each state? What is the historical context of the evolution of the security sector? What is the nature of civil society? What are the demographic dynamics of the state? What is the threat perception (internal and external) of state elites? What is the effectiveness and legitimacy of state institutions? How active are non-state actors and institutions in the security sector? What influences do religious beliefs and institutions wield? What is the availability of information – media or rumours - upon which the citizen can base their demands on the state? Are the mandates of security forces clearly defined and limited by law? Do security forces use their powers proportionately? Are there policies to deal with illegal and discriminatory actions? What is the level of the political neutrality of the security forces? Are the operations of the security forces gender sensitive?

From these questions, key themes emerge in the evaluation of the democratic content of the governance of the security sector: (1) Accountability & Transparency: (what is the quality of Parliamentary, Judicial, and societal oversight of the security sector? How transparent is the budgeting process for the security services?); (2) existence of avenues for seeking redress: (are there Independent human rights bodies, national commissions, and Ombudsman

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<sup>9</sup> Hon. Erelu Olusola Obada, Minister of State for Defence, Nigeria, 'Nigeria's Defence Priorities: Domestic Stability for Regional Security', Chatham House, London, 18 July 2013.

through which the citizen can seek redress?); (3) Legitimacy: (what level of confidence do affected local population have in the security forces?); (4) Voice & Participation of civil society: (are different social groups represented in the security & justice systems?) (5) Professionalism: (how committed are the security services to their professional ethics?) Various research methodologies - desk research; interviews with key stakeholders; perception surveys of selected communities; focus group discussions with specific groups; and media analyses - were used wherever appropriate and practicable to get to grips with these questions in the context of the history of each country. Based on these approaches, key actors studied in our country studies include the core Security bodies - army, police, immigration, intelligence; important oversight bodies – executive, parliament; Financial and administrative arrangements for the management of the security sector – ministries of defence, internal affairs, and opaque security votes; Justice & law enforcement bodies – judiciary, prisons; Non-statutory security bodies – private security companies, vigilantes; Public complaint bodies – National Human Rights Commission; and Civil society organizations.<sup>10</sup> In each country study, an effort is made to cover as many of these themes and questions as possible.

## **2. (In) Security Challenges in West Africa**

The quality of the governance of the security sector in the West Africa sub-region should be evaluated against the threats of insecurity facing the sub-region. These include piracy and maritime violence across the Gulf of Guinea, Islamist political violence across the Sahel, the activities of narco-traffickers from some Latin American countries, the proliferation and trafficking in small arms, and the large scale trafficking of persons, especially women and children.

### *Piracy in the Gulf of Guinea*

The situation in the Gulf of Guinea (GoG) is one of the pressing security challenges facing West African countries. Ghana's Chief of Naval Staff, Rear Admiral Geofrey Biekro in 2013 described the GoG as 'one of the most dangerous maritime areas in the world.'<sup>11</sup> The countries of the GoG, stretching from West to Central Africa, produced about 5.4 million barrels of crude oil per day in 2012. The GoG is therefore an important area in the global geo-politics of oil, attracting the attention of the major western powers as well of those of sophisticated global syndicates of oil thieves and pirates. In 2010, there were 45 reported cases of piracy in the GoG. In 2011 this rose to 65 cases, while 37 vessels were attacked in 2012. 'What had been primarily a problem in Nigeria's Niger Delta has expanded with attacks or raids in neighbouring Benin, Togo, Ghana, Côte d'Ivoire, Cameroon and Equatorial Guinea since 2009.'<sup>12</sup> In this context, the territorial waters of Nigeria, Benin and Togo 'are considered areas at greatest risk of piracy and armed robbery at sea, theft of oil

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<sup>10</sup> For our general methodology see OECD, 2007, *The OECD DAC Handbook on Security System Reform (SSR) Supporting Security and Justice*, Paris; and Abdul Raufu Mustapha, October 2012, 'Soloists & Orchestras: Methodological Reflections on the Comparative Study of Security Sector Governance & Conflict in West Africa', CLEEN, Lagos.

<sup>11</sup> Inemesit Akpan-Nsoh, Odita Sunday, and Anietie Akpan, '[African navies meet over piracy in Gulf of Guinea](#)', *www.ngrguardiannews.com*, 28 August 2013.

<sup>12</sup> Erelu Obada, *op cit*.

and other cargo, illegal, unreported and unregulated fishing, and trafficking of counterfeit items, people, narcotics and arms.<sup>13</sup>

U.S. Naval Intelligence Reports indicate that ‘about nine hijacking incidents, 55 unauthorized vessel boarding, several kidnappings and vessels fired upon’ happened in the first half of 2013.<sup>14</sup> According to some analysts, ‘piracy there had jumped 41% from 2011 to 2012 and was on track to be even worse in 2013.’<sup>15</sup> In a 2013 *Human Cost of Maritime Piracy Report*, the International Maritime Bureau (IMB) noted that West Africa ‘has now overtaken Somalia as the world’s piracy hot-spot with 966 sailors attacked last year compared with 851 in Somalia.’ The IMB estimates the costs of the stolen goods in the GoG in 2012 at between 25 and 75 million euros (\$33 million to \$100 million).<sup>16</sup>

In response to this rising level of insecurity, the UN Security Council, in February 2012, adopted Resolution 2039, which urged the states of the region to cooperate in countering piracy at regional and national levels. In response, the Economic Community of West African States (ECOWAS), the Economic Community of Central African States (ECCAS) and the Gulf of Guinea Commission (GGC) convened joint meetings to draft a regional strategy.<sup>17</sup> A summit was held in Yaounde, attended by 11 leaders of ECOWAS and ECCAS to produce a joint action plan to tackle piracy and maritime criminality.

#### *Islamist Terrorism & Cross-Border Banditry in the Sahel*

In the Sahel region of West Africa, the collective threat facing the sub-region comes from Islamist terrorism and cross-border banditry. As the chapters on Mali and Niger show, since the 1960s, both countries have had problems with restive ethnic groups, especially Tuareg and Arab, in their northern regions. In recent times, however, this problem of ethnic restiveness has worsened, and is further compounded by the rise of Islamist movements. The scale of the Sahelian threat is difficult to quantify, but most figures suggest that it is a growing threat. According to the Global Terrorism Database from the University of Maryland, there were 119 terrorist incidents in sub-Saharan Africa in 2001. By 2011, however, this number had risen close to 500. Another report, this time from the International Center for Terrorism Studies at the Potomac Institute for Policy Studies, counted 21 terrorist attacks in the Maghreb and Sahel regions in 2001. However, during the Obama years, the figures are said to fluctuate between 144 and 204 attacks annually.<sup>18</sup>

By 2010, Mali had become the epicentre of the Islamist security threat in the Sahel. In that year, Tuareg nationalist restiveness in the country led to violent instability which soon sucked in Salafi-Jihadist forces from across North and West Africa, such as al-Qaida in the Islamic Maghreb (AQIM) from Algeria and *Boko Haram* and *Ansaru* from Nigeria. The Malian army, infected by the ‘gangrene of corruption’ had become an institution in which

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<sup>13</sup> Adjoa Anyimadu, *op cit*.

<sup>14</sup> ‘Nigeria laments rising insecurity in Gulf of Guinea’ <http://premiumtimesng.com/>, August 29, 2013

<sup>15</sup> Nick Turse, ‘The Terror Diaspora: The US Military and the Unraveling of Africa’, *TomDispatch.com*, Tuesday, 18 June 2013

<sup>16</sup> ‘Leaders want naval force in Gulf of Guinea as Africa loses \$300b to oil theft, others’, [www.ngrguardiannews.com](http://www.ngrguardiannews.com), Monday, 24 June 2013

<sup>17</sup> Adjoa Anyimadu, *op cit*.

<sup>18</sup> Nick Turse, *op cit*

‘nepotism and profiteering ran amok’, and it could do little as the alliance of Tuareg and Salafi forces over-ran two-thirds of the national territory.<sup>19</sup> With money from contraband smuggling, drug trafficking, and ransom payments, and well-armed from the armoury of the collapsing Khadafi regime in Libya and captured Malian army stockpiles, these jihadist forces were in ‘a position to contemplate the regional expansion of their activities’.<sup>20</sup> Mali soon became a lunch-pad from which these various Jihadist forces wanted ‘to occupy a large territory in West Africa and to rule it according to their concept of shari’a’.<sup>21</sup>

In response to the growing threat of instability, ‘ungoverned spaces’, narco-trafficking, and Salafism in the Sahel, agencies of the US State Department created the Pan-Sahel Initiative in 2002, initially focusing on four countries – Mali, Mauritania, Chad and Niger – but later transformed to Trans-Sahara Counterterrorism Partnership (TSCTP) in 2005, covering several other countries including Nigeria.<sup>22</sup> The TSCTP and its Defence Department companion programme, *Operation Enduring Freedom-Trans-Sahara*, were collapsed into the U.S. Africa Command in 2008.<sup>23</sup> Between 2009 and 2013, the US government is reported to have spent between \$520 million and \$600 million ‘in a sweeping effort to combat Islamist militancy in the region’.<sup>24</sup> In 2011, the EU also developed the “European Union strategy for security and development in the Sahel”, identifying poverty, States’ weak capacity of governance, the regional repercussions of the Libyan conflict, narcoterrorism, and religious fundamentalism as the threats to European countries emanating from Sahelian countries.<sup>25</sup> In 2013, when the Jihadist forces threatened to overrun Bamako and take over the whole of Mali, the French were forced to intervene militarily.<sup>26</sup> At the other end of West Africa, African countries have also been responding to the threat of cross-border banditry and Islamist terrorism. In 1998, the governments of Niger, Chad and Nigeria established a multi-national joint task force (MNJTF) to patrol areas prone to those attacks. Cameroon subsequently joined the MNJTF.<sup>27</sup>

Beyond these two common challenges of coastal piracy and Sahelian terrorism, each country in the sub-region also faces challenges that are peculiar to it, such as the Niger Delta militancy, the large-scale vandalization of national infrastructure, and ethno-religious violence in Nigeria; repeated armed forces mutiny in Burkina Faso; spasmodic rebel activity in the Casamance region of Senegal; the repeated threat of food insecurity and Tuareg restiveness in Niger Republic; north-south regional conflict and violence in Ivory Coast; repeated Tuareg rebellions in Mali; and mass poverty and youth unemployment in post-war

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<sup>19</sup> Baz Lecocq *et al*, 2013, ‘One hippopotamus and eight blind analysts: a multivocal analysis of the 2012 political crisis in the divided Republic of Mali’, *Review of African Political Economy*, 40, 137, pp. 343-357, p. 347

<sup>20</sup> François Heisbourg, 2013, ‘A Surprising Little War: First Lessons of Mali’, *Survival: Global Politics and Strategy*, 55:2, 7-18, p. 9

<sup>21</sup> Lecocq *et al*, *op cit*, p. 350

<sup>22</sup> Erelu Obada, *op cit*

<sup>23</sup> Nick Turse, *op cit*

<sup>24</sup> Adam Nossiter, Eric Schmitt, & Mark Mazzetti, ‘French Strikes in Mali Supplant Caution of U.S.’, *New York Times*, January 13<sup>th</sup> 2013

<sup>25</sup> African Governance Institute, June 2013, ‘Note on the European Union Strategy for Security and Development in the Sahel’, Policy Brief No. 4, Dakar

<sup>26</sup> Hussein Solomon, 2013, ‘Mali: West Africa’s Afghanistan’, *The RUSI Journal*, 158:1, 12-19

<sup>27</sup> Erelu Obada, *op cit*

Liberia and Sierra Leone. In the context of these shared and specific threats, each country in the West Africa sub-region must seek to promote its domestic stability as a first step to the realization of regional security. To succeed in this task, each country must balance the needs of security, with those of the democratic rights of its citizenry.

### **3. Security Governance: Divergent Experiences of the 7 Study Countries**

Our seven country studies highlighted the situations specific to each country. The security sector in Burkina Faso is shaped by its landlocked nature, its' sharing of borders with many countries, its border crises with neighbours which twice led to wars with Mali, and the authoritarian nature of its political system. Despite democratization since 1991, the nature of the actual political regime is more oligarchic than democratic. This democratic deficit, even with the existence of a liberal constitution and lawful political institutions has meant that Burkina Faso has weak parliamentary institutions, weak judiciary, and a weak civil society. This institutional situation is made worse by bad relationship between military and civilians, marked by military riots in 2006 and 2011, during which civilians were attacked, women raped, and property looted. There have also been periodic attempts by sections of the military against the president, including an attempt in 2013 which led to the death of a former presidential guard.

The Burkina Faso study also highlights the fragmentation of the control over the security forces with two ministers in charge of security and national defence. The Ministry of Territorial Administration, Decentralization and Security (Ministere de L'adiministration Territoriale, de la decentralization et de la securite or MATDS) and the Minister of Defence and Veterans between them control the security institutions. The national police is controlled by MATDS while the gendarmerie and the army are under the minister of defence and veterans. However, this institutional fragmentation goes with the concentration of control in the person of the President who is simultaneously Commander-in-Chief of national armed forces, chairman of the Superior Counsel of Defence, and Defence Minister. In the context of this concentration of control, the capacity for civil society to oversee the security sector is limited by the lack of expertise, and a political climate that regards the discussion of security sector issues as taboo. The judiciary lacks independence. Though parliament has formal oversight and budgetary powers through which it can oversee the functions of the security forces, strong pressure from the ruling party (le Congres pour la democratie et le progress CDP) in the national assembly has ensured that parliament does not stray outside the limits set by the government. The weakness and inability of parliament, the judiciary, and civil society to properly oversee the security sector means that there is little or no democratic control of the sector for the promotion of public welfare. Instead, regime survival is the main concern. Since the 2011 crisis, the Burkina Faso army has made lots of changes to burnish the image of the military within the civilian population. These changes notwithstanding, the military remains an unsteady institution, as demonstrated by the 2013 attempt to attack the President. Democratic governance of the military remains weak because of the nature of overall oligarchic political control, and the weakness of parliament, the judiciary, and civil society.

The Ghana study highlights the close connection between democracy and the governance of the security sector. In the 1970s and 1980s, Ghana had all the attributes that contributed to

state collapse in other parts of Africa. However, this potential for violent disintegration was not realized because of democratic reforms carried out in the 1980s and 1990s. A second reason highlighted by the study was the strength and resilience of social networks and civil society organizations in Ghana. Reforms of the security sector from above and civil society mobilization from below contributed to the relatively efficient and legitimate governance of the security sector in Ghana. Incremental reform started with the 1992 constitution which created a Police Council. Prior to 1996, the intelligence institutions were removed from security sector reforms under the guise of protecting national security. This only contributed to a culture of impunity on the part of these agencies. In 1996, the Security and Intelligent Services Act (Act 526) formally sought to establish democratic control of the security services. After 1996, the National Security Council (NSC) was created to bring all security outfits under centralized democratic control. The NSC was made answerable to Parliament, though accusations of impunity continued to be heard. On its part, Parliament set up the Parliamentary Select Committee on Defence and Intelligence (PSCD & I) and the Public Accounts and Finance Committee to oversee the functioning and budgets of the security services.

Ghana was also able to carry out reform of its police force through the establishment of two Presidential Commissions set up to look into the Ghana Police Service. These commissions have led to improved performance of the police, especially in terms of training and equipment. Another important message coming out of the Ghana study is the importance of the decentralization of the intelligence institution through the creation of Regional Security Committees (REGSEC) and District Security Committees (DISEC) and the opening up of these committees to civil society participation. However, it should also be noted that committees have in some instances been accused of the abuse of powers and political interference. This suggests that even in the relatively successful case of Ghana, the problem of the politicization of the security remains a continuing challenge. This limitation is highlighted in the case study of Yendi where in 2001, politicization of the security institution resulted in three days of violence without the intervention of the security forces.

These shortcomings, notwithstanding, the Ghana case suggests that the long spell of democratic rule from 1992 has resulted in improved protection of human rights, greater transparency and popular participation in security matters. However, despite the relative peace and tranquillity at the national level, Ghana has nevertheless suffered from low level violent conflict at the communal level. In the two case studies explored in the Ghana chapter, Yendi in 2002 and Hohoe in 2012, chieftaincy and ethnic conflicts are two major threats to human security.

The Liberia country study emphasises the importance of history in the structuring and management of the security sector in African states. It draws attention to the historical division between the settler elites of Monrovia who founded the state of Liberia, and the bulk of the indigenous population of the hinterland excluded from that state. It is argued that the institutions of the Liberian state were shaped by the settler state's constant fear and insecurity, due to the poor relations with the indigenous communities. As a result, Liberia built coercive institutions premised on predation and impunity. Regime security took precedence over the security of the population and personal presidential control of the security apparatus was the norm. For example, President Tubman is reported to have set up four security organizations, each of which struggled to gain his confidence. Societal

monitoring for regime survival was the primary objective of the security sector. Single party rule further compounded presidential control of the security sector. 14 years of civil war saw the rise of warlordism, extra-judicial killings, and a rampant culture of impunity.

Modern democratic Liberia still carries the weight of this historical legacy via obsolete laws and the lack of legislative competence. Defence Act 2008 and National Security and Intelligence Act 2011 for the first time address the issue of civilian oversight of the security sector. Despite these advances, ingrained culture of impunity, poor legislative capacity, and a weak judiciary continue to stymie civilian democratic control of security forces. Some training for parliamentarians has made a difference in their oversight abilities, but high turnover of parliamentarians at elections undermines this achievement. Within the security sector itself, the multiplicity of statutory and non-statutory bodies have created a situation of confused jurisdiction. For example, the study pointed out the lack of communication between the Police and the Ministry of Justice. In this context of institutional ambiguity, the use of special Presidential Committees has become prominent and these have tended to preempt and substitute for other statutory institutions such as the legislature and the judiciary. The continuing politicization of the security sector operations is suggested by the selective implementation of the recommendations of presidential commissions.

The Mali case study highlights the repeated cycles of Tuareg rebellions that have challenged the security sector of that country, culminating in the recent rebellion by Tuareg forces, the involvement of actors affiliated to the Al Qaida in the Islamic Maghreb (AQIM), the construction of a pan-Sahelian alliance with other Islamist forces such as the Movement for Divine Unity and Jihad in West Africa (MUJAO) and Boko Haram, and the subsequent intervention of ECOWAS and French forces. The history of the management of the security sector in Mali from the 1960s is coloured by the need to contain this long-standing separatist threat from the north. After the 1991 revolution, Mali was generally regarded as a stable, democratic, if poor, country. This turned out not to be the case as the regime of Amadou Toumani Toure was generally regarded as corrupt and intolerant; few Malians mourned the collapse of the regime at the hands of an army that was alienated by security sector neglect, nepotism, and corruption.<sup>28</sup>

The Mali study suggests that the security sector in the country is hampered by a lack of institutional coordination. No single institutional framework governs all the disparate sections of the security sector. Individual ministers, like the Minister for Internal Security and Civil Protection, are responsible for the security apparatus under their ministry. In the case of this ministry, these include the National Police, gendarmerie, and the National Guard. Similarly, the Minister of Defence and former Combatants is responsible for the control of military units, while the Minister of Territorial Administration and Local Authorities is responsible for security in the regions and the interior. Regional units of the police come under the authority of Regional Governors whilst at the same time coming under the technical direction of the Police Director-General. There is also the Higher Council on Military Services consisting of serving military personnel and military command structure which advises on military conditions of service.

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<sup>28</sup> Baz Lecocq *et al*, 2013, *op cit*

The Council of Ministers and the Prime Minister's office provide a measure of coordination. Ordinarily, a central coordinating organ should ensure that proper coordination takes place between these various ministries and security organs. As the Mali study notes, however, the two bodies responsible for this coordination, the Council on National Defence and the National Defence Committee, lack the necessary institutional muscle to carry through this coordination, despite the fact that both bodies are headed by the President. As a result of the 1991 revolution in Mali, attempts have been made to further clarify the constitutional control over the security sector. Parliamentary committees have been set up with oversight functions over the security services, but these remain quite weak. Security sector governance is still focused on counterterrorism, and needs to be broadened to address peace-building and conflict sensitivity questions. Meanwhile, ethnic and regional inequalities between north and south Mali continue to plague the country, despite the current peace efforts. Some commentators have also drawn attention to continuing threats to the human rights of Arab, Tuareg and Peul individuals in the north.

One important innovation in Mali is the Democratic Question and Answer Forum which holds every year on December 10<sup>th</sup>, and provides an avenue for the population to raise questions about all aspects of the governance of the country, including the governance of the security sector.

Niger Republic might be regarded as an oasis of relative peace, nestled within the embrace of very turbulent countries - Mali to the west, northern Nigeria to the south, Chad to the east, and Libya and Algeria to the north. However, as the Niger country study shows, since the 1980s Niger has had its own share of the 'Saharan Security Crisis' and the 'Islamist Security Problem', manifested in periodic violence, Tuareg rebellions, banditry, communal strife, and kidnappings. At the heart of the Saharan crisis is the question of the relationship between the minority Tuareg population in the north and the state. The Niger study warns however that the Saharan question should not be reduced to a Tuareg question because of the multiplicity of domestic and international interests involved. The Niger study notes the connection between ethnic rebellions and criminal banditry. In the Tuareg and Tubu rebellions, it is noted that it was well established criminal networks involved in smuggling and kidnapping that subsequently shifted their hostile attentions towards the state. The economic undertones of these rebellions made it possible for the Nigerien state to make common cause with Fulani and Arab economic interests in the north to set up self-defence militias to defeat the Tuareg and Tubu rebels.

As in Mali, in Niger, some security forces are controlled by the ministry of defence, while others are controlled by the Interior ministry. In Niger, however, the legal framework for running the security sector helps to diffuse any tensions between the various services by clearly demarcating their spheres of operations. Protocols of cross-service collaboration in the management of the security services also seem very well articulated. These good institutional features notwithstanding, the Niger study went on to point out a high level of civilian political interference in the management of the security forces. It was further noted that civilian authorities have tended to squeeze the military budget as a means of keeping the army weak. This is the exact opposite of the strategy in Nigeria under civilian rule, where higher levels of military spending has been used to re-professionalize the army and keep it out of politics.

Parliamentary committees have the task of overseeing the operations of different arms of the government. The study points out however that, while most parliamentary committees have members with cognate experience and professional affinity to the ministries they oversee, this is not true of the defence and security committee because no parliamentarians come from a military background. This committee is unfortunately dominated by parliamentarians from teaching backgrounds. Another shortcoming of the oversight process in parliament is that while parliamentary debates are done in the open and broadcast in the media, defence and security matters are frequently handled in camera. The Niger study also notes the lack of resources of the judicial system and the consequent weakness of its conflict resolution potential. The ability of the judicial system to oversee the criminal investigation work of the police is also poor. Still, improvements in the penal code since 2003 have enhanced the rights of citizens, including the right to mandatory medical examination after any arrests.

The Nigeria country study raises the paradox of intensified conflict and violence with the return to democratic rule. It is argued that the capacity of the state to deal with this violence is being overstretched. Secondly, the point is made that in the social struggles between the state and segments of the society, force has always been the first response of the Nigerian state. Periods of military rule from 1966 have intensified this militaristic approach to security challenges. Since the return to democratic rule in 1999, tensions over the division of political and financial powers between the different levels of the federal system, ethnic and regional grievances, and religious mobilization have all combined to fuel repeated cycles of violence across the country.

A major challenge after the return to civilian rule in 1999 was the reform of the security sector which was seen as part and parcel of the democratization process. Four steps were taken in this regard: (1) de-politicization of the officer corps and its subordination to civil authority; (2) constitutional re-definition of the role of the military; (3) expanded budgetary allocation to re-professionalize and re-equip the military; (4) and attempts to de-militarize public order through repeated efforts to reform and re-train the police. There was also the establishment of a judicial commission of enquiry to investigate human rights abuses before the advent of the democratization process.

Under military rule, the police was understaffed and underequipped. It was also unaccountable and highly politicized. It is sad commentary on the state of public order in Nigeria that despite efforts to reform the police and take the military out of civil life, the militarization of public order continues through joint military and police formations, special purpose security organs called Joint Task Forces (JTF) or Special Task Forces (STF) that are now responsible for everyday policing in 28 out of Nigeria's 36 states.<sup>29</sup> Increased number of policemen and women without the corresponding increase in resources and training has stymied the attempt to reform the police service. Conflicting jurisdictions between the Federal Ministry of Police Affairs and the Police Service Commission can be detrimental to the reform of the police. The constitutional provisions over which levels of the federal government controls the police is also being hotly debated, with state governments calling for the right to establish state police forces of their own. State governors claim that despite their heavy financial support for the police forces in their respective states, and despite their

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<sup>29</sup> Ikenna Emewu, 'Insecurity stretches military operations in 28 states –NSA', <http://sunnewsonline.com/new/>, July 5, 2013

constitutional position as chief law officers of their states, actual control of the police remains in the hands of a remote federal government. In many cases, state governments are circumventing the ban on state police forces by promoting communal vigilantes or religious groups like the Islamic *Hisbah*. Tensions between the police and these vigilantes are a potential threat to public order.

The involvement of foreign agencies and consultants in military and police reforms led to tensions within the security services. The reform process was also hampered by over-centralization in the Presidency and the Defence Headquarters to the exclusion of other stakeholders in the military, parliament, and civil society. The Nigeria country study highlights the continuation of a culture of militarism, impunity, and brutality by the security forces, despite the return to civil rule. In case studies of Odi and Zaki Biam, the study demonstrates the enduring nature of the culture of 'punitive expeditions' and 'collective punishments' which the Nigerian security forces developed during the period of colonial occupation and pacification in the late 1800s and early 1900s. In both Odi and Zaki Biam, however, we also see the recourse to the courts which have pronounced in favour of the aggrieved communities. In the case of the more recent Islamist *Boko Haram* insurgency in the northeast, the study notes how the culture of impunity and extra-judicial killings by the security forces initially led to the escalation of the conflict. Accusations of atrocities against troops of the Multinational Joint Task Force - MJTF (Chad, Niger, Nigeria, & Cameroon) fighting *Boko Haram* have led to questions about the accountability of this multinational formation.

The Nigeria country study presents the picture of a country in which divisionist tendencies abound and in which tensions and violence permeate state-society relations. The absence of a comprehensive constitutional resolution of these matters has led to a strategy of 'keeping the lid' on the smouldering cauldron, often through the forceful suppression of dissent. Frequently, violence breeds further violence, leading to an escalating cycle of disorder. Meanwhile, the management of the security sector is itself corrupted and tainted by the general dysfunctional politics of the state and the abuse of their office by officials of the state. For example, some members of the security forces have been court marshalled, for allegedly aiding *Boko Haram* insurgents,<sup>30</sup> while there have also been repeated accusations of security forces involvement in oil theft in the Niger Delta.<sup>31</sup> Comprehensive constitutional review has become an imperative for dampening some of the forces generating the tensions in Nigerian society. Such a review must also address the question of the democratic management of the security sector.

Our last country study comes from Sierra Leone, another country that witnessed the descent into civil war on account of its poor management of the security sector. The study notes that the marginalization of the citizenry by extractive state institutions and corrupt elites was instrumental in causing the civil war. Under one-party rule, pre-war Sierra Leone had a security sector that was fused into the party-state with military commanders given seats in parliament. The recruitment of security officials on ethnic and political bases tended to

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<sup>30</sup> Jude Owuamanam '18 soldiers face discipline for aiding Boko Haram, others', <http://www.punchng.com/>, July 1, 2013

<sup>31</sup> Chika Amanze-Nwachuku, 'Concerns Mount over Rise in Crude Oil Theft, Divestment', <http://www.thisdaylive.com/>, 2<sup>nd</sup> August 2013

undermine morale, efficiency, and professionalism. Institutional malaise led to poor training and equipment, poor conditions of service, lack of institutional coordination, and ultimately, the breakdown of the chain of command and the subsequent precipitation of the civil war. Before the war, the security sector was therefore ethnically biased, patrimonial in character, and was dominated by the executive.

Post-civil war Sierra Leone was subjected to a security sector reform that was heavily influenced by external agencies; in post conflict countries, security sector reforms often take place in a context of institutional fragility and resource scarcity. However, externally driven security sector reforms often raise important questions about long term sustainability and local ownership. In the context of post-war reconstruction, much attention has been on demobilization, small-arms control, and re-integration programmes. The Sierra Leone study notes that insufficient efforts was put into the democratic control of the security forces, though the security sector review noted the need to insulate security sector institutions from partisan political interference. However, despite the lack of sufficient democratic oversight in the post-civil war security sector reform, the 2007 elections showed a paradoxical increase in professionalism and operational effectiveness on the part of the security forces. But the study warns that increased professionalism should not be seen as a substitute for democratic control.

#### **4. A Good Practice Guide to Security Governance in West Africa**

West Africa is a region where some of the most original experiments in conflict resolution (ECOMOG), conflict prevention (the ECOWAS framework), and democratisation (the wave of national conferences of the early nineties, etc.) have taken place. It is also a region with considerable citizen engagement and action in some countries.<sup>32</sup> Against this background, the question then is: What can be learned from the experience of these seven countries in the management of their security sectors? Below are some of the key lessons from our seven country studies:

- *Wider societal democratic context is critical for proper governance of the security sector:* In Ghana, there is a close connection between democracy and the improved protection of human rights, greater transparency and popular participation in security matters. Democracy and security must therefore be seen as inextricably interlinked.
- *Gradual Institutionalization of constitutional oversight is important:* In Ghana, Parliament systematically set up institutions through which it could conduct oversight functions vis-a-vis the security forces. In 1996, the Security and Intelligent Services Act (Act 526) was passed and the Parliamentary Select Committee on Defence and Intelligence (PSCD & I) and the Public Accounts and Finance Committee were established to oversee the functioning and budgets of the security services.
- *Decentralization of the security institution and civil society participation increases efficiency and legitimacy:* In Ghana, the decentralization of the intelligence institution through the creation of Regional Security Committees (REGSEC) and District Security

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<sup>32</sup> OSIWA, Open Society Initiative for West Africa, November 2012, Governance Monitoring Project report on Liberia 2011, //C:/CLEEN/Governance-Monitoring-Project-report-on-Liberia-2011.htm.

- Committees (DISEC) and the opening up of these committees to civil society participation has had positive contributions.
- Coordination and control of various arms of the security sector important: Despite decentralization, it is important that a coordinating organ is established to minimize inter-agency friction. Such coordinating organs can also enhance the process of democratic control.
  - Clear Jurisdictions and Protocols of Collaboration between services: In Niger the legal framework for running the security sector helps to diffuse any tensions between the various services by clearly demarcating their jurisdictions and spheres of operations. Protocols of cross-service collaboration also seem very well articulated. This reduces inter-agency rivalries and misadventures.
  - Presidential Commissions can be frequently used to evaluate reform needs: In Ghana, such commissions led to improved police performance. In Liberia Presidential Commissions tend to displace statutory oversight bodies, while in Nigeria, these commissions have had mixed results in terms of improvements in police numbers and effectiveness.
  - Use Truth & Reconciliation Commissions to draw a line under the authoritarian past and set new human rights standards: In Nigeria and some other West African countries, there was also the establishment of commissions of enquiry to investigate past human rights abuses and set the proper tone for the future.
  - Training for Parliamentarians in oversight functions important: In the parliament of Niger Republic, there is a lack of technical professional capacity to effectively carry out oversight functions. In Liberia, Some training for parliamentarians has made a difference in their oversight abilities, but high turnover of parliamentarians tends to undermine this achievement. Continuous training of parliamentarians is needed.
  - Need for Constitutional Reforms and the resolution of Constitutional disputes over who controls the Police: Conflict-inducing constitutional issues need to be addressed. In particular, the conflict over the control of the police between the central and regional governments needs to be speedily addressed. In many West African states, for example in Mali, Ghana, and Nigeria, there is a tension between central and regional government control over the police. This tension increases the chances of the politicization of policing.
  - Create formal Platforms for Civil Society-Security sector interactions: Mali's Democratic Question and Answer Forum is a good example of such a forum. New technologies like the social media and the internet can also be used to widen the reach of such fora.
  - Adequate and transparent budgeting for the security services: In Niger Republic, civilian authorities have tended to squeeze the military budget as a means of keeping the army weak. This is the exact opposite of the strategy in Nigeria under civil rule, where higher levels of military spending has been used to re-professionalize the army and keep it out of politics. It is important that the security budget be adequate, and transparently managed.
  - Comprehensive reform of the military and police might be necessary: In Nigeria, four related reforms were simultaneously pursued: (1) de-politicization of the officer corps and its subordination to civil authority; (2) constitutional re-definition of the role of the military; (3) expanded budgetary allocation to re-professionalize and re-equip the

- military; (4) and attempts to de-militarize public order through repeated efforts to reform and re-train the police.
- Trade-off between professionalism and democratic control is unnecessary: The tendency to see security sector reforms in terms of increased professionalization to the exclusion of increased democratic control is unnecessary. Both should go hand-in-hand.

## 5. Conclusion

The growth of the economies of West African states and the wellbeing of their peoples will depend on the ability of these countries to address the collective and individual security challenges which they face. In this regard, there is an intimate link between security, public welfare, democracy, and development. None can be pursued in isolation from the others. Furthermore, just as security can no longer be reduced to the narrow confines of regime security, the governance of the security sector cannot be left to the executive alone. How other societal forces are able to contribute to this important task will determine how democratic the governance of the security sector is. However, scholars have noted the tendency for demands for civilian oversight and civil participation in relevant processes to be met with institutional and political resistance by members of the security sector and the executive arms of government. Under different pretexts surrounding ‘national security’, secrecy has been strengthened in many countries. In the process, democratic oversight of the security sector has been considerably restricted.<sup>33</sup> In most post-conflict countries in West Africa, emphasis has been on violence cessation and not much is heard of the need for accountability and a democratic control of the security sector. A key conclusion of all the studies presented in this volume is that in both post-conflict and democratizing countries of West Africa, democratic control of the security sector is a *sine quo non* for future progress; it is an issue that can no longer be safely ignored.

There is therefore the need for concerted action on the part of civil society, parliament, and the judiciary to widen the scope of democratic governance of the security sector. Increased roles for civil society could include monitoring the performance of security institutions and parliament, budget analysis, legal assistance to ensure compliance with human rights norms, policy advocacy, and working with the media, international actors and other stakeholders to improve and increase information available to the public on oversight needs, challenges and opportunities.<sup>34</sup>

Whilst recognizing the important role of civil society in promoting the democratic governance of the security sector, we should note the fact that ‘the state is the most legitimate platform for the provision of public security.’<sup>35</sup> The executive is usually in control of security institutions through a range of ministries and other institutions, while parliament commonly performs a number of key functions in relation to the security sector, including the establishment of the legal basis for the security services to operate, scrutinizing defence

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<sup>33</sup> Eden Cole, Kerstin Eppert, Katrin Kinzelbach, 2008, *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*, UNDP, Bratislava, p.9

<sup>34</sup> *ibid.*, p. 10

<sup>35</sup> Marina Caparini and Eden Cole, 2008, ‘The Case for Public Oversight of the Security Sector: Concepts and Strategies’, in Eden Cole, Kerstin Eppert, Katrin Kinzelbach, eds., 2008, *Public Oversight of the Security Sector: A Handbook for Civil Society Organizations*, UNDP, Bratislava, p. 16

and national security policies, and holding ministers and public officials accountable for how these policies are implemented. Parliament can also exercise control over defence and security budgets and procurement decisions, review how money was spent, and investigate allegations of policy failure or abuses by the defence and security sector.<sup>36</sup> Many of the recommendations of these studies are aimed at helping civil society, parliament, and the executive to carry out their respective responsibilities in the context of current West African realities. The ultimate objective is that the military and other security and intelligence agencies be under democratic civilian control, and that they be insulated from party political pressure and systemic corruption.

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## Chapter One

### Security Sector Governance in Burkina Faso

By

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#### 1. Introduction

Security sector governance in Africa has for some years become a research focus. In the West African sub-region, the political and military crises which erupted in Mali, hitherto considered as a model of democracy some few years ago, illustrate the problem of security governance. These crises have exposed the weakness and fragility of the democratic institutions. The involvement of terrorist movements in this conflict is a serious threat to peace and security in the sub-region as well as in the entire African region. The mediatory attempts made by ECOWAS at promoting internal dialogue with a view to resolve the crises failed, hence the intervention of France to assist the Malian army in liberating its territory. It should also be stated that the war against terrorists in Mali may have some security repercussions on Burkina Faso. It is thus natural to say that security sector governance must be of concern to Burkina Faso people and by extension, to all Africans. It is therefore pertinent to inquire into the determinants of security sector governance, so as to learn from it and show foresight with a view to consolidating peace and democracy. This is particularly the case since Burkina Faso witnessed a socio-political crisis in 2011 characterized by protests, similar to those recorded on the heel of the assassination of the journalist, Norbert Zongo in 1998. In fact, the death of the student, Justin Zongo, on 20<sup>th</sup> February 2011 in Koudougou (a town located at about twenty kilometers from the capital) in situations not yet clarified by the courts, provoked a sudden rise in the social temperature characterized by violent demonstrations throughout the country. Mutinies in the military barracks further worsened the crisis situation with looting and other forms of human rights violations.

This study on Burkina Faso is situated within the comparative research perspective aimed at improving the quality of security sector governance in the West African sub-region. In terms of knowledge on this topic, it is necessary to underscore in the first instance the fact that the issue is somehow new in Burkina Faso due principally to the political history of the country characterized by the successions of several authoritarian regimes, the last of which was that of the Peoples' Front (1987-1991). The experiences in terms of political repression and

violation of freedom of expression led to the development of a form of self-censorship at the level of the citizens. Such a phenomenon was visible in the field of research where very few researchers or journalists make any foray into the security domain. There is no doubt that some changes in this climate were recorded in favour of democratization, but the nature of the political elite and its authoritarian strategies still render research into this sensitive sector difficult as most of the citizens consider such an endeavour as taboo.

In analyzing the literature on the security sector, two types of works are used. The first focuses on the relationship between the army and the political power while the second touches on the socio-political and security crises that have buffeted the country. The first type of research features in almost all the political analyses on the constitutional and political history of Burkina Faso. In this perspective, one could quote from the constitutional law works (Ibriga and Loada, 2007), the political science works on the political game of Burkina Faso (IDEA), or from testimonies and write ups of eminent political personalities like Lamizana or Gerard Kango Ouedraogo (Lamizana 1999). We did not find in the literature any works which are specifically dedicated to a security institution like the army, the military police or the police. In the second category of literature, one finds essentially press articles and some scientific articles on the socio-political crises (1999, 2011), more precisely on events implicating the security forces. This is the case of the socio-political crisis which attended the murder of the journalist, Norbert Zongo (FRERE 2010 : 246-266) as well as the mutinies and the student crisis of 2011 (CNPNZ 2012). There is a constant issue in the scientific literature and press articles on the security sector, namely the close complicities between the political personnel and the security forces. Some authors went ahead to query the democratic nature of the Government of Burkina Faso which is presented as a military regime under a democratic and civilian camouflage (Loada 2010).

## **2. Historical Background**

A former French colony, Burkina Faso (former Haute Volta) became independent on 5<sup>th</sup> August 1960. According to the census of 2006, the population of Burkina Faso was estimated to be 16 967 845 inhabitants. At the administrative level, Burkina Faso is divided into thirteen (13) regions and forty five (45) provinces. It is one of the poorest countries in the world on the basis of the Human Development Index (HDI) of the United Nations Development Programme (UNDP). Burkina Faso has had its own share of institutional and socio-political instability which will later have some negative consequences on its socio-political development process. The country was led under a single party system (RDA) from 1960 to 1966 by Maurice Yaméogo who was subsequently overthrown in 1966 after a nation-wide workers strike. Under the leadership General Sangoulé Lamizana, Burkina Faso experienced a change of government from the military regime to civilian regime. A second Republic was put in place from 1970 to 1974 and a third Republic from 1978 to 1980 before sinking again into the spectrum of coup d'état with the Military National Redemption Committee (MNRC) with Colonel Saye Zerbo from 1980 to 1982, then the Popular Salvation Council (PSCP) with Major Jean Baptiste Ouédraogo till the arrival of the Revolution from 4<sup>th</sup> August 1983 under the leadership of Captain Thomas Sankara. The assassination of the latter on 15<sup>th</sup> October 1987 open the way to the Popular Front of Blaise Compaoré till the birth of the 4th Republic with the adoption of the Constitution through referendum on 2<sup>nd</sup> June 1991.

This recent process of democratization notwithstanding, Burkina Faso has remain under the control of the political elite formed around President Blaise Compaoré who has maintained himself in power by controlling the machinery of the State, which constitutes the major economic resource in the country. From 1991 to date, there has been regular organization of elections; four presidential elections and five legislative elections. Since 1995, municipal council elections at the local level have been held. Through the coupled elections of 2<sup>nd</sup> December 2012, the National Assembly and the municipal councils were held. At the political level, one of the major characteristics of contemporary Burkina Faso is no doubt, the hegemony imposed by the Congress for Democracy and Progress (CDP), party of President Blaise Compaoré. For example, this party had seventy three (73) out of the one hundred and eleven (111) seats in the 4<sup>th</sup> Legislature. At the end of the legislative elections of December 2012, CDP won seventy (70) out of the one hundred and seventy seats according to the official results.

In terms of security crises, it is necessary to state that Burkina Faso is undergoing some overt and covert conflict situations. At the external level, it has already undertaken two wars with Mali (1974 and 1984) on boundary related matters. It is currently peacefully managing other boundary disputes, like the one with Niger Republic. At the national level, there are different types of conflicts. Political conflicts which are more or less violent in nature have characterized the political life of the country since the commencement of the democratization process. There are also some economically related conflicts between farmers and pastoralists in some parts of the country. Besides, there were tensions at the social level between workers and employers of labour both in the public sector and the private sector.

However, among the most serious conflicts which Burkina Faso has undergone and in which the security forces were protagonists, are the mutinies of 2006 and the 1999 and 2011 socio-political crises. When one analyses the governance of the security sector, it would be clear that these conflicts constitute the right sources to understand the dynamics which run through this particular sector of the national life. Case studies will enable us to buttress this argument. With regards to the major stakeholders, there are two types: state actors and non-state actors. In the first category are the government, the judiciary, public administration, and the defence and security forces. In the second, one can mention the media, the political parties, and civil society organizations including the trade unions. One can take as an illustration of this typology, the case of Nobert Zongo. This journalist was murdered by soldiers belonging to the presidential guard. The legal system was strongly implicated and put under pressure by the public against the impunity which was apparent in this murder case. In terms of the map of the stakeholders in charge of security, it is necessary to state that at the institutional level, Burkina Faso has two ministries which are mainly in charge of security and national defence. These are the Ministry of Territorial Administration, Decentralization and Security (MTADS) and the Ministry of Defence and Legionaries (MDL). The national police is under the supervision of MTADS while the national military police and the army are under the supervision of the MDL. The Ministry of Finance and Budget (MFB) exercise its own supervision on the customs. The Ministry of Justice handles the penitentiary services which provide security for prisons.

According to Article 52 of the Constitution of 2<sup>nd</sup> June 1991:

the President of Burkina Faso is the Supreme Head of the National Armed Forces and in this connection, he presides over the Supreme Defence Council. He appoints the Chief of Defence Staff.

It appears that the President of Burkina Faso is the Principal Officer in charge of Security and Defence. Since the socio-political crisis of 2011, the Head of State has been the Minister of Defence and the Legionaries. The Head of State is assisted in the exercise of this function by the Government. As a matter of fact, the Prime Minister, as the Head of the Government, is according to Article 63 of the Constitution, 'responsible for the implementation of the national defence policy elaborated by the President of Burkina Faso.' He also has the prerogative to appoint into the military other people apart from those appointed by the President. The National Assembly has a Committee for Foreign Affairs and Defence (CFAD).

### **3. Quality of Security Sector Governance**

The analysis of the quality of the security sector governance led to the consideration of the constraints which defence and security forces encounter and the exploration of issues relating to their integrity as well as their performance in the discharge of their responsibilities.

#### **Limitations in Terms of Stakeholders' Ability**

In terms of limitations, the study identified several factors which undermine the governance of the security sector. These factors are related to the question of technical expertise, institutional framework, the judicial system, the management of prisons and the proliferation of private security outfits.

##### *Technical Competences of the Security Forces*

It is difficult within the context of this work to assess the technical skills of the security forces in Burkina Faso. Meanwhile, in view of the perceptions of the stakeholders, one can glean some relevant information. In fact, as attested to by recent discussions during the electoral campaign for the elections of 2<sup>nd</sup> December 2012, political leaders of Burkina Faso are generally sceptical about the capacities of the security forces to fully carry out their missions. Opposition parties are of the view that the development of insecurity in the country is a sign of the lack of capacity of the security sector institutions. Furthermore, what seems to be constant in the discussions is the idea that security forces need some operational, especially material, capacity-building to successfully carry out their missions. In addition, by relying on the experience of Burkina Faso in the area of peace keeping, it is possible to affirm that Burkina Faso's army has generally carried out its missions according to the law.

##### *Institutional Design*

The study of the institutional framework of the governance of the security sector in Burkina Faso shows the existence of two key factors. First is the relative instability of the institutional framework. In fact, traditionally, MTADS was in charge of the internal security forces

(police, fire-fighters, etc). However, a special ministry in charge of public security was established in 2000 and functioned till 2011, whereupon internal security was brought back under the supervisions of MTADS. According to Boukary Kabore, a retired colonel and a Burkina Faso politician, the establishment of a ministry of internal security at the same time that the MTADS was in existence was an incongruity<sup>37</sup>. Furthermore, the institutional framework of security governance is today characterized by the accumulation of functions in the person of Blaise Compaore who is both President and the Minister of Defence. This combination of posts raises some political and legal issues. At the political level, it exposes the difficulties of the civilian authorities to control the army through constitutional checks and balances. At the legal level, it appears impossible for the Parliament to exercise oversight role on the department of Defence because the Head of State is not politically accountable to it.

### *Private Security Outfits*

For many years, there has been a proliferation of private security companies in Burkina Faso. Though provided for by the law, this situation poses two major problems. In the first instance, one can legitimately wonder if their development does not reveals some resignation on the part of government in area of its traditional role of ensuring the protection of lives, limbs, and properties. Thus, one might think of the privatization and commercialization of security within a socio-economic context characterized by socio-economic inequalities among the social classes. The success of these companies in recruiting individuals and corporate clients attests to the difficulties which the government is having in ensuring public security. In other words, the existence of private security companies is the proof that Government cannot provide security on the entire territory of the country. In another sense, there is the issue of professionalism and integrity of these private security agents whose training is not as rigorous as one would have wished. What guarantee can one have about their capacity to operate while respecting human rights and not using their arms for personal ends?

### *Judicial Reforms*

According to Article 129 of the Constitution of 2<sup>nd</sup> June 1991, the judiciary in Burkina Faso is legally independent of the executive and the legislative arms of the government. However, that is not the case in practice because the judiciary has difficulty in enjoying its constitutional independence (CGD 2011). The subordination of the judiciary is manifest in the political interferences in the judicial institution through the preponderant role of the Head of State in the Supreme Judicial Council (SJC). According to CGD, ‘the present composition of the SJC favours the political authority.’ (CGD, 2011: 35)The Constitutional Court has not escaped this control of the executive arms of government (Coalition of Civil Society Organizations 2011).

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<sup>1.</sup> The fellow was expressing himself on the Burkina Faso national television on 22nd November 2012 during the electoral campaign for the combined elections of 2<sup>nd</sup> December 2012

With the constitutional reforms of June 2012, some minor changes were recorded in the governance of the judiciary, namely the choice of the President of the Constitutional Court was transferred to his peers, some changes were made in the Constitutional Council, and in the composition of the SJC. Henceforth, the President of the Appeal Court is the second Vice President of the SJC (cf. art. 132 Constitution). The Court of Appeal is the highest court on judicial matters. However, according to civil society organizations, these reforms are negligible and obscure the need for more substantial reforms for the realization of genuine independence and credibility to the judiciary. From this standpoint, the judiciary does not yet have the legitimacy and integrity which it needs to exercise its authority.

### *Boundary Management*

Historically, boundary management in Burkina Faso has been problematic due to the arbitrary nature of the border demarcation by the colonial powers. A land-locked country, Burkina Faso shares borders with six countries (Togo, Mali, Ghana, Niger Republic, Benin, Coted'Ivoire). In the past, Burkina Faso witnessed two wars on the basis of boundary disputes with Mali (1974, 1984). Burkina Faso has managed the border conflict with Niger Republic at the level of the International Court at The Hague. A judgment was pronounced on this conflict in March 2013. A study carried out in 2012 on insecurity in the Sahel and the northern part of the country showed that the security network in these sensitive zones is not satisfactory (Burkina Faso, 2012). This implies the vulnerability of the country to external security threats. With the resumption of hostilities between the Malian army and the Islamists in January 2013, the Government of Burkina Faso announced through the Minister of Foreign Affairs and Co-operation, Djibril Bassole, the deployment of one thousand (1000) men to the boundary region with Mali. What seems important from the experience of Burkina Faso in the field of border conflict management is the political will of the government to settle conflicts through peaceful and legal means. From the Malian perspective, one can also observe the tendency towards bilateral integration strategies with the construction of joint infrastructures for the people of the two countries.

### *Integrity of Security Forces*

The integrity of the security forces is examined in the following domains: (a) ethical and professional standards within the security service, (b) the role of the civil society in security sector matters, (c) the legitimacy and political transparency of the security services, and (d) accountability and social representativeness of security services along lines of gender, religion, ethnicity, and region.

### *Ethics in the Security Forces*

The issue of ethics has become an essential concern in the security sector of Burkina Faso. The importance of ethical issues can be seen at two levels: at the level of individual soldiers, and secondly, at the level of the military hierarchy-cum-institution. At the level of soldiers, since the mutinies of 2011, it appears obvious that security agents, more particularly the military, are not respecting the ethical standards which hitherto constituted the pride of the army of Burkina Faso. Acts of physical and psychological violence committed against civilians by soldiers, along with the plunder and rape of women have finally convinced people that the Burkina Faso soldiers are far from internalizing the moral and civic values on

which the military institution is founded. In the same vein, police officers are frequently mentioned as corrupt. On the roads, these officers often collect bribes from careless road user. However, the customs is considered as the most corrupt security sector organization in Burkina Faso according to the report of the National Anti-Corruption Network (NACNET 2011).

At the level of the military hierarchy and the paramilitary forces, there are suspicions of corruption as eloquently attested to by the Guiro affair in which the former Director General of Customs was arrested in possession of more than two billion Francs CFA. In the same sense, according to some commentators, one of the causes of the 2011 mutinies was the illegal enrichment of the senior officers at the time when soldiers were living in difficult conditions. Apart from the corruption phenomenon, the complicities between security officers (police, army and customs officers) and politicians have dented the image of the security institutions with the citizens. In the light of the foregoing, it is expedient to realize that ethical deficiency is one of the major challenges facing the governance of the security sector in Burkina Faso.

#### *Civil Society in Security Governance*

Citizen's participation in security sector governance is gradually becoming an important issue within civil society organizations across Africa. In Burkina Faso, there is still much ground to cover on this issue mainly due to political tardiness. In fact, the security sector is considered a forbidden area to civil society, one exclusively reserved for the government. Despite this phenomenon, one discovers that there is an increasing interest from the civil society and researchers in security sector matters. Among the organizations which are involved in security sector governance are the West African Network for Peace Building (WANEP), Centre for Citizen Monitoring of Public Policies (CCMPP) and Centre for Democratic Governance (CDG). CDG recently organized a regional seminar on 12<sup>th</sup> and 13<sup>th</sup> December 2012 in Ouagadougou, bringing together civil society organizations and researchers from Niger Republic, Mali and Burkina Faso to brainstorm on citizen's participation in security sector governance. Furthermore, security sector governance was chosen as one of the key topics on which a regional collaboration network will be set up with the support of the Danish Human Rights Institute (DHRI). Consideration will be given to the ways and means by which civil society can contribute to the sharing of experiences and insights on security sector issues and lend its expertise to the government in the resolution of the issues involved. Another key topic for the network is the question of the democratic governance of the security sector.

#### *Transparency and Accountability in Security Sector Governance*

Transparency is an important aspect of good governance. From this standpoint, good governance in the security sector presupposes that political authorities are accountable in the way they manage the security services. In democratic regimes, parliamentary oversight is the mechanism which enables the elected representatives of the people to appraise and sanction security policies implemented by the executive arm of the government. The Constitution of 2<sup>nd</sup> June 1991 provides in Article 106 (paragraph 2) that the 'declaration of war and sending of military contingents or observers on foreign missions shall be authorized by the Parliament.' The control of the budget is another means of ensuring transparency in security

sector governance. In fact, through its committee in charge of finance and budget (COMFIB), the National Assembly has the legal means of holding government accountable on budgetary allocations in the area of defence. In reality, however, and as shown by the study conducted by CDG on the report of the 4<sup>th</sup> Legislature, legislators rarely play their role of institutional check and balances (CDG 2012). Choices by the executive organ are never queried by the National Assembly due to the strong hegemony exercised by the party in power, the Congress for Democracy and Progress (CDP). In addition, with the new institutional configuration of the ministry of defence, led since 2011 by the President of Burkina Faso himself, it is impossible for members of parliament to invite the Minister of Defence before parliament. In view of these realities, it is necessary to recognize the fact that transparency is very weak in the governance of the security sector in Burkina Faso.

### *Social Representativeness of Security Sector Institutions*

The representativeness of security sector institutions can be analyzed through various parameters. Within the context of this study, ethnic, religious and gender criteria can be used. With regard to this last category, traditionally, the security sector has always been the exclusive domain of men. But there are observable changes with, for instance, the opening up of the military schools to ladies (case of Kadiogo Military Prytancee) and the gender sensitive budgeting in all the ministries and institutions, including in those in charge of the security sector (MTADS, Ministry of Defence, etc.)<sup>38</sup>. For instance, in the police, women officers organize themselves within the framework of the Association of Police Women (APW). Incorporated for the first time on 1<sup>st</sup> October 1976 (by 15 women), the number of women in the national police is currently around four hundred (400).<sup>39</sup>

Efforts are also being made at the level of the Ministry of Foreign Affairs and Regional Cooperation and that of the Ministry of Defence and Legionaries to improve on the participation of women in peace keeping operations. In this connection, the Ministry for Women Affairs, in partnership with the United Nations High Commission on Human Rights, drafted a National Plan for the Implementation of Resolutions 1325 and 1820 of the United Nations on violence against women during periods of war. The taking into consideration of gender in the training of the military and the police is enhanced through the law relating to the armed forces personnel and law n° 045-2010/AN on the status of the personnel of the police force. These legal documents do not discriminate against or in favour of women during recruitment into the two organizations. The police are no longer governed by the civil service General Orders. It is clear from the situation of things that legal and regulatory provisions particularly in favour of women are not envisaged. This suggests that women and men are treated in the same manner and are subjected to the same conditions. More recently, however, this situation has changed thanks to the introduction of a recruitment quota which affects both the commissioners of police: 5 women out of 15 posts (33.33%) in 1999 and police assistants with a quota of 50 women out of 700 available posts (7.14 %) in 2003. In 2010, the quotas were to be as follows: Commissioners, 5 women out of 15 posts (33.33 %); Officers, 50 women out of 210 posts (23.81 %); Assistants, 50 women

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<sup>38</sup>It should be recalled that gender was included in the Constitution in June 2012 with the recognition of gender as a factor for the promotion of equality between men and women.

<sup>39</sup>The recruitment of women into the Police was initiated for the first time by Sibiri Philippe Ouedraogo, Inspector General of Police from 1966 to 1981

out of 750 posts (6.67 %). Thus, in general, in 2010 the police had 6,226 members, among which 5,916 were men and 310 or 4.98%, were women. This figure of 4.98% is obviously far below what would be discovered in other non-security sector public service institutions.

On the religious and ethnic variables, there are no statistics on the composition of the various security sector organizations due to the universalistic vision which underpins the francophone public law that is operational in Burkina Faso. The model of indivisible universal citizenship inherited from the colonial period forbids any expression of sub-national identity in the public sphere, hence the tendency towards forbidding the collation of any identity related statistics in public institutions. However, it is necessary to state that the issue of identity is not sufficiently taken into consideration in the governance of the security sector in Burkina Faso. Criteria for recruitment and promotion only tally with the objective criteria based on age, level of education, psychological and physical aptitudes, etc. This opens the door to possible lop-sided composition in terms of religion or ethnicity, but we do not have the data to explore this possibility.

#### *Performance of Security Forces*

The effectiveness of the security forces is analyzed with regards to the security of persons and properties, access to justice by vulnerable groups in society, and the management of the prisons.

#### *Security of Persons and Properties*

The security of persons and properties is the responsibility of the ministry in charge of public security (MTADS) through the police and its various sections (anti-crime brigade, republican police). In the absence of crime related statistics, the perception of the people can serve as the basis for an analysis of the performance of the government in this field. In this perspective, views expressed by political parties on the issue are interesting enough to be taken into consideration. During the electoral campaign before the elections of 2<sup>nd</sup> December 2012, opposition parties specifically made mention of the crisis of governance of the security sector in Burkina Faso. The Chairman of the Social Force Front (SFF), Norbert Tiendrebeogo was of the view that Government has failed in its traditional role of ensuring the security of properties and persons.<sup>40</sup> The case of armed robberies along the various highways of the country is according to him the manifest proof of the weakness of the government in this area.

One of the reasons behind this dismal performance, according to Philippe Ouedraogo, Secretary General of PDS METBA, is the lack of expertise on the part of security agents. He recommends the establishment of a special task force to tackle the rising problem of insecurity. These analyses are nevertheless inconclusive and they are rejected by the political leaders who observe that Government is deploying significant resources to ensure the security of persons and properties. One can also underscore the problem of corruption which is eating deep into some security sector institutions like the Customs and the Police. In some sensitive regions such as Sahel and the North, the study conducted by DIHR and

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<sup>40</sup>He expressed these views in a televised discussion on Wednesday 21st November 2012 within the context of the broadcast sponsored by the Supreme Communication Council called 'cross programmes'.

the Ministry of Justice showed the inadequacies of the security system in Burkina Faso and the vulnerabilities which it implies. In the same vein, the study of CDCAP on the threats to peace and security in Burkina Faso revealed the security risks which continue to threaten the country.<sup>41</sup> One can therefore affirm that despite the measures taken by the Government, the quest for adequate and effective security remains elusive in Burkina Faso.

#### *Access to Justice and the Protection of Vulnerable People*

The issue of access to justice for vulnerable groups such as women, children, and minorities is a worrisome issue in Burkina Faso. If it is true that the country has some well documented regulations on the matter, there is need to recognize the fact that access to justice is determined fundamentally by access to legal information. However, only a minority of citizens have this privilege, as rightly observed by a study of the CDG on justice and rule of law published in 2011:

Up till then, the teaching of law is only limited to the faculties of law and professional institutes. However, in view of the position which law occupies nowadays in the lives of individuals and in building up the rule of law, it is necessary to envisage mainstreaming basic legal training into the various educational programmes, be it formal or informal. (CGD 2011: 55).

In addition, the issue of access to justice raises its head not only in terms of the physical access of the courts, but also of the adequacy of infrastructure to host the judicial services. As an illustration, the identification of judicial personnel through the wearing of appropriate identity badges is often not guaranteed.

The judicial system in Burkina Faso finds it difficult to take care of vulnerable people. In fact, judicial personnel are not specially trained to take care of gender related issues. The treatment accorded to the users of the judicial services does not take into consideration the vulnerability of women. Furthermore, with regards to handicapped persons, there is no facility for access to judicial premises despite the fact that Burkina Faso is a signatory to the convention on the rights of the handicapped persons. On the other hand, there are judges for children, one in Ouagadougou and the other in Bobo Dioulasso saddled with dealing with juvenile cases. Legal aid is provided for by the decree of 22<sup>nd</sup> July 2009 and has to do with the following persons:

- (a) Persons in charge of minors in procedures dealing with food pensions for the household and who do not have personal incomes;
- (b) Spouse in charge of minor child in a divorce situation who does not have own income;
- (c) Minors by age in all procedures concerning them;
- (d) Victim of acts of serious assaults such as serious blows, wounds, and tortures carried out by agents of the State in the exercise of their duties;
- (e) Dependants of the victims as described above.

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<sup>41</sup>A report was produced in this sense but not yet published.

Legal aid is open to nationals of Burkina Faso and foreigners residing normally or regularly in Burkina. Meanwhile, in reality, the judicial system finds it difficult to render legal aid effectively to the extent that some civil society organizations attempt at taking care of the situation with limited means.

### *Prison Management*

Many criticisms are emanating from civil society organizations about the conditions for prisoners in Burkina Faso. The overpopulation of prisons which brings about difficulties in the health, feeding, and psychological wellbeing is mainly cited. According to Guillaume Colin Fiacat:

the rate of occupation in the prisons is about 200% and is still higher in buildings reserved for men considered as adults. In April 2011, the rate of occupation was 267.22 % in the detention house and corrective house of Bobo-Dioulasso, 260% in FadaN’Gourma and more than 311% in Ouagadougou in the quarters for men considered as adults. (Colin Fiacat 2012).

As affirmed by the French Ambassador, François Goldblatt, during the opening of a strolling alley at the central prison of Ouagadougou, on 24<sup>th</sup> June 2010, ‘the deprivation of the right to go and come for detained, accused and condemned persons can only be done to the detriment of the right to health, education and food’ (Sidwaya 2010).

Among the human right defence organization working on this topic, one can cite the Burkina Faso Human Rights Movement (BFHRM), the Burkina Faso Movement for Social Justice (BFMSJ), the local chapter of African Gathering for the Defence of Human Rights (RADDHO), and the Brotherhood Association for Prisons and Prison SOS. During its report on the situation of human rights in Burkina Faso (2008-2009), BFHRM denounced cases of cruel, inhuman and degrading tortures. Some of these were carried out in the premises of the investigative police and perpetrated by some members of the security forces. Cases of extra-judicial executions were also mentioned. One of the requests of the civil society organizations RADDHO and Prison SOS has to do with the voting right of the detainees. In Burkina Faso, the right of detainees, distinct from criminals who are already sentenced, is recognized by the Constitution, but unfortunately, the implementation of these rights is not effective. According to the President of RADDHO-Burkina Faso, Mathias Tankoano, there are in the detention houses and correctional centres, about ten thousand (10,000) detainees, which is a considerable voting constituency that is technically disenfranchised (The Country 2012).

The shortcomings of the judicial system provide to a large extent reasons for the degradation of the detention conditions in Burkina Faso prisons:

The Judiciary in Burkina Faso is and remains under order. It is animated and administered, in most cases, by judges who are entirely and unconditionally expected to be in support of the cause of the executive arm of government. Thus it constitutes in itself a source of denial of justice and impunity, the current

judicial system of Burkina Faso constitutes from this perspective a veritable factor of danger for social peace and stability in Burkina Faso.<sup>42</sup>

One observes some activities aimed at a better social re-integration of detainees after their release and rendering the prisons more humane. This is the case of the offer of a sewing machine and a carpentry workshop to the Manga detention and correctional house by the Prison Brotherhood Association in Burkina Faso on 30<sup>th</sup> July 2012. The Ministry of Justice inaugurated at the Ouagadougou Detention and Correctional House (ODCH) a development square called 'strolling alley'. Inaugurated by the Minister of Justice, Zakaria Koté, in the presence of the Ambassadors of France and the European Union, the strolling zone occupies a land area of 2850 m<sup>2</sup> fenced by a cemented wall. The Government is also making efforts to increase the personnel in charge of the security of the prisons. For instance, on 21<sup>st</sup> October 2011, the National Police College trained 107 officers out of which 5 inspectors and 102 assistants are to beef up the ranks of the Prison Security Guards (PSG) of Burkina Faso.

#### 4. Case Studies

To better illustrate the situation of the governance of the security sector, some concrete cases are analyzed. The positive cases show the situations where security forces behaved according to the existing standards and the negative cases lay emphasis on deviant behaviour on the part of the security forces.

##### Positive cases

###### *Support of the Army in the Management of the 2009 Flood*

This case is interesting because it highlights the role of the army in the protection of the citizens and also illustrates the high level of possible cooperation and link between the various military and paramilitary bodies. On 1<sup>st</sup> September 2009, Burkina Faso experienced one of the greatest natural calamities in its history: flood in the city of Ouagadougou which put thousands of the citizens in a precarious situation and desolation. Of an exceptional height of about 263 mm, this rain was due to climate change and flooded the city of Ouagadougou. The consequences of this phenomenon were enormous: loss of human lives, collapse of 32,260 buildings, 150,000 displaced persons and considerable material damages. It is estimated that the impact of the calamity would cost Francs CFA 60 billion out of which Francs CFA 45 billion were attributed to losses. The amount needed for the reconstruction was estimated to be Francs CFA 120 billion.<sup>43</sup>

The Armed forces of Burkina Faso, more precisely the army, police and military police lent a considerable support to the fire brigade which was visibly overwhelmed by the magnitude of the calamity. Thus side by side with the fire brigade, there were other organizations in charge of security and defence that were deployed to assist the displaced people and lend them

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<sup>42</sup>[http://www.mbdhp.org/post/2010/12/20/MBDHP-The human rights situation in Burkina Faso is worrisome](http://www.mbdhp.org/post/2010/12/20/MBDHP-The%20human%20rights%20situation%20in%20Burkina%20Faso%20is%20worrisome)

<sup>43</sup>Burkinapmepmi.com: AN II flood of 1st September 2009 : What lesson learnt ? - Burkinapmepmi.com - PME web portal/ PMI in Burkina Faso

moral support. The armed forces also made available their helicopters operated by the air force to reach the inaccessible areas.

The analysis of this collaboration illustrates the republican and nationalistic nature of the armed forces. In fact, an operation of this nature is poised to strengthen the relationship between the security forces and the citizens and improve the image of the military and paramilitary institutions before all the social strata. This is particularly important for those who know the political and institutional history of Burkina Faso, characterized since 1960s by restive military interventions in the political scene. These interferences have not yielded a positive image for the armed forces. The army was particularly denounced several times as a selfish force whose sole objective of monopolizing State power has seriously disrupted the democratic process and the rule of law. It is in this same situation that in the 1970s, under the regime of General Lamizana, the proposed establishment of a single party by the army was resisted by the civil society through the trade unions. Under the 4<sup>th</sup> Republic, complicities between the army and the ruling party of Blaise Compaore are seen as the army supporting autocratic and corrupt government.

These different episodes in the history of Burkina Faso and these perceptions of the armed forces have consequently eroded the good image of the armed forces. This is what enables one to understand the fact that the support which the army lent to the civilian populace during the flood has a great significance on the relationship between the civilians and the military. In fact, this calamity provided the opportunity for the army and other security forces to communicate with the people and share in their misfortune and show them unalloyed and dispassionate support. In a situation where distrust has always characterized the relationship between the civilians and the military, one can rightly observe that there is a change in the perception of the people about the army. This constitutes in itself an enormous progress in building a republican and citizen-friendly army.

### ***Improvement in the Relationship between the Civilians and the Military Since 2011***

There are presently several initiatives by the army which are aimed at improving its image with the citizens since the socio-political crisis which shook the country in 2011. In fact, with the mutinies which took place in several cities of the country, the military perpetrated acts of plunder and multiple forms of violence (physical, psychological, rapes, looting) and these are the things that have considerably tarnished the image and reputation of the military institution. In responding to this crisis, the military resorted to the use of force to neutralize its own members namely in Bobo Dioulasso where the mutiny was violently repressed. In the same sense, more than five hundred (500) soldiers were discharged from the army. But in addition to these acts of repression, the new Chief of Army Staff, General Honoré Nabéré Traoré, initiated some reforms aimed at sanitizing the relationship between the civilians and the military and restoring the credibility of the armed forces. To concretize this collaboration between the political and military authorities, the Head of State, Blaise Compaoré took over the headship of the Ministry of Defence and Veteran Soldiers. Consequently, there have been several activities aimed at reconciling the army with the people and reassuring the latter on the commitment of the army not to jeopardize their security any longer.

For example, the air force has been organizing some helicopter tours for civilians. Football matches between the military and the civilians have also been organized along with

donations to social assistance organizations. In some cases, these activities were targeted at the people that particularly suffered during the 2011 mutinies. Such is the case of Kizito Home, a reception home for abandoned children. This house was plundered by soldiers during the mutinies. The army therefore felt morally duty bound to compensate the institution for the violence and damages suffered and in the same perspective help in changing the perception of the army. Thus on the occasion of the 52<sup>nd</sup> anniversary of the national armed forces, the Chief of General Staff, General, Honoré Nabéré Traoré, in company of the senior officers of the army paid a visit to the orphans at the Kizito Home. With some gift items, the Chief of General Staff asked for forgiveness for all the military actions against the home. This donation ceremony took place on 30<sup>th</sup> October 2012 in Ouagadougou at the compound of the orphanage.<sup>44</sup>

This gesture is to be understood as the concrete expression of the theme for the commemoration of the national armed forces anniversary which is 'Strengthening the Relationship between the Army and the Nation'. It was also an opportunity to turn the page on the events of 2011. The Chief of Army Staff wrote these eloquent words in the golden (visitors') book of the orphanage:

The national armed forces, within the framework of the commemoration of the 52<sup>nd</sup> anniversary of their establishment, have the pleasure to donate some products this morning to the Kizito Home Association. This gesture is being made after the unfortunate events which punctuate the life of our country in 2011. On behalf of the national armed forces, I ask for the FORGIVENESS of the Kizito Home for the bad behaviour of the military which caused injury to this home ....<sup>45</sup>

It is necessary to state clearly that the mayor of the city of Ouagadougou, Simon Compaoré, was the chairman of the ceremony. This choice was not by chance as the mayor was one of the victims of the mutineers, having had his house looted and damaged; he was also physically attacked by the soldiers. One can therefore understand this event as the army acting within the framework of reconciliation and forgiveness. It obviously took into consideration the need for it to cultivate the support of the people.

### Negative Cases

#### *Conflicts between the Police and Military Personnel in 2006*

Clashes between the military personnel and policemen are another manifestation of the crisis of governance in the security sector in Burkina Faso. The situation is a reflection of the weakness of the modes of management of the security forces by both civil and military authorities. On the night of 19<sup>th</sup> December 2006, a clash took place between a group of military personnel and some members of the Republican Security Company which resulted in the death of a soldier. Thereafter, widespread fighting broke out between the police and military personnel.<sup>46</sup> That is the explanation given by the Ministry of Defence and Security

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<sup>44</sup><http://news.aouaga.com/h/2092.html#.uk9wyd1j6wq.email> (23/11/12)

<sup>45</sup>*Ibid*

<sup>46</sup><http://www.lefaso.net/spip.php?article18127>

for the protest march organized on the streets of Ouagadougou by the Security Forces. According to a national newspaper, *The Country*:

following the death of their colleague and pretending to be demonstrating solidarity, some military personnel organized a ...punitive mission to the central police station of the capital city. It is at this point in time that fire was gradually extended to the entire city. These events considerably caught the citizens unaware as the automatic shootings brought back their sad memories.<sup>47</sup>

What characterized these events was their magnitude which brought to the mind a military uprising or a coup d'état. The punitive missions embarked upon by the soldiers in some areas of the city caused public panic. Military officers organized themselves to settle scores with all those who allegedly took part in attacking one of their own. Soldiers attacked policemen posted to man the central Municipal Council of Ouagadougou before attacking the central police station which was partially burnt down. The police headquarters was also damaged. The military police were subsequently drafted in to provide security for these strategic places. At the camp of the republican company, vehicles were seriously damaged. Taking advantage of the ensuing confusion, prisoners escaped from the Ouagadougou detention and correctional house (ODCH).

What these incidents revealed is the crisis which pervades the management of the security and defence sector in Burkina Faso, particularly the lack of cohesion among the various military and paramilitary formations. These conflicts between the police and the military threaten civil peace in the country, and above all, poison the relationship between civilians and the military. Citizens are left with the impression that instead of ensuring public safety, the police and the military are, as a matter of fact, the main sources of insecurity. In this regard, the distrust and suspicion between various arms of the military constitute obstacles to achieving an effective, efficient and legitimate security sector. Effective collaboration between the various organizations in charge of security has become necessary to improve security sector governance. However, the violent clashes between members of the two security organizations illustrate the difficulty of getting the regulatory mechanisms to function effectively.

#### *2011 Mutinies*

The 2011 mutinies were the greatest military threats which the regime of Blaise Compaore has faced since the birth of the 4<sup>th</sup> Republic. The military committed some reprehensible acts such as the plundering of public and private properties, rapes, and acts of physical violence against individuals and political authorities. This crisis can be analyzed in terms of the weakness of the governance of the security sector. On the night of 22<sup>nd</sup> March 2011, military personnel who were dissatisfied with the decision of a court sentencing five military personnel to prison for brawling with civilians took up arms in Ouagadougou. They released the detained military personnel and gunshots continued throughout the night. Shops and petrol stations were plundered by the military personnel, while a girl of 15 years of age was killed and twelve persons wounded.

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<sup>47</sup>*Ibid*

By the time peace was restored on 23<sup>rd</sup> March, traders whose shops were damaged during the night, blocked the streets and embarked on protest marches, causing further panic amongst the people. On the night of 28<sup>th</sup> March, some soldiers attacked the Mayor of Ouagadougou, Simon Compaore. These military uprisings would later spread to several other cities, including Dori, Tenkodogo, Kaya, FadaN’Gourma, and Po. Soldiers were alleged to have committed plunders, rapes and other acts of violence against the civilian populace and the political authorities. It is necessary to point out that this military crisis took place within an already tense context especially with the death of Justin Zongo in Koudougou following the bad treatment meted out to him in a police station. While student organizations were calling for justice, the mutinies further worsened the situation by attacking public buildings housing the courts. This is to say that the crisis took an extremely serious dimension in the sense that government was no longer able to carry out its duties. For instance, the National Assembly was compelled to adjourn its activities till the restoration of public order in the country.

These mutinies in the military barracks of Burkina Faso attest to the magnitude of the crisis which the army went through. Several problems are apparent from the analysis of these mutinies. There was first of all the problem of inadequate communication between the military hierarchy and the soldiers. This brings to mind the level of inspection and supervision of the armed forces. In addition, the mutinies exposed the weakness of the recruitment and training policies of the military. Clearly, the military in Burkina Faso are not sufficiently imbued with the ethical values and professionalism which should inform their actions. They don’t have a good knowledge of the values of human right and rule of law and are comporting themselves in flagrant disregard for established military regulations. Furthermore, the crisis confirmed some fears that the army of Burkina Faso was not enthusiastic about the idea of democratic civilian control. The attack on the residence of the Minister of Defence and Veterans, Yero Boly, was a sign of this disapproval of the civilian control. In the end, President Compaore, himself a former soldier, took personal charge of the defence portfolio.

## **5. Result Analysis**

Four main factors explain the phenomena and situations described above. These are the nature of the political regime in Burkina Faso, the weakness of the democratic institutions, the nature of the relationship between the civilians and the military and the low level of commitment of the political parties and the civil society to issues relating to security sector governance.

### **(a) Nature of political regime in Burkina Faso**

The regime established since the restoration of democracy in 1991 is a hybrid one and does not reflect democratic values despite the existence of a liberal constitution. In several crisis situations, the military component of the regime seems to be lording it over the civilian and democratic aspects. It is obvious that the authority of President Blaise Compaore over the army is essentially military; in other words, it is his status as a military leader that enables him to impose himself on the military. In the event of a democratic change of power, i.e. after the departure of Blaise Compaore from power, would the military accept the principle of submission to the civilian authorities? In the final analysis, it is necessary to understand the

issue of security governance in Burkina Faso within the context of limited democratic change of and the need to demilitarization the political scene.

### **(b) Weaknesses of political institutions**

The democratic control of the armed forces is an important aspect of security sector governance. In this perspective, democratic institutions such as the National Assembly should exercise control on security governance so as to ensure that the public policies which are implemented truly reflect the expectations of the citizens and are also in tandem with the orders of the political authorities. In the case of Burkina Faso, however, parliament is poorly involved in the process of the governance of the security sector. Explanations for this lack of parliamentary dynamism are essentially political.

Elected officers seem more interested in the preservation of their political posts and privileges than in their constitutional duties. The report of CDG on the activities of the 4<sup>th</sup> Legislature provides several illustrations (CDG 2012). This phenomenon is the outcome of two logics, one systemic, the other strategic. In the first case, there is the control of the elected officers by the Compaore's system of political control, and the fear inspired in those members of parliament who take their jobs seriously to the detriment of the interests of the party in power. In the second case, there are the calculations by the parliamentarians who decide not to take risks to go against their party, thereby putting their own personal interests over and above the general interest.

### **(c) Nature of relationship between civilians and the military**

The status of the relationship between the civilian and the military in Burkina Faso is worrisome. This relationship has witnessed some degradation over the last few years. The respect for the security agents has considerably eroded and a feeling of distrust has gradually crept in between the two bodies. The protest marches by Ouagadougou traders, whose shops were plundered during the 2011 mutinies expressed this distrust. This case illustrates all the difficulty encountered in maintaining good relationship between the security institutions and the citizens.

### **(d) Weak engagement of political parties and the civil society**

In Burkina Faso, all the studies are more or less unanimous about the fact that political parties are not playing their constitutional roles. Burkina Faso has around one hundred political parties, but this multiplicity of parties is not a sign of democratic vitality. Most of the parties came into existence at the beginning of 1990s as part of the democratic transitions (Sylla 2006). These parties are facing numerous weaknesses among which are, weak bureaucratic organization, internal democratic deficiency, weakness of the formal links with civil society, and weak organizational capacity. Their programmes, for those who have them, are not well drafted and are hardly different, one from the other (IGD, 2009). It is therefore understandable that security sector governance does not appear as a central issue

on the agenda of these political parties, and why during electoral campaigns, political debates are vague and general in nature.

Very few civil society organizations work on security sector governance issues due to the difficulties in accessing information. In fact, in view of the lack of openness of the security institutions and the weakness of the law on access to public information, civil society organizations are not able to make any contributions. In addition, the perceptions of public officers of civil society have not been positive. The legitimacy of civil society in the public domain is still being doubted, if not outrightly denied, by some state actors. The latter consider civil society's intervention as interference in matters which should solely be the concern of the State. In such a context, it is not realistic to expect a commitment of civil society on security issues which are however issues of general interest on which it should air its views.

## **6. Conclusion**

Security sector governance in Burkina Faso faces some enormous challenges which should engage the attention of both State and Non State actors. The collusions and complicities between the civilian elites and the military, and the over bearing role which the latter seem to be playing constitutes one of the greatest issues to be resolved. In this vein, it would be necessary to understand security governance crisis within the confine of the crisis of the democratic system. In other words, the dysfunction of the security services is a reflection of the contradictions of the Compaore regime which many analysts characterize as a system of governance between the civilians and the military. From that perspective, security governance is inseparable from democratic governance. One of the greatest challenges that have to be tackled by Burkina Faso to guarantee its political future is that of the transformation of the institutions, such that they will fit into the democratic dynamics. This major political reform should facilitate the putting in place of other reforms such as the improvement of the relationship between the civilians and the military, building up of the capacities of the security agents, and the promotion of civility and human rights within the defence and security forces.

In terms of prospects, it should be recalled that the current President, Blaise Compaore, in power since 15th October 1987, will be finishing his last tenure as President by 2015 and cannot constitutionally present himself for the post of the President. In the meantime, nothing indicates in clear terms any intention on his part to respect the constitution by withdrawing from the presidential race. His supporters are calling on him to amend the constitution through referendum so as to remain in power whereas a great part of the national public opinion is not favourably disposed to such a move. In a situation where the Head of State decides to amend the Constitution at all costs, the danger is that a new socio-political and military crisis will shake the country like what happened in 2011. That is why the issue of democratic change of government is topical in the analysis of security sector governance in Burkina Faso.

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## Chapter Two

### Security Sector Reforms and Conflict Management in Ghana: A Comparative Study of Yendi and Hohoe Crises

By  
*Ziblim Iddi (PhD)*

#### 1. Introduction

The Republic of Ghana, a country of about twenty-five million people (population census, 2010), is located along the Gulf of Guinea in West Africa. It is bordered to the north by Burkina Faso, on the east by Togo, in the west by Ivory Coast, and the Atlantic Ocean in the south. The country became the first in sub-Saharan Africa to gain independence from British colonial rule. Anchored into freedom by its founding father, Osagyefo Dr. Kwame Nkrumah, Ghana became a trail-blazer in the struggle for African liberation and African unity. The country is today regarded as a beacon of democracy in Africa, and has established herself as a responsible member of the comity of nations. It is a member of the United Nations (UN), the Commonwealth, the Non-Aligned Movement (NAM), the African Union (AU) and the Economic Community of West African States (ECOWAS).

Ghana gained independence in 1957 and subsequently became a republic on July 1, 1960 under the country's First Republican constitution. This Constitution was, however, overthrown on February 24, 1966 by a joint military and police force when the country's first president, Dr. Kwame Nkrumah, was out of the country on a diplomatic mission. After a brief period, the coup leaders returned the country to constitutional rule in 1969. The Second Republic suffered the same fate as the First. It was overthrown by the military on January 13, 1972.

Democracy was re-instated after seven years of military rule when the People's National Party (PNP) was elected into power on September 24, 1979. The PNP adopted a constitution fashioned after the United States' democratic model, in which all ministers were appointed from outside parliament.<sup>48</sup> On December 31, 1981, the PNP government was overthrown in a bloodless military coup d'état that was staged by the Provisional National Defense Council (PNDC) led by Flight-lieutenant Jerry John Rawlings. Mr. Rawlings went on to rule the country for eleven (11) years as a military dictator and eight (8) years as a democratically elected civilian leader. Ghana has since gone through six (6) successful elections under the Fourth Republic, experiencing two instances of a ruling party handing over power to the opposition party after the incumbent party lost elections. The country is experiencing the longest period of stability in its democratic history, which is contributing to a transformation of the security sector. Under the current dispensation and political stability,

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<sup>48</sup> It is argued by many today that the appointment of all Ministers from outside parliament by the PNP administration contributed to the downfall of the government. A serious rift between members of the governing party in parliament and the executive led to the rejection of the President's budget by parliament. This exposed deep cracks in the ruling party, and emboldened Jerry Rawlings to stage a second come-back to power.

the population now enjoys improved protection of human rights, and greater transparency and public participation in security matters.

Ghana has remained, for the most part, the more stable and viable political regime in the West African sub-region. Indeed, unlike many of the states in West Africa Ghana has managed to survive large scale state disintegration which has become common of many West African states in the 1980's and 1990's ( see, Reno, 1998). However, while Ghana has largely succeeded in escaping large scale conflict, “low level violence is becoming endemic in Ghanaian society. There have been cases of village shoot-outs involving the use of automatic weapons ...occasional but persistent outbreaks of ethnic violence among several communities” (Hutchful, 2003: 97). Thus, in the view of Tsikata and Seini (2004) the Ghanaian paradox is that, while it largely remains a stable state, its society has been characterize by various longstanding communal conflicts, some of which periodically flare into violent confrontations with the loss of lives and property. These low level communal conflicts have presented enormous security challenges and they continue to represent a clear danger to the consolidation of democracy and social peace in Ghana (Hutchful, 2003:97).

The relative peace and security of the country has over the years been threatened by ethnic and chieftaincy conflicts. The violent nature of some of the ethnic and chieftaincy disputes in the country has sometimes seriously undermined the peaceful image and reputation of the country. The recurrent and violent nature of these conflicts poses a serious challenge to the country's security forces. It also raises legitimate questions about government capacity and political will to manage and resolve such conflicts.

This study looks at two major conflicts in Ghana under the Fourth Republic (since 1992). These include the three day war in Yendi in 2002 and the conflict in Hohoe in 2012. The study focus on the nature of the conflicts, its effects on the peace and stability of the country, as well as the response of security forces in handling the conflicts. We explored the question of whether the return to democratic governance, after a long period of military dictatorship, changed the security dynamics of the country. Did the promulgation of the 1992 constitution transform the thinking and perception of marginalized and oppressed people in the country? Above all, was the response of security forces in ending the conflicts being hindered by the constraints of democratic principles of respect for fundamental human rights of citizens? Answers to these and many other questions are addressed in the study.

The study adopted the Strategic Conflict Assessment (SCA) approach in analyzing data from the case studies. This approach makes room for the researcher to use descriptive, predictive, and analytical methods in presenting the data. A desk study review of secondary data on conflict management and security sector reforms in Ghana was conducted for the paper. The literature review focused on the security sector reforms in Ghana, particularly looking at the period under the Fourth Republic. The findings of the desk study review were tested by using data gathered in the field through interviews with key informants and focus groups discussions in Yendi and Hohoe. The focus groups were found to be very useful in getting a better understanding and appreciation of the nature of the conflicts, the major actors involved in the conflicts, and the causes of the conflict. Information gathered from key informants (many of whom asked to remain anonymous) was particularly helpful in testing the data gathered from secondary sources in the literature.

## 2. Security Reforms in Democratic Societies

Hutchful, E. (2003:3) provides a detail theoretical account of how the quest for security and the quest for democracy have become interlinked in the present liberal world order". He makes the broad argument that "the policy choices made about the management and control of military and security forces ... are decisive for the consolidation of democracy, the prevention of conflict and the building of sustainable peace". Democracies all over the world, including Ghana, are faced with the difficulty of finding the right balance between democratic values and security.

Commenting on how Ghana pulled back from the brink of collapse as has become evident of most states especially in West Africa in the 1980's and 1990's, Hutchful argued that in the 1970's and 1980's Ghana had many of the attributes that suggested a potential for violent conflict: a collapsing state characterized by a crisis of legitimacy and a shrinking economic and institutional capacity; a severe economic crisis; massive out-migration; and the militarization of the state and politics along with increasing loss of control of the institutional instruments of violence (ibid, 78). He attributes the reversal of conflict trends in the 1980's and 1990's in Ghana largely to the implementation of comprehensive and relatively effective policy reform, the reconstruction of the state and governance, reforms of the security sector and public institutions and the restoration of economic growth and development in the country.

Indeed, for Ghana, Hutchful notes that, the relatively successful restoration of economic and political order, the end to the debilitating cycle of military coups and the consolidation of a functioning new democracy tested through six consecutive peaceful elections — 1992, 1996, 2000, 2004, 2008 and 2012 - enabled Ghana to emerged from being the 'sick man' of west Africa. This transformation, he notes, allowed the Ghanaian state to once again claim credibility as a regional and international actor. And instead of being seen as a potential threat to regional security, Ghana had emerged as one of the more stable and viable regimes.

Beyond these developments underlying Ghana's transformation, Hutchful also mentioned the strength and resilience of social networks in Ghana and the role of civil society as equally contributing to the consolidation of an evolving articulation of security sector reform which underlie the stability of the Ghanaian state. Indeed, for Hutchful, Ghana's strong social network and vibrant civil society have not only challenged the state, but have become also necessary, both for conflict resolution and democratic accountability.

Prempeh (2003: 2) observed that liberal constitutional democracies are often confronted with the choice between the liberty of the individual citizen and the need to provide safety and security for the citizen. He outlined some of the fundamental rights of citizens as: 1) the right to the sanctity of one's life; 2) the right to equal treatment before the law; 3) the right against unilateral arrest; 4) the right to the due process of law (which includes the right to be presumed innocent until proven guilty; and 5) the right to freedom of association. According to Prempeh, the collision between liberty and security "lies in the fact that, on the one hand, protection of liberty calls for restraint and limits on the exercise of state power while, on the other hand, protection of security... that is, protection from or against crime...

calls for action and response on the part of the state... which action or response often involves the use of force, aggression or counter – aggression by the state”. (ibid)

Prempeh’s work is situated in the context of fighting armed robbery and other violent crimes under Ghana’s Fourth Republican democratic dispensation. He discussed the challenges the new democratic environment faced in confronting crime as compared to the way such crimes have been addressed previously under military regimes. He concludes that where government has reasonable grounds to fight crime in any community in Ghana, the government can declare a “State of Emergency” in that area by following the procedures spelled out under article 31 of the 1992 constitution. Under such circumstances, Prempeh concedes, the fundamental rights and liberties of residents of the affected communities can be curtailed without offense to the constitution. (ibid: 3)

Aning, (2006: 26) agrees with Prempeh that a constitutional democratic order generally places measured legal limitations and restraints on the police in their use of coercive power and authority in ensuring societal order and control. This, according to Aning, is because the police often face the dilemma of protecting the rights and liberties of the individual while at the same time maintaining peace and public order in a socio- democratic setting for the benefit of the entire society. “In playing this rather complicated role, the police encounter the often-unpleasant situation of having to negotiate the complexities that arise with the inevitable conflicts between justifiable individual rights and societal interests”.

Commenting on the state of the Ghana police service, Prempeh bemoaned the neglect of the police by almost all governments in Ghana since independence, and attribute the lack of capacity on the part of the police to combat crime to this unfortunate neglect of the police service. In his opinion, the Ghana Police in terms of “resources, profile and prestige, looks like the poor second cousin of the military”. (Prempeh, op. cit.). This view by Prempeh on the neglect of the Ghana Police is supported by Andrea and Killingray (1991); Andrea and Killingray (1992); Mathieu Deflem (1994).

The weakness and professional deficiency of the Ghana Police was exposed when, in May 2001, a hundred and twenty six (126) persons were crushed and trampled to death when police used tear gas to control a portion of the crowd who were vandalizing the stadium during a soccer match between Accra Hearts of Oak and Kumasi Asante Kotoko at the Accra sports stadium. An official Commission of Inquiry concluded that the police overreacted to fan vandalism and bore primary responsibility for the incident. The sad incident was an avoidable tragedy that the police could have averted if they were better trained and better equipped. The stadium disaster provoked extensive debate about the state of the Ghana Police and the need for government to take serious steps to equip and provide proper training in crowd control and disaster management. The handling of the stadium riots showed the police organization’s inability to deal with crowd control without resorting to excessive use of force.

### **3. Reforms in Ghana’s Security Sector**

Reforms in Ghana’s security sector have been largely taken care of under the 1992 constitution. The building blocks of Ghana’s constitutional democracy create a perfect framework for the transformation of the security sector. This is based on the understanding

that reforms in the security sector should be directed by policy reforms and the institution of oversight mechanism as effective watchdog over the sector. (Atugba, 2003). In the opinion of Atugba, one clear example of how the 1992 Constitution serves as the bedrock for security sector reforms is the provision mandating the setting-up of a Police Council responsible for advising the president on matters of policy relating to internal security including the role and functioning of the Police (ibid).

The Police Council regulates various matters concerning the police service including, but not limited to, the control and administration of the service, condition of service, powers and discipline of members of the service (Article 202 (2), 1992 Constitution). The Constitution made the Vice-President the chairman of the Police Council. However, when a sitting Vice-President, Mr. Ekow Nkensen Arkaah, and the President, Mr. Rawlings, had difficulties getting along, the president made some modification to the effect that for the remainder of their tenure (1992 to 1996) the Vice-President no longer chaired the Council.

Aning, K and Lartey (2009) observed that Ghana's security sector only begun to experience some serious reforms after the 2000 elections which ushered in the New Patriotic Party (NPP) into office in 2001. Even though there was pressure for instilling reforms in the 1980s and 1990s, Rawlings resisted the inclusion of the military under such reforms. The long period of military dictatorship during the period before the promulgation of the 1992 Constitution deeply undermined professionalism in the military in particular, and generally prevented civilian control of the wider security sector. The sector has since witnessed various transformations under the long period of uninterrupted civilian rule since 1992.

The most innovative and effective security sector reforms in Ghana under the Fourth Republic has been the role reserve for parliament in its oversight responsibility over the Executive, under which the security sector falls directly. The Parliamentary Select Committee on Defense and Intelligence (PSCD&I) plays a very crucial role in exercising oversight over the security sector. Their responsibility is "to examine all questions relating to defense and internal affairs".<sup>49</sup> In performing this all important function, the PSCD&I have investigative powers and can inquire into the activities of Ministries, Departments, and Agencies (MDAs). Their oversight role over the security sector is complemented by the Public Accounts and Finance Committees.

In addition to their investigative powers, the Public Accounts and Finance Committees also have the power of control over the purse. This gives them additional responsibility over the security sector in terms of funding and acquisition of equipment for the sector. The Public Accounts Committee (PAC), for example, is mandated to scrutinize all appropriations to Ministries, Departments, and Agencies. This, therefore, gives the Committee direct oversight responsibility over the expenses of the military and other security agencies. It must be noted, however, that more often than not, the issue of excessive secrecy in national security matters has frustrated the effective exercise of parliamentary oversight over the security. It is common practice to see the security agencies invokes national security reasons to prevent or frustrates parliamentary oversight of what they term as "sensitive issues".

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<sup>49</sup> See standing orders of parliament, order 158 outlines the functions and powers of Committees.

Intelligence failure has been at the core of most conflicts in Africa and the inability of the security forces to prevent or manage conflicts before they escalate and degenerate into full-scale war. Commenting on the inadequacies of intelligence and the absence of reforms in the area of intelligence in Africa, Ebo Hutchful observed that intelligence is one sector that has been excluded from both the democratization and security sector reforms that has taken place in most African countries. Intelligence organs in Africa continue to be seen as having limitless political power, lack of accountability and infested with a strong culture of impunity. (Hutchful, 2003). In most African countries, the mandate of intelligence agencies is not properly spelled out in the laws of the country.

In the case of Ghana, intelligence agencies only assumed proper legal status after the promulgation of the Security and Intelligence Agencies Act (Act. 526) in 1996. The Act seeks to regulate the activities of the security and intelligence agencies and the establishment of regional and district security councils in Ghana. This was a significant improvement in the country's security sector reform. The Regional Security Councils (REGSEC) and the District Security Councils (DISEC) have proven to be key actors in managing security issues at the local level. The Security and Intelligence Agencies Act incorporates, for the first time since Ghana's independence, some legislative and judicial oversight responsibility over intelligence agencies. It puts the various intelligence agencies under one umbrella, thus National Security Council (NSC), which is made to be accountable to parliament. The Council has to submit a budget to parliament for appropriation every year. This allows parliament to debate various items in the budget and also contribute its input into the budget. However, notwithstanding this arrangement, many observers in Ghana still believe that the intelligence agencies in the country, particularly the Bureau of National Investigation (BNI), are still fraught with impunity and arrogance abuse of power.

Section 12(1) of the Act outlines the functions of intelligence agencies in Ghana as follows:

- a. Collect, analyze, retain and disseminate as appropriate information and intelligence respecting activities that may constitute threats to the security of the state and the government of Ghana;
- b. Safeguard the economic well-being of the state against threats posed by the acts or omissions of persons or organizations both inside and outside the country;
- c. Protect the state against threats of espionage, sabotage, terrorism, hijacking, piracy, drug trafficking and similar offence; and
- d. Perform such other functions as may be directed by the president or the Council.

One of the major positive transformations of intelligence under the 1996 Act 526 was in the area of decentralization. The Act provided for the decentralization of intelligence activity and accountability to local government structures. It allows for more direct focus of intelligence at the local level by agents stationed in these localities. This shift in attention of intelligence gathering from more centralized structure to regional and district based structures contributed immensely to effective monitoring and generation of intelligence, and also goes a long way to complement local traditional police duties in the regions and districts.

The Act put in place an integrated mechanism at district, regional and national levels for detecting and managing potential conflicts. The regular forwarding of reports from districts to Regional and National Councils has ensured that there is advance warning to the NSC about areas of potential conflict nationwide. (Kwadjo, 2009). At the district level, various

intelligence agencies are gathering and analyzing information on wide-range of issues such as chieftaincy, land, ethnic and other related disputes; white collar crime, cross-border arms trafficking, drug trafficking, vehicle thefts, money laundering and other criminal activities. Their findings are then made available to DISEC for appropriate action to be taken. In many cases, DISEC may engage in conflict preventive measures such as arbitration or mediation to prevent conflict from occurring (ibid). This innovation in security sector reforms has contributed greatly in conflict-detection and management at the local level. It has, therefore, helped in minimizing the escalation of local problems into uncontrollable violence. In both the two cases under study in this paper, the role played by the DISEC in intelligence gathering leading up to the conflicts cannot be overemphasized.

Under the 1996 Act 526, regional and district security councils are empowered to deal with threats or likely threats to security within their jurisdiction. However, the REGSEC and DISEC have sometimes come under severe criticism for misapplying the law and abusing their powers for political reasons. In 2004, for example, the REGSEC in the Northern Regional capital, Tamale, unlawfully ordered the police to hand over to the military, all detainees in their custody who were arrested in connection with election-related violence in the city. They also ordered the security agents in Tamale to return “fire for fire”. This action was outside the mandate of REGSEC, but it was motivated by partisan political interest. The target of the order was the regional Chairman of the opposition Convention People’s Party (CPP), Alhaji Issah Mobillah, who was among the detainees. After his transfer from police custody to the military, Alhaji Issah Mobillah died while in the custody of the military. It was reported that the autopsy report identified the cause of death as injuries including multiple abrasions on the body, five fractured ribs and the collapse of the left lung. (Fraser and Lithur, 2005). This incident was purely a case of politicians using the instrument of state power (REGSEC) to silence a political opponent.

#### **4. Reforms in the Ghana Police Service**

The Fourth Republic has witnessed two major Commissions established by the president to recommend reforms in the Ghana Police Service. These include the Justice Archer Commission and the Sam Okudzeto Commission. The two Commissions both submitted reports that informed major transformation of the Ghana Police today. The Archer Commission was set-up in 1996 and submitted its report in 1997. The Commission’s terms of reference were:

- a. Review the structure and operations of the Service and determine its response to the law enforcement needs of the nation;
- b. Consider the report of the Chief Constable of Norfolk Constabulary on the Assessment of the police service in 1992 and make the necessary recommendations;
- c. Assess the manpower needs of the Service and determine appropriate ways of securing and maintaining a motivated service;
- d. Examine ways and means of decentralising aspects of the Police Administration so that Regional and District Organisations can be involved in the provision of the logistic needs of the Service;
- e. Look into all other matters that would enhance the effectiveness of the service.<sup>50</sup>

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<sup>50</sup> See terms of reference establishing the Justice Archer Commission by the President of Ghana.

The Commission submitted its report to the government with findings, including the following:

1. There were flagrant violations of regulations governing armouries and the issuing of arms and ammunitions.
2. Regulations regarding the use and maintenance of police vehicles were regularly disregarded.
3. Expenditure levels fixed by the Finance Ministry did not meet the needs, programs and activities designed to achieve the goals of the police.
4. Crowd control methods needed to be modernized, with the use of smoke bombs and water cannons instead of truncheons and guns.<sup>51</sup>

Among other things, the Commission's report concluded that the Ghana Police Service is woefully undermined, ill-trained and ill-equipped. It recommended that the service should be equipped and maintained to perform its traditional role of maintaining law and order.

In 2001, the President responded to the stadium tragedy by exercising his powers under Article 278 (1) of the 1992 Republican Constitution, and appointed a commission to inquire into the disaster. The terms of reference of the Commission were to:

- Investigate the causes and circumstances leading to the deaths and injuries suffered by spectators at the Accra sports Stadium on the occasion of the Accra Hearts of Oak/Kumasi Asante Kotoko football match on 9 May, 2001;
- Inquire into the preparedness of the nation's public bodies to deal with such disasters and emergencies;
- Inquire into any other matter which appears to be incidental to or reasonably related which in the opinion of the Commission ought to be inquired into;
- Make recommendations to prevent future occurrence of such disaster;
- Make recommendations to enhance the capacity of the nation's public bodies to deal with such disaster;
- Make recommendations to sanction any public officer where appropriate;
- Make such other recommendations as it considers appropriate;
- Submit, within one (1) month, its report to the President, giving reasons for its findings and recommendations.<sup>52</sup>

After going through available evidence and taking statements from various witnesses and experts who appeared before it, the Commission found among other things that:

- . The policemen on duty that day had not complied with their own operational guidelines for either the issuance of firearms or their correct use;
- The requirement of warning was not resorted to by the police;
- Though the initial firing of thunder shots achieved the objective of stopping the vandalism, the police nevertheless resorted to the indiscriminate firing of rubber

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<sup>51</sup> See Report of the Justice Archer Commission.

<sup>52</sup> See Report of the Presidential Commission of Inquiry into the Accra Sports Stadium Disaster of May 9, 2001 (Okudzeto Report).

bullets and tear gas. The firing therefore did not cease when the objective had been attained;

- The manner which the police fired at the retreating spectators establishes that the firing was employed by them as an instrument of punishment of the spectators, the majority of whom had patently not taken part in the vandalism.<sup>53</sup>

The Ghana Police Service today is not the same as the one before the above mentioned two Commissions came out with their reports for government's action. Many of the recommendations included in the two Reports have been implemented, and the Ghana Police Service is the better for it. For example, following the recommendations of the Archer Commission's Report, the Ghana Police Service sent some officers to France for training in crowd control and riot management. The current head of the Rapid Deployment Force (RDF) unit of the Ghana Police Service was one of the officers who benefited from the training. He credits the knowledge and experience he and his colleagues gained from the training as the reason for the success of his outfit in crowd control during the 2004 and 2008 elections in the country.

Another improvement in the Ghana Police Service following the two Commissions' Reports is in the areas of equipment and training. The Service can now boast of strong vehicles and modern equipment for operations. It has also raised the entry qualification for new recruitment, and introduced incentives for personnel to upgrade their skills by embarking on further studies. However, it is also obvious that some of the challenges and deficiencies pointed out in the Reports are still bedeviling the Service. Interestingly, the two cases we studied in this paper both occurred after the two Reports. The actions and omissions of the Police Service in the Yendi case in particular, is a strong indication that there is still much to be done with regard to equipment, command and control of the Service.

## **5. The Yendi Conflict**

### Background

The three-day intra- ethnic chieftaincy war in Yendi between the Abudu royal family (Abudu gate) and the Andani royal family (Andani gate) is an interesting case study on how lapses in security resulted in avoidable and preventable conflict. It also exposes how the security agencies, after missing the opportunity to prevent the conflict in the first place, also failed miserably in intervening to save lives and property. Factional fighting between the two gates from 25<sup>th</sup> to 27<sup>th</sup> March 2002 culminated in the assassination of the overlord of the Dagbon traditional area, the king of the Dagomba people, Ya-Na Yakubu Andani II. The conflict also claimed the lives of several people, with many houses and other valuable property destroyed in the Dagbon traditional capital of Yendi. Several survivors of the conflict also suffered various degrees of injury. (Republic of Ghana, 2002)

The central issue in the Dagbon crisis is the rotation of the 'Namship' (kingship) between the two royal families (Abudus and Andanis). The Dagbon chieftaincy dispute has been a protracted conflict which dates back to pre-colonial times. According to Amankwa (2005: 2-6):

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<sup>53</sup> See Okudzeto Report.

Around 1899 the Europeans (British and Germans) stepped in, signing treaties to partition the Dagbon land and everything in it and completely dismantled the age-old customary selection and rotation system, introducing a completely alien voting system... This was what was bequeathed to Dagbon...they did not stop there. After around 1920 shortly after the war, Dagbon was re-united by the British again, and who then introduced a new set of kinship (sic) selection system and even had the nerve to introduce what has been referred to as “probationary periods” for the Ya Nas. So a chief could be “removed” from the skin if they were seen to be “performing below standard”.

In 1930, the British tried to find lasting solution to the chieftaincy problem by codifying the unwritten succession laws and traditions on the office of the Ya-Na, but this move also failed to end dispute over succession. (Ibid)

The conflict became a major national security concern after Ghana’s independence when it assumed a political dimension, with the country’s first president, Dr. Kwame Nkrumah, interfering in the traditional matters of selection and enskinment (appointment) of a Ya-Na. The Dagomba people of the Dagbon Kingdom are the single largest ethnic group in Northern Ghana. They are only second in numbers to the Akan ethnic group in the whole of Ghana. The Dagombas have a strong allegiance to the Ya-Na; hence the position of the Ya-Na is of great interest to politicians who wish to win the support of his (Ya-Na) subjects during elections. Nkrumah appreciated the political value of the Dagomba people, in terms of the electoral fortunes of his Convention People’s Party (CPP). His intervention in the contest for the position of a Ya-Na set a precedent for his successors to follow in using political power to influence a traditional matter of succession in the Dagbon Kingdom. Every government since Nkrumah has sided with one royal family (gate) or the other in the chieftaincy dispute (Ladouceur 1972: 97-115; Staniland 1973: 373-389; Tsikata and Seini 2004).

The three-day war in March 2002 was the latest manifestation of intrusion of national politics into the chieftaincy dispute. In the current political dispensation under Ghana’s Fourth Republic, the Abudu royal gate is sympathetic to, and politically aligned with, the New Patriotic Party (NPP), while their rival Andani royal gate is sympathetic to, and aligned with, the National Democratic Congress (NDC) (Fayemi, Jaye, and Yeebo 2003: 64; Tsikata and Seini 2004: 36). The NPP’s election victory in the 2000 general election was seen as a victory for the Abudu gate, and a cause for worry for the Andani gate. The late Ya-Na, Yakubu Andani II of the Andani royal family, feared that the new NPP government would use state power to encourage the Abudus to challenge the absolute power and authority of the Ya-Na. On the other hand, the Abudu gate saw the victory of the NPP as an opportunity to boost its political image in Dagbon. They started contesting the powers of the Ya-Na as the sole authority for the celebration of festivals and ceremonies in Yendi. In the opinion of the Wuako Commission, set up after the 2002 crisis, with the boost in the political stature of the Abudu gate “came also greater confidence in asserting their constitutional rights and fundamental freedoms: freedom of expression, freedom of religion, freedom of association, freedom of assembly — freedoms that apparently justify plurality of voices, ceremonies and events”. (Republic of Ghana, 2002: 65).

### Immediate Cause of the Conflict

The March 2002 conflict in Yendi was a direct result of issues surrounding the celebration of the Muslim Eid-ul-Adha and the Bugum (fire) festivals in Yendi. For the first time in more than two decades, the Abudu gate decided to celebrate the Eid-ul-Adha festival in 2002. This festival is an Islamic festival celebrated by Muslims all over Ghana. Every Muslim in Yendi township and its environs are expected to celebrate the festival under the auspices of the Ya-Na. However, because of the conflict between the two gates, members of the Abudu gate abstained from celebrating the festival before 2002, because they challenged the authority of the Ya-Na. They were, therefore, seeking to celebrate the festival separately from the one organized by the Ya-Na. This amounted to questioning the legitimacy of the authority of the Ya-Na.

The Abudus were given police/military protection by the government. The Ya-Na saw the official endorsement of the Abudu's celebration as an affront to his authority as overlord of Dagbon. He became increasingly suspicious and distrustful of the police in Yendi. The Ya-Na summoned and openly rebuked the Yendi Divisional police Commander, DSP Mr. Kwaku Fokuo, for providing security to the Abudus to celebrate the festival. He rejected the police offer for protection, and aggressively embarked on building a private army for his own protection. The Abudu gate also started stockpiling weapons in readiness for a showdown.<sup>54</sup>

Following intelligent reports on infiltration of arms and ammunition into Yendi; increasing tension in the town, and credible information of an imminent clash between the two feuding families (gates), the Regional Security Council (REGSEC), under the directive of the National Security Council, imposed a ban on the celebration of the fire festival in Yendi. A dusk to dawn curfew (6:00pm to 6:00am) was announced to reinforced the ban. The curfew was to be in place from Sunday 24<sup>th</sup> March 2002 to Tuesday 26<sup>th</sup> March 2002. This was all at the request of the Yendi District Security Council (DISEC). The Abudus welcomed the move by government to put off the festival. They were apparently happy that they had succeeded in making it impossible for the Ya-Na to celebrate this all important festival. The Andanis on the other hand were not amused, and vehemently opposed what they saw as a flagrant abuse of political power by the NPP government. (Republic of Ghana, 2002)

The Ya-Na saw the move by government as a deliberate attempt to diminish his authority. He invited the then Regional Minister, Prince Imoro Andani (a prince of the Andani gate), to Yendi and asked him to revoke the curfew and lift the ban on the celebration of the fire festival. Without recourse to REGSEC or the appropriate authority at the national level, the Regional Minister obliged and lifted the curfew as well as the ban on the celebration of the festival in the evening of 24<sup>th</sup> March, 2002. (Republic of Ghana, 2002: 67).<sup>55</sup> The Andanis

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<sup>54</sup> See Report on Yendi Crisis by Police Special Investigation Team. This Report was prepared by the first investigation team that went into the area immediately after the end of the conflict. Information from this Report was used largely by government to form the basis for the establishment of a Commission of Enquiry into the conflict (the Wuaku Commission).

<sup>55</sup> A senior government official at the time of the conflict informed me that he received a phone call from the Regional Minister on 24<sup>th</sup> March, 2002, informing him that he, the regional Minister, visited Yendi and lifted the ban on both the fire festival and the curfew. According to the government official, he told the Regional Minister that it was beyond his powers to do such a thing without prior approval from National

rejoiced at the action of the Regional Minister, while the Abudus were unhappy and feared for their lives. The war started the following day, 25<sup>th</sup> March, 2002. Fighting continued for three days, and by the third day the Gbewaa palace, the seat of the Dagbon kingdom, fell to the Abudus. The palace was set ablaze, and some property looted. The king and five of his elders who were with him were killed in the process. (ibid)

### The Security Response

The Yendi crisis of March 2002 was a clear case of security failure on the part of government both before and during the crisis. The security forces on the ground were very slow in responding to the ‘mushroom clouds’ that were gathering into a fog of war in Yendi. Upon all the mounting evidence of imminent danger in the town after the celebration of Eid-ul-adha, the Yendi Divisional Police command and the Military detachment waited till events got out of hand before they started to react. It became obvious by the time fighting commenced on March 25<sup>th</sup> that the security on the ground was not prepared for the conflict. The exchange of gunfire between the factions continued for three days without the intervention of security forces. There were not enough logistics for the security in terms of arms and ammunition, as well as vehicles. The only police vehicle at Yendi was not serviceable, so the police had to commandeer a pick-up truck from the Ghana Education Service (G.E.S.) for their operations. They failed to intervene in the fighting because they had no protective gear and the combatants were using more sophisticated weapons than what the police had.<sup>56</sup>

The military detachment in Yendi during the crisis was a small unit of eleven soldiers. Asked why the military did not position themselves close to the palace to ward off the fighters, the military commander, Lt. David Nagah Billah, observed that “he had only eleven men; one cook, one medical man, one radio operator and four crew men. He was therefore left with only four men who could not be deployed at the Ya-Na’s Palace”. There was also an initial problem with the battery to the only armoured car in Yendi at the time of the fighting; when that was fixed, a fault was detected with the firing pin of the car. The military failed to move quickly to rescue the Ya-Na when he made a distress call through an emissary for his evacuation. By the time the armoured car was able to move to the palace, the Ya-Na was not found and the palace had been set ablaze.<sup>57</sup>

### Summary of Findings

The following findings are drawn from the discussion on the Yendi crisis:

1. The unilateral lifting of the ban on celebration of the Bugum (fire) festival as well as the revocation of curfew deeply compromised the security situation in Yendi, and exposed the vulnerability of the security on the ground.

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Security Council (NSC), and that it was also improper for him to leave Yendi after lifting the ban. In his opinion, as head of security in the region, the Minister should have stayed in Yendi to manage the effects of his action.

<sup>56</sup> See testimony of PW12 in the 2011 Trial of the Murder of the Ya-Na. Police Inspector Charles Adaba (PW12) was stationed in Yendi during the conflict, and he was among the team of investigators who went into the area to gather evidence for the Ghana Police Service.

<sup>57</sup> See Report by Police Special Investigation Team.

2. Lack of logistics such as vehicles, equipment and manpower greatly undermined the capacity of the security forces to intervene in the conflict.
3. Slow response by government to send police/military reinforcement to the area did not help the situation.<sup>58</sup>
4. The failure of security on the ground to retrieve weapons from private homes before the conflict was a major contributing factor. They failed to act on credible intelligence and proactively search for and remove weapons that were imported into Yendi in readiness for the war.
5. The police acted unprofessionally when they allowed the misunderstanding and bad-feeling between them and the Ya-Na to get in the way of their primary responsibility to protect lives and property.
6. The state lost its monopoly over the use of violence in the area, with state security forces being overwhelmed by the powerful weapons deployed in the war by both parties in the conflict.

## **6. The Hohoe Conflict**

### Background

On Monday June 11, 2012, communal violence erupted in the Hohoe Municipality in the Volta Region between the Gbis (the indigenes) and the Zongo community (the settlers). The violence was sparked by the exhumation of the body of Alhaji Alhassan, the Zongo Chief Imam, who died and was buried on June 10, 2012. The order to exhume the Imam's body was made by the Paramount Chief of the area, Togbega Gabusu VI. This sacrilegious act angered the youth of the Zongo Community who vent their protest and anger on the paramount chief. They vandalized his traditional residence and destroyed his personal properties. This act by the Zongo youth led to reprisal attacks on the community by the youth of Gbi, who considered the attack on their chief as equally sacrilegious and a declaration of war against the Gbi land and its people by the Zongo community.<sup>59</sup> The ensuing reprisal attack sparked off violent confrontation between the two communities.

Before this tense, violent situation, the two communities have generally co-existed peacefully, settling their difference, whenever these arose, through dialogue. The unfortunate conflict between the two communities started when some Zongo youth accused the staff of the Hohoe Government Hospital of negligence in the death of their colleague, one Mr. Magid Malik, who was on admission at the hospital's emergency unit. The youth accused the staff of the hospital's emergency unit of failing to attend to their colleague who was rushed to the hospital. This perceived negligence, on the part of the hospital, angered his colleagues who demanded that the boy's corpse be handed over to them to be taken home for burial.

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<sup>58</sup> A contingent of military/police only arrived in Yendi on the night of 26<sup>th</sup> March, 2002. They could not deploy to the palace area in the darkness of the night. By the time they received instructions to deploy, the palace had fallen to the Abudus and the Ya-Na had been killed.

<sup>59</sup> This was a view expressed by an informant who is an indigene.

The hospital's staff informed the enraged youth that their request will only be honoured after an affidavit is duly sworn because their colleague was admitted to the hospital less than 24 hours before he died.<sup>60</sup> While members of the dead boy's family had gone to the court to procure the affidavit, a member of staff of the hospital's morgue was called in to prepare another woman who had died at the hospital around the same time for transfer to the morgue. The Zongo youth upon seeing the morgue staff, thought he was about to transfer their dead colleague to the morgue which is generally considered to be against local Muslim custom. They attacked the said morgue staff and vandalized some properties of the hospital.<sup>61</sup> The matter was later settled and the body of their dead colleague was handed over to the family for burial. The Municipal Chief Executive, the Divisional Commander of the Bureau of National Investigation (BNI), the Municipal Police Commander, and the Hospital Medical Superintendent all attended the burial ceremony. The matter appeared to have been settled thereon.

Then on Saturday June 8, 2012, the chief Imam of the community died. As custom demands, the leaders of the Zongo community sent emissaries first to their Landlords the Blas<sup>62</sup> to inform them about the death of the Imam and to formally invite them to partake in the burial and funeral ceremony. The delegation then went to the traditional residence of the paramount chief to inform him and his elders of the sad news. Present at the meeting were all the community traditional heads except the paramount chief, Togbega Gabusu VI, who the delegation was informed was out of town. After the meeting with the traditional council, the delegation was served a copy of a petition addressed to the Municipal Chief Executive (MCE) and also copied to the Divisional Commander, Ghana Police Service, the Municipal Commander, Ghana Police Service, the Divisional Commander Bureau of National Investigation (BNI), all Divisional Chiefs of Gbi, and Mamaga Dewotornyo I (Paramount Queen-mother of Gbi), requesting for the exhumation of the body of Magid Malik from the Hohoe Public Cemetery. The letter reads in part: "We are calling on the MCE to order for the exhumation of the body of Magid Malik... The dead body should be taken away and buried wherever they feel BUT NOT on any Gbi Land" (Gbi Traditional Council, 2012, emphasis in the original). Most instructive, however, was the request made that, "from hence no Zongo dead body should be buried on our Gbi land". "This drastic measure" the council notes in the petition "has become necessary as a result of the persistent violent behaviour of the zongo community" (Ibid). The council cited the assault on the hospital staff as a case in point. The content of this letter which was dated June 7, 2012 and signed by Togbega Gabusu VI, in the words of Ridwan Mariga, spokesperson for the Zongo community, "surprised and horrified the Zongo community". This unilateral decision taken to collectively punish the Zongo community resulting from the 'criminal' behaviour of some disgruntled youth members is unfair in the view of the leadership and members of the community. The leadership of the community, thus, went back to their landlord, the Blas, to enquire whether they were aware of this directive and to find out what steps the community should take to bring a peaceful resolution to the matter so as to pave the way for the burial of the late Chief Imam.

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<sup>60</sup> The hospital was treating the death as a coroner's case.

<sup>61</sup> Interview with Mariga at Hohoe, 27 December, 2012

<sup>62</sup> The Blas, a subdivision of the ethnic composition of the Gbi State, according to my informant, gave out land for the present settlement of the Zongo Community in the 1930's.

To the surprise of the Zongo leadership, the Bla Chief, said he was not aware of such a directive and had not received a copy of the said petition. The chief, sensing the seriousness of the directive, asked the delegation to accompany him to the traditional stool house to see the paramount chief over the matter. Upon arrival, his traditional request for audience with the paramount chief over the matter was rejected by Togbega Gabusu VI who warned that, the Zongo elders should not attempt to bury the chief Imam on Gbi Land or else, in the words of the Chief, as narrated by Ridwan Mariga, “they will face the consequences of their action”.

As negotiations were still on-going between the traditional council, the MCE, and the leadership of the Security Services, the Zongo community was growing in anger and frustration over the delay in the burial of the Imam. The youth of the community were getting agitated. By Islamic custom, the dead should be buried as soon as possible immediately after their demise. Then, late Sunday evening, June 10, 2012 word came from one kinsman from among the traditional council (name and identity withheld) informing the elders of the Zongo community that, permission has been given for the burial of the chief Imam. The Chief Imam was thus buried. However, immediately after the burial, it turned out that permission to bury the Chief Imam had not been given yet. Consequently, orders were issued by the paramount chief for the exhumation of the body of the late Chief Imam. On the basis of this information, the leadership of the Zongo Community and elders from Bla reported to the Divisional Police Command and requested that, some Police officers be posted to guard the cemetery to prevent the threatened exhumation of the body of the chief Imam<sup>63</sup>.

The following morning, Monday June 11, 2012, to the horror of everybody, the Zongo Community received report that, the body of the Chief Imam had been exhumed and dumped at the outskirts of Hohoe Municipality (Ghanaweb.com, June 11, 2012a). This sacrilegious act incensed the youth of the Zongo community who marched to the palace of the paramount chief. The youth numbering in their hundreds, vandalized the personal belongings of the chief and destroyed some properties in the traditional stool house (Ghanaweb.com, June 11, 2012b). Reports of the attacks on the chief and the traditional stool house spread to the surrounding Gbi communities both within the municipality and beyond. The youth of these communities also mobilized and started to attack the shops and houses belonging to members of the Zongo community. These reprisal attacks brought socio-economic life to a standstill with scores of people fleeing their homes for fear of their life. Indeed, well over 600 people were reported to have fled into neighbouring towns and villages to seek refuge (Ghanaweb.com, June 14, 2012). Many of the shops belonging to members of the Zongo Community were raided by rampaging Gbi youth, who destroyed properties running into millions of Ghana Cedis.

#### Security Response and Management of the Conflict

The violent reprisal attacks by the Gbi youth made the security situation in the entire municipality tenuous. Reports of gunshots, the burning of houses and shops belonging to Muslims and reports coming in of communities mobilizing from in and around the Hohoe

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<sup>63</sup> This request according to my informant was not responded to by the Police.

Municipality and in faraway places in other regions in the country to defend their 'brothers' threatened to blow the crisis into a full scale ethnic/religious civil war <sup>64</sup>. This disturbing information picked up by the Intelligence Services informed a strong response from the National and Regional security architecture and a flurry of diplomatic manoeuvres by the Volta Regional House of Chiefs, the Office of the National Chief Imam and the National Peace Council.

While the initial security response to the conflict was lax <sup>65</sup> — following the failure to stop the rampaging youths from both communities from engaging in acts of violence — the national security architecture responded swiftly to the deepening crisis by quickly deploying enough boots on the ground with orders to; 1) protect life and prevent further destruction of property, and 2) to immediately contain the escalating violence. The call for reinforcement ordered on the advice of the Municipal Security Council (MUSEC) saw the deployment of over 300 military personnel and 200 policemen in the municipality.<sup>66</sup> These security forces took position around vantage installations (government and commercial properties). A dusk to dawn curfew was imposed by the Interior Minister and National Security Council (NSC) on the advice of the Regional Security Council (REGSEC). This action, in the words of the then Volta Regional Minister, was to enable the security forces assess the situation and take full control (Ghanaweb.com, June 11, 2012c). These immediate measures taken by the National and Regional security architecture had a long term effect in containing the conflict.

To be sure, the military/police reinforcement and the imposition of curfew changed the security dynamics of the conflict. The increased number of personnel deployed helped the security to restore calm in the municipality by preventing the all-out open assault on each other by youth of the two communities. Particularly, the presence of the military sent a strong message to the feuding parties and youth of the readiness of the national security architecture to respond to any disturbances to the peace of the community. The military patrolled the streets, conducted searches and imposed the curfew while the police secured government installations and commercial properties by barricading all the major roads leading to the municipality's commercial centre. While there were occasional lapses on the part of the security, in general both the military and the police were able to keep a tight control over the illegal movement of persons, particularly the youth of the two communities. This restriction in movement and assembly paved the way for the opening of dialogue — getting the leadership of the two communities to talk.

Particularly significant in the management of the Hohoe crisis, is the involvement of non-security actors. Indeed, at the height of the conflict, the mediating role played by the leadership of the Volta Regional House of Chiefs, the National Chief Imam and the leadership of the National Peace Council contributed immeasurably to further calming tension and opening the way for more serious dialogue. To be sure, as the security situation in the municipality improved, the intervention of these leading voices and the moral

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<sup>64</sup> My security informant told me of intelligence reports picked up from surrounding areas.

<sup>65</sup> My security informant explained the lax and initial ineffective response of the security to the lack of men on the ground. He stated that over half of the police personnel in the municipality were sent to Kpasa in the Northern part of Volta to restore calm and security resulting from a Chieftaincy dispute.

<sup>19</sup> Interview with former BNI Divisional Commander at Accra on 10 January, 2013

authority they brought to bear on the conflict changed the attitude of the feuding parties. Indeed, for the Zongo community, the intervention particularly of the Chief Imam in the words of Ridwan Mariga “was the most important single intervention that prevented the escalation of the conflict”.

### Lessons

The management and resolution of the Hohoe conflict has some useful lessons for resolving other conflict situations in the country. In the first place, the effective collaboration between the Municipal and Regional Security Councils at the outbreak of the conflict was a major factor contributing to the resolution of the conflict. Secondly, the prompt and speedy response of the national security architecture was a timely intervention in deescalating the conflict. There was a swift response to the violent conflict in Hohoe, as compared to the slow response by national security to the communal violence in Yendi. The outcome of this quick response was the positive management of the conflict and the protection of lives and property in the area.

Moreover, there was a high level of political intervention in the management of the conflict. The president expressed concern and demonstrated his commitment to seeing a resolution of the conflict to avert further loss of lives and property. The then vice president (now President of the Republic) and the late Volta Regional Minister were very instrumental in the conflict management process. This brought a sense of urgency and national prominence to the conflict. Finally, the intervention of non-traditional security actors was another significant lesson from the Hohoe conflict. The National Chief Imam, the Volta Regional House of Chiefs and the National Peace Council were major actors in finding solutions to the conflict. They all contributed in diverse ways to the resolution of the conflict.

## **7. Conclusion**

The security sector in Ghana has undergone major transformation since the coming into force of the 1992 Constitution. The Constitution itself laid the foundation for the democratization of the Ghana Police Service, and the accountability of the security services in general to the people through their representatives (parliament). Still, the Yendi and Hohoe cases discussed give contrasting narratives about Ghana's security services and their ability and capacity to respond to conflicts that have the potential of threatening the security of the state.

The unfortunate events in Yendi that culminated in the death of a high profile and powerful king, such as the Ya-Na, greatly exposed the appalling state of the Ghana Police Service. The total breakdown of security in Yendi for three days was a serious indictment of the country's security service sector in general. However, a decade after the poor performance of the security agencies in Yendi, they had the opportunity to redeem themselves in Hohoe. With some help from non-state actors, the security agencies succeeded in preventing the conflict from escalating into a full-scale war. All the ingredients for a potential war between the settlers and the indigenes were in place, yet the intervention of the security and other stakeholders managed the crisis well enough to create an enabling atmosphere for conflict resolution process in the community.

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## Chapter Three

### Security Sector Governance in Liberia

By  
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#### 1. Introduction

Historically, the governance of the security sector in Liberia has been characterised by a number of challenges. These include but are not limited to the following: the long years of single party rule; long years of autocracy and the associated phenomenon of 'imperial presidency'; lack of independence of the Liberian legislature and the judiciary; lack of knowledge of the security sector by legislators; narrow focus on state-centric, militaristic and regime security as opposed to societal and human centred security; and other factors. These have influenced the predatory nature of the army over the years (1908 to 2003) and nurtured a culture of impunity, unprofessionalism and indiscipline, which has permeated the very fabric of the sector throughout its history. Further, the war years 1989 to 2003 made the different elements of the country's security sector become dysfunctional and pursue partisan lines because of alignment with the different armed groups during this period.

Moreover, like elsewhere in the region or throughout the continent, the legislation establishing many of the security agencies of Liberia (with the exception of Defence and Intelligence) are obsolete. All of these constitute real challenges for security sector governance in Liberia because the legacy of the past continues to haunt these institutions. Hence, the challenges of security sector governance are rooted in the history of Liberia.

In this essay, the history of the origins and predatory nature of the security sector is explored; the issue of impunity is examined in specific relation to real cases where the security agencies as well as armed factions (during the war years: 1989-2003) have committed human rights abuses and carried out acts without being brought to justice; the issue of weak legislative oversight of the security agencies is examined; and the obsolete legislation governing the sector is critically explored.

#### 2. Security Sector Governance in Historical Perspective

In order to appreciate the challenges of security sector governance in Liberia, it is vital to look into the history of the evolution of the Liberian state and the coercive institutions associated with it. This is important because the emergence of the modern Liberian state influenced the character and governance of the security sector to a large extent. As a settler state, those governing it were held in constant fear and insecurity because of the poor relationship between them and the indigenous Africans; a relationship that was characterised by the exclusion of the vast majority of indigenous peoples from the affairs of state. The other factor was the challenge of dual administration: modern state versus traditional rule in the 'hinterland' as the rural parts of the country was referred to.

One of the consequences of the poor relationship between the two groups was the formation of the embryo of the Liberian security sector at the time referred to as the 'home guards' (Liebenow, 1966: 53-54). The 'home guards' were organised for the purpose of settler individual and community security; it was intended to ward off attacks by 'hostile' individuals or groups from nearby hamlets and towns. The other institution that emerged from the beginning of the settlement was the Militia. It served as embryo of the security sector from August 1822 when, according to Amos Sawyer, it was established as a result of an 'impending attack on Cape Mesurado'. Consequently, several males were organised into a militia force and martial law was declared for defensive purpose (Sawyer, 1992: 79). According to his account, after three years, a *Plan of Civil Government* laid the basis for the militia to be legalised. In keeping with this, under the supervision of an agent, a Committee of the Colonial Militia would be established (Sawyer, 1992: 79). Seventeen years later in 1839, the strength of the militia increased from a company to a regiment; volunteer militia units were established but:

All militia units had to be certified by the agent through the receipt of a charter. Militia rehearsals were made mandatory four times a year; in 1846, the year before independence was declared, the strength had increased to two regiments; and 'militiamen were paid when called into active service' (Sawyer, 1992: 79-80).

He also points out that although the functions of the militia were absorbed by the Liberia Frontier Force (LFF) by 1908, it remained a reserve force in the country until 1980 when it was finally dissolved (Sawyer, 1992: 80).

The LFF was organised in order to avoid further colonial encroachment on Liberian territories; and also in order to ensure the implementation of the Barclay Plan to expand Liberian authority into the hinterland, particularly to crush revolts by indigenous Africans. Thus, internal and external issues of governance influenced this decision. This point is reinforced by some of the writers on the subject. For example, Yekutiel Gershoni asserts that the issue of expanding Liberian authority into the hinterland constituted one of crucial factors for the birth of the LFF because without it the implementation of the Arthur Barclay Plan would prove difficult, if not impossible. According to him, it was soon realised that unless force was applied, this could prove impossible. Thus, Barclay thought of the idea of a Police Force but soon realised also that "in order to have an efficient police force in the hinterland, however, it was first necessary to have a strong, well-trained, and disciplined military body" (Gershoni, 1985: 42). Notably, the only military organization existing in Liberia at the time was the militia, which was ill-prepared for such a task.

Therefore, with the support of Britain, the administration set up the LFF for the following purposes: 'to prevent further French advancement into the Liberian hinterland, and to quash any African revolts against the central government' (Gershoni, 1985: 43).

In terms of governance, the soldiers were subordinated to the District Commissioners. On the issue of governance:

Although the commissioner was to be the highest authority in the district, he was not authorized to command soldiers without the approval of the officer serving in his district. Separate civilian and military courts were instituted;

commissioners could not conduct trials of soldiers, and LFF officers were forbidden to try civilians (Gershoni, 1985: 46).

In its life span, the LFF 'functioned as an integral part of hinterland administration'; collecting taxes, recruiting indigenous labour for public and private purposes; and the commanders of the district detachments were responsible to the District Commissioners' (Sawyer, 1992: 200). J. Gus Liebenow also reinforces this point when he writes that the purposes for this include: regularising their control over the territory they claimed to govern; and to collect taxes and so it provided customs duties by collecting taxes in the rural areas. This predatory force also performed Police functions (Liebenow, 1966: 108). Unfortunately, in carrying out these duties, the LFF abused the rights of the rural people by brutalising them even engaging in sexual exploitation and abuse in the villages with impunity.

Britain helped in establishing the LFF based upon a request by Barclay during a visit to London in August 1907. It was then that he asked for diplomatic support in the longstanding boundary dispute between France and Liberia. Consequently, the British offered to provide aid in reforming Liberia's monetary and judiciary systems, and also in establishing a frontier force (Gershoni, 1985: 44). This was accepted by Barclay and both sides agreed that the LFF would be trained based on the Sierra Leone model and equipped with British arms and commanded and trained by British officers (Gershoni, 1985: 44).

Nevertheless, Liberian experience with the British military was characterised by suspicion, tension and crisis. For example, as a result of his personal contempt for the Liberian District Commissioners, many of whom were settlers, the British officer in charge of the LFF, Major Robert Mackay Cadell, made the recruits to swear allegiance to him personally as opposed to the state; and subsequently, he even used them to stage a revolt against the government but it was crushed by the existing Liberian militia in 1909 (Gershoni, 1985:44). This is why the Liberian authorities turned to the Americans for support and Major Charles Young was appointed military attaché to Monrovia in 1912. Under his command, the LFF began to play the role for which it was originally conceived as conduit for control of the hinterland (44).

Therefore, the other factor that influenced the emergence of the embryo of the security institutions was that by the end of the 19<sup>th</sup> century, the colonial powers, namely, Britain and France had annexed parts of the territory of Liberia because the latter could not establish effective control over the areas it claimed as part of its territory. The colonial encroachment on Liberian territory constituted a new source of threat to the fledgling Liberian state and to repeat, in 1908 the authorities were forced to organise the LFF. This new security force brutalised the rural people and operated with the understanding that state security was primary over societal one.

As argued in previous works, 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 status quo. Therefore, similar to colonial rule in other parts of Africa, the settlers imposed their rule through fear and brutalization of the indigenous communities (Jaye, 2008: 170).

In many ways, such thinking influenced the nature of the security institutions that emerged throughout the history of the country; they were characterised by dominance and control most often through repressive and coercive measures. The experiences of the LFF in the rural parts of the country where they suppressed the indigenous Africans through brute force verify this assumption. Further, throughout the long years of single party rule under the True Whig Party (TWP) opposition groups and activists were harassed, intimidated and monitored in pursuit of regime security.

In Liberia, a classic manifestation of regime security is that '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'. The direct relationship between the office of the President and his or her influence over them helped to weaken the civilian oversight and management of the security sector (Jaye, 2008: 170).

This was particularly true under President William V.S. Tubman, Sr., under whose administration several security agencies were created in the country. According to one account, in addition to the army and police, about four security agencies were organised to investigate and monitor the activities and opinions of citizens. These included but not limited to the following: National Intelligence and Security Services (NISS), the National Bureau of Investigation (NBI), the Special Security System (SSS) and the Executive Action Bureau (EAB) (Wreh, 1976:27). All of these were for intelligence and counter-intelligence purposes; and they spied on each other with Tubman at the centre. Then he turned a well-meaning social welfare and pension scheme, the Public Relations Officers (PRO) into "a non-statutory spying organisation which informed on citizens and aliens alike, and concentrated on exploiting any differences of opinion with Tubman as plots or subversion" (Wreh, 1976: 27). Under Tubman, there was 'uncontrolled power and the security boys were left to run things the way they wanted' (Wreh, 1976: 30).

Regrettably, as argued elsewhere, 'even when they tried to institute reforms, successive Liberian leaders failed to depart from this practice of regime security at the expense of civilian-focused security' (Jaye, 2008: 170). This was certainly the case with his Vice President for 19 years, William R. Tolbert, Jr. who succeeded him. Given the history of these various security agencies and because of 'overlapping and duplication of functions, he pursued a different course by disbanding the NISS and the EAB, but retaining the SSS and the NBI, commanded by a Director-General of security services' (Wreh, 1976: 31). But the Tolbert administration's security thinking was also characterised by orthodox state-centric and regime security as opposed to human security.

When Tolbert and his TWP led government was overthrown on 12 April 1980 through a military coup d'état, the situation remain unchanged. As a matter of fact, Samuel Doe (1980-1990) and subsequently, Charles Taylor (1997-2003) raised regime security to a pathological level (Jaye, 2008: 171). Describing the specific situation under Doe, Sawyer writes that 'presidential autocracy' degenerated into 'despotism'. As he asserts:

when one considers the deep and pervasive penetration of Liberian society by presidential authority in light of the tyrannical mold within which that authority was cast as a result of the 1980 coup d'état, the presidency can be

perceived as the formidable instrument of repression and plunder it has become (Sawyer, 1992: 301-302).

After the coup, the military enjoyed new privileges and were seen constantly appearing in public places with machine guns and rifles as a show of power (Liebenow, 1987:202). Hence, while the coup of 1980 undermined settler hegemony, it did not rid society of the poor governance of the security sector. If anything, the People's Redemption Council (PRC) led by a military leader sustained the long years of defective and poor security sector governance. For example, the legislature was dissolved and the constitution suspended and in the place of the dissolved legislature was established a military council that could not possibly provide oversight over the affairs of the security institutions to which it belonged.

Even though the Doe regime was characterised by questionable human rights record, it received enormous military and economic assistance from the US government than any other government in the history of US-Liberia relations (See Dunn, 2009). Thus, external support to the regime helped to undermine effective security sector governance. Liberia was no exception within the context of Cold War politics where the superpowers supported client regimes based purely on ideology and not necessarily for the promotion of democratic values.

All of these verify the assumption that there has been a long history of poor and defective security sector governance in Liberia from its foundation in 1847 till now. Hence, the issue of the 'imperial presidency', which is characterised by the over-centralization of power in the president, has undermined effective democratic oversight of the sector. Then there has been the challenge of single party rule. Since the 1870s when the True Whig Party assumed power, Liberia has effectively been governed as a single party state. Prior to this, the country enjoyed a brief spell of political pluralism characterised by multi-partyism and checks and balances in government. However, under the circumstances of long years of single party rule, legislators who are supposed to play a critical role in Security Sector Governance (SSG) would normally pursue party loyalty than loyalty to the state. To call for accountability and transparency could undermine the image of the party's government.

In 1997 Taylor won a landslide victory and became President of Liberia but by 1999 the country was once again engulfed by civil war after the Liberians United for Reconciliation and Democracy (LURD) invaded the country to oust Taylor from power. During the reign of Taylor, Security Sector Governance was undermined by his authoritarian rule. However, as illustrated below, the signing of the CPA in 2003 and the subsequent elections of 2005 has changed the political terrain by accommodating political pluralism. This has had implications for security sector governance. For example, in the two post-conflict elections of 2005 and 2011, the ruling party was not able to establish a majority in both Houses of Senate and Representatives.

Unfortunately, this change has not impacted too positively on security sector governance. In addition to the poor knowledge base of the legislature and civil society about the security sector and SSG, the legislation governing the security institutions remain obsolete. The only notable exceptions have been the Defence Act, 2008 and the National Security Sector Reform and Intelligence Act, 2011 in which the issue of democratic civilian oversight is explicitly addressed for the first time in the history of the country.

### **3. The Civil War, the Collapse of the State, and Security Sector Governance**

The fourteen years war from 1989 to 2003 also had a toll on the Liberian state and its coercive forces. The entire state structure collapsed and the territory was carved up between rival armed groups that were competing with each other for control of the state. In the process, the various armed groups controlled territories in which they established a sort of 'mini states' ruled by the warlords. Although there was a semblance of a centralised state established during this period as transitional or interim regimes, and these were recognised globally, the fact of the matter is that their writs did not go beyond the limits of Monrovia. Not less than four interim political arrangements were established during the course of the fourteen years war.

In each of these 'mini states', extra-judicial killings took place with impunity and even though they are captured in the report of the Truth and Reconciliation Commission (TRC), there is no evidence to suggest that anyone has been brought to justice for the criminal acts committed during the conflict. The classic examples of these acts include but are not limited to the following: Lutheran Church massacre carried out by the AFL in July 1990, which led to the death of 600 people (T.M. Newbury, 31 July 2009: 1); Carter Camp massacre of June 1993 by NPFL fighters (New York Times, 11 June 1993 and TRC Press Release, 29 May 2008); on 18 September 1998, as a result of the pursuit of the warlord Roosevelt Johnson by Government forces, about 53 to 100 persons lost their lives; 13 Krahn people were killed on the Schiefflin highway on 19 September 1998 for the same purpose (TRC Report, Vol. II, 2009: 165) and many others that occurred throughout the war years. In all of these experiences, the culture of impunity has never been addressed fully. The issue of SSG within post-conflict Liberia is discussed in the next section of this chapter.

#### *Security Sector Governance in Post-Conflict Liberia*

After fourteen years of war, the elections of 2005 created an enabling environment for things to change in the country including the way in which the security institutions have been governed over the years. The security sector reform process therefore offered an opportunity for addressing the challenges of weak legislative oversight over the security sector agencies. However, the current efforts towards improving an effective SSG in Liberia has produced mixed results. On the one hand, the legacies of the past; 'law unto themselves' culture of security institutions in relation to human rights issues; obsolete and sometimes irrelevant security legislation; poor legislative oversight; weak judiciary and other factors continue to undermine SSG in the country. On the other hand, if the experience of the 52<sup>nd</sup> Legislature is anything to go by, then there have been positive signs in this direction.

After undergoing training organised by the African Security Sector Network (ASSN), Geneva Centre for Democratic Control of the Armed Forces (DCAF) and Conflict, Security and Development Group (CSDG) of Kings College, University of London from 2006 to 2009, Liberian legislators acquired knowledge of SSG issues and developed a positive political attitude to play a role in the ongoing security sector reform process in the country. For example, through their oversight role, a new Defence Act, Prison Reform Act, and Security and Intelligence Act were enacted. These Acts contain clauses about security sector governance by making explicit reference to civilian democratic oversight. For example,

section 8 of the National Security and Intelligence Act, 2011 calls for the security agencies to be subjected to 'legislative oversight' (NSIA, 2011).

Further, in its *National Security Strategy* of January 2008, the administration of Ellen Johnson-Sirleaf also commits the security agencies to civilian democratic oversight as part of the SSR process. In this document, the administration asserts that:

Civilian democratic management and oversight of the security sector has been weak in Liberia, especially over the past quarter-century. Thus, all new security legislation will take this weakness fully into account. The transformed institutions must and will be fully subjected to civilian management and oversight, especially legislative oversight. This is essential because of the prolonged years of war and the role of security agencies, which rendered the sector factionalized and dysfunctional; thereby undermining their image and public confidence (NSS, 2008:34).

The document also calls on the judiciary and civil society to play a role in providing oversight over the security sector. All of these reinforce provisions of Article 34 of the Constitution of Liberia as well as those stipulated in the Rules and Regulations of Senate and House of Representatives of the Liberian Legislature on their oversight roles in relation to security matters.

Nonetheless, given the high turnover of legislators during elections, very few of them survived the elections of 2011. This constitutes a major challenge for SSG in Liberia. For example, out of the 14 members of the Defence, and National Security Committees of the House of Representatives of the 52<sup>nd</sup> Legislature, only two members were re-elected. Only one serves on these committees and the other has moved to another committee. In order to become effective, there is need for fresh training on oversight issues. This constitutes a real challenge to deal with.

#### *Liberia Security Architecture*

The Liberian security architecture comprises the following institutions including the administrative bodies that supervise them. They are as follow:

- 1) National Security Council
- 2) Ministry of Justice (plays the role that the Ministry of Interior as in other West African countries)
- 3) Ministry of Defence
- 4) Armed Forces of Liberia (AFL)
- 5) Liberia National Police (LNP)
- 6) National Security Agency (NSA)
- 7) Bureau of Immigration and Naturalization (BIN)
- 8) National Bureau of Investigation (NBI)
- 9) Bureau of Customs and Excise (BCE)
- 10) Bureau of Corrections and Rehabilitation (BCR)
- 11) Executive Protection Service (formerly Special Security Service)
- 12) National Fire Service (NFS)

### 13) Drug Enforcement Agency (DEA)

Each of the public corporations in the country also runs their own internal security bodies. Similarly, the big multinational corporations like Firestone Rubber Plantation Company do run private security forces called Plant Protection Force (PPF). The relationship between these institutions and the statutory ones remains fuzzy; it is not clearly defined in law and so can cause tension between them. In one incident in Monrovia, there was a clash between the Freeport security and the LNP because the former claimed that the Freeport of Monrovia was under its jurisdiction and so the LNP could not operate freely there. The other security providers are traditional authorities in the rural parts of Liberia. In the vast majority of these places, there is no statutory security personnel and hence, over the years, the traditional authorities including chiefs, elders and others have provided security in these areas.

The case studies below provide the empirical basis for a nuanced understanding and explanation of the challenges of security governance in contemporary Liberia. All of these incidents occurred after the elections of 2005 that brought President Ellen Johnson-Sirleaf to power as the first elected female president in Africa.

#### **4. Case Study One: 22<sup>nd</sup> March 2011 Student Demonstration**

On 22 March 2011 the students of two of the leading government high schools in Monrovia, capital of Liberia, namely William V.S. Tubman High School and the G.W. Gibson High School took to the streets to support their teachers who did not report to work on the previous day in protest against the delay in receiving their salary increment that was allocated in the budget of 2010/2011 by the Government. The increment should have been received by January 2011 but that did not happen (Report of the Special Presidential Committee, 2011: 4). On 21 March, the day before the standoff between the students and the LNP, the Director of the latter, Marc Amblard had put the Emergency Response Unit (ERU) on standby because he had received information that the students were planning a demonstration (Report of the Special Presidential Committee, 2011:4).

As the students of G.W. Gibson High School marched peacefully towards the Foreign Ministry building which also serves as the Presidential offices to present a statement to President Sirleaf, they were 'intercepted and dispersed' at the gates of the University of Liberia by the 'ERU who were carrying fire arms together with Police Support Unit (PSU) and Patrolmen of the Police'. Consequently, the students threw stones before returning to their campus. They were, however, pursued by the LNP whose officers forcibly opened the gates of the campus and brutalised the students including a disabled female student, Cecelia Poker. Other students were beaten and some suffered injuries in the process (Report of the Special Presidential Committee, 2011: 5-6).

Some students were taken to hospital and others were arrested. For example, the police took about 21 of the sixty wounded students to the John F. Kennedy Hospital for treatment and about 27 students were arrested for their part in the protest march (Report of the Special Presidential Committee, 2011: 6). Their colleagues from the Tubman High School also took to the streets from their campus and laid road blocks at the 12<sup>th</sup> Street in Sinkor, Monrovia. The Deputy Commissioner of Police Patrol Division, Patrick Sudue tried to persuade the students to remove the road blocks. After negotiations with the students, the road blocks

were removed but the students requested that the Police 'guard them to see the President' to present their grievances. As this conversation was being held between Commissioner Sudue and the students, armed ERU units arrived and pandemonium broke out, leading to stone throwing by the students who were chased back to their campus without any 'major altercation between the angry students and the police' (Report of the Special Presidential Committee, 2011: 7).

#### *Responses of the Government and its Oversight Bodies*

In keeping with the political tradition of Liberia, the President of Liberia, Ellen Johnson-Sirleaf, set up a Presidential Committee to investigate the matter on 18 April 2011. Accordingly, among others, the Committee concluded that 'the students were exercising their civil liberty by carrying placards to draw the attention of the President of Liberia to the situation in their schools. Certainly, when teachers walked out of classrooms and the students had to write the West African Examination test, one can appreciate why they took to the streets, even without a permit to demonstrate' (Report of the Special Presidential Committee, 2011: 8).

Further, the Committee blamed the Police for the occurrence of violence because of its culture of putting down demonstrations by force. It wrote that 'the action of the Police began by the Police Director's alert to the ERU on the evening of March 21, 2011 that there would be a major demonstration on March 22. This was accentuated by the clear breach of the rules of engagement largely by officers of the PSU deployed on that day. The students were armless, yet the first units of the Police that engaged them were the ERU and PSU and not the Patrol Division', which in keeping with their rules, should be the first on the scene. According to the report, the Police Director, Marc Amblard and his Deputy for Operations, Al Karley had indicated that the ERU and PSU can be 'deployed only in violent situations, where the Patrol Unit fails and the safety of members of the public and law enforcement officers is in danger' (Report of the Special Presidential Committee, 2011: 9). These procedures are clearly laid down in the Standard Operating Procedures of the LNP but were ignored. Hence, in the opinion of the Committee, 'the Police used excessive force on the students in handling the situation' on 22 March 2011, and this was outside their scope of basic and specialised training (Report of the Special Presidential Committee, 2011: 9).

What is also surprising about this incident is that both the Director and his Deputy for Operations denied responsibility for the actions of the ERU and the PSU. The report even quotes the Director of Police as saying that 'there were too many cooks in the kitchen' while his Deputy told the Committee that 'he went out in the field on the day of the students march, but he did not give orders, especially for the operation at G.W. Gibson High School' (Report of the Special Presidential Committee, 2011: 10). Going by the statements of the Director and his Deputy, the Committee concluded that because both of them did not give orders:

The two units operated on that day without lawful authority'. Interpreting this action by the ERU and the PSU, the Committee further stated 'this presents a potentially dangerous situation for a country recovering from years of violent conflict. the obligations of the police to maintain law and order within the framework of promoting and strengthening respect for human rights and rule of law cannot and must not be compromised for any reason, except during a state of

emergency declared, consistent with the Constitution of Liberia' (Report of the Special Presidential Committee, 2011: 10).

Against the backdrop of the above, among others, the Committee specifically recommended the following for the Director and Deputy Director of Police:

- 1) "That the Police Director Marc Amblard be suspended for two months without pay for his failure to exercise leadership, control, and proper supervision over his men;
- 2) That Deputy Police Director for Operations, Col. Al Karley be dismissed for his unprofessional handling of the situation. He commanded the troops through radio communications and was physically present in the field, yet he failed to prevent the excessive and disproportionate force used on the students which led to several of them [*being*] severely injured and hospitalized; and
- 3) That the Police Administration be ordered to conduct a full scale criminal investigation within two weeks with the view of identifying those who inflicted serious bodily injuries and reportedly committed theft on the campus of the G.W. Gibson High School and have them disrobed, charged and appropriately prosecuted (Report of the Special Presidential Committee, 2011: 10-11).

The way in which the Executive through the office of the President; and the Legislature, Judiciary and civil society responded to this have implications for security sector governance.

As illustrated above, the Executive through the office of the President, responded by establishing an ad-hoc committee to investigate the incident. Regrettably, there is no record to suggest that the recommendations of the Presidential Committee were fully addressed. Although the Deputy IGP for Operations of the LNP, Al Karley, was suspended, he is now serving actively in the post of Acting Director for the National Bureau of Investigation (NBI). The role of the legislature was inhibited by the establishment of the ad-hoc committee by the President. Apparently, they did not want to duplicate the efforts being made by the administration. However, the legislature could have ensured that the recommendations of the Committee were implemented but this did not happen. Similarly, the judiciary and civil society played no role in this incident. If the case was brought to the courts, the judiciary could have exercised its authority but this did not happen.

## **5. Case Study Two: 7<sup>th</sup> November 2011 Violence and Civil Disturbance**

Another incident that has implication for security sector governance in Liberia was the shooting at the headquarters of the opposition Congress for Democratic Change (CDC) on 7 November 2011 by the LNP. This left one dead and several injured. The 'November 7' incident at the headquarters of the CDC evoked debates because of its highly political nature. It was linked with the runoff of Presidential elections scheduled for 8 November 2011, which the CDC and other political parties decided to boycott.

The roots of this incident were the outcome of the 11 October 2011 elections in which the ruling Unity Party won 44% of the total votes and the leading opposition party, CDC won 32%. As no party won the fifty plus one percent required to be declared winner, the National Elections Commission (NEC) called for a runoff of the presidential elections. By 23 October 2011, the CDC and eight other opposition parties issued a statement that they

were withdrawing from the 'counting process' because according to them, the NEC manipulated the counting and hence the election was fraudulent. Consequently, the CDC ordered its observers to withdraw from the elections headquarters at the Samuel K. Doe (aka SKD) Sports Complex (Official Report of the November 7, 2011 Acts of Violence and Disturbances, 2011: 2). This led to a tense atmosphere with the CDC going further to call for the resignation of the Chair of the NEC, James Fromayan and the restructuring of the NEC as preconditions for its participation in the runoff elections. On the issue of the boycott, the then Secretary General of the CDC and now member of the Legislature for Montserrado County, Acarius Gray had this to say: 'The ruling Unity Party will govern its partisans while the CDC will govern CDCians. If Ellen wants a bitter Liberia, we will give her a bitter Liberia.' (Official Report, 2011: 4) This is a manifestation of the level of tension surrounding the elections, which inevitably led to the November 7<sup>th</sup> incident.

Although NEC had ordered campaigning to be closed by 11:59pm on November 6<sup>th</sup>, 2011, the CDC rally went ahead on 7<sup>th</sup> November. The rally was held in order to illustrate their decision to boycott the runoff presidential elections. This information about the planned rally was corroborated by Intelligence passed on to the LNP, which allegedly revealed the intention of the CDC to hold the rally. As a consequence thereof, by 11:00am the President of Liberia convened a meeting of the National Security Council in order to discuss the situation that was unfolding. At this meeting, a consensus was reached and the top leadership of Police was informed that no lethal weapon should be used for crowd control and there should be restraint in dealing with the rally (Official Report, 2011: 5).

The Police had barricaded the CDC headquarters but a group of protesters tried to bypass the barricade and this led to the release of tear gas by the PSU. The protesters responded by throwing stones and other objects at the police. Further canisters of tear gas were also released while negotiations were being held with the protesters. This caused panic and the further throwing of stones (Official Report, 2011: 6).

According to the Sister Laurene Brown Commission report, in the process of trying to disperse the crowd, the Liberian National Police fired nine live rounds. The head of the ERU Fitzgerald Biago confirmed that his men fired in the air to disperse the crowd whilst the Director of Police said one member of the PSU fired rounds after falling during the retreat because he feared for his life (Official Report, 2011: 6). The Chief of Patrol of the LNP, Assistant Commissioner Nelson Freeman entered the CDC compound and as UNMIL tried to disarm him, there was discharge of live weapon in the process (Official Report, 2011:6).

#### Responses of the Oversight Institutions

Once again, an ad-hoc 'Special Independent Commission of Inquiry' was established on 25 November 2011 led by Sister Mary Laurene Brown of the Catholic Church. The terms of reference for the Commission of Inquiry included the following: a) to interview all of the key actors involved; b) review and compile evidences; to write a report of its findings; and make recommendations on the course of action to be taken bearing in mind the need for peace and reconciliation in the country (Official Report, 2011: 2). The individual killed was identified as 21 year old Mamadee Kromah, who was 'killed by a bullet whose trajectory had

an entry from the back of the head with clear exit wound from under the right eye' (Official Report, 2011: 7).

On the issue of the CDC gathering at its headquarters, the question is: Did this constitute an infringement of the order by NEC? The Commission of Inquiry report indicates that it was not 'unlawful per se within the meaning and context of the Constitution and Laws of the Republic of Liberia so long as such gatherings and rally remained peaceful and within the confines of the CDC headquarters' (Official Report, 2011:7). While indicating that no one in the headquarters of the CDC had a weapon, the Commission concluded that the gathering outside its headquarters without a permit was a violation of Liberian law. Second, it reported that the utterances of the leaders of CDC prior to the rally were intended to cause fear, anxiety and insecurity within and among the general public so that no voting could be held on 8 November (Official Report, 2011: 6-8).

Regarding the LNP, the report points to their ill-preparedness to deal with crowd control; lacked proper leadership during the incidence; and this caused the LNP to 'overreact to the provocation of the demonstrators and without due caution escalated the perceived threat level'. Moreover, the 'chain of command was not professionally and respectfully followed between the leadership of the LNP and the Ministry of Justice. For example, the Inspector General of Police remained incommunicado from the Minister of Justice for a critical two week period prior to the disturbances and acts of violence' (Official Report, 2011: 8). This says a lot about security sector governance in post-conflict Liberia.

The Commission also indicated that the LNP acted excessively and this contributed to chaos and panic; it was the LNP that discharged the live ammunition and no one else; there was no threat to the life of LNP officers and that only six of them received minor injuries; that the use of live ammunition to disperse the crowd was against the Standard Operating Procedure of the LNP; and that the gunshot that killed Mamadee Kromah was 'probably discharged from a weapon similar to an AK 47, M16 or an M4 rifle (Official Report, 2011: 9). Against the backdrop of the above, the Commission made the following recommendations:

- (1) Government should investigate the electoral violence and bring the perpetrators to justice;
- (2) Inspector General of the Police should be dismissed;
- (3) The Legislature should consider passing a Hate Crime law to prosecute those engaged in hate speech;
- (4) Those officers that did not discharge their weapons should be commended;
- (5) Those who discharged their weapons on the day should be suspended from the LNP for disobeying order; and that they should be investigated in order to determine the person that fired the 'fatal shot' and those that 'caused injuries to demonstrators on November 7, 2011' (Official Report, 2011: 11).

Accordingly, the IGP of the LNP was dismissed but the Legislators played no role in the process. One explanation for the failure of the legislature to act could have been the fact that like in the first case study, the President had established an ad-hoc commission of inquiry to investigate the matters. Further, in this specific case there is not much that the Legislature could do because many members of the appropriate security related committees had already

been affected by the results of the October 2011 elections; they were not re-elected and so were in transition to private lives.

The judiciary could not play a role because the matter was not brought to court; and as usual, civil society remained mute; it did not intervene. Hence, in relation of SSG in the post-conflict period, there has been mixed results. On the one hand, the political environment has improved considerably in the sense that the country has moved from authoritarian and single party rule to pluralism. However, on the other hand, the country is still being haunted by its past whose legacies will be around for a little and so it will take time for SSG to actually take firm roots in the political culture of the country.

## **6. Conclusion**

Against the backdrop of the above, the conclusion can be reached that throughout its history; the issue of SSG has constituted a major challenge to Liberia. Although the end of war and pursuit of SSR has provided an opportunity to address this, there is more to be done. The factors that weakened SSG in Liberia have not been fully addressed. The SSR process remains truncated, waiting to be jump-started; the high turn-over of legislators during elections means that the need for training cannot be over-emphasised because of the weak knowledge base of the legislature of the security sector. The legislature cannot provide an effective oversight over the security sector unless it has the knowledge base, competence and resources to do so; and it also needs develop the political will and commitment in the process in order to carry out its work. The Liberian Legislature is not short of legal authority and power to undertake its responsibilities but this must be complemented by competence, knowledge, resources as well as the correct political mindset for this type of work.

As the saying goes, 'old habits die hard'. This is true in the Liberian experience. There are people within the security institutions that cannot understand that their institutions are not above the law as in the past. These people and their respective institutions have not fully understood the dynamics of the changing process and challenges of a democratic system, and what it requires to serve as effective security institutions. As opposed to societal and human security, such individuals and their institutions continue to pursue regime security. For them, loyalty to the administration constitutes the basis for their service and nothing else.

Therefore, while some of the issues that influenced initial security thinking and hence SSG have become historically obsolete, the core reasons for a narrow conception of security remain intact. It is militaristic, state-centric and regime centred; and the over-centralization of power has not helped to improve the situation.

The two cases discussed above and the responses to them illustrate that the culture of impunity which the current security agencies and personnel inherited from the past needs to be addressed. This will require strengthening the capacity of the appropriate oversight and management institutions of the security sector. The dismissal of the IGP for the November 7 incident does not adequately fulfill the call for implementation of the recommendations contained in the Sister Laurene Brown Commission report.

Finally, in order to ensure effective SSG in Liberia, the knowledge and resource bases of the institutions responsible for it including the legislature, judiciary, civil society and line management bodies in the Executive should be developed. There is the need to develop the culture of accountability and transparency but the nature of the state is such that those who govern, particularly those in the executive branch of government can easily buy off opponents with available resources at their disposal. In this light, it is only the independence of the Legislature and Judiciary that can provide the basis for checks and balances in the democratic system.

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## Chapter Four

### Conflicts and Security Sector Governance in Mali

By

*Odinkalu Chigozirim & Abioye Abena*

#### 1. Introduction

Northern Mali is home to a number of ethnic groups including the Tuareg, Arabs, and the Peuhl (Fulani). The Tuaregs were prominent in the control of the pre-colonial trans-Saharan trade routes which placed them at an advantage over their more southern neighbours, the settled Black African farming populations, some of whom the Tuaregs raided for slaves. With colonialism, however, a sudden change in society placed the Tuareg in a minority status vis-à-vis the southern populations. Since Mali became an independent state the Tuareg have struggled against this new order.

##### *First Rebellion in Mali*

The first rebellion of the nomadic Tuareg, (or *Kel Tamasheq* - 'the Tamasheq speaking people' - as they prefer to be known) against the central government of Mali broke out in 1963 when a young renegade called Alladi Ag Alla attacked two camel-mounted policemen or *goumiers* in a remote region north of the town of Kidal. Mali had only just won its independence from France, and the Kel Tamasheq, detached from world events in their far flung desert home, simply could not understand why their cherished independence and age old nomadic culture had been subsumed into a new state ruled by black Africans living hundreds of miles away who had never proved their right nor their fitness to become the Tuareg's new masters. That first Tuareg uprising in 1963 lasted barely a year before it was crushed with unforgettable brutality by the Malian army under the command of the infamous Captain Diby Sillas Diarra, the 'butcher' of Kidal. The northeast of Mali then became a no-go area ruled by martial law. The 1970s and 1980s were decades of extreme drought and suffering in the region that saw many thousands of Kel Tamasheq flee their homelands and take refuge in the neighbouring countries of Algeria, Libya, Niger, Mauritania and Burkina Faso. It is said that the word 'Tuareg' means something like 'abandoned by God' in Arabic, and in those years of drought and exile, this foreign name seemed cruelly apt.<sup>67</sup>

##### *2<sup>nd</sup> Rebellion in Mali*

In June 1990, the second great Tuareg rebellion broke out when Iyad Ag Ghali, the leader of the Popular Movement for the Liberation of Azawad (MPLA), attacked a police post in Menaka with a small group of soldiers recently returned from army camps in Libya. The parallels with the outbreak of the 2012 hostilities are stark. The 1990 uprising ended in an Algerian brokered peace treaty and the National Pact of 1992. The Tuareg movement then

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<sup>67</sup> The Causes of Uprising in Northern Mali- the Tuareg rebels' recent attacks represent a fourth roll of the Kel Tamasheq dice. <http://thinkafricapress.com/mali/causes-uprising-northern-mali-tuareg>.

dissolved into a bitter soup of acrimony and groups as the MPLA split along ethnic and tribal fault lines into four different factions. The northeast was given a certain measure of self-determination by the government in Bamako. Rebel leaders and soldiers were 'reinserted' into the Malian army and administration. But the main clauses of the National Pact were never honoured, and Kel Tamasheq resentment simmered away for the next fourteen years.

### 3<sup>rd</sup> Rebellion in Mali

On May 23, 2006, a new rebel group, the Democratic Alliance of May 23 for Change (ADC) attacked Malian army installations in Kidal and Menaka before retreating to a well stocked base in the Tegharghar hills north of Kidal. Algeria once again stepped in to broker a new peace deal and a new treaty, known as the Algiers Accords, which basically restated many of the demands made in the National Pact. These included greater autonomy for the Kidal region, greater recognition of the Tamasheq language and culture in the national media and in education, the formation of special security units staffed by local Tuareg, economic development in the region, a functional airport for Kidal and a special tax regime for the north to encourage investment. For the next six years, north eastern Mali grumbled and groaned under an uneasy peace, while the refusenik Tuareg war lord Ibrahim Ag Bahanga kept the flame of revolt alive by attacking the army and taking hostages. The implementation of the Algiers Accords stalled, then ground to a halt amid bitter accusations and recriminations on both sides.

On January 17 2012, it all kicked off again. For the Kel Tamasheq, this is the fourth roll of the dice in a very long struggle for autonomy<sup>68</sup>. However, there are a number of key reasons why this latest Tuareg uprising is different from all the others. First and foremost, the level of preparation and forethought on the rebel side is unique in Tuareg rebel history. In 1990, Iyad Ag Ghali and his small troupe reportedly went into battle armed with two old hunting carbines and a length of rope. In 1963 the Tuareg arsenal comprised a few old Mauser rifles alongside traditional *takouba* swords. In 2006 the rebels were better armed, allegedly by Algeria, but the rebel movement wasn't primed for a long battle. In 2012, the MNLA have assembled one of the most impressive arsenals ever seen in the north of Mali.<sup>69</sup>

This paper analyses the conflicts and security challenges that Mali has faced in the context of this history. It begins with a background and history of Mali to the present date. The paper then goes on to explain the Malian Security Sector and its role within the country. This is further broken down into specific actors; defence, police, military and the gendarmerie, etc. Furthermore, the paper discusses the government's role in the security sector and key security issues in Mali with emphasis on human rights violations by the Malian army and lack of accountability in the Malian Security Sector.

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<sup>68</sup> Visit- <http://thinkafricapress.com/mali/causes-uprising-northern-mali-tuareg>

<sup>69</sup> The Causes of Uprising in Northern, Mali- <http://thinkafricapress.com/mali/causes-uprising-northern-mali-tuareg>

## 2. Background

Mali was perceived to be a relatively democratic and peaceful nation and an example of a successful democratic governance in West Africa until the recent conflict broke out in 2013. However, the history of Mali as a nation reveals a long history of insecurity and inter-ethnic conflict in the Northern Mali as early as 1960. While some scholars believe the Malian conflict is purely identity conflict, others are of the view that poverty and exclusion are the major causes of the conflicts and insecurity problem. Conflicts in Mali are as complicated and diverse as its borders. The conflicts in Mali have been partly due to the porosity of its borders, proliferation of small arms, drug and human trafficking, and migration. Critical analysis however reveals that poor security governance has been the major cause of the escalation of conflicts. The reason is that there is no nation void of conflict or history of insecurity. Conflict is thus as inevitable as the existence of humanity. However what most African states have failed is the proper management of conflict and its triggers to prevent its escalation. Pertinent to this is the role and strategies adopted by security officials in enforcing peace. Peace keeping strategies and implementation of peace agreements has to a large extent been a contributor to the recurrent conflict in Northern Mali. While the Government of Mali has failed in honouring its promises on peace agreement, the Malian soldiers have concurrently employed the use of force and engaged in extrajudicial killings of civilian, especially in the north. Indiscriminate killing of civilians by Malian soldiers date as far back as the 1991 revolution that ended military rule. On that occasion, the army killed over 300 civilians during a peaceful protest for democracy. Although the army rendered apology during the reconciliation process, the Malian army have not ceased from engaging in extra judicial killing in its peacekeeping operations. The case of the habitual killing of the Tuaregs in Northern Mali demonstrates the inefficient way of the army. The Tuareg 'problem' is a Gordian knot, and ever since Mali became an independent state, the Tuaregs have recurrently rebelled (Boas, 2013).

The war began in June 1990 with a string of attacks on government posts by members of the Mouvement Populaire de Libération de l'Azawad (MPLA) returning from Libya. The government responded with the repression of Kidal by the military. Militarily, however, the MPLA turned out to be strong (Humphreys and Mohamed 2003). In one battle at Tuxemene in September 1990, the Tuareg movement defeated the Malian army and killed about 200 troops. This defeat influenced younger Tuaregs and Arabs to join the maquis. By the end of the year the maquis comprised an estimated 3,000 fighters (Humphreys and Mohamed 2003). Some bases, particularly in the west, were comprised of almost entirely of volunteers that had never emigrated or trained in Libya. With an inferior command of the desert, and frustrated by a failure to engage directly with the rebels, the army stuck at non-combatant Tuareg communities, beating and engaging in public executions (amnesty International, 1990).

As a result of this, the international community and the Southern Mali where communities were already dissatisfied with the Traoré regime criticised the Military and recognised the marginalization of the North. In response, the government adopted a new approach. Drawing on its capital with traditional Tuareg leadership, it encouraged the traditional élites to try to resolve the problem in-house and the chief of the Iforas group, Intalah ag Ataher, attempted an initial round of talks (Humphreys and Mohamed 2003). During this period, the government's newspaper L'Essor also ran articles quoting traditional Tuareg and Arab

leaders proclaiming their support for the administration, the territorial integrity of the country and their condemnation of the actions of what they claimed to be an unrepresentative minority which produced considerable division within the MPLA, with some subsets forming alliances with traditional leaders and others insisting that their grievance was with the state and that they ought to negotiate directly with the state.

The then government responded to the call for direct talks and accepted Algeria's demand to act as mediator. In January 1991, a set of negotiations were set in Tamanrasset, Algeria. The major challenge of this negotiation was that it was a hasty one. However, MPLA underwent reorganization, and assumed the name "Mouvement Populaire de l'Azawad (MPA) showing its willingness to compromise. But the Arab components distinguished themselves formally from the larger movement and became the first group which took an explicitly ethnic and religious title. The accords that ensued seemed generous. They provided for a gradual demilitarization of the northern regions, the elimination of military posts and military activity especially near Tuareg camps or pasture (Humphreys and Mohamed 2003). They also provided for advanced administrative decentralization, according a "statut particulier" to the three regions of the North with a high degree of autonomy. Again the accords promised the creation of jobs through the replacement of the Malian army by civilians in the regional administration and the integration of insurgent combatants into the national army. The accords also promised an allocation of 47.3% of funds from the fourth national investment program to the north (Humphreys and Mohamed 2003). The Tamanrasset Accords led to a decline in organized violence but not its total elimination. It was however interrupted by the transition in the Malian governance system. The transitional government, led by Amadou Toumani Touré, moved quickly to register its acceptance of the Tamanrasset Accords.

The transition in Bamako, however, was accompanied by a worsening condition in the North and finance was not available to implement the terms of the accords. Frustration on the loss of status of the army and public concerns with the recently published Tamanrasset Accords which was interpreted as giving autonomy to the North, led to more attacks by dissatisfied sections of the armed forces, notably in Gao. In areas where nomadic populations were killed or fled, sedentary populations benefited economically from the goods left behind, which, in the opinion of many in the rebel movements, implicated the black populations in these attacks (Humphreys and Mohamed 2003). With ex-combatants turning their attention from military targets to sources of revenue, sedentary populations increasingly became the victims of their actions. As a result of this, there was a gradual rise in inter-ethnic violence in 1991, as well as the first reporting of black defensive militias. Throughout the rise in violence, the MPA retained its position of support for the application of the accords of Tamanrasset and formally maintained its cease-fire, responding to the rise in violence with increased levels of coordination with the government and with traditional Tuareg authorities. The rebel groups however rejected the Tamanrasset Accords indicating that it was imprecise and unimplemented. In an attempt to resolve this, the government of Mali set up an international mediation team that began its work by facilitating the organization of the disparate groups into a coordinating body, the Mouvements et Fronts Unifiés de l'Azawad (MFUA) and running a series of consultative meetings in Algeria (Humphreys and Mohamed 2003). The meetings led to a new agreement - the National Pact - in 11 April 1992 in Bamako. The National Pact, like the Tamanrasset Accords, contained a mixture of material benefits and constitutional reforms. The material benefits for the fighters and their communities included jobs in the army and in the administration, investment

promises and support for small to medium sized enterprises, as well as two funds, one for civil and military victims and the other for social assistance for victims of insecurity. The Pact, explicitly recognized the economic marginalization of the North and provided for a ten-year plan to redress the economic, social and cultural inequalities between the North and the rest of Mali.

However the constitutional reforms allowed for considerable autonomy for the North. The decentralization in the Pact was as broad as that in the Tamanrasset Accords. It included not simply extensive control over issues of regional interest but also envisaged a role for regions to be involved in international coordination and for cross-regional coordination, with provisions for redefining regional boundaries within the state. Unlike the Tamanrasset Accords, the Pact was a carefully developed document with well specified institutional details and a timetable for implementation. Institutions to be set up to facilitate implementation included a high profile Commissariat du Nord, a Ceasefire Commission, and, on the ground, mixed military patrols.

In practice however, the National Pact suffered from similar problems to the Tamanrasset Accords. It was created with minimal consultation with the sedentary populations and, while members of the MFUA were to be allocated central roles in the transitional bodies, the Pact contained no mechanisms to allow sedentary populations to be involved in its implementation (Le Républicain, 1994).

Nonetheless, the design of the new political institutions made no mention of membership of MFUA; these institutions would, in expectation, benefit the sedentary populations as much as they would the nomadic groups. To complicate matters, promises of material benefits were made without resources in place to fulfil them (Poulton and ag Youssof, 1998). The end result of this was the slow application of the national Pact. However slow it might be, records indicate that the period witnessed relatively low conflict intensity.

The National Pact of 1992 failed to produce tangible socio-economic improvements on the ground. This led to the formation of a new rebellion in 2006. This was relatively small until armed Tuaregs, many of whom had lived in Libya for years, started to return to Mali following the fall of the Khadafi regime in. Their arrival gave the rebellion new momentum and yet another Tuareg rebel movement was formed, the Movement for the National Liberation of Azawad (MNLA) Whereas Tuareg separatism previously had been a facade for other demands concerning power and positions, MNLA declared full independence of Azawad (Boas,2003). The issue was no longer increased access to the resources of the Malian state, but to break away from it. On the heels of Tuareg nationalist attacks on the state, Islamist groups tied to Al qaida in the Islamic Magreb (AQIM), specifically Ansar Deen and MUJAO, intensified their activities in the north, aided by Islamist forces from Algeria and Libya. MNLA itself was subsequently displaced by these Islamist forces who not only attacked other Muslims and places of worship in the north, but also began to threaten a southern Mali weakened by the military coup in Bamako and the resulting political instability.

War crimes committed in the country since January 2012 by Islamist extremist groups led to the adoption of United Nations Security Council Resolution 2085 on Mali. These groups rapidly consolidated their control over northern Mali in 2012 and oppressed and terrorized citizens for months, imposing a harsh form of sharia law, on those living in the areas under

their control, especially severe for women. An estimated 400,000 citizens are displaced within Mali or have taken refuge in neighboring Algeria, Burkina Faso, Mauritania and Niger as a result of this security and humanitarian crisis. Affirming that the entrenchment of terrorist and criminal groups in northern Mali posed an urgent threat to that region and the entire international community, the Security Council authorized the deployment of an African-led mission to support efforts by national authorities to recover the north. Unanimously adopting resolution 2085 (2012) under Chapter VII of the United Nations Charter, the Council also requested the Secretary-General to establish, in consultation with the national authorities, a “multidisciplinary United Nations presence in Mali” to provide coordinated and coherent support to the ongoing political and security processes in the country. The Council tasked the African-led International Support Mission in Mali (AFISMA) with helping to strengthen Mali’s defence and security forces, in coordination with the European Union and other partners; supporting the Malian authorities in their primary responsibility to protect the population; transitioning to stabilization activities following the recovery of national territory; and assisting with humanitarian access to northern Mali.

However, ECOWAS could not mobilize the necessary logistical support from the international community to launch AFISMA. While ECOWAS quibbled about the composition of its troops in AFISMA, the Islamist rebels sought to expand their territory southwards. The situation changed drastically when insurgents stormed the strategic city of Konna, located only 600 kilometers from Bamako, and seemed poised to advance on the capital. This alarmed the international community, who feared that the entire country was on the brink of an Islamist take-over (Security Sector Reform Resource Centre, June 14, 2013). On January 11, 2013, French airplanes attacked strongholds of Islamist rebels in the north of Mali. Soon thereafter, land troops followed in a quick sweeping raid, clearing most of rebel controlled areas. French forces, assisted by several thousand troops from Chad and Niger, thereby efficiently ended the offensive of Islamist rebels and gained nominal control over the cities of Gao, Kidal and Timbuktu. However France narrowed down its troops from 4000 to 1000 which has led to a rather limited security as against the persisting Islamist rebels and influx of other terrorist groups.

At the request of interim President Dioncounda Traore, France led a military intervention to assist the Malian army and AFISMA in retaking Northern Mali. Since then, France made significant gains and fighting has subsided (Security Sector Reform Resource Centre, June 14, 2013). The U.N. Security Council unanimously approved the creation of a 12,600-strong peacekeeping force in Mali starting July 1, 2013 which will be supported by French troops if needed. The U.N. peacekeeping force - to be known as MINUSMA - will assume authority from a U.N.-backed African force (AFISMA) deployed there to take over from the French. Most of AFISMA is likely to become part of the peacekeeping operation says the United Nations Secretary General Ban Ki- Moon (Reuters Wednesday May 15, 2013). The U.N. peacekeeping force in Mali will be the body's third largest, behind deployments in Democratic Republic of Congo and Darfur in Sudan, and cost up to \$800 million annually. Rwandan General Jean-Bosco Kazura<sup>70</sup> was appointed to lead MINUSMA, partly because the UN sought primarily a francophone to work with the Malian army.

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<sup>70</sup> Refer to [http://www.africadaily.net/reports/Rwandan\\_general\\_to\\_command\\_Mali\\_UN\\_force\\_999.html](http://www.africadaily.net/reports/Rwandan_general_to_command_Mali_UN_force_999.html)

Mali's democratic transition was, until recently, considered a success story in West Africa. Since the country's first multiparty elections in 1992, the country regularly held presidential, legislative and local elections that were deemed credible by domestic and international observers<sup>71</sup>. On July 28, 2013, 51% of Malians went to the polls to choose their President Ibrahim Boubacar Keita in an election that took place in an atmosphere of renewed calm and security. The international community has begun to shift their focus from the military campaign to reconstruction efforts. As French foreign Minister Laurent Fabius said "We are in the process of winning the war. We now have to win peace." (Security Sector Reform Resource Centre, June 14, 2013). Even the 2013 transition to democracy will not end Tuareg crisis and does not guarantee peace in northern, Mali (Africa Center for Strategic Studies Media Review September 4, 2013).

### 3. The Security Sector

The Security sector had been for a long time considered as the exclusive area of operation for defence and security forces. Today, the concept has assumed a wider meaning while encompassing not only the security area, namely: human, food, environment, health, education, employment, housing, etc. Therefore, the security sector covers a wide spectrum of notions, starting from public security institutions and extending to individual actors, through public or non-public corporations and organizations (government owned structures and their decentralized units, civil society organizations, public or private security enterprises, individuals or groups of individuals). These military, civilian, political, economic, social and cultural organizations contribute, in general, to the formulation, implementation, regulation, and control of the national security policies. For this reason, the security sector is the target, per excellence, of reform or transformational drives, as far as the security system is concerned (Zeini Moulaye/IGP Mahamadou Niakate, 2012).

The actors are identified through a classification which brings out two categories: statutory actors and non-statutory actors. Their status and specific function are defined in the law and regulations under the rule of law (Zeini Moulaye/IGP Mahamadou Niakate, 2012). While the issue of actors' status is settled by Malian law, that of their legitimacy is based on their actual relationship with the rule of law and the people. The security sector defined as such is run by several state and non-state actors:

- Conventional Security forces (police, gendarmerie, etc.);
- Defence forces (army, air force, National Guard, national navy, etc.);
- Paramilitary forces (customs, forestry authority, civilian protection brigade, prisons warders, etc.)
- Private security companies (security firms, cash transportation and personal protection companies, and person protection companies, etc.);
- Judicial authorities, institutions and services;
- Civil society organizations (associations, alliances, coalitions, traditional chiefs, religious authorities, media, research centre)
- Technical and financial partners etc. (Zeini Moulaye/IGP Mahamadou Niakate, 2012)

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<sup>71</sup> Conduct of Recent Elections in Mali <http://www.ndi.org/mali>

Specifically, 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;
- 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.

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. 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 multiple 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. 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 (Sangare, 2008).

### 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 (Sangare N, 2008).

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. 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 organization 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 socialization, 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 (Sangare N, 2008).

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 (Sangare N, 2008).

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 (Sangare N, 2008).

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. 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 organizations 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. 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 (Sangare N 2008). 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 (Sangaré N, 2008).

### *Police and Military Security Groups*

Sangaré N (2008) argued that 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 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 specialized 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 (Sangaré N, 2008).

### *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 (Sangaré N, 2008).

#### *Private Security Companies*

There are no formal, privatized structures carrying out security activities in an organised manner. The security situation in the north of Mali during the period of the second 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 (Sangaré N, 2008). The recent unrest in Mali is new ground for western private security companies to profit from. Predictions have been made of a migration into Mali by private security companies.

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. 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' (Sangaré N, 2008). These companies are only allowed to carry out their activities after obtaining an authorization 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' (Sangaré N, 2008).

#### **4. 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 recognized, since it is empowered to dissolve parliament and may be involved in the legislative process. Where the judicial power is concerned, article 81 clearly emphasizes its independence from the other two branches of power (national assembly and the executive). 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 instill 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 (Sangaré N, 2008).

The armed forces, the gendarmerie, the National Guard, the national police services, and the other paramilitary forces were all reorganized, 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 (Sangaré N, 2008).

#### *Powers of the Executive Branch*

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, presiding over the Higher Council

and the Committee of National Defence. He is empowered to appoint people to civilian and military positions, holds exceptional powers and may declare a state of siege or emergency, after consultations in the Council of Ministers (Sangaré N, 2008).

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 (Sangaré N, 2008).

During the previous 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. 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 (Sangaré N, 2008).

Since the end of the rebellion, however, public reports on the security situation have become rare. 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 inter-community 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 (Sangaré, 2008).

### *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. 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 Mali 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 at the request of the latter, or at 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. The existing committees are mainly in charge of carrying out surveys and drafting amendments. 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 (Sangaré N, 2008).

### 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'. These provisions further emphasize 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 (7<sup>th</sup> Chapter Mali Constitution). 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 (Sangaré N, 2008).

### Civilian Oversight

Since the events of 1991 Revolution, 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 organizations 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 (Sangaré N, 2008).

*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 organization involved (Sangaré N, 2008).

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 (Sangaré N, 2008).

*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 (Sangaré N, 2008).

*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 Organizations:* 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' (Espaced' 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 specialization (Sangaré N, 2008).

## **5. 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 (Sangare N, 2008).

Mali's unsettled sub-regional security environment presents the opportunity to begin the process of civilian control. This process must be specifically tailored to the needs of the country in order to strengthen the end goal of civilian control. Article 53 of the Malian Constitution of 25 February 1992 provides that "the Government shall determine and implement the Nation's policy. Each ministry shall develop and implement policies related to its area of competence as well provisions of the decree stipulating the specific powers of Members of Government". This allows the Minister of Internal Security and Civil Protection to develop and implement national security policies tailored to the countries needs and goal of civilian control. The creation of new policies is a step towards strengthening civilian control within an unsettled security environment (Zeini Moulaye/IGP Nahamadou Niakate, 2011).

The government's 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 oversight of the security sector (Sangare, 2008). This could be implemented using one of the following approaches:

**(a) An Unsettled Sub-regional Security Environment:**

- i) The West African sub-region is still plagued with unresolved conflicts. Neighboring countries are also subject to political instability. With the exception of Burkina Faso, almost all countries in the sub-region have recently experienced violent conflicts. In Nigeria, the current insurgency by Boko Haram and cycles of intractable ethno-religious violence in the north, draws from and threatens to widen ongoing conflicts and illegal activities in the Sahel region of West Africa. In other parts of West Africa, there was the 2005 coup in Mauritania; Senegal is still troubled by the activities of the Casamance independence activists; while in Guinea, there have been armed attacks against the political authorities; Côte d'Ivoire has yet to overcome its armed movements deriving from the recent civil war. 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 land-locked 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 Nigeria, Chad,

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 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 Mali border-related problems. The operational component of the PSI is based on the ECOWAS Regional Information Exchange System, 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). It is a failure of the PSI that while it focused on counter-terrorism in the Sahel, it overlooked important questions about the professionalism of the armed forces and civilian control over them. This failure is partly responsible for the fact that American trained officers like Captain Sanogo initiated the coup that removed the elected regime of President Amadou Toure. The EU training programme that came in the wake of the 2013 intervention of French and ECOWAS troops is trying to remedy this shortcoming of the previous training programme (Sangare 2008). The PSI was completed in March 2004 and was replaced by the Trans Sahara Counter-Terrorism Partnership and Operation Enduring Freedom.

- ii) 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 inter-community 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, 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

- (PRSP) that serves as the basis for budgetary policy, and is aimed at reducing the poverty rate by 3.7% yearly (Sangare N 2008). According to the PRSP-2010 Progress Report, there was a 12 percent point reduction in national poverty between 2001 and 2010.<sup>72</sup>
- iii) 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 (Sangare N 2008);
  - iv) Take the necessary steps to carry out a more detailed study of civilian participation in the oversight of the security sector. This approach would raise considerable difficulties as it would require adapting a new legal framework 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 (Sangare N 2008).
  - v) 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 the fundamental freedoms of Malians. 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 (Sangare 2008). Key Human Rights Issues in Mali are inter alia:

(b) **Extrajudicial Executions, Forced Disappearance, and Torture by Malian Soldiers:**

The Malian government should urgently investigate and prosecute soldiers responsible for torture, summary executions, and enforced disappearances of suspected Islamist rebels and alleged collaborators since the fighting in northern Mali resumed in January 2013 (Human Rights Watch 2013). Mali's international partners should bolster accountability efforts and civilian protection in the north to help prevent further abuses. Human Rights Watch investigations, since the French-led offensive in January helped the Malian army to retake most of the north, found that

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<sup>72</sup> Visit <http://www.imf.org/external/pubs/ft/scr/2011/cr11372.pdf>

government soldiers appeared to be targeting members of the Peuhl, Tuareg, and Arab ethnic groups in the Timbuktu, Douentza, Gao, Sévaré, Boni, and Konna areas. The soldiers accused members of these communities of supporting the armed Islamist groups that had earlier occupied the areas. "The Malian government needs to act now to put a stop to these abuses by their soldiers and appropriately punish those responsible," "Restoring security in the north means providing protection for everybody, regardless of their ethnicity" (Human Rights Watch 2013). There is human rights abuse by the military in 2013. For instance, the summary execution of at least 13 men and enforced disappearance of five others by government soldiers from Sévaré and Konna in January 2013. Furthermore, on February 9 at about 11 a.m, Malian soldiers patrolling the area detained two young ethnic Peuhl men whom they accused of being fighters for the MUJAO, an armed Islamist group. The witnesses said that the soldiers seemed to have been looking specifically for the two men, who were in their 20's. The soldiers forced the men into an army vehicle and drove them to the outskirts of the village where they were shot dead (Human Rights Watch, 2013).

**(c) Northern Security Vacuum:**

Fighting is continuing in some parts of the north, the Malian army lacks any significant presence in Kidal - the last town in the desert north yet to fall under government control where MNLA Tuareg separatists have a stronghold (Human Rights Watch, 2013). Kidal was not occupied by government troops because the French would not allow them to move in. In subsequent negotiations, the National Movement for the Liberation of Azawad (MNLA) and the government reached an agreement that allowed for government presence and the conduct of the recent elections. However, disarmament has not taken place and only 12% of the population in the Kidal region voted in the recent elections. A new threat has now emerged in the form of marauding gangs regularly attacking community members. "The departure of the French army, the continued absence of the Malian army in Kidal, and no clear agenda or timing in sight about the deployment, funding and leadership of the new UN peace keeping force, has encouraged the MNLA to take full advantage of the security gap (Christian Aid, 2013). "This has also stimulated the formation of roaming gangs who are regularly raiding cattle, looting vital food stores, and attacking peaceful people in their villages. "Except for the Chadian troops, most of the UN soldiers have no experience of fighting in this specific context, and because of the resulting high levels of insecurity, humanitarian agencies are still facing huge problems of gaining access to communities most in need (Christian Aid, 2013). With the recent withdrawal of Nigerian troops under AFISMA and the scaling down of French troops, the security of the country cannot be guaranteed as it tries to recover from the crisis plaguing the northern region.

**(d) Tuareg and Arab Populations:**

The resumption of hostilities in the north in January, 2013 was accompanied by an exodus of about 22,000 Malian civilians, the vast majority ethnic Tuareg and Arabs, who are believed to have fled the area out of fear of reprisals by the army and, to a lesser extent, by civilians. Civilians from numerous villages said their towns and

villages were now “practically empty” of Tuaregs and Arabs (Human Rights Watch, 2013).

Tuareg and Arab civilians who have remained in Mali were terrified of being detained and abused under suspicion of having supported armed Islamist groups. One Tuareg woman in Timbuktu told Human Rights Watch: “I go to work; I come back but don’t dare to go out. I feel like a prisoner in my own country.” Another said: “I am fearful for my family. When in the street, I hear people saying they want to rid Timbuktu of us...only a few of us remain...but who knows for how long”. Several other Arab civilians wanted to leave, but fear being stopped and detained at military checkpoints along the way (Human Rights Watch, 2013).

In Mali, security sector deals with a growing number of threats confronting the nation. 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. 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.

## **6. Conclusion**

The vast sums of aid pledged to the recovery plan in Mali will only be effective if the root causes of the conflicts are addressed. This includes reconciling the informal governance and social structures of ethnically diverse Northern groups with the formal structures of Malian state. This proved difficult when decentralization was attempted as part of the National pact accords in the 1990. Reform of the security sector will be important for combating Islamic extremism and stabilizing the country. It must address the reported atrocities being committed by Malian soldiers against civilians suspected of complicity with the MNLA and Ansar Dine (Matthew Redding, Security Governance Group Blog, June 14, 2013). This is also important to prevent incidents that demonstrate the continued influence of the military in political affairs such as the arrest of a journalist by Pro-Sanogo security personnel in March. It is suggested that security sector reform be done through a peace building lens. This moves beyond potentially abrasive counter-terrorism strategies to “conflict sensitive” reform that considers the nature of the crisis and its historic roots. As International Crisis Groups Report rightfully points out that, this will require consultation with all legitimate local authorities, including Tuareg, Songhai and Arab representatives to achieve an inclusive

environment of peace and security build confidence in the security forces and mitigate fears of violent misconduct (International Crisis Group- Africa Report No 201 11 April, 2013).

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## Chapter Five

### Security Sector Governance in Niger

By

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#### 1. Introduction

At the time of writing, Niger oddly stood quiet in the middle of a sea of turmoil and violent instability. Mali, until very recently, presented the worst case scenario, with its northern section under occupation and its state deprived of a functional government. Next, came the northern section of Nigeria, with which Niger shares its longest border, and which appeared to be home to Islamist militants adept at murderous violence against the state and anyone they decided was their enemy. North of Niger, the Algerian and Libyan deserts – which of course have no real discontinuity with the Nigerien one – were also (and remain) home to armed groups of Islamist, besides ethnic Tuareg militants, with aims that include the subversion of states on an aggressively theological basis or the carving of ethnic territories out of the national landmass of both Niger and Mali. All of these developments seemingly could easily have happened in Niger. The country has had its share of Tuareg rebellions – most recently in 2007-09 – and the populations in its central and eastern regions are – in larger culture and ethnicity – essentially the same as those in Northern Nigeria.

Therefore, the theme of security governance in Niger begged at least two important questions in the prevailing context: was the country under imminent threat of similar violent instability as Mali, Northern Nigeria and – to a lesser extent – Southern Algeria? What would account for its apparent calm? To address these questions, Niger's security governance must be studied at different levels: political, societal, security systems and international.

With a landmass of 1,267,000 sq. km (or 489,191.4 sq. miles) Niger is the largest country in West Africa, but much of its territory is a desert (over 600,000 sq. km) or generally an arid and semi-arid environment. The bulk of the population resides in a southern band of arable land, with population densities reaching an average of 54 people per sq. km in the fertile region of Maradi against an average of 0.7 people per sq. km in the desert region of Agadez. Niger's economy is dominated by agriculture (over 80% of the country's working population) and, in urban areas, the informal economy. As of 2007, according to World Bank data, the rate of poverty stood at 59.5% and the state's revenue is largely derived from mineral exports (uranium, some oil) and aid, while the country also exports a variety of agricultural produce and cattle, mainly into other West African countries – with Nigeria looming large.

A former French colony, the country became an independent republic in 1960 while retaining close ties with France. Until 1991, it was ruled by a series of authoritarian regimes, starting with the single party First Republic (1960-74) under President Hamani Diori, through the military-led “regime of exception” (i.e., not following the *républicain* framework of French-based legality) of General Seyni Kountché (1974-87) and the single party Second Republic headed by General Ali Saibou (1987-91). After 1991, Niger started a transition to

democracy that sent it in a roller-coaster ride of alternating democratic and more authoritarian dispensations, with each shift being ushered in by a coup d'état (1996, 1999, 2010). The last such shift happened when President Mamadou Tandja, then at the helm of the democratic Fifth Republic (1999-2009), attempted turning it into an authoritarian Sixth Republic and was removed from power by the military in January 2010, after a protracted political crisis. Since that event, Niger is governed by the constitution of the Seventh Republic and has now a democratically elected government.

It is hard to assess the impact of this tempestuous history. While on the one hand it does not seem to bode well for democratic consolidation, the Niger instability can also be said to have entrenched democratic practice in the sense that each coup (especially the two last ones) was a response to undemocratic developments and in fact reinstated democratic institutions. Moreover, instability did not prevent the continued resort to democratic governance, which demonstrates the resilience of this form of government in this country. It must be added that – paradoxically in appearance – the coups of 1999 and 2010 each strengthened democratic norms, especially for rule of law after 1999 and freedom of the press after 2010. And yet this turbulence has also rendered Nigeriens wary of their political system, which they feel is too prone to crises coming from the immaturity of politicians and the reactivity of the army. The need for a better education of both leaders and citizens is keenly felt, in order for the institutions of democracy to work in the proper way. A last note on this score should, however, also be made about the fact that instability is perhaps not such a negative indicator of democratic progress: to wit, the more stable Republic of Mali has had its political class apparently atomized by consensus, when the Nigerien discords seem to have created a healthier sort of competition among political leaders.

## **2. The Saharan Crisis and the Islamist Problem**

Given the questions posed in the previous section, research focused on issues that may be described as forming a “Saharan Security Crisis” and an “Islamist Security Problem.” The phrasing is of course not innocent. It is considered here that there is a real security crisis originating in the Saharan regions but touching most areas of Niger – especially the entire northern region and the northern sections of the southern regions. This is a crisis insofar as it has ended several times in open violence, including rebellion, armed banditry, communal strife and abductions – and this since at least the late 1980s. The main actors of the Saharan security crisis are, besides the state of Niger, militant Tuareg groups, militant Tubu groups, self-defense Fulani and Arab groups, and, on the international level, French interests and lobbies, the late Colonel Kaddafi of Libya and a variety of Islamist groups, including Al Qaeda in the Islamic Maghreb (mostly Algerian and Tunisian), “Boko Haram” (mostly Nigerian) and others. Also, on the international level – although in the background rather than on the frontline – the transcontinental (South America-West Africa-Europe) networks of drug trafficking looms large. The objective, here, has been to chart the security crisis by parsing it into its different components and its history and by assessing the response of the state so far.

There was no – at the time of writing – Islamist security crisis in Niger. Most – if not all<sup>73</sup> – Islamist actions in the country have been perpetrated so far by foreign groups usually taking advantage of the largely unmanned borders of desert areas and benefitting from ill-defined local complicities (certainly Tuareg groups in the desert north). Such local complicities are apparently mostly paid for, instead of relying on ideological fellowship – although this ought not to be discounted altogether. Moreover, the crisis in neighboring Mali has opened the eyes of many on the issues that lay in what may be an agenda of Islamist expansion funded from the Arabian peninsula and supported by radical groups in the Middle East and parts of North Africa. The task here has been to try and assess to what extent that security problem has the potential of blowing into a security crisis in the country. Secondly, it would be important to study the democratic content, or lack of it, of the management of the security sector in the face of these threats.

### **3. Security Governance, Tuaregs and Islamists**

It is worthwhile to start the study with a review of what has been written on security governance in Niger, and the two related research topics mentioned above.

#### *Security Governance*

A book chapter was penned by an anonymous author under the title “Le Niger” in a 2011 publication of the Geneva-based Center for Security, Development and the Rule of Law. The book chapter reviews the entire security system of Niger in the context of the country’s politics. The text specifically focuses on security governance in Niger and is, at present, the best reference essay on the matter, despite a number of small mistakes and the fact that the author indulges in some personal opinion on the structure of Nigerien politics.

In general, the literature on this theme derives from studies of the Nigerien military and especially their intervention in Nigerien politics or with respect to the Western-led war on terror. The study of the Nigerien military and its complicated relations with political power – sometimes appearing as a threat to ruling institutions, and at other times as a savior – has long been dominated by the work of political scientist Abdoulaye Niandou Souley, who, between 1988 and 2003, produced articles and thesis and dissertation works that make for a valuable analysis of the evolution of the Nigerien army as it went from a position of absolute power under the “regime of exception” to the age of democracy. It is also the object of periodic colloquia in Niamey, with the first one being held in December 1999 (“Army and Democracy”) and the most recent one occurring in March 2011 (“Army and Political Power in the Context of Democratic Governance”). In-between these, the edited volume *Armée et politique au Niger* was put out by CODESRIA in 2008. Clearly, scholarly efforts in this field have mainly revolved around the issue of how to make democracy safe from the army, with the stakes for security being hedged on advances on that question.

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<sup>73</sup>Given the paucity and difficulty of information, it is hard to be categorical on this, but it is certain that many Nigerien Islamists have joined in the Jihad of Islamist militants in Northern Mali. It would also seem that the Islamist commando attack on the Algerian gas plant of In Amenas (January 2013) was led by an Arab man from Niger, Abdul-Rahman al-Nigeri.

The larger aspects of security governance, which relate to geostrategic questions, have received a more expansive treatment in the Anglophone literature, in view of the involvement of the United States' security apparatus in the West African region. Here, most authors criticize the security-centered "War on Terror" approach developed by the American government (Zoubir, 2009; Schraeder, 2005) and specifically emphasize that it only serves to bolster local governments' mistreatments of Saharan populations, especially the Tuareg (Keenan, 2004). Until the recent events, the consensus was that there was no real Islamist threat in the region, Tuareg claims were legitimate, and securocrats – both in the United States and in the region's countries – were a problem. More generally, security was not considered to be an important issue, especially in much of the Francophone literature, where it was seen as a pretext used by local governments to engage in the persecution of the Tuareg and to thus further fuel the Saharan crisis.

### *The Saharan Security Crisis*

The literature on the Saharan crisis is dominated by the output on the Tuareg rebellions, with much little of note being written about the Tubu rebellions or the reactions from the Arabs and the Fulani. Some of this literature, essentially produced by French scholars from the field of anthropology, finds the causes of these rebellions in the alleged marginalization and brutality of the Tuareg at the hand of the governments – and especially the military – of Niger, Mali and Algeria. Three authors produced most of the existing output from this perspective: Hélène Claudot-Hawad, Emmanuel Grégoire and (more recently) Frédéric Deycard – and their views are popular among the media and less Sahara-focused scholars who tend to take their cue from them. Others, including many Nigerien scholars, are more nuanced and either find fault with the Tuareg rebels themselves, or demonstrate that wrongs are in fact shared. André Salifou, Mamoudou Djibo, Dominique Casajus, André Bourgeot, and most recently Chekou Koré Lawel, illustrate this approach. Both of these groups of scholars somewhat neglect the international dimension of the crisis, even though the roles of Kaddafi's Libya and of France are almost always mentioned and given variable weights, especially in more recent works.

In the first group, the most prolific and committed – and unabashedly biased – contributor is Hélène Claudot-Hawad, the White French wife of a Tuareg poet from the Aïr – the mountain range at the center of the Nigerien region of Agadez – who claims to be a Tuareg, *not* a Nigerien. An anthropologist and specialist of the lighter-skinned Saharan people – Tuareg and Moors – Claudot-Hawad had first developed (in a 1990 edited volume) a thread of arguments that analyzed what she believed were unbridgeable incompatibilities between the logics of the nation-state (stable administration, borders, integration of ethnicities and cultures in a melting pot) and the lifestyle of nomads which would demand "flexibility, mobility, autonomy, decentralization" (Bonfiglioli, 1992) and most importantly, independence. Her initial contentions saw the source of problems in the very existence of the nation-state but did not account for the differences of attitude to the state held by different groups of nomads: between the Fulani – who were at peace with the state – and the Tuareg, - who were not. In later texts, Claudot-Hawad justified Tuareg warfare as a response to the insidious "war" that "the nation-state" (the sub-Saharan Niger and Mali essentially, rather than the "super-Saharan" Algeria and Libya, which also have Tuareg populations) was

waging, in its own way, on the Tuareg by trying to assimilate them in its melting-pot, thus committing a “cultural genocide” of the Tuareg people (see Djibo, 2002).<sup>74</sup> As a result, she developed a racialized view of the conflict, opposing the “Black states” of Niger and Mali to their persecuted “White” minority, which must resist and conquer its own territory. In final analysis, as Djibo (2002) points out, Claudot-Hawad’s approach tended to “negate [the existence] of a Nigerien nation for the sake of a Tuareg nation...”

While not all scholars in this group go for the ideological extremism of Claudot-Hawad, they generally write to legitimate Tuareg – and only Tuareg – grievances. Typical of this are the works of Frédéric Deycard (2007 and many interventions in the media) and of Emmanuel Grégoire (2010) – the latter being however more nuanced and richer in details. Indeed, while Deycard, just like Claudot-Hawad, chooses to view events only from the Tuareg rebel perspective, interviewing chiefly Tuareg combatants and relying mainly on sources and interpretations favorable to them, Grégoire, an experienced scholar who had worked extensively on the political economy of the Saharan area in the early 1990s, places the conflict in its broader context and presents the perspectives of all players. However, he remains largely committed to the account that the Tuareg give of their plight.

This less ideological shade of commitment is perhaps best explained by Dominique Casajus (1995) who, while disputing Tuareg claims and those of the French lobby that supports them, writes of his admiration for “the beauty of the Tuareg culture and language.” Maybe less impressed by these things, André Bourgeot delivered, in 2000, an analysis in political history that finds the sources of the Saharan crisis in political and economic stakes harking back to the early colonial period. In an earlier piece (1990), Bourgeot – an anthropologist – had, however, traced the origins of the Tuareg rebellions to cultural identity claims that responded to both subsistence crises and repression under a “paranoid” Nigerien regime in the 1980s.<sup>75</sup> While stressing in this way an extent of legitimate grievances among the Tuareg, Bourgeot also argues that rebels made unfair claims on the state. In his earlier work, Bourgeot appears fascinated by the Tuareg desire of “revolution”, apparently meaning by that word not a revolution within the notoriously slave-holding Tuareg society, but against the “dictatorship” of states. The concept, similar to the one, popularized by Claudot-Hawad, of “resistance,” is also a code-word for secession, to be led by the dominant, or “noble,” castes of Tuareg society who felt they were “losing it,” as the phrase goes.

The Nigerien scholarly response to the Saharan security crisis – dominated by historians rather than by anthropologists – is more mindful of the security and stability of Niger than of the Tuareg nobility’s angst. Historian André Salifou opened the march with his *Question touarègue au Niger* (1993), a counter-propaganda reaction to Tuareg rebel Mano Dayak’s

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<sup>74</sup>That stance was very recently developed by Claudot-Hawad in an interview with the French radio channel “France Culture” on September 1<sup>st</sup>, 2012 (reported by the culturalist “Berberist” website <http://www.tamazgha.fr> under the proud banner “L’Azawadoul’Etatrêvéd’une nation touarègueréelle” “Azawad or the dreamed state of a real Tuareg nation.”)

<sup>75</sup>The latter component of this explanation – the repressive Kountché regime – fails to give account of why the rebellions in fact occurred later, *after* Niger has democratized, and why, also, they broke out in Mali which did not have a similarly repressive and “paranoid” ruler.

*Touareg, la tragédie* (1992).<sup>76</sup> Salifou's work set the tone for the Nigerien response, where analysis is based exclusively on facts and empirical data instead of cultural tropes. On this score, Mamoudou Djibo (2002) methodically deflated the historical claims of Tuareg rebel fronts and uncovered more extensively than did Bourgeot the Saharan stakes that account for the French muted support to and ambiguous attitudes vis-à-vis the rebels. A political historian, Djibo also for the first time made extensive use of census and voting statistical data, in addition to archival documents, to empirically assess the claims of Tuareg rebels and their supporters. This work especially drove home the many stakes involved in the crisis. This sort of empirical or fact-based analysis culminated with the recent (2010) Koré Lawel book, which deserves to be considered the reference work on the Tuareg aspect of the Saharan crisis at present, both for the diversity and reliability of information, and the perspectives offered on all players.

Even Koré Lawel, however, did not focus on international actors. This literature has at times emphasized the role of France – especially in the works of Bourgeot and Djibo – and also of Libya, but no work exists that squarely concentrates on this dimension of the Saharan security crisis, despite the fact that many authors would agree with Djibo's contention that the "Saharan question" "largely overflows Niger's borders" and cannot be "merely reduced to a 'Tuareg problem'."

#### *The Islamist Security Problem*

Outside of the security literature already mentioned, Islamic ideological currents are not straightforwardly described as security issues in the case of Niger. Rather, they have tended to be studied in terms of struggle between different conceptions of Islam and competition between secular and religious elites/groups. Probably the first study of the role of Islam in Nigerien politics after independence is Jean-Louis Triaud's "L'Islam et l'Etat au Niger" (1982) which analyzed the "regime of exception"'s embrace of Islam as a mobilizing ideology but also as a way to create a state-supervised Islam that would serve to check abrasive foreign (at the time, especially Libyan) influences. Commenting on this in his dissertation, the jurist Mamadou Dagra (1987) pointed out that the regime also in fact extensively used the norms of political secularism (*laïcité*) to more generally counter the spread of "riotous religion" from the South (i.e., Nigeria). In this sense, Islam was clearly seen as a security problem under the military regime, but already, as a problem originating mainly from outside Niger.

In democratizing Niger, the focus shifted towards the relationships between Islam on the one hand and democracy and society on the other, starting with Niandou Souley and Gado Alzouma's joint article of 1996 on the emergence of Islamic pluralism and Leonardo Villalon's piece on the family code, published the same year. The first article greeted the collapse of Islamic "monolithism" (i.e., state-supervised Islam) while the second one analyzed the tensions between Islamic norms and the liberal substance of modern democracy through the story of the failed adoption of a family code in Niger. The subsequent literature on Islam in Niger has been dominated by the analysis of the societal

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<sup>76</sup> Based on language and concepts, Casajus suspects the Dayak book to have been ghostwritten by French sympathizers. This practice is, for instance, evident in the propaganda blog of the later rebel group (2007-09), the *Mouvement des Nigériens pour la Justice* (MNJ).

and political Islamization of Niger, with some authors stressing the resulting conflicts between different religious outlooks (Masquelier 1994, 1996, 1999 and 2001, Sounaye 2012, Zakari 2007), and others the competition between Islamists and secularists (Sounaye 2005 and 2009) or between Islamists and other social movements (Masquelier 2009). The major output in this vein comes from the prolific Abdoulaye Sounaye, who has specialized in Niger's Islamization and published numerous analyses of its many aspects from the late 1990s to date.

While there is a sense, in this later body of work, that certain current of Islamism in Niger may constitute a threat to the stability of the state – by seeking to achieve an Islamic state – that threat has generally been considered to be of a limited nature and more attention has been paid to the ways in which Islamist ideologies are changing Nigerien culture and society. Moreover, while this literature has taken some interest in the Nigerian influence – which is often seen as what sets Niger apart from other Francophone countries with an Islamic majority in the area – the trans-Saharan dimension has been fairly neglected despite some considerations on the “global” dimension of Islamic agendas in the country (Hassane 2009).

#### 4. Methods

In the context of this overview of the security situation in Niger, how do we understand the current governance of the security sector in the country? In answering this question, four methods were used for the research:

- Desk research to review the literature and assemble documents – official texts, reports, policy documents – to be exploited for this report. This also includes **media research** covering the period 1990-2013.
- Content analysis based on web research especially on Tuareg and Berberist blogs and forums, but also on Nigerien forums and social networks, with a focus on comments sections. This method was used to collect additional opinion, *not* information data.
- Interviews with state officials, civil society leaders and actors in the various events in the capital and in Diffa.
- Field work (interviews and direct observation) in Diffa, the far eastern region of Niger that borders Nigeria's Borno state.<sup>77</sup>

#### 5. Security Sector Governance in Niger

This section covers the current Nigerien security governance apparatus, and perspectives on the current situation of the Saharan security crisis and the Islamic security problem.

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<sup>77</sup>A parallel trip to Agadez in the North had to be dropped due to unforeseen circumstances.

### National Forces

Niger's security apparatus is divided in two broad components: the military and related forces – the *Forces Armées Nigériennes* (FAN) and the *Gendarmerie Nationale du Niger* (GNN) – which are controlled by the Defense ministry; and the security forces – national police, national intervention forces and national guard – which are under the authority of the Interior ministry.

*The FAN:* Established at independence in 1960, the FAN have an Army and an Air Force, the latter being initially a small outfit created in 1961 and still numbering only a few hundred men today. The total manpower of the FAN is of about 12,000 individuals, 2% of whom are women, all posted in administrative or support positions. The battalions, companies and posts of the Army are distributed in eight defense zones corresponding to the eight administrative regions of the country. In 2010, air bases existed in Niamey (capital), Zinder, Maradi (second and third most important cities) and then in the rebellion-prone northern region only (Agadez, Dirkou, Iferouane and Tahoua).

*The GNN:* the GNN have manpower of about 5400 individuals, including over 200 women. A majority of the latter are confined to administrative work. They are an elite law enforcement unit, covering the entire territory with duties extending especially to law enforcement in the military and police duties in rural areas.

*Police Nationale:* deployed in urban and suburban areas, the *Police Nationale* counts about 8500 officers, a large percentage of whom are women who do not encounter here the restrictions that they face in the FAN or, to a lesser extent, in the GNN.

*Garde Nationale:* formerly *Garde Républicaine* and *Force Nationale d'Intervention et de Sécurité* (FNIS), is a security force with a somewhat ill-defined purview. Although supervised by the Interior ministry, it is always commanded by a high-ranking military officer with the title of *Haut Commandant de la Garde Nationale*. While thus a *force civile* – i.e., a non-military armed force – its members still receive the same training as the military, in the same schools and with the same diplomas. Its tasks are varied: the *Garde* provides bodyguard protection to state officials, security duties to public buildings, and maintenance of public order; but it also engages in more strictly military missions of territorial control and defense. There are over 10,000 national guards today, with a small percentage of women – 3 to 5% depending on sources.

*Customs, Water and Forests:* two other armed forces may be added to these: the customs, which number about 2500 officers and is under the authority of the Finance ministry and Water and Forests, which has about 2000 officers. Considered chiefly as administrative workers – unlike the other forces, they have rights of unionization which they do exert, especially customs officers – they are associated to security management only in exceptional circumstances, for instance in regions under state of emergency or after a coup d'état, when they would be called on to participate in patrols and provision of intelligence. Because of this – and possible attacks by rebels, armed bandits, or armed smugglers and poachers – they receive a modicum of military training in centers run by the Army or the Gendarmerie.

In total, for a population of 14 millions (last estimates) and a territory of over 1,2 million sq. km, Niger has a security manpower of around 40,000 individuals, the majority of whom are in the military or related to the military (FAN, GNN, National Guard: 67.5 percent).

### Legal Framework and Institutional Context

The legal framework for the running of this security apparatus is in general coherent and succeeds in making the forces operational while defusing to a large extent latent rivalries between especially the Gendarmerie, the police and the guard. Dating back to rules and regulations decreed in 1961-63, this framework distributes the various fields and scopes of intervention of the different armed forces. In exceptional circumstances – war, state of siege, state of emergency – all armed forces are controlled by the Army. In normal times, security operations are generally restricted to two types of mission: criminal police missions and public order tasks. The first mission is the purview of the national police and – officially though not in actuality – of the national guard, while the second one is executed jointly by the national police, the Gendarmerie and the national guard. In the latter kind of mission, there are three levels of intervention: the national police is normally in charge of maintenance of public order, with the Gendarmerie intervening only in more serious cases and after a written order. The third level would implicate the Army if things really do get out of hand – and also following a written order.

Oversight is only internal in the Army and the Gendarmerie. It is both internal and external in the police, and there is no specific oversight mechanism in the national guard. Oversight is exerted by inspectorates, with the one for the Army and the Gendarmerie being a unit of the Defense ministry headed by an officer with a higher rank than the Army chief of staff and the High Commander for the Gendarmerie. The general inspectorate of the police not only deals with internal problems – as does the Army and Gendarmerie inspectorate – but also examines complaints from citizens against the police.

Outside of this legal framework, relationships between governments and the military are strongly politicized, with interference from civilian rulers aiming at taming the ever threatening physical force of the Army. This was especially evident, in recent times, during the failed constitutional coup of Mamadou Tandja (2009-10). Civilian rulers have also tended to restrict military spending, in an effort to keep the Army weak (Mahamane 2010). This behavior has however gradually changed as a result of the Saharan security crisis.

It is to be noted that since the reinstatement of constitutional government in 1991, *political* oversight on the forces of defense and security is exerted at the National Assembly through the Defense and Security Committee. Like other committees in parliament in their respective purviews, the Defense and Security Committee reviews all bills proposed in relation to defense and security affairs and reports to parliament on issues arising from such legislative process. It also formulates questions to the government on matters of security policy. Research shows some peculiarities of parliament work in this field. While parliamentary committees are usually staffed with MPs whose professional activity is related to their committee's tasks, such is not the case of the Defense and Security Committee, owing to the fact that there are no MPs elected from among defense and security personnel. The Defense and Security Committee is thus a ragbag, often dominated by people from the teaching

professions. As a result, commissioners in this body have to go through a more or less lengthy learning process of their field, which may have an impact on their work. On the other hand – and perhaps especially since the start of the Malian crisis – this committee is the one working most closely with “their” ministry (the Defense Ministry), with much more regular meetings than any other parliament committee. Lastly, while parliamentary debates on all other matters are held publicly and broadcast by radio and television, those on defense and security matters are always in-camera, followed by a statement of decisions read out by the head of the Defense and Security Committee. In contrast with the customs – whose line ministry is the Finance Ministry – where decision-making on policy or reform is often highly politicized, parliament work on defense and security appears to be more strictly rules-based, partly owing to the imperative of building an “a-political Army” which took shape in the early 2000s (see the section on “Civil Society” for more details on this).

### Military Spending

While military spending has generally hovered at 3 to 4% of Niger’s small national budgets, it has started to rise after the outbreak of the rebellion of 2007-2009. In May 2012, in response to the crises in Libya and Mali, the government doubled military spending from 35 to 73 billion CFA Fr., shooting it past social spending (Health and Education).

### Justice System

Niger’s justice system is plagued with many problems, among which the more important ones for security governance are the lack of resources and the weakness of conflict resolution mechanisms. The justice system is very small. There are only 360 judges currently working, for a population of somewhere between 14 and 15 million, which gives a ratio of one judge per 40,000 people, well below the United Nations’ standard of one judge for 20,000 people. The justice system is divided into 42 jurisdictions, but a report prepared for the recent general convention of the Niger justice system (November 2012) notes, as an example of its lack of resources, that the Justice ministry and all the jurisdictions combined possess only 52 vehicles, among which only 42 are in good condition. The judicial map is inadequate, as most courts are located far from the bulk of citizens, in part due to the vastness of the country’s territory. Most legal and procedural texts are obsolete, since they date back to the early 1960s, when most of the country was still governed by customary law and modern law applied only to urban minorities. Especially after the transition to democracy and even more so after the onset of decentralization in the early 2000s, the demand for formal and standardized justice has boomed, particularly with regard to land disputes, and it far outstrips the capacities of the justice system.

The justice system therefore still relies heavily, in rural and remoter areas, on the far from sufficiently organized, customary justice system, which is an integral part of the judicial apparatus. Even in the locales where it is present, many of the principles tailored to render the justice system fully operational are unimplemented because of insufficient resources and personnel. This state of affairs creates disorders which curtail conflict resolution, especially when they are compounded by the fact that justice auxiliaries – including attorneys and notaries – are *all* established in the capital and oppose reforms that would create a new profession of judicial assistants for provincial towns and rural areas.

Because of these limitations too, the judicial control of the services in charge of criminal investigation – police and Gendarmerie – is inadequate. Therefore, many of the norms promulgated in the legal and procedural codes are not respected by these forces: for instance, time limit for police custody, or the physical and moral integrity of people in custody. However, the recent overhauling of the penal code, in 2003, 2004 and 2007, has very much improved both the rights of people in custody and those of counsel, and has, for instance, introduced a mandatory procedure of medical examinations after any arrest.

In 2003, Niger adopted a code of military justice in response to a mutiny in the Army the previous year. This code is often criticized for the prerogatives it bestows on the Defense ministry, which is able to close a case with no further action or to reduce or even rescind a sentence through an exemption procedure.

### Civil Society

In Niger, the law distinguishes between associations and non-governmental organizations (NGOs), with the latter having many of the characteristics of associations while being also under the obligation of signing a protocol of agreement with the government and of accepting the control of the Finance ministry for the monitoring of their projects. Most of Niger's civil society emerged after democratization, in 1991. According to data from the Nigerien government, there were, at year of compilation (2008), nearly 500 associations and NGOs in Niger, with the great majority (376) being involved in development work. There were 71 associations and NGOs involved in human rights and democracy promotion. It is such groupings that have direct stakes in the performance of Niger's security system. They are federated in two principal umbrella groups:

The *Collectif des Organisations de Défense des Droits de l'Homme et de la Démocratie* (CODDHD), founded in 2000 and comprising 26 associations and NGOs, including the *Association Nigérienne de Défense des Droits de l'Homme* (ANDDH), the oldest and most active and organized human rights defense organization in the country. Most organizations in CODDHD, but especially ANDDH, provide services of judicial assistance to citizens throughout the country, thereby contributing in a great measure to conflict resolution. These services also include sensitization and information campaigns on modern law and newly adopted codes and legislation.

The *Réseau nigérien des ONG de Développement et Associations de Défense des Droits de l'Homme et de la Démocratie* (RODADDHD) promotes human rights. Understanding of rights and democracy has considerably improved in Niger since the early 1990s, including in remoter areas, and this is certainly due almost exclusively to the work of civil society organizations. They have generally earned the respect of both the population and the state. However, not all of them are immune from political influence, and there are, today, no Nigerien NGO or association that is fully or even mainly independent from foreign funding. Moreover, to protect their activities, human rights defense associations and NGOs must thread a fine line between denouncing human rights abuses by the state and the military, and respecting national security priorities by not opening these to debate and scrutiny. ANDDH's periodic human

rights reports succeed in being quite comprehensive, however, and, in periods of Saharan conflict, they describe abuses by all players.

The colloquia on the military and democracy mentioned earlier were organized by civil society groupings with a view to framing recommendations for improving democracy standards in the military. This resulted in efforts – often funded by the German Konrad-Adenauer Stiftung or the Danish Center for Human Rights – to train the military in civic values and loyalty to the established institutions so that they become, as the French phrase went, *une armée républicaine*, an “Army for the Republic.” ANDDH in particular devised a training module which regularly catered for the military, the police and the Gendarmerie and delivered a diploma, often useful for recruitment in the forces contributed by Niger to United Nations peace-keeping operations for instance. The objective of the civil society was to end what was perceived as a Nigerien military addiction to coups. In this, they were relatively – and ironically – successful, as transpired during the political crisis of 2009, when then-president Tandja suspended all political institutions in pursuit of personal rule. After Tandja completed his constitutional coup in late July of that year, the political parties felt they had no other choice but to call on the military to intervene. In response, the armed forces sent a spokesperson to state on national television that the Nigerien Army was an *armée républicaine* which did not engage in coups! Obviously, this was an unforeseen and ironic situation, one which meant that for the Army to be *républicaine*, it must actually make a coup. When this eventually came to pass in January 2010, the junta that had overthrown the unconstitutional regime established by Tandja immediately set out to restore democratic institutions and logically entrusted the process to a consultative assembly essentially made up of civil society organizations, with some representatives of major political parties and unions. It would seem, therefore, that in its relationships with the Army, Niger’s civil society has been comparatively successful in its main objective of inculcating democratic values in the military and drawing the armed forces into the national conversation on *stabilité républicaine* (stability of the Republic). Indeed, one military officer interviewed in the course of this research is the author of a Masters thesis on the “a-political nature of the Nigerien Army,” a small event perhaps, but one that would have been most unlikely only fifteen years ago.

### Media

While a few specialized private newspapers existed in Niger in the 1980s, it is only after 1991 that the Nigerien media boomed beyond the state-controlled outlets. Public media comprise a daily and a weekly papers and a monthly magazine; one national radio corporation and one national television corporation with two channels. There are, on the other hand, five private television channels and 32 private radio corporations. The private press number over 50 publications, including two region-specific ones (Agadez and Zinder) and many appearing in irregular fashion or disappearing after a few issues. Most of the papers are available online through sites maintained by Niger’s diasporas in the West. There are also about a hundred local community radios, chiefly in rural areas and broadcasting for the most in national languages. These are generally funded by NGOs and international donors.

Although Niger has a free press, its media – especially the paper ones – are plagued with two problems: an amount of political backlash exists – although by now chiefly in the past, and especially under the Fourth and Fifth Republics – and many papers are not financially viable,

leading them to come under control of political parties and lose credibility. The military junta that presided over Niger's 2010 transition back to democracy has considerably improved freedom of the press in the country, reopening the *Maison de la Presse* (an institution that defends and promotes the rights of journalists) and organizing a general convention of the press which led to removing criminal penalties for press offenses from Nigerien legislation. Also, there is a legal stipulation that the state should pay an annual subsidy to all newspapers that operate in conformity with existing rules and regulations.

### Religious Institutions

Religious institutions in Niger may be divided in three types: public and private Islamic associations; Islamic and animist social/political institutions; and Christian churches. The main public Islamic association, the *Association Islamique du Niger* (AIN), was established by the "regime of exception" in 1974 and tasked with two missions: mobilizing Islamic sentiment for the purposes of economic development and providing the state with a tool for controlling Islamic expressions within the country while keeping out undesirable foreign Islamic currents. AIN, staffed in the capital with former graduates of Middle-Eastern universities, developed a strong network around Friday mosques and Niger's most prominent clerical families throughout the country. It received from the state an annual budget that gave it a level of autonomy and, in the 1980s, it developed robust conflict resolution mechanisms in the rural areas. After democratization, countless private Islamic associations sprouted mostly in Niamey and in the cities bordering Northern Nigeria (Maradi and Zinder), working for the "re-Islamization" of society and clamoring – by some of them – for the establishment of an Islamic state. These associations tailored their organization on AIN's, which kept its state subsidies even though its connections with authorities were weakened and, at some point, almost broken. Indeed, as the Islamist agenda grew in Niger, state leaders developed a new Islamic policy consisting of supporting AIN and, through it, co-opting the leaders of the new associations. This culminated in the establishment, in 2006, of a *Haut Conseil Islamique* which associated to the state – and under the supervision of AIN leaders – the leaders of many of the most prominent private Islamic associations.

The influence of Islamic associations relies extensively on the prominence and activities, throughout Niger, of Islamic social authorities (clerics, teachers and preachers), in a country where nearly 98% of the population are Muslim. In some areas, however, animist social authorities are still influential and may be associated to conflict resolution exercises. Moreover, even though this goes largely unnoticed, the prevalence of animism in some regions (especially the Arewa in the Center-West and the Songhay in the Northwest) may partly account for the comparative weakness of Islamic radicalism in a country that is, outwardly, so Islamic.

Christians are a small minority in Niger and many in fact are immigrants or expatriates from especially Benin, Togo and Burkina Faso. The most important and organized church is the Roman Catholic one, established in the colonial era and maintaining relations with the state. However, additional to its minority status, Christianity is here also too fragmented in different churches to be of real political significance. The main security issue remains the

protection of its faithful especially in the regions of Zinder and Maradi<sup>78</sup> that are strongly connected with Northern Nigeria. Although Nigerien Christians complain of being politically marginalized (a predictable implication of their small numbers), the religious rights of all Christians – both Nigerien and expatriates – are protected by a state firmly committed to political secularism (*laïcité*). Unsurprisingly, this latter element does also lead Islamists (as opposed to ordinary Muslims) to complain of the political marginalization of Islam.

## 6. Rebel forces and self-defense militias in the Northern and Far-eastern Sahara

At the time of writing there were neither rebel forces nor self-defense militias in Niger. Rebel groups emerge cyclically in Niger since the mid-1980s, almost only among the Tuareg, with the exception of the Tubu – another nomadic population with a lifestyle very similar to that of the Tuareg – and the odd group of Arab Islamists in the second rebellion. There were three Tuareg rebellions in Niger: the first one, in the mid-1980s, played into the tensions between the “regime of exception” and Libya in a context of drought and economic downturn; the second one, in the early to mid-1990s, was a general attack of a variety of Tuareg armed groups against both Niger and Mali, which were then undertaking processes of democratization amid a dire fiscal crisis and the imposition of austerity policies by the West. A few Islamist Arab groups and the Tubu of the far-eastern Sahara belatedly joined in; the most recent rebellion, which was exclusively Tuareg, occurred in 2007-2009, when former rebels of the 1990s took up arms again and attacked the state, leading to an intense security crisis in the region of Agadez with repercussions elsewhere and the emergence of Al Qaeda in the Islamic Maghreb (AQIM) as an opportunist player.

Tuareg and Tubu rebellions were opposed not only by the national armed forces, but also by self-defense militias set up by the Arabs in the region of Agadez and by the Fulani in the region of Diffa (where the Tubu rebels operated). Those self-defense efforts – which were supported<sup>79</sup> or at least not opposed by the national armed forces – aimed at protecting trade in Agadez (where Arabs were – and still are – the principal players) and cattle in Diffa, the main business of Fulani nomads. They point to an aspect of the rebellions which makes it hard to distinguish them from armed banditry: many (though not all) rebel leaders were indeed also – before they decided to attack the state – engaging in highway robbery and smuggling and, when they shifted to rebellion, they supported themselves by stepping up the plunder or attempted plunder of other communities in their region. Tuareg rebels (or nomadic communities) also allegedly worked as informants and assistants to AQIM in its abduction operations. Both the armed banditry – which continues after peace agreements – and this alleged role with AQIM point to the economic dimension of the Tuareg and Tubu malaise. Unlike the Arabs and the Fulani, these two communities have been unable to develop an economic niche for themselves that would guarantee to them a modicum of material wellbeing in the face of the absence of a vibrant economy and state welfare policies. This inability, while it can be ascribed to some obvious failings of the state of Niger, also has to do with the structures of Tuareg and – to a lesser extent – Tubu societies. It is indeed

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<sup>78</sup>Though rare, incidents include the burning of Protestant missionary churches in Maradi in 2000 and an attack on Zinder’s Roman Catholic Church in 2012, as part of the outrage about the Youtube “movie” against the Prophet of Islam that flared through the world in the summer of 2012.

<sup>79</sup>The most important Arab self-defense group, the *Comité de Vigilance de Tassara* (CVT) actually fought together with the Army, and Army material has been found with the Fulani self-defense committees.

mainly the upper-caste of these societies, with their traditional views on settled occupation as a degraded way of life, which are more at odd with the common economic framework of today's Niger.

### Causes of concern

Currently, the main causes of concern have to do with so-called residual armed banditry in the regions of Agadez and Diffa. This creates situations of insecurity especially for transport companies and travellers, since this banditry is essentially in the form of highway robbery. The impact on the economic infrastructure of the two regions (but especially of Agadez) is considerable, since it prevents the development of tourism, formerly the mainstay of the region of Agadez – but maybe also a source of some of its problems in the form of Western romanticization of Tuareg violence and resulting lobby support for the Tuareg rebellions in France and elsewhere. It is at any rate quite clear that so long as the Tuareg, and to a lesser extent Tubu, upper-strata are not gainfully employed in legal occupations, the region of Agadez would remain economically marginalized, to a large extent, as a result of their actions. And for this strata to become gainfully employed, the insecurity (and restive ideals behind it) must be quelled, since the state cannot create a vibrant economy by fiat.

With regard to Islamism, it is notable that despite its secularist policies, the state of Niger has no formal framework for monitoring Islamic preaching and non-formal education, as was the case under the “regime of exception”, and as is the case today in many Middle-Eastern countries. During the recent anti-Jihadist Franco-African intervention in Northern Mali, in 2013, calls for Jihad were heard in some mosques in Niamey and although rabble-rousing preaching appears comparatively rare and has been so far unsuccessful, many have called on the state to create a system of licensing preaching so as to limit it to only responsible, learned and non-ideological clerics.

## **7. Trends in the Saharan Security Crisis**

I now turn to discussing issues in the Saharan security crisis and the Islamic security problem. This is informed by the research undertaken for this study. The discussion is based on historical analysis followed by an assessment of the present situation. In pre-colonial times, the Nigerien Sahara was dominated by Tuareg confederations which lived off the caravan trade between the Central Sudan and North Africa while also maintaining complex relations with the populations immediately south of the desert. That area included small autonomous communities of agriculturalists, which Tuareg confederations either raided (creating in that way their dark-skinned population of slaves) or protected in return for a tribute (a form of racket). It also included some large organized states – especially in Hausaland – with whom the Tuareg confederations had relations of commerce, alliance and conflict. The confederations were run by the noble caste of *Imajeghen*, who had a preference for a nomadic and warlike lifestyle.

The initial colonial (French) policy in this region aimed at “pacification,” which, after a series of desert wars in the 1910s, entailed a transformation of the confederations to suit colonial purposes. In particular, trade and labor (both agriculture and crafts) were favored, which led to opposing the noble lifestyle of raid and racket. The *Plan de Foucauld*, the colonial draft

policy that was supposed to implement those views, was never fully put into operation, however, owing to the outbreak of the Second World War. After the war, France's Saharan policy became determined by the politics of decolonization and the rise of African nationalism. In the late 1940s, the French realized that the Sahara held vast mineral resources (hydrocarbons and uranium). Moreover, in the early 1950s, France started to develop the project of becoming a nuclear power, and the Sahara appeared as the ideal ground for nuclear testing. For all these reasons, France attempted to remove the Sahara from the decolonization process of Chad, Niger and Mali (while Algeria was considered an integral part of French territory). In 1957, the French created the *Organisation Communes des Regions Sahariennes* (O CRS), and, to legitimize the project, they conceived a new Tuareg policy which strove to present the Sahara as the national home of the Tuareg – a national home to be protected by O CRS.

In this new perspective, the nobles – who held traditional power and prestige in Tuareg society – were now favored and their loathing of being integrated in states where they would be the equals of Black Sahelians – perceived as their erstwhile source of slaves – was encouraged. While Niger, under its first autonomous government (Djibo Bakary, 1957-58), was adamantly opposed to the Franco-Tuareg seizure of the Sahara, it became compliant after the French disposed of Djibo Bakary and replaced him with Diori Hamani in late 1958. Yet, the O CRS eventually floundered, due to both opposition from the Sudan (now Mali) and Algeria's independence (1962).

### Droughts

Diori subsequently inherited the French policy of favors to the Tuareg, which he implemented through a ministry of Saharan affairs and through appointing members of Tuareg chiefly families to high positions in the state. While this latter policy – having members of chiefly families in high state positions – applied in fact to all Nigerien regions, only the Sahara had its own ministry. This was in part due to the perceived hostility of Algeria,<sup>80</sup> which, it was feared, might use the Tuareg to stir trouble in Niger. In the early 1970s, the Diori regime had to tackle the severe Sahel droughts, and despite its past pro-Tuareg policy, the regime was accused of having shortchanged the Tuareg through mismanaging food aid. In fact, in the Claudot-Hawad line of the literature, the initial legitimacy of Tuareg grievances is generally traced back to that period, even though the Diori regime was, like all Sahelian governments at the time, overwhelmed by the devastating impact of a crisis that hit all Sahelian and Saharan populations in equal measures.<sup>81</sup> Droughts in the mid-1980s, a decade after the fall of Diori, had an even more devastating impact on all nomadic populations – including the Tuareg.

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<sup>80</sup> To a large extent a puppet regime of the French, the Diori government had supported the latter in their war against Algerian nationalists. For their part, Algerian nationalists supported the Nigerien nationalists of the Sawaba Party, who were ousted by the French, in cahoots with Diori. Throughout the 1960s, Sawaba attempted dislodging Diori, including through organizing a failed invasion in 1964.

<sup>81</sup> During that distressing period, populations – Tuareg and others – fled from North to South, with Malians crossing into Niger and Nigeriens crossing into Nigeria.

## Libya

Diori was removed by a coup d'état in April 1974 and the new regime abolished the ministry of Saharan affairs. This meant an end of favors to Tuareg, which partly explains why the 1976 attempted coup d'état against new head of state Seyni Kountché was chiefly Saharan: it was masterminded – among others – by Ahmed Mouddour (a Tuareg), director of the state trading company COPRO-NIGER and son of Mouddour Zakara, Diori's Finance minister and minister of Saharan affairs, Sidi Mohamed (another Tuareg), chef de cabinet of Diori's Defense minister and Liman Chaafi, an Arab businessman cum adventurer in the pay of Colonel Kadhafi of Libya.

After the failure of the coup, many Saharans from Niger (Tuareg, Arabs and Tubus) responded to a call from Kaddafi to join the Libyan army in a special force, especially since the successive droughts had reduced the livelihood of many to shambles and created the new category of *ishomar* (from the French *chômeur*, “unemployed”) in the region. According to Salifou, most Nigeriens in Libya, in that framework, were Tuareg from Azawak, followed by those from Aïr and then Arabs from Tassara and Tillia and Tubus from Kawar and Tasker. The cadres came from Niger's administration and armed forces, and they were joined, in 1981, by Kountché's own chef de cabinet, a Tuareg man by the name Khamed Abdoulahi. It is in Libya that self-exiled Tuareg, while receiving ideological education – in “Arab-Berber civilization” opposed to the “Sub-Saharan” – and military training, came up with the idea of establishing, against the states of Mali and Niger, the “United States of the Sahel,” which would be helped into being and protected by Libya, and with borders inspired by the old French OCS project.

The initial project was to jointly organize the “liberation” of Mali – whose regime appeared more fragile – before attacking Niger, where Kountché seemed to be still strong and where the Americans were building an airbase at Dirkou, not far from the Libyan border. Finally, in 1985, armed by Libya, the Tuareg attacked the Nigerien town of Tchintabaraden, in the Azawak – the same region extends into neighboring Mali where it is called Azawad. The attack also involved the son of former President Diori, Abdoulaye Hamani Diori. The combination of foreign intervention (Libya), ethnic insurgency (Tuareg) and political coup (Abdoulaye Hamani Diori) accounts for the brutal response of the Kountché regime, which not only repulsed the attack, but also developed for the first time a Tuareg policy based on control and repression. From the point of view of the regime, that policy was successful, since the threat subsided and appeared so fleeting that the term “rebellion” was not even used at the time.<sup>82</sup>

## Rebellions, Banditry and a Development Agenda

In the late 1980s, the state of Niger went bankrupt amid an overwhelming fiscal crisis. To be bailed out by donors, it signed on its first structural adjustment programs and also handed over its social policy to aid programs. This was happening as President Kountché was terminally ill with the cancer that killed him in late 1987. His successor, General Ali Saibou, based his rule on the principle of *décrispation* or “general relaxation,” freeing political

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<sup>82</sup>This episode is still known as the “Attack of Tchintabaraden,” or more precisely, as “the First Attack of Tchintabaraden,” since a second one came up in 1990 and ignited the rebellion of the 1990s.

prisoners – including former President Diori who had been put back under house arrest following his son’s participation in the Tchintabaraden affair – and calling on Nigerien Tuareg, exiled in Algeria and Libya, to return, with the pledge that they would be helped in integrating into the economy.<sup>83</sup> One wave of returnees, in 1990, included many men who had been trained for war in Libya and who decided to revive the “liberation” project now that the state of Niger seemed much weaker. They again attacked Tchintabaraden, leading to an Army backlash that, for the first time – even if in a belated manner – outraged French and Western opinion. It is also at that point, and following further Tuareg attacks on Nigerien towns with military positions in the regions of Tahoua and Tillabéri,<sup>84</sup> that Nigerien opinion<sup>85</sup> started to view the Tuareg as a problem.

While Niger was engaging in its tempestuous National Conference that led to the adoption of democratic governance, the fiscal crisis deepened following the rejection of donor-imposed austerity programs. Also, the Army came under harsh criticism at the National Conference, including for its recent behavior in the Tchintabaraden repression and, to conciliate Tuareg opinion, a Tuareg man, Maman Abou, was appointed head of the Crime and Abuse Commission of the conference, in charge of indicting former state officials as well as Army officers.

This, however, did not appease the “rebels,” as they were now called, since their objective was not integration into Nigerien society, but the “liberation” of territories considered to be parts of the “national home” of the Tuareg. They were in fact stimulated by the apparent collapse of state power in Niger, since the fiscal crisis soon led the transition government to delay paying all state salaries and emoluments, including those of the military, causing the latter to engage in a string of mutinies. Therefore, starting in late 1991, the rebellion set in, led by a variety of Tuareg “liberation fronts,” and creating low intensity warfare that, while not completely preventing normal life in the North, produced a general situation of insecurity.

If initially all rebel fronts were Tuareg, soon Arab and Tubu fronts gradually emerged, the latter, essentially in the region of Diffa. This was a result of the apparent success of the Tuareg fronts, which used both the desert raids methods of historical Tuareg leaders and their acquaintance with the Saharan environment, to triumphantly harass, kill or abduct armed forces members and civil servants whenever and wherever they saw fit. The modus operandi was also adopted by the Tubus, and the general insecurity thus created halted economic activities and frightened settled and gainfully occupied communities throughout the North. The latter ended up setting up self-defense “committees,” such as the Arab Tassara Vigilance Committee in the Azawak/Aïr and Fulani committees in the region of Diffa, claiming – rightfully<sup>86</sup> – that the armed forces were not capable of shielding them

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<sup>83</sup> The bulk of Niger’s Tuareg exiles were in Algeria where the government wanted them out.

<sup>84</sup> All part of Azawad/Azawak, according to the attackers’ ideology.

<sup>85</sup> At least this is indicated by the media, which, significantly, boomed precisely at that time, following democratization (see section on media).

<sup>86</sup> A former Fulani vigilante told us in an interview that after a murderous attack by Tubu rebels on his community camp, he went to seek the assistance of the Gendarmerie, only to hear a gendarme telling him: “Look, we understand the situation, but aren’t you man enough [to defend yourself]?” Many aid organizations left both regions at the time, feeling that given the tactics of rebel groups, the armed forces did not have the kind of skills and training that could be used to protect them.

against raids. Moreover, the different rebel fronts fought amongst themselves for the delimitation of each front's "territory", with rivalries developing between the Tuareg of Air and those of Azawak.

As Niger's political situation started to stabilize in 1993, the rebellion(s) also started to peter out, and peace talks were initiated. Giving up the initial goal of "liberating" the Sahara, the Tuareg fronts demanded (in February 1994) the creation of a federal structure in Niger, with full autonomy granted to the Saharan portion of the country under the supervision of France – a country friendly to the Tuareg rebels. Significantly, other Nigeriens would have no rights of citizenship in this "autonomous territory," where only the Tuareg, the Arabs and the Woodabe Fulani – all deemed to be indigenous populations and all nomads – would have political rights and benefits. This was in effect independence guaranteed by France for a region that held the entire mineral riches of the country. The demand was rejected by state negotiators in April 1994 and the agreements finally arrived at in April 1995 provided for decentralization and a series of personal benefits – professional insertion funds and integration into the country's armed and security forces – for both former rebels and former vigilantes.

The professional insertion part of these agreements was to be funded essentially by donors, following agreements with the state of Niger. The government created a High Commission for the Restoration of Peace (HCRP) to oversee implementation, tying the new body directly to the presidency and appointing a former Tuareg rebel leader to head it. Over ten years later (2007), however, a new Tuareg front emerged under the more inclusive name Movement of Nigeriens for Justice (MNJ), but still with the objective of detaching the Sahara from Niger – something that became clear when the MNJ, perhaps mistakenly, posted the "flag" of an independent Tuareg state on the blog where it used to lambast the government of Nigerien president Mamadou Tandja.

The new front was founded by former rebels of the 1990s who, in the early 2000s, had lived off armed banditry, attacking buses and Gendarmerie posts, and who now claimed that they were rising up against the Nigerien government's failure to fully implement the peace agreements of 1995. It must be noted that by 2007, the peace agreements had become a messy affair, with analysts pointing at three key flaws in the implementation process: (1). The fact that donor funding for socio-professional insertion was insufficient and inadequate; (2). The fact that distribution of benefits was entrusted to former front leaders who tended to use them to reward their own clientele rather than to actually placate former combatants; and (3). The fact that some of the armed corps, and especially the Army, were reluctant to integrate former rebels and were obstructive of the process, often unobtrusively.

It appears likely that the complaint about the messy implementation of the peace agreements – which, in the language of the rebels, became the "non implementation of the peace agreements" – was only a pretext used by the new rebellion for supporting its actions. Indeed, it had an assortment of claims that called, *inter alia*, for the end of the marginalization of the North and new policies for the exploitation of uranium.<sup>87</sup> However, this second

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<sup>87</sup>As has been indicated by many authors, including supporters of the "Tuareg cause" such as Frédéric Deycard, while such claims are popular among the Western media, the real aspiration on the ground was independence from Niger (and Mali) and restoration of *Imajeghen* supremacy of some sort.

rebellion, while it drew in some mutineers from the Army, was restricted to the Air Tuareg, with no copycat insurgency among the Tubu, the Arabs or even the Tuareg of Azawak, who had been at the vanguard of insurgency in the 1990s. All the same, it proved so violent that the government of President Mamadou Tandja, which at first did not take it seriously, put the region of Agadez under a state of emergency in 2008. The conflict carried on through 2009, when it was concluded by a peace agreement under the auspices of Colonel Kaddafi, a man believed to have pulled most of the strings of the rebellion behind the scenes. Indeed, the leader of MNJ, Aghali Alambo, retreated to Tripoli (Libya's capital) after the signing of the agreement, becoming there an aide to the Libyan ruler. Following the fall of Kaddafi in 2011, Alambo returned to Niger where he was appointed special advisor to the new president Mahamadou Issoufou.

### Current Situation

The Libyan crisis and its aftermath – not least in Mali – entirely determine today the behavior of Nigerien authorities with regard to the Saharan security crisis. Niger's authorities' response is shaped by three factors - (1) politics and (2) policy, both of which are at present bolstered at (3) the international level by the peculiar circumstances of the country.

(a) *-Politics:* Unlike preceding rulers – Mamadou Tandja and General Salou Djibo – who refused to develop a policy of appeasement with regard to Tuareg volatility,<sup>88</sup> President Mahamadou Issoufou chose to purchase peace through plum jobs and amnesty against the law<sup>89</sup> for former rebel leaders. He also appointed an old Tuareg politician from the Air region, Brigi Rafini, as prime minister. These various moves enabled him, in return, to build a strong pro-intervention stance for Niger in the Malian case. It is also said to have made it possible to better check desires from Niger's Tuareg to mount an attack against the state in view of the successes of their Malian brethren, although it is not clear whether this eventual quiescence of Niger's Tuareg was a result of the president's political shrewdness, or of the early setbacks suffered by the *Mouvement National pour la Libération de l'Azawad* (MNLA) in Mali.<sup>90</sup>

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<sup>88</sup>The public voice of Tandja's stance, civil society leader Nouhou Arzika, repeatedly clamored that Tuareg rebels should not benefit from a "prime à la Kalachnikov" ("AK 47 bonus") relative to other Nigerien youth who, also, were suffering from unemployment and deprivation. This is consistent with the sentiment of many among the youth in the country. Salou Djibo, who toppled Tandja in February 2010, also had former rebel leader Rhissa ag Boula arrested for the murder of a man in the Tchintabaraden area, but was compelled to release him after Col. Kaddafi arrested several Nigerien migrants in Libya and had three of them executed. After Djibo left power in February 2011, ag Boula, who had fled to Libya, returned and was appointed special advisor to President Issoufou.

<sup>89</sup> This protection extends also to public opinion. Thus, Bounty Diallo, a well-known Niamey literati, was booted out from his position as advisor to the President and temporarily jailed for having had some strong words against the Tuareg on a public television channel.

<sup>90</sup> In April 2012, former Tuareg rebel leader, former chairman of the HCRP and current president of the Regional Council of the region of Agadez, Mohamed Anako, went on record for saying that "it's cultural, once ECOWAS intervenes [in Mali], young Tuareg from Niger, Algeria and Libya will flock to fight together with their brothers of the MNLA, and [the conflict] will spread around." This was interpreted in the Nigerien media as a veiled threat to the government of Niger not to support the then projected ECOWAS military assistance to the battered Malian army.

(b) *-Policy*: Unlike Mali, Niger responded to the Libyan crisis with a policy of rapidly recognizing the new Libyan regime, but also helping Libyan fugitives (including one of Col. Kaddafi's sons) and disarming entrants to its territory. This latter reaction, even though its real effectiveness cannot in fact be measured – since the Nigerien armed and security forces lack the resources and capacities to effectively monitor desert borders – has been fairly efficient in sending signals that an attack in Niger will be met with resistance. Moreover, the former HCRP, now named High Authority for Peace Consolidation (HACP in the French acronym), had graduated into a peace and conflict resolution mechanism with some well-honed security missions (intelligence gathering and appeasement handouts), and it was extensively used for government communication during that hairy period. In October 2012, it was supplemented by a new institution, the highly ambitious *Secrétariat Exécutif de la Stratégie de Développement et de Sécurité dans les zones Sabélo-Sahariennes du Niger* (SDS Sahel Niger).

The SDS Sahel Niger agenda is scheduled to run through a five-year cycle (2013-2018) with a budget of over 2 billions USD catering for five “needs” in the more arid sections of Nigerien territory, including the entire region of Agadez, the entire region of Diffa and the northern sections of the partly Saharan regions (Tillabéri, Dosso, Tahoua, Maradi and Zinder). The needs to be responded to are (in this order):

- (a) Security for people and goods
- (b) Access to economic opportunities
- (c) Access to basic social services
- (d) Strengthening of community governance
- (e) Social and economic integration of forced returnees (from Libya and elsewhere)

Half of the budget is set to come from the state, while the European Union has pledged 98.5 billions CFA Fr., i.e., about 8% of the total budget. Currently, the freshly established SDS Sahel Niger is busy fundraising for the remaining 42% of its scheduled five-year budget. There is not much to say about it at present, since it is still in the works, but observers have noted that it is tied to the prime minister office, which is generally the case with long-haul executive institutions that have little political urgency about them. This might be a good or a bad sign for SDS Sahel Niger. On one hand, it might mean that it would be left to fulfill its objectives with little political instrumentalization, while it might also mean, on another hand, that it would grow ineffective for lack of robust political will behind it. At this stage, it seeks to seam together security and development agendas, two concerns which, in the literature, are almost always opposed, when they do in fact seem to support each other on the ground. Moreover, it might just benefit from an improvement of Niger's international profile as being an island of quiescence in the middle of a generally turbulent region.

This Nigerien response offers, however, no guarantee against the tactics of deterritorialized adversaries with substantial resources, as was shown by an attack led on May 27<sup>th</sup>, 2013 by two “Jihadist” groups – the Movement for Oneness and Jihad in West Africa (MUJAO) and the newly-created and grimly-named *Signataires par le Sang* (“Blood Signatories”) – against a Nigerien military barrack in Agadez and a French uranium mine in Arlit, two locales in the country's far North. According to the Nigerien government, although both groups are

foreign to Niger,<sup>91</sup> they carried out their attacks with local complicities easily purchased in a context of great poverty.

(c) *International Circumstances:* Niger's management of its Northern security crises has been met, in the past, with little international support or sympathy. In the West, opinions about the issue were made in France, and France was hostile. State leadership in that country, it would seem, has no real awareness of the specificities of the case, and takes its cue from a pro-Tuareg lobby that emerged in Paris during the second Tuareg rebellion or slightly earlier. The lobby, driven by academic specialists of the Tuareg and the Sahara desert, is especially influential in the left-wing media, among fashionable writers, and with show business celebrities, and non-governmental organizations, and it might be that, in defining the stance of the French state, politicians simply respond to its opinion-shaping capacities. The subtle support invariably offered by France to Tuareg rebels – including, less subtly, to the MNLA, the group that started the crisis in Mali – leads many in Niger (and also in Mali and Algeria) to question French intentions and, in particular, to believe that the aim is the revival of the colonial OCRS project in a new shape. Whatever the truth of the matter, France has become – just as Libya, although in a different way – part of the security problem in the area since the 1990s. However, its recent intervention in the Mali crisis, while it responds to the Islamist rather than the Tuareg rebel attacks, may usher in its position a shift that many in the region would welcome. At the time of writing, this was still uncertain.

Today, the Nigerien state appears in a better position to defend its current vision that breaking the cycle of Tuareg rebellions in the North does not entail responding only to rebel (Tuareg) claims, but more essentially, setting up a calibrated development agenda for the entire Saharan and Sahelian sections of the country – which, at any rate, make up the greater part of its landmass. Field work also shows that many believe that the fall of Kaddafi – the main financier and ideologue of Tuareg “Berberist” rebellions, with designs on portions of Nigerien territory – has considerably improved the security situation in the country for the long run, even though, at first, the spilling over of Libya's arsenals across the border has meant heightened risks of disturbance.

Marked changes in the international climate also concern the strategic role now played by the Nigerien territory for both the United States – which has set up a base of surveillance drones in Niamey<sup>92</sup> – and France, which uses Nigerien territory as a support base for its operations in Northern Mali. Interestingly, while the US drones have caused no debate in the country – the request for having them even coming from President Issoufou – the presence of the French military is much more criticized, on account of perceptions of France as both the former colonial power and an unreliable factor in the North.

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<sup>91</sup> MUJAO is a spinoff of Al Qaeda in the Islamic Maghreb which appeared in Northern Mali in late 2011, claiming to be fighting for Jihad essentially in West Africa (*fi gharb afriqqiya*). It seems to be made up of West African trainees of AQIM, some of whom are undoubtedly from Niger, with the Hausa language (widely spoken in that country, but also in Northern Nigerian) being often used by its spokespersons together with Arabic. However, its leaders appear to be principally Arabs from Mauritania, Mali and Algeria. The *Signataires par le Sang* grouping is another AQIM spinoff set up by veteran Algerian Jihadist Mokar Belmoktar in late 2012.

<sup>92</sup> Though unarmed and stationed in Niamey, the drones may be carrying missiles and moved to the North “if the threat worsens”, according to unnamed American officials quoted by the *New York Times* (22 February 2013).

## 8. Islamist Security Problem

In Niger, Islamism was viewed as a potential source of political instability in the 1990s to mid-2000s. This period corresponded to the rise of private Islamic associations, a few of which wished to mobilize the populace for the establishment of an Islamic state. However, Islamists were successfully excluded from ruling institutions by their secularist adversaries, and appear very much as a spent force in Niger's political landscape, for reasons described in the sub-section on religious institutions. The reaction of clerics in the capital to the Jihad in Northern Mali has been generally either mute or hostile to Jihadists, with the odd supporting voice being heard with no enthusiasm. It would seem, therefore, that the Islamist security problem is essentially a border problem, touching especially the regions adjoining Northern Nigeria (particularly Diffa) and those bordering Northern Mali (Tillabéri and Tahoua).

The response of the state is therefore here purely military, but also very limited: indeed, in this case, the Nigerien military's lack of sufficient resources and trained personnel for certain tasks cannot be compensated by reliance on local communities and governance bodies such as the HACP or SDS Sahel Niger. Islamist groups, while they have failed – or perhaps not attempted – to take root in Niger, are still very much able to practice hit-and-run attacks in the country, such as the abduction exercises of AQIM or a number of targeted killings by alleged “Boko Haram” associates in the region of Diffa.

## 9. Conclusion

In Niger, security governance – beyond its purely practical aspects of resources and training of personnel – is primarily a question of state building, legal institutionalization and political economy. Except for the Tuareg issue, the country is remarkably peaceful.<sup>93</sup> Political institutions – national assembly, cabinet, presidency – have improved since the early 1990s, despite the fundamental problem of a lack of blueprints for society and of a genuinely committed political class. The country's history with democratization, the military and rebellions has focused political will and agenda on strong connections between security and development, and this is certainly a field worth investing in. However, the approach developed at present seems to sideline the central link between security and development, that is, rule of law. While the country should carry on its current efforts, the reform and extension of the justice system (especially out of the capital and the main cities) should not be neglected in favor of purely economic and security solutions.

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<sup>93</sup>Large-scale violence does occur in conflicts over shrinking environmental resources, especially between herders and agriculturalists, but recorded rates of criminality – which, very likely, underestimate criminality in the rural areas – are low.

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## Chapter Six

### When Protectors Become Aggressors: Conflict and Security Sector Governance in Nigeria

By  
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#### 1. Introduction

Since the return of civil rule in 1999, Nigeria has been experiencing rising spectre of violence and insecurity bordering on natural resources (mis)management and control, citizenship question, electoral contest, religious and ethnic polarisation, and the current ferocious Islamist insurgency against the state. To be sure, Nigeria is a country of cyclical crisis – the history, dynamics and challenges of its development are deeply rooted in tension, conflicts, instability and insecurity. The Nigerian nation-state has never enjoyed an appreciable period of stability that could guarantee security and sustainable development. The closest was the immediate post-civil war – 1970 to 1984 - period. Even this period was punctuated by military coups, electoral violence, religious disturbances and ultimately the collapse of the second republic.

As early as 1967 James O’Connell wrote about *Inevitability of Instability*. More recently Karl Maier thinks the *“House has fallen”*. As far as John Campbell is concerned, Nigeria is *“Dancing on the Brink”* - a simple misstep will push it down the cliff. Some of these argument may sound pessimistically exaggerated, the reality however is that crisis of national development is deepening and has serious implications for democracy and national security.

Despite this narrative of cyclical crisis, arguably, except for the three years of civil war (1967 -1970), Nigeria has never been in such a difficult and perilous situation like the one it finds itself in the last few years. Looking at all the segments of the country, violence and insecurity have pervaded everywhere. The situation is getting overwhelming and the state is looking overstretched. It is reported that the country currently has the biggest “peace time” military and police deployment to different conflict zones (*Daily Trust* 2011). Apart from crisis situations of the Niger Delta, youth violence, kidnapping, electoral conflict and violence, armed robbery, ethno-religious violence, the separatist movement of the MASSOP, and the unending internecine violence in Jos, Boko Haram insurgency has added a new dimension to the instability and security challenges of the country.

Although conflict and violence might have deepened since the transition to civil rule, this is not simply because democracy is intrinsically conflict prone, but more because it frees hitherto suppressed voices, identities and discontents. It could also be a reflection of deeper crisis of governance and leadership. Although Nigeria is in a serious and perilous situation, the response of the state has been historically consistent – reactive, law and order driven, lack of accountability, using force or repressive means to crackdown on violence and dissent, resulting in wanton destruction of lives and property, massive abuse of rights of citizens and gradual erosion of democratic values.

### Problem and objectives

The current security situation in the country (insurgency, militancy, kidnapping and armed robbery) is seen as the worse since the end of the civil war in 1970. This is not necessarily because Nigeria has never experienced such level of violence, but more because of the tactics deployed, arms being used, targets of attack, and the ideologies of the belligerents. Part of this challenge is deeply associated with the character and nature of security governance. While Nigeria has a garrison history occasioned by the character of its colonial experience, it was the military incursion into politics since the 1960s that redefined the character and dynamics of security governance in the country.

Since the return to civil rule in 1999, different attempts have been made to restructure and reform the Nigeria security sector, albeit with minimal success. The increasing spate of conflicts all over the country has continued to draw attention to the widening gap in the security sector governance and failure of conventional strategy and tactics in responding to the insecurity. This is posing a serious challenge to national security and development.

The essence of the study is to understand the relationship between security governance and the spate of conflicts in Nigeria. To what extent has the character of security governance generated, facilitated or reinforced the spate of violence in the country? How have the years of military intervention in civil conflicts contributed to the escalating trends of conflicts in the country? Specifically, the study will examine three different experiences of violent conflicts in three different parts of the country and determine how the character of security governance influenced them.

### Scope of the Study

The study will cover 1999 to 2013, with anecdotal reference to earlier incidences. This period covers the entire period of Nigeria's most recent democratic experience, called the 4<sup>th</sup> republic. The period also experienced devastating increase in conflict and violence. Although some of these conflicts are part of the historical tensions and conflicts in different phases of the country's historical trajectory, they are expressed differently. Specifically the study will examine the incidences of violence that the military or joint security task force were involved in three different parts of the country – the violence in the Niger Delta, especially the military invasion of Odi town in 1999, the massacre in Benue in 2001 and the on-going Boko Haram insurgency in the north eastern part of the country. The paper examines the specific role of security agencies and how they contributed to the management or exacerbation of violence in these locations. It also examines the character and dynamics of military intervention in conflicts and the implications for national security. The study then identifies the challenges and opportunities for security sector reform in the country.

## **2. Security Sector and Governance in Nigeria**

Nigeria has a history of the protracted involvement of the security agencies in civil governance. The military in particular had been in control of the Nigerian polity for more than 35 years of Nigeria's 52 years of post-independent history. The implication is that the military and related security institutions had a profound influence on Nigeria state and society, particularly the institutional governance framework and conflict management

mechanism. As a country that has been deeply challenged by conflicts and violence of different character including a civil war, the security sector has always played an influential role in the management or even escalation of such conflicts. From the Tiv riots in the early 1960s, through the civil war in the late 1960s and the spate of ethno-religious and communal violence in the country thereafter, the major players have been the security agencies with little or no accountability to the citizens or democratic institutions. Since most of these violence occurred under military rule, a response pattern and tactics has evolved and deepened, so much that even under constitutional rule nothing fundamentally has changed. Since Nigeria is only a few years into constitutional rule, the institutional framework for security governance and democratic control of the security agencies have been relatively weak and in most cases non-existent. The years of military rule have in addition to this, militarized civil society itself and treated the military not just as a specialised state institution but a special social category. The institution and personnel are treated with outmost caution and fear. It consequently became an institution built on impunity and survives on popular dread (Fayemi, 2008).

Generally, security in Nigeria is not about people but more about regimes and the elements that reflect the character of the regime (Ebo 2004). As a result, security governance has no relationship with the people, except in a manner that guarantees suppression of dissent and protection of the regime against forces, individuals and groups that are considered hostile to the regime. This character of security agencies contributed immensely to the level of insecurity and violence in the country, especially under authoritarian military rule, where security forces were deployed to forcefully suppress the opposition and selectively persecute groups that are considered hostile – be they ethnic, regional or religious groups, many times resulting in long term conflagration (Ebo 2004; Nnoli 2003).

Security decision making in Nigeria have been historically technicist and characterised by reaction rather than being proactive focusing more on the people in power and their interest. In most cases the decisions are elitist, personalised and Presidential and quite often based on ad hoc approach to planning and implementation and not shaped by any coherent national security strategy (Ibeanu and Momoh 2008).

### **3. Democracy and Security Governance**

Nigerian security sector governance has passed through three different historical trajectories, from the colonial phase through the military and the current constitutional phase. Each of these phases has shown huge similarity in operational structure, politic and control. Apart from the differences in specific political and economic interest, there is no fundamental difference in the principle of security governance between the colonial and the military phase. Although under the military rule, security agencies were more involved in the larger political and governance issues in the country, the colonial state also had a garrison structure with overbearing role of security agencies in governance. Security governance under these two periods is more about regime protection than public security.

With the transition to civilian rule in 1999, the Constitution of the Federal Republic of Nigeria became the main source of power and framework for security governance. Although Nigeria is structured around a federal system - a central government, with 36 component units (state) and 774 local governments, the Constitution vested more responsibility for

security governance on the federal (central) government. This involves a careful balance between the powers of the executive and the legislative organs of government. While the legislative powers reside in the National Assembly made up of two chambers – the Senate and the House of Representatives, executive power lies with the Presidency. Section 4 (a) of the Constitution provides that the national assembly has the power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the Exclusive Legislative list set out in the Part 1 of the Second Schedule of the Constitution. Some of the Exclusive competences include arms, ammunitions and explosives, military and any branch of the armed forces of the federation, the police and other government security services established by law (FGN 1999; Ibeanu and Momoh 2008).

In addition to the law making powers of the National Assembly, it also has the power of approval of executive decisions with regard to major security issues – declaration of war, deployment of armed forces and declaration of state of emergency in any part of the country. The Assembly also has resource appropriation and oversight role over the security institutions through its various legislative committees.

The Presidency is the highest executive decision making organ in the country. This decision making process lies with the President, assisted by the Council of Minister, the Council of State, the National Defence Council and the National Security Council. Below this are the armed forces responsible for the protection of the country against external aggression, and the police and intelligence services focusing on internal order (Ibeanu and Momoh 2008). There are also additional bureaucratic and administrative support systems reflected in the different ministries and commissions, including the police service commission and the army council.

The constitution categorised security into 3 segments and assigned responsibility for each advisory body, these include public order, defence of the sovereignty and territorial integrity of the country, and public security (Ibeanu and Momoh 2008). The Council of State advises the President on public order, National Defence Council advises on defence of the sovereignty and territorial integrity of the country, while the Security Council advises on public security. While each of these bodies has different compositions, they are all chaired by the President and the Vice President as the Deputy. In addition to the President and his Vice, the Council of State has all former Presidents and Head of Governments, all Former Chief Justices of Nigeria, the President of the Senate, the Speaker of the House of Representatives, all state Governors and the Attorney-General of the Federation.

The Defence Council comprises of the President and the Vice President, Minister of Defence, four service chiefs (Chief of Defence Staff, Chief of Army Staff, Chief of Air Staff and Chief of Naval Staff) and other members as appointed by the President. The body advises the President on matters relating to the defence of the sovereignty and territorial integrity of the country. Lastly, the Security Council also has the President and his Vice as the Chairman and Vice Chairman respectively, the Minister of Defence, the National Security Adviser, the Chief of Defence Staff, and the Inspector General of Police and any person the president appointed. This body advises the President on public security, including matters relating to any organisation or agency established by law for ensuring the security of the federation.

The Nigerian Constitution established specifically two security agencies – the Nigerian Armed Forces by virtue of section 217 of the Constitution and the Police in section 214. Each of these agencies has its responsibilities clearly spelt out in the Constitution and elaborated on by their respective constitutive Act. Within each of these agencies, there are internal governance institutions like the Police Service Commission and the councils of the different armed forces. Nevertheless, apart from these agencies, there are other subsidiary security outfits including the Prison service, Customs, Immigration and others.

The decision making structure does not seem to provide for state and local government despite the federal provisions in the constitution. The state and local authorities have limited or no control over the security forces. For the states governments in particular, despite the fact that State Governors are referred to as the Chief Security officer of their states they practically don't have any formal control over the police or other security agencies. This has led to increasing demand for state police. Although vehemently rejected by the national assembly, it is a major contentious issue in the review of the 1999 Constitution. Many of these state governments have therefore resorting to supporting extra-legal groups like Vigilante groups, Bakkassi Boys, or state government created outfits like LASMA in Lagos, *Hisbah* in Kano and Zamfara among others. Since most of the conflicts occur in locations within state boundaries, this have often created tension between the federal government, security agencies and the state governments. While a number of state governments appropriate huge resources for security they seldom get any accountability from the security agencies and the resources are not reflected in the institutional budget of the agencies.

#### **4. Security Sector Reform and Governance**

Since the end of the Cold War, security sector governance has become a major component of political transition and social transformation especially in post authoritarian state formations and post conflict situations. It has generally become part of national discourse, attracting attention from the academia, media, politicians and the civil society (Ebo, 2004; Hanggi 2004). In Nigeria, security sector governance has become a major issue in the last 13 years of democratisation. There is therefore a close relationship between security sector governance and democratisation since 1999.

The security sector in Nigeria is broader than the public security institutions and structures that the public often make reference to. The sector is made up of five main groups of actors that directly shape the security system. They include:

- (a) Organisations that are legally empowered to use force – including the Armed Forces (consisting of – Army, Navy and Air force) the Police, Prison service, Department of State Security Service, Customs, Immigration and other uniformed bodies).
- (b) Justice and law enforcement organisations: including the judiciary and the court system, prisons, criminal investigation and prosecution services, and customary and traditional justice bodies.
- (c) Governance and oversight bodies – the President of the Republic, National Security Advisory bodies, legislature and the legislative committees, ministry of defence, its counterparts in Justice, Police affairs, foreign affairs and to some extent ministry of finance and budget office and the auditor general office. Others include local

- authorities, state governments, National Human Rights Commission, Police service Commission etc.
- (d) Non-statutory security organisations – militia groups vigilante groups, private security companies and related informal armed groups in different parts of the country.
  - (e) Civil society organisations – this include non-governmental organisations, professional associations and trade unions. Others are religious groups and other membership organisations (Bryden, N'Diaye and Olonisakin 2007; Fayemi and Olonisakin 2007; Ball and Fayemi 2002).

The character of these bodies and how they operate are influenced by their history and the current political realities of the country. Two important issues are central to the discussion and function of the security sector in Nigeria. First, is the significant loss of legitimacy by the state due to the increasing interface between formal and informal security organisations, each of them attracting varying degrees of legitimacy from different segments of the society. This appears to be a consequence of the failure of the state to respond to strong issues of social and political exclusion due to diminishing capacity or the total lack of it in responding to the escalating spate of crime in the country. The second issue has to do with the complexity of Nigeria's political structure, which makes decision making on security extremely difficult. There is a huge lack of coherence between the central government and the component units of the federation (state) on security management. Some of these are historical, but must have been compounded by the 1999 Constitution. As result, Nigeria has developed a multiple structure of security management, which has remained a major challenge for effective security governance (Fayemi 2008).

Beyond the formal institutional gaps and contradictions that characterised national security in Nigeria, the sector is also deeply associated with the national fissures and politics to the extent that the activities of some of the institutions are influenced by these social fissures and politics.

### Military Reforms

Like most countries transiting from military authoritarian rule, reforms and re-professionalization of the military is often a major component of the democratisation programme. The almost four decades of military rule in Nigeria left in its wake a deeply politicised, personalised, ethicised and deinstitutionalised military, resulting in weak accountability, poor control mechanism and overtly corrupt institution and militarised society (Fayemi 2007). As a result, military reform was embedded in the first post-military government of President Obasanjo. Indications of reform started with the appointment of the Service Chiefs. Against the initial design by the outgoing Military government to retained the incumbent Service Chiefs to protect the new government, new Chiefs were appointment and the incumbent ones retired. General TY Danjuma, an influential retired military General and former Chief of Army staff was appointed as Minister of Defence with the charge to reform the Military. The immediate interest was the subordination of the military to civil control, which was clearly enunciated by the President in his first major speech to the military establishment. On the graduation ceremony of course 7 at the National War College

on the 24<sup>th</sup> of July 2011, the President highlighted five major principles of military subordination to civil authority that will define the government reform efforts. They include:

- (a) Acceptance of elected civilian President as the Commander-in-Chief of the Armed Forces and the supremacy of elected officials of the state over appointed officers at all levels.
- (b) Acceptance of civilian headship of the Ministry of Defence and other strategic establishments.
- (c) The goal and operational conducts of the military must serve the political and strategic goals established by the civilian authority.
- (d) Acceptance of the application of civilian principles to all military investigations.
- (e) The right of civil (Supreme Court) courts to review actions and decisions taken by military judicial bodies (Fayemi, 2008).

Since then, pieces of reform initiatives have been carried out by the government. Most of these initiatives were centred on five major areas (Fayemi, 2008):

- (a) De-politicisation and subordination of the military to civil authority – this was an attempt to weed out officers who have served in different political offices in the past military governments. It appeared to be aimed at achieving three broad objectives, first it is meant to take care of ambitious officers who have enjoyed perquisite of office associated with their previous political appointments and may be considering coming back through military coup. Second is to build military discipline that has been grossly undermined by corruption and competition for political appointments by military officers and lastly to discourage others officers from considering politics as a means of self-aggrandisement. At the end of the exercise 93 “politicised” military officers (53 from the army, 20 naval officers 16 from the air force and 4 from the police) were retired. In addition to this, the government cancelled several appointments and contracts awarded by the erstwhile military administration. This was followed by the establishment of a judicial commission of inquiry to investigate the human rights violation under the military. Although these decisions attracted wide national and international commendation, it was not without controversy. Majority of the military officers retired were of northern Nigeria extraction – which of course was a reflection of the level of control the region had over the past military administration, but it was perceived to be a deliberate process of weeding out northern officers to create room for southern domination of the military.
- (b) Redefining the role and mission of the military – This was an attempt to ensure military subordination to civil authorities as enunciated in the 1999 Constitution and provide a clear strategic direction for the military. This appears to be one of the most important components of the reform, it was however the least discussed and emphasised by the government. This might have been informed by the difficulty of reforming an institution that has been in charge of the country for almost four decades. Although the military role has been clearly defined by the Constitution, limited understanding of the institution and its larger than life perception by politicians didn't allow for an open and transparent engagement

with the institution making it difficult to define a coherent vision and operational framework for it.

- (c) Reorientation and re-professionalisation. With the crisis of professionalism in the military, an important component of the reform effort is to transform the armed forces into a strong and professional institution. Details of this were provided by the Vice President Atiku Abubakar at the inauguration of Course 8 at the National War College in Abuja in September 1999. They include:

- i. Continued rationalisation, down-sizing and right-sizing of the institution.
- ii. Re-equipping the service and improve the service condition of officers and men.
- iii. Improve military discipline and subordination of the military to the democratically constituted authorities.
- iv. Build and strengthen relationship between the Nigerian military and rest of the world, especially African countries.

The intention was to fully demobilised and reduce the size of the military by at least 30,000. This of course didn't enjoy the support of the military hierarchy. The government had to reverse itself after other consideration including the cost of recruitment and ethno-regional balancing, increasing violence in different parts of the country and Nigeria's commitment to peace keeping mission around the world, especially Africa.

- (d) Demilitarisation of the public order and increasing the relevance of civil policing. Throughout the almost four decades of military rule, the civil police have been grossly neglected – understaffed and underequipped. The reform was therefore directed at strengthening the police capacity to undertake its constitutional responsibilities while withdrawing the military from embarking on civil police responsibilities. As a result, the government instituted reform in the police force and increased recruitment. Within the first four years the size of the police increased from 120,000 in 1999 to 360,000 in 2007. Unfortunately, the increased in the size of the police without corresponding improvement in training, resources, equipment and operational mechanism, didn't allow them effectively carry out their responsibilities. Moreover, the increase in civil violence and insurgency in different part of the country means an increased presence of the military in street.

While this reform effort was wholly a national effort, it received support from foreign governments and international development agencies like DFID and USAID. For instance, foreign advisers were recruited to support the reform programme. Specifically, the United States Department of Defence and USAID engaged the service of Military Professionals Resource Incorporated (MPRI) to first carryout an assessment aimed at developing an action plan for reform. They later signed a contract to implement a reform project called “the Transition-Civil Military Programme for Nigeria”. The programme focused on three areas 1) military reform, 2) creation and development of civilian institution for civil-military affairs and 3) support the demilitarisation of society. As useful as this initiative was, it didn't receive the support of most senior military officers – it was perceived to be a foreign imposition and

an intrusion into Nigerian sovereign policy space. This was more because process of engagement was deeply centralised and didn't involve major stakeholders in the military. Also the massive presence of foreign officers and different military institution was repulsive to many of the military officer (Fayemi, 2007; Abiodun, 2000). The opposition to this effort was led by the then Chief of Army Staff General Victor Malu, who was later prematurely retired by President Obasanjo.

Despite the euphoria that greeted the military reform initiatives, it was hampered by a number factors, including lack of clear strategic vision for the reform, poor commitment to comprehensive reform and selective approach to the reform initiatives. Other are donor driven initiatives, over centralisation of the reform at the Presidency and defence headquarters without involving other stakeholders like the parliament and civil society organisations (Fayemi 2008; Abiodun 2000).

### Police Reforms

There were also efforts to reform the Police. The police in Nigeria has a colonial origin. Its institutional structure was originally designed to protect and support colonial political and economic activities. At the end of colonial rule, it naturally shifted allegiance to the new ruling class. The Nigerian police has been grossly undermined by years of military rule – understaffed, underequipped, hugely militarised and became more abusive, corrupt and unaccountable. Over the years, policing standards became whatever the strongest men say they are. To be sure, the police became unaccountable, more because the state under the military was unaccountable (Hills 2008; UN 2006; Alemika and Chukwuma 2000; Isimi 2011) This lack of accountability has contributed to the rising spate of conflicts in the country. The co-optation and misuse of the police by succeeding military regimes immensely contributed to the militarisation of the law and order and the culture of police brutality. The period experienced a virtual collapse in police-community relations, resulting in almost intermittent police-community violence. The public image of the police therefore remains a violent and brutal agency without accountability.

With the transition to civil rule in 1999, police reform became a major element of not only democratisation but also an important strategy for conflict management and crime prevention. This was even more so that the transition was accompanied by rising violent crimes and conflicts of unprecedented scale, which overwhelmed the scanty and unmotivated police force. Therefore contrary to the expectation that the military will withdraw to the barracks more military officers were found on Nigerian streets responding to different violent crimes – communal violence, armed robbery, kidnapping and insurgency. It is in this context that the police reform was built.

The history of reform was such that each Inspector General Police sought to put his stamp on the police. The first in this regard started with the appointment of Mr Musiliu Smith as the first post Military Inspector General Police and the reconstitution of the Federal Ministry of Police Affairs. A five year strategic plan was instituted for the police, in addition to Mr Smith's six-point reform agenda. The strategic plan defined the vision, mission and core values of policing in a democratic Nigeria. It also identified key reform areas, including restructuring and reorganisation, manpower development, training, logistics, motivation, police image, crime control, and funding (Ministry of Police Affairs 2001). To increase the

size of the police force, the strategy provided for the recruitment of 40,000 personnel each year. The strategy enjoyed the support of major development partners including the United States Agency for International Development Office of Transition Initiative (USAID/OTI) and the UK Government Department for International Development (DFID). The two agencies supported the development and the implementation of the strategic plan. The implementation had barely started when IGP Smith was replaced with Tafa Balogun. Tafa Balogun started with an eight point agenda aimed essentially at enhancing the effectiveness of the police in response to the increasing wave of violent crime. The agenda include the following:

- (a) Massive onslaught against robberies, murders, assassination and other crimes of violence against the backdrop of which “Operation Fire for Fire” was adopted as a methodology.
- (b) Fast decisive crime/conflict management.
- (c) Community partnership in policing.
- (d) Serious anti-corruption crusade, both within and outside the Force.
- (e) Comprehensive training program, conducive for qualitative policing.
- (f) Improved conditions of service and enhanced welfare package for all officers, inspectors and rank and file.
- (g) Inter-service/agency cooperation at all levels down the line.
- (h) Robust public relations necessary for the vision of "People's Police".

Balogun’s agenda was anchored on combative policing. The Police adopted a motto called “operation fire for fire”. It was intended to meet violent crime with more fire power. Balogun also committed his agenda to fighting corruption within the force. It is ironic that Balogun was removed from office over allegations of corruption. He currently has the unenviable reputation of being the first IGP to have been convicted. Tafa Balogun was replaced with Sunday Ehindero. Ehindero’s reform was to replace the combative approach of his predecessor with a more “humane and civil” approach. He therefore replaced “operation fire for fire” with “to serve and protect with integrity”. He also adopted a ten point agenda which was more like an add-on to the Tafa Balogun’s eight point agenda. Details of the agenda include:

- (a) Effective crime prevention and control through intelligence –led policing
- (b) Combat violent and economic crimes.
- (c) Conflict prevention and resolution.
- (d) Community policing and police-public partnership
- (e) Zero-tolerance for police corruption and indiscipline.
- (f) Improved career development, salary and welfare packages to motivate police officers and thereby promote better service delivery and discipline.
- (g) Re-organisation of the investigation outfit of the force to ensure prompt and timely investigation of cases.
- (h) Contribute positively to improving the quality of justice delivery in Nigeria.
- (i) Empower field officers operationally by devolution of powers to improve the standards, reliability, consistency, and responsiveness of the service.

- (j) Re-orientate the Force Public Relation Office (FPRO) to focus on improving public perception and image of the Force.

Ehindero's reform was an attempt to present police as a civil and humane force. He abolished road blocks (Check points) and was decisive on police brutality. These check points were mostly centres for police extortion and brutality. Without any appreciable progress on this commitment, Ehindero retired in 2007 and was replaced with Mike Okiro. Like his predecessors, Okiro introduced his reform programme called nine point agenda. The major thrust of his reform programme was to boost the morale of police personnel as a means of enhancing productivity. The specific component of the agenda, like the previous ones included issues of human rights, training, crime prevention, transparency and accountability, public relations; community policing, intelligence/data collection upgrade and inter-agency co-operation against crime.

In addition to the IGP led reform agenda, there were also Presidential reform panels. First was the Alhaji Mohammad Danmadami committee constituted in 2006 by President Obasanjo. The committee was charged with the responsibility of making recommendations on ways of improving the Nigerian Police force on operational effectiveness and efficiency, investigative capability, personnel development, welfare package, public trust, logistics, and community policing. After three months of consultation, the committee made 120 recommendations to government. A White Paper was thereafter issued on the report, indicating some of the recommendation that were accepted by the presidency. The acceptable recommendations were those centred on police operations, effectiveness, conditions of service, logistics and public image. But those recommendations around the political control, use of the police, as well as the autonomy of the office of the IGP were rejected by the government (Alemika 2009: 13). Worse still, even the recommendations accepted were not implemented until end of the Obasanjo government in 2007.

In January 2008, President Umoru Yar'Adua set up a Presidential Committee on Police Reform led by Alhaji M. D. Yusuf, the committee was mandated to review past police reform efforts and to recommend measures for transforming the Police into an efficient and effective organisation for maintenance of law and order. After extensive review and consultation, the committee made 79 far-reaching recommendations to the government (Isima and Okenyodo 2009). Most of the recommendations were accepted by the President. A Bill for Police reform was prepared and sent to the National Assembly. Like the previous reports, the presidency rejected recommendations bordering on police autonomy, appointment of the IGP and police governance.

Without any progress in the implementation of the earlier reports and White Papers, President Goodluck Jonathan in 2012 set up a Police Reorganising Committee (PRC) led by Parry Osayande, the Chairman of the Police Service Commission. The panel among other things was charged with the responsibility of identifying the challenges and factors militating against the effective performance of the Police and make recommendations for addressing the challenges. It was to examine the scope and standard of training and other personnel development activities in the Police to determine their adequacy or otherwise. In addition, the panel was also to determine the general and specific causes of the collapse of public

confidence in the Police and recommend ways of restoring public trust in the institution (Nigerian Vanguard, March 7<sup>th</sup> 2012). The committee has since submitted its report.

As indicated above, each of these reforms were primarily driven by the Presidency, the Inspector General police and in some cases supported by donors. The community police initiative for instance was supported by DFID through the British Council. While these reform issues may have some utilitarian value, the police in Nigeria has yet to imbibe or develop the required capacity and service culture for responsible, accountable and effective policing.

After 13 years of different police reform initiative, nothing fundamental has changed. The verdict is that the police remain brutal, corrupt and unaccountable. The police is still under resourced and incapable of policing a country as huge, poor and divided like Nigeria, let alone doing so in a humane fashion (Hills 2008, 218). This is more because the reform effort was not driven by clearly defined objectives, vision or mission, but more by the exigencies of situation and time.

Instead of carrying out a comprehensive reform, most of the reform initiatives accommodated unavoidable pressures and were subjected to executive manipulation and subversion of some of the reform agenda. Sometimes even when languages of reform are used, they are done in response to certain international pressures, or to secure resources from donors or even to endear the government to certain interest groups, whether local or international. Reforms are therefore generally seen as political issues. It is even argued that each presidential committee constituted were to respond to certain political developments – Danmadami’s committee was a response to Junior Police Officers’ strike in 2006, while M.D Yusufu’s committee was a legitimacy quest for a government suffering huge credibility crisis occasioned by a flawed election, in which the police played a prominent role (Hills 2012).

## **5. Dynamics of Conflicts and Security in Nigeria**

Since 1964, the Nigerian military has been involved in civil conflict management. The first of such intervention was the Tiv riot and the Western regional crisis in the 1960s. Maitatsine crisis in the 1980s, the years of ethno-religious violence in Kaduna since 1987, the violence in Jos, Taraba, Benue, Nasarawa, all in northern Nigeria. Also since the late 1990s, the military have been involved in responding to the increasing youth restiveness and violence in the Niger Delta.

Ordinarily, the military should not be involved in civil conflict. The maintenance of public order and safety are primarily the constitutional responsibility of the Nigeria Police force. This is provided in section 214 (2b) of the 1999 Constitution of the Federal republic of Nigeria and section 4 of the Police Act 28. Nevertheless, the constitution provides for military aid to civil authority. The most expressed provision is found in the second segment of section 217 (2c) of the Constitution:

Suppression of insurrection and acting in aid of civil authorities to restore order when called to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly (FGN, 1999).

Section 218 (1) empowers the President as the Commander-in-Chief of the Armed Forces of the Federation to determine the operational use of the armed forces of the federation. This operational use has been elaborated in section 8 (3) of the Armed Forces Act 24 to include “the operational use of the armed forces in Nigeria for the purpose of maintaining and securing public safety and public order”. It is therefore the combined provisions of section 217 (2B and C) and section 8 (3) of the Armed Forces Act that explain the level of military involvement in civil conflicts (Gberevbie 2005).

Generally, irrespective of the nature of the government, military role in civil conflict is a misnomer, whenever it happens; it is expected to be swift and short. Unfortunately, this abnormal situation has become the norm in Nigeria. Nigeria currently has the largest military deployment in a peace time (Daily Trust, 2011). In the history of military involvement in civil conflicts the military has always stayed longer than expected. For instance, the troops deployed to quell the Tiv revolt in 1964 were never really withdrawn. They stayed back in Makurdi until their integration into the 1 Division of the Army, established in the town at the beginning of the civil war in 1967 (Elaiwu 2003). The forces deployed to Wukari in 1992 in the wake of Tiv-Jukun conflict still maintained presence in the town, albeit in reduced size. The forces deployed to the Niger Delta in the wake of increasing violence and criminality since 1994 have gone through different code names and carried out different operations, but have remained almost permanently in strategic locations in the region, including at oil installations. Similarly the forces deployed for the state of emergency in Borno, Yobe and Adamawa were converted into a new Military Division based in Maiduguri. In some cases, permanent structures are provided to station the military for swift and effective response to civil violence. In Kaduna, since the 2000 and 2002 ethno-religious violence, permanent structures have been erected for soldiers in some volatile areas in the state.

To be sure, the military have also carried out several joint services operations called the Joint Task Force. This sometimes involved all the military services – Army, Navy, Air Force, the police, State Security Service and other para- military forces. Under this situation, internal conflicts and squabbles within the services, especially around operational procedure, structure, accountability and the sharing of intelligence are the order of the day. Although the military serves in aid of civil authority, it never agrees to take instruction or report to the police hierarchy. Military involvement in civil conflict invariably means subjugating all operational issues to the military command and control. These trends in the militarization of civil policing in Nigeria since 1999 are illustrated with three case studies.

## **6. Case Study 1: The Military Invasion of Odi**

Odi is the second largest city in Bayelsa state in the Niger Delta. It is located along Port Harcourt – Warri road. The Odi crisis and consequent military invasion can be better appreciated within the larger context of years of restiveness and violence in the Niger Delta and the role of security agencies in containing the violence. A combined impact of environmental degradation occasioned by years of oil exploration, youth unemployment and exclusion has exposed youth in the region to militant agitations. This was compounded by years of corruption and ethnic violence. In the last two decades the region had become an epicentre of criminality and armed violence associated with the struggle for self-determination (Ibeanu and Momoh 2008; Oronto, *et.al* 2004)

In the late 1990s up to 2007 the region was marked by different forms of criminality including hostage taking, crude oil theft, sabotage of flow stations, resulting in intermittent violent engagement with the security forces. A joint military task force was established to respond to the situation in view of the obvious fact that the police could not manage it. From 1995 to 2006 the level of military presence in the Niger Delta, particularly in Delta, Rivers and Bayelsa states, was overwhelming. It was practically a civil war between well-armed groups of militias and the Nigerian military.

The Niger Delta is the economic nerve centre of the country's monocultural economy that is largely dependent on oil and gas. The region accounts for almost all of the Nigerian oil production, which represents 80% of government's revenue, 95% of export receipt and 90% of foreign exchange earnings (Imobighe 2004). As a result of this strategic importance of the region, insecurity in this area is considered a major threat to the political economy of the country or even the fiscal survival of the state. This led to increased militarisation of the region.

The years of military action in this region have proved to be counterproductive. Since 1993 when the situation in the region turned violent, we have rather seen a continued escalation, until 2009 when amnesty was declared for the militants. Military onslaught have often been met with more militant action and criminality. While not unmindful of the other argument that had the military action not been taken, especially since the Kaiama Declaration in 1998, the situation would have degenerated beyond the current level. However, it should be noted that had the government considered more democratic, people centred and accountable mode of engagement, possibly the violence would have long been contained. In the years of intervention in the region, various governments had been concern about their survival, uninterrupted oil production, and profit for the multinational oil corporations. The citizens have really not been part of the consideration. Therefore, military action is often destructive of people's lives and property, and frequently accompanied by mass displacement and massive human rights violation. Citizens have collectively become enemies of the state. Most often the use of force only confronts the symptom rather than the root causes of the crisis (Bassey 2012).

The Odi invasion was an immediate result of the killing of 12 police officers allegedly by a group of militants in Odi. Following the killing the of the police men, the President wrote the Bayelsa state Governor urging the arrest of the perpetrators with 14 days. Even before the expiration of the ultimatum, the military was ordered into the town to arrest the perpetrators. The operation led by one Colonel Agbabiaka of the Nigerian Army began on the 20<sup>th</sup> of November 1999 and lasted two weeks. It has been reported that at the end of the operation, the soldiers left only three buildings standing, apart from a Bank, a Church and a health clinic. Up to one thousand people were allegedly killed, over 90% of the population displaced and many women raped (Effiong 2002). One of the community leaders who witnessed the invasion reported thus:

There were reconnaissance flights; the navy boats moved in River Niger and the artilleries were shelling from Patani and Imbrama. Saladines (sic) were moved in and a naval boat moved in from Warri as if they were fighting a war. Incidentally they did not catch any of the boys. Police on information caught the boys in Port Harcourt. Some were caught in

Warri. It took the military 2 weeks to go from house to house looting. When they were tired of carrying things, they burnt the house. At Bori Camp in Yenegoa (Military Base) there was a market called “Odi market” because they were selling loot from Odi town” (Testimony of Chief K. O. Warikoro, retired Shell Petroleum Engineer of Ebereze Community in Odi in Effiong 2002).

President Goodluck Jonathan, who was the Duty Governor of Bayelsa state during the invasion, made a similar assertion during a Presidential media chat on the 18<sup>th</sup> of November 2012. He averred that the operation was a massive failure since none of the killers of the 12 police officers was found in the Odi. “It was old men and women and children that were killed. None of the militants was killed...Bombarding Odi was meant to solve a problem but it never solved any. The attack on Odi never solved the militancy problem” (Nation, 2012). This was the first of such military action under a new civil constitutional dispensation. It occurred barely six month into the new government. With the transition to constitutional rule, Nigerians expected a more effective democratic control of the armed forces. The invasion quite rightly attracted huge citizens’ outrage; there were demands for proper investigation of the military action and prosecution of the invaders. As part of a redress seeking measure the community instituted a 50 billion naira suit against the President, the Attorney General of the Federation, the Chief of Army Staff, the General Officer Commanding the 3<sup>rd</sup> Division of the Nigerian Army, the Minister of Defence and Colonel Agbabiaka who led the operation. The Federal High Court in Port Harcourt ordered the Federal government to pay N36.6 Billion as compensation to the community. In his Judgement Justice Lambi Akanbi noted that:

The destruction of Odi was comprehensive and complete; no aspect of the community was spared by what I saw in the pictures showed here. The respondent violated the fundamental human rights of the people of Odi by the massacre. The People are entitled to fundamental rights to life, dignity and fair play, the destruction of Odi was not a result of gun battle but a clear bombardment, the destruction was malicious” (The Vanguard 19/12/13)

## **7. Case Study 2: Benue Massacre in 2001**

The Tiv and Jukun people of Benue and Taraba states of the central Nigerian belt have been involved in fratricidal conflict since the late 1970s. Although the conflict dates back to the colonial period, the situation deteriorated in the late 1980s, almost proving intractable. The conflict bothers on contention over land, traditional institutions, citizenship and electoral politics (Zabadi and Bot 2005; Nwachukwu and Ojughana 2002; Bakoji 2005). Each time the situation escalates into violence, it rapidly spread across Benue, Nasarawa and Taraba states where the Tiv, Jukun and other ethnic groups in conflict are found, resulting in massive killings and displacement. Since the mid-1980s the military have been involved in containing the spate of violence in the area.

Following a round of violence in September 2001 between these warring communities, a company of 150 soldiers from the 24<sup>th</sup> Armoured Brigade stationed in Yola, Adamawa state were drafted to Takun in Taraba state. They were ostensibly deployed to clear the disruptive barricades set up by the ethnic militias from both side of the divide (Zabadi and Bot 2005). It was in the course of carrying out this responsibility that the soldiers were ambushed and

19 of them abducted and reportedly mobbed and killed by their adopters. It was in response to the killing of these soldiers that the army invaded Zaki-Biam and neighbouring communities killing hundreds of people. Although President Obasanjo authorised the action, the leadership of the communities were not informed nor consulted, neither was the government of Benue state or the affected local government authorities. The passionate appeal by the Governor of Benue state, George Akume could not stop the federal government and the Army. The Governor in his appeal noted that:

The Governor and People of Benue State deeply regret the tragic death of military personnel deployed on lawful duties within the borders of Benue state ... By our tradition and orientation we are lovers of the Army as an institution. Given the active participation of our sons and daughters in the military and their loyalty to their fatherland, our people cannot deliberately undertake dastardly acts against military personnel. Against this backdrop, the unfortunate incident, which took place in Benue, was a case of mistaken identity” (Effiong 2002; 154 – 155).

Despite these explanations from Benue officials, soldiers were ordered into Zaki-Biam where they indiscriminately opened fire on crowds of civilians and raided villages on Market days allegedly killing people on sight (Bakoji 2005). Soldiers over ran the villages of Gbeji, Vaase, Ayiine, Ugba, sankera, Kyado and many others. The avenging soldiers also sacked nearly all villages and settlements in Ukum, Katsina-Ala and Logo local government areas. In Gbeji village alone, over 200 people were allegedly killed (Nwachukwu and Ojugbana 2002). Many more were displaced, and many women allegedly raped. At the end of the military expedition, the whole country was outraged. Like in the Odi experience, the public condemned the attack on Zaki-Biam, calling it genocide. Civil society groups demanded for accountability, redress and action against such atrocious violation of human rights with impunity. These demands were dismissed by President Obasanjo and the military hierarchy. The President in one of his media outings responded thus:

I don't know what you mean by action against those who carried the destruction. Military men have their order, what they do and should not do, if soldiers are injected into operations and things go wrong, you blame them for nothing. That is their training (*Thisday* 2001)

The invasion of Odi and Zaki-Biam were ordered by President Obasanjo in a supposedly new democratic government, under the watch of the parliament. Although there were different parliamentary resolutions denouncing the Presidential order and the action of the military, no specific action was taken against the president or the perpetrators. Coming quite early in the life of the government, the parliament had limited capacity or understanding of the working of the military and therefore was incapable of subjecting the sector to democratic control. These lessons of these invasions and even the change in the political leadership of the country have not influenced any change in the reaction of the state to similar situations. In 2009, akin to what happened in Odi and Zaki-Biam, President Umaru Musa Yar'Adua authorised a massive military action against Boko Haram in Maiduguri.

### 8. Case Study 3: Boko Haram Violence in Borno and Yobe state

Boko Haram, literally in Hausa means “Western education is a sin or forbidden”, is an Islamist movement driven by *Salafist* doctrine. It has operated in northern Nigeria since 2002. After a violent suppression in 2009, it hibernated and resurfaced in 2010 with a high profile campaign of the bombing of churches, targeted assassinations of Muslims who oppose their doctrine and attacks on security agencies and state institutions including schools. In 2011 it started attacking religious institutions. *Salafist* view the first three generations of Muslims—the *Sahabah*, or companions of the Islamic prophet Muhammad, and the two succeeding generations after them, the *Tabi'un* and the *Tabi' al-Tabi'in*—as an eternal model for all succeeding Muslim generations, especially in their beliefs and methodology of understanding the texts, but also in their method of worship, mannerisms, morality, piety and conduct. They therefore reject innovations (*Biddi'a*) and insist on orthodoxy. The group therefore seeks the imposition of Shari'ah law in the northern states of Nigeria. The group calls itself *Jama'atu Ablis Sunna Lidda'awatimal-Jihad*, which in Arabic means “People Committed to the Propagation of the Prophet's Teachings and Jihad”.

The group was formed by Ustaz Mohammed Yusuf (it is also called the Yusufiyya movement – after Yusuf) in 2002 in Maiduguri. In 2004 a faction moved to Kanamma, Yobe State, where it set up a base which was later dispersed by the police. Before 2009, the group operated openly in different parts of the north. Yusuf criticized northern Muslims, especially political leaders – accusing them of corruption, bad leadership, and un-Islamic practices. The group consists largely of hundreds of impoverished northern Islamic students and clerics as well as university students and professionals, many of whom are unemployed. Their criticisms of the government endeared them to most of these young and unemployed but alienated them from the government and security agencies. It was reported that the state security service carried out an investigation on the group, leading to the arrest and detention of their leader who was at a point charged to court (Kashim, *et.al* 2011).

It seems that Boko Haram is part of emerging culture of Islamism in northern Nigeria since the late 1980s. According to Lubeck, (2009), one of the antinomies and contradictions of globalisation is the resurgence of nationalism and religiosity. In this context Islamism or political Islam has been growing in the last two decades and had a different manifestation in different parts of the world. Nigeria since the return of civil rule in 1999 has continued to experience the resurgence of Islamist tendencies in different parts of northern Nigeria. The Yusufiyya movement happens to be one of such groups. It was the violent repression of the group, especially in 2009 that contributed to transforming it from an obscure fringe group in 2002 to a violent insurgency after 2009.

On 11 June 2009, a joint military and police patrol team called Operation Flush opened fire on a section of the group who were part of a funeral procession and injured 17 (Amnesty International 2012). Following the shooting, Mohammed Yusuf reportedly vowed to take revenge. On 26 July 2009, members of Boko Haram attacked a police station in Bauchi, Bauchi state. This was followed by coordinated attacks on police and government targets in Borno, Bauchi, Yobe and Kano states. Clashes between members of Boko Haram and security forces continued for weeks, with open gun battles in the streets. The police and military were implicated in serious human rights violations including summary executions and other unlawful killings. By the end of the week more than 800 people had been killed by

the police and Boko Haram, including over 30 police officers, (Cook 2011; Amnesty International 2012; Abdu 2011). Mohammed Yusuf was arrested on 30 July 2009 in Maiduguri and was filmed and interviewed while in custody. Later that day the police announced that he had been killed while attempting to escape. Photographs of the body and reported video clips (Al-Jazeera 2010) suggested that he had been handcuffed at the time of his death.

In response to public outrage at the extra judicial killing of Yusuf, President Yar'Adua, on 3 August 2009 directed the National Security Adviser to investigate the death. The government later confirmed that Yusuf died in police custody and might have been extra-judicially executed (Aondoakaa 2009). Although the government later denied that the President has order an investigation (FGN 2012), five police officers, including two Assistant Commissioners of Police, were charged in July 2011 with the unlawful killing of Mohammed Yusuf. The government didn't commence the prosecution of these individuals until the situation degenerated. Four of the police officers were released on bail while one was remanded in prison. The case is still on-going in the usual lethargic handling of such cases.

After a year in hibernation, the group resurfaced in July 2010 and the violence quickly escalated across the north of Nigeria. Abubakar Shekau, previously deputy to Yusuf, is believed to be the current leader of the group. It adopted urban guerrilla tactics and attacked several police stations, organised prison breaks, detonate IEDs in different locations and assassinated several politicians, religious leaders and traditional rulers especially from Borno state. Since July 2009, Boko Haram, and individuals or groups claiming to be Boko Haram, have claimed responsibility for bombings and gun attacks across the northern and central Nigeria. While most of these attacks targeted members of the security forces, killing hundreds of policemen, soldiers and other security staff, others have targeted local government and state government officials, politicians, clerics and Islamic scholars, lawyers, journalists and traders, as well as unarmed civil defence and immigration officials. Some killings have been carried out in the street, by shooting or detonating explosives, with perpetrators escaping on motorbikes or tricycles (*Keke NAPEP*); others have been carried out in people's homes, outside mosques and at markets. Boko Haram has also claimed responsibility for gun and bomb attacks on churches, busy markets, shopping centres and bars. It has also claimed responsibility for bombing the UN building and the National Police Force Headquarters in Abuja. Although there are no generally acceptable figures, it is believed that close to 3,000 people might have been killed in attacks and assassinations (Amnesty International 2012; Abdu 2011; Cook 2012; USIP 2011).

In response to the escalating violence, On 12 June 2011 the President established a Joint Task Force (JTF) in Borno state, called Operation Restore Order, mandated, to "restore law and order" to the North Eastern part of the country with emphasis on Maiduguri in Borno state. Like other joint security task forces, it comprises personnel from the Nigerian Armed Forces, the Nigeria Police Force (NPF), the Department of State Security (DSS), the Nigerian Immigration Service (NIS) and the Defence Intelligence Agencies (DIA). The JTF commander is seconded from the military, which appears to dominate the JTF. Characteristically, the Rules of Engagement of the Joint Task Force are not publicly available. Many civil society groups and community organizations have demanded that these roles be made public if at all they exist.

In January 2012, President Goodluck Jonathan declared a state of emergency in 15 Local Government Areas (LGAs) across four states – they include Maiduguri Metropolitan, Gamboru Ngala, Banki, Bama, Biu and Jere LGAs in Borno state; Jos North, Jos South, Barikin –Ladi and Riyom in Plateau state; Damaturu, Geidam, Potiskum, Buniyadi – Gujba and Gashua – Bade in Yobe state; and Suleja in Niger state. Under the Constitution, a state of emergency permits the president to confer additional powers to duly authorized persons or make any other order necessary or expedient for the purpose of maintaining and securing peace, public order, public safety and good governance in the emergency area and to derogate from particular sections of Nigeria's constitution (Amnesty International 2012). The Emergency Powers Regulations, which set out the additional powers granted under the state of emergency, were published on 27 April 2012. Among the provisions were the detention of suspects; the taking of possession or control of any property in the emergency area; the entry and search of any premises; and the payment of compensation and remuneration to people affected by the order. According to the 1999 Constitution, a state of emergency has a six month time limit until it is renewed by the National Assembly. This time limit elapsed at the end of June 2012 and was not renewed by the National Assembly. But for all practical purposes, the security forces continued to act as if a state of emergency is subsisting in these violence flashpoints.

On the 16<sup>th</sup> of April 2013, soldiers invaded Baga, a fishing community on the Lake Chad, bordering Chad Republic and killed close to 200 people including women and children (Red Cross, 2013, Daily Trust 2013, Vanguard 2013). Reminiscent of the massacre in Odi and Benue, the military invasion was a reaction to the killing of a soldier allegedly by Boko Haram. The soldiers stormed the village using heavy artillery, set several houses ablaze, killed several civilians and displaced a number of people. This action was greeted with a huge national and international outrage. Although President Jonathan ordered an investigation into the incidence, the outright denial of the military hierarchy and even the Presidency of the magnitude of the incidence is a clear indication that nothing serious will come of the investigation. The involvement of multinational forces from Niger, Chad and Cameroon added a new dimension to the situation (Vanguard, 2013). It raises serious problem of accountability since there are no clear explanation on how international forces got involved in the region and who they are accountable to.

Barely few weeks after the massacre in Baga, on the 7<sup>th</sup> of May, Boko Haram stormed Bama, a border town in Borno state and carried out a jail break releasing over 100 inmates, and killed about 50 security officers including - 22 police officers, 14 Prison Wardens, 2 soldiers, 3 children and a woman. They burnt down the Divisional Police Station, Local Government Secretariat, a magistrate court and several other government buildings. About 10 of the insurgents were killed.

In reaction to the escalating violence in different parts of the country, on the 14<sup>th</sup> of April the President declared a total state of emergency in Adamawa, Borno and Yobe state, all in the north east of the country. With the emergency rule in these states, more troops were deployed with the permission granted to use more military arsenals including fighter jets. The military were also given more authority to arrest and detain suspects; take possession and control any building or structures used for terrorist purpose, lock-down any area of insurgency operations and conduct searches and apprehend persons in illegal possession of

weapons. Within the first two weeks of the state of emergency, there were reported cases of military bombardment using fighter jets in different locations including border towns and games reserves, allegedly targeting Boko Haram training camps and bases. Several locations have also been locked-down, telephone and internet service were closed in Borno and Yobe state.

The state's attitude to the crisis has been to violently root out the insurgents. Little or no attempt was made to engage the communities, not even the state governments. In almost all the affected states, civil society organizations, community leaders, and even state governments have been at loggerhead with the Joint task force over its conduct. The security structure was deeply centralised – the JTF was only reporting to the National Security Adviser at the Presidency. Even though the state governments are reported to have been spending enormously to keep the security personnel on the streets, these personnel seem not accountable to anybody in the state.

The tactics employed by government security agencies against Boko Haram have therefore been consistently brutal and counterproductive. The use of extrajudicial execution as a tactic in rooting out the group has not only created Boko Haram as it is known today, but also sustains it and gives it fuel to expand. Indiscriminate killing of innocent civilians in security sweeps have also alienated the local populations from the security services. Other atrocities by the security forces include summary executions, forced disappearances, forced evictions, demolition and burning of building where Boko Haram members are found, mass arrest and detention without trace and access to legal representation. Others include arresting wives and children of alleged Boko Haram members, just because of their familial relationship.

Roadblocks set up to prevent militants from moving arms around are quickly turned into opportunities for police to extort bribes. Once in the queue of traffic—which in most times last hours in some places—drivers dare not turn around for risk of being fired upon. There are frequently shootings and harassment by police at major roadblocks. These incidents are very disrupting to normal everyday life.

The White Paper on the Report of the Presidential Committee on the Security Challenges in the North-East Zone of Nigeria, confirmed some of these “allegations of high-handedness against the JTF, bordering on rape, destruction of property belonging to sect members, extrajudicial killings and harassment and intimidation of Maiduguri residents” (FGN, 2011). One of the Committee's recommendations was that the “Rules of Engagement should be reviewed to reflect the low intensity nature of the military operations, not only in Maiduguri but in all similar operations.” The government “noted” the recommendation and said that there are “steps being taken by the Defence Headquarters to investigate the allegations and deal with it appropriately” (FGN 2012).

## **9. Synthesis of the Case Studies**

While the three conflicts covered in this study may have occurred at different times, in different places, and under different governments in the last thirteen years, the context, response and character of security decision making remains largely the same. These may not be fundamentally different from earlier responses to insecurity in the country. Although much is expected under a civil democratic government, compared to the erstwhile military

dictatorships, there has not been any fundamental change because the character of the security sector governance is rooted in the history and character of the Nigerian state. There has not been a major departure from the institutional foundation of these security institutions and the state conception of national security. For instance, the police and the military Act are still colonial laws that have remained practically the same since the inception of the country (Ibeanu and Momoh 2008). These case studies therefore provide a common trend and character in state response to insecurity. These are reflected in five major areas: (1) general crisis of governance; (2) over centralisation of decision making; (3) increased militarism; (4) failure of accountability; (5) personalisation of security.

*General crisis of governance:* security sector governance cannot be isolated from the larger governance system and structures. The crisis in the security sector is therefore largely a reflection of the wider crisis of governance in the country. Conflicts in the country are deeply rooted in the crisis of Nigerian political economy - from deepening economic crisis to increasing fragmentation along ethnic, religious and communal lines. The over thirty years of military rule has created an authoritarian political system and culture, which strive on impunity. The three conflict situations reviewed in this study have their roots in these socio-economic and political conditions of the country. The Odi violence and subsequent invasion was largely a function of the larger violence in the Niger Delta, caused by a long history of poverty, exclusion, *environmental* degradation and struggle for self-determination with a good dose of ethnic identity politics. In Benue, the years of conflict over land and other economic resources had led to violence between the major Tiv and Jukun ethnic groups. Almost all the major studies and reports on Boko Haram indicate that the conflict is rooted in widespread poverty, extreme levels of youth unemployment, growing illiteracy, and widening inequalities (Abdu 2011; FGN 2011; Amnesty International, 2012; USIP 2012, Cook 2012). While these socio-economic issues are at the root of the conflicts, the culture of authoritarianism and political repression has profoundly contributed to the character of the state's responses.

*Centralised and reactive security decisions:* Security decisions are largely seen as expert decisions, to be taken at the highest level of government, almost without citizens' involvement. The decisions are therefore largely personalised, presidential and elitist (Ibeanu and Momoh 2008). Since the return to constitutional rule, the presidency has remained the only centre for strategic security decision. Even state Governors that are security officers of their respective states are rarely consulted on security matters concerning their states. Most of these decisions have been very reactive and designed to protect the most powerful segment of the society. The decision to send in soldiers to Odi, Benue and the north east were simply presidential decisions, often without consulting the state governments involved. The decision were all in response to militia attacks on security agencies – the killing of 19 soldiers in Benue, death of 12 police officers in Odi, the death of one soldier in Bama, and attacks on security institutions and high profile assassination in Borno. In each case, the crisis of governance generated attacks on the security forces. The violence is then seen as an affront or threat to the political survival of the regime.

*Increased Militarism:* These three cases have also shown that militarism is not simply about the military, it is more of a culture of the quick resort to force that might have its origin in the long years of military rule, but have since been adopted by the Nigerian ruling class. The culture of force as ultimate solution to insecurity has gained a strong ground since the restoration of civilian rule in 1999. Developments since 2007 provide a strong indication that

militarism has become a major plank in the political culture of 'democratic' governance. The President is always quick to deploy the military to respond to every civil conflict. The military have therefore become a major actor in conflict management in the country. The belief is that such action can be swift and all the conflicting groups can be silenced or wept off within a short time.

In all the three cases studied, nowhere has this logic of militarism been successful in dealing with the situation (Oronto *et al* 2004; Coulson 2006). In 2009, the military thought they had wiped off the Boko Haram, only for the group to reappear one year later with a more vicious violent campaign. When the state of emergency was proclaimed in 2011, the government thought the assignment could be concluded in six month, it is almost two years now and the situation is looking as intractable as ever.

*Failure of accountability:* This is to some extent associated with the crisis of governance. Because the government is inherently unaccountable, its institutions, particularly the security apparatus have no regard for the citizens. The military invasion of Odi, the massacre in Benue and the on-going killings in Borno and other states in the north east of the country are clear evidence of state's misuses of its security apparatus, the politics of impunity and complete lack of accountability. Because nobody has been held to account for the atrocities committed during these campaigns, each succeeding intervention comes with even more viciousness. The military and police officers operate almost without regard for the laws or even with the most basic respect for citizens' rights. Instead of protecting the citizens, they brutalised and abused them. Task forces are set up without public knowledge of the rules of engagement. In the three cases there were massive complaints of human rights violations, but the government never took it seriously. Even when communities went to court and secured favourable judgement, like the cases of Benue and Odi, the government is yet to execute the judgement. In Borno the policemen accused of killing Mohammed Yusuf are currently facing trial but there is a general belief based on precedence that nothing will eventually happen to them.

*Security agents as major cause of insecurity:* our three cases also indicate how the security apparatus contributes in escalating insecurity. Their actions in the three cases contributed in escalating the situation. Militarist solution to insecurity tends to place unnecessary emphasis on the immediate issue or manifestation of conflict and ends up escalating the situation. This state centric approach does not treat citizens as important players in security management. That is why against the public outcry the government could insist on drafting the military to respond to civil conflict and keep them there well beyond their welcome.

*Privatisation of security agencies:* with the increasing privatisation of the state, the security apparatus have become willing tools in the hands of the most powerful in the country. They are frequently used for personal, parochial and sectional interests. The security apparatus are easily used to settle political scores. The manner in which security agencies were deployed in the three cases attracted accusation of personal or parochial interest. The invasion of Benue was allegedly associated with General Danjuma, whose ethnic group (Jukun) was one of the conflicting groups. There was also accusation of personal vendetta against General Victor Malu, a former Chief of Army Staff who openly disagreed with President Obasanjo on several issues around security sector reforms. His village was invaded, his uncle killed and his houses burnt (Effiong 2002).

Security agencies are more interested in protecting the regimes and the individual leaders in power than in protecting the people. Security deployments are frequently based on the whims and caprices of the individuals that control them than on strategic interests and needs.

Because the security system has been so deeply personalised – there are competing interests between the different security agencies, all struggling to please their immediate masters without any consideration for strategic collaboration across the services. This has resulted into loss of synergy, failure to share intelligence and poor coordination. The Boko-Haram violence has tellingly exposed this predicament. There have been cases of open accusation and counter accusation between the security agencies.

## **10. Conclusion and Recommendations**

Although Nigeria has a historical crisis of insecurity, the last few years of the return to democracy have been even more challenging. With the escalation of violence in almost every part of the country, the security agencies, especially the police and the army have been deeply engaged in the restoration of public order. The state has historically institutionalised a law and order approach to responding to insecurity – attempts have therefore been made to forcefully remove security threats by drafting in the police, and where this fails, the military is invited.

The experiences of Odi, Benue and Boko Haram insurgency indicates that government doesn't necessarily wait for the failure of police action before the military is deployed. Increasingly therefore, the security sector have become largely parts of the conflicts in the country and contribute to its escalation.

These case studies indicate five major trends in the nature of conflict and security sector governance in Nigeria. First is that the character of conflict is the reflection of the crisis of governance and accountability in the country. Security decision making have been over centralised in the presidency, this has continue to undermine effective reform of the sector and democratic control of the security agents. Militarism has continued to expand, despite constitutional governance since 1999. The state's attitude to conflict is to suppress it with all violent means possible. Increasingly security is not only being privatised it is also personalised. Security agents frequently work to serve the interests of the powerful than the public interest. The failure of accountability in the course of discharging their duties have created a state of siege in most conflict zones, resulting in wanton violation of human rights and the institutionalisation of a culture of impunity.

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## Chapter Seven

### Security Sector Governance and Conflict in Sierra Leone (1991-2007)

By

*Dr. Osman Gbla*

#### 1. Introduction

Sierra Leone merits consideration in studying the dynamics of conflicts and the issue of security governance particularly during the period 1991-2007. The period in question witnessed the outbreak of a fratricidal war in which poor security governance was a contributory factor to war escalation as well as to atrocities committed against defenseless civilians. Notwithstanding this, the country's post-war reconstruction programme especially its security sector reform intervention saw the involvement of an unprecedented high number of external factors led by the British. The period therefore saw the country grappling with efforts to consolidate hard won peace and democracy. Various works and studies have over the years offered disparate perspectives on the Sierra Leone conflict as well as on security sector reform generally and security sector governance in particular. A variety of causes have been identified for the outbreak of the Sierra Leone conflict including bad governance, mismanagement and corruption, youth neglect, and regional and global factors. The Truth and Reconciliation Commission Report of Sierra Leone of 2004 clearly pinpoints bad governance, endemic corruption and the denial of basic human rights as the main triggers of the Sierra Leone conflict.<sup>94</sup> The report was forthright in pointing out that the war in Sierra Leone was largely the result of failures in governance and government institutions. It even further went on to reiterate that successive regimes in the country diminished the state's capacity to fulfill its major functions including the provision of security, promoting the livelihood of its citizens, and ensuring democratic participation in decision –making processes by the citizens.<sup>95</sup>

The aforementioned perception of poor governance as a major trigger of the Sierra Leone conflict has also been corroborated by evidence offered by a number of scholarly works. David Keen (2005) eloquently argues that widespread grievances built up by the peacetime political economy of the state laid a solid foundation for the Sierra Leone war. The work stressed the point that the erosion of the state and its already fragile systems of economic and physical protection largely precipitated the war. He opines that the interplay of bad governance and deteriorating economic conditions prepared the ground for the war in Sierra Leone as he notes that even under colonial rule; a pattern of economic extraction of largely unprocessed raw materials had combined with widespread corruption among Sierra Leonean politicians and traditional chiefs. It is therefore imperative to acknowledge that arguments bordering on the issue of bad governance contend that Sierra Leone's political landscape especially between 1967-1992 and 1997-1998 alternated between a long period of

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<sup>94</sup> Truth and Reconciliation Commission Report of Sierra Leone 2004 p. 39

<sup>95</sup> Ibid

authoritarian civilian and military regimes. During those years, there were not only attempts to centralize power, sidestep democratic principles but to also politicize the security forces.<sup>96</sup>

Other commentators and writers including this author have also attributed the Sierra Leone war to the inability of government and the family structures to improve the welfare of the youth who remained predominantly illiterate, unemployed and directionless.<sup>97</sup> The conflict, like many others in Africa, was propelled by a number of interrelated internal, regional and international dynamics. Celestine Bassey eloquently articulates this inter-play of various dynamics in fuelling conflicts in West Africa. He asserts that although the roots of these conflicts are invariably local, the dynamics which fuel and sustain them are regional and global.<sup>98</sup>

This study will try to bring to the fore the argument that security governance was a crucial factor not only in triggering the Sierra Leone conflict but also in its resolution, an issue that has already been explored by other works but not in detail. Ebo Adedeji (2006) discusses security sector governance as a major gap in Sierra Leone's security sector reform programme. He argues that deficits in the operational efficiency and democratic governance of the security sector is an incubating factor of conflict and that it also sustains those conditions that were the root causes of the conflict, undermining and obstructing security and development.<sup>99</sup> Ebo also contends that the security sector in Sierra Leone before the war was largely ethnically-based, patrimonial in character, executive-dominated in governance, and like all other components of the public sector, in a comatose state. Recruitments and promotions within security institutions and the governance of the entire security sector was more a function of party political, ethnic and inter-personal affiliations than objective professional performance yardsticks. Inadequate and irregular remuneration fuelled corruption and gross abuses of office. The governance of the security sector was primarily conditioned by a focus on state and regime security, which demonstrably militated against operational coherence and accountability.<sup>100</sup> It is therefore not surprising to know that Sierra Leone's Security Sector Review (SSR) programme (2006 – 2010) emphasizes the need to promote transparency and accountability of the security sector to civilian authority, respect for human rights, and enhancing the capacity of security oversight institutions.<sup>101</sup>

Analysis provided by the Security Sector Review of Sierra Leone of 2005 informed the need to discourage the participation of the security forces and agencies in politics. Section 155(3) of the 1991 Constitution, (Act No.6 of 1991) Prohibits members of the forces from participation in partisan politics. Accordingly, the SSR Working Group established that certain sections of the 1991 Constitution appears to be ambiguous and acts as the

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<sup>96</sup> Gbla, Osman , 2006 Security Sector Reform Under International Tutelage in Sierra Leone , International Peacekeeping , Volume 13 Number 1 , March 2006 p. 79

<sup>97</sup> Abdullah, Ibrahim, 1997, Bush path to Destruction : The Origin and Character of the RUF in Abdullah, Ibrahim and Bangura, Yusuf ed, Special Issue , Lumpen Culture and Political Violence: The Sierra Leone Civil War , Africa Development, Vol.XXII .Nos 3 and 4 , 1997 p. 3)

<sup>98</sup> Celestine , O. Bassey, 2003, The Nature and Character of Civil Wars in West Africa in the 1990s, in Amadu Sesay, ed, 2003, Civil Wars, Child Soldiers and Post-Conflict Peacebuilding in West Africa, p.37

<sup>99</sup> Adedeji, Ebo, 2006 , The Challenges and Lessons of SSR in Post-Conflict Sierra Leone , Conflict, Security and Development p.483

<sup>100</sup> Ibid

<sup>101</sup> Sierra Leone Security Reform Programme ( 2006-2010) p.15

smokescreen under which the armed forces took power from civilian governments in the past. Some of these, including provisions requiring the armed forces to safeguard the people's achievements and protect the constitution (Section 165(2)) may be used as an excuse by unscrupulous military adventurers. The Working Group recommended the review of this particular clause of the constitution. This work will endeavor to examine efforts made to ensure the political neutrality of the security forces in Sierra Leone.

The work will also examine Sierra Leone's security sector reform programme within the context of post-conflict reconstruction in a state emerging from an authoritarian political system. In such a situation, the security sector is often characterized by politicization, ethnicisation and corruption of the security services, excessive military spending, lack of professionalism, poor oversight and inefficient allocation of resources. Accordingly, there is not only a need to restructure and capacitate the uniformed security forces but to also enhance the capacity of oversight institutions as well as to mend broken relationships especially between the civilians and the security forces. This analysis mirrors Haangi's assertion that post-conflict contexts are usually characterized by weak state institutions, a fragile inter-ethnic or political situation and precarious economic conditions.<sup>102</sup> Sierra Leone's post-conflict contexts clearly reflect most of these prescriptions particularly as eleven years of war were accompanied by complete political, economic, social and territorial fragmentation.

On the objectives of SSR in post-conflict contexts, the most argued ones include cost reduction through down-sizing, and contribution to conflict prevention and resolution. No wonder, demobilization, small arms control and reintegration programmes are some of the activities that most donors favour as immediate post-war interventions that are relevant to security-related issues. This perspective presents SSR in the limited prism of capacitating the uniformed security forces and critics have viewed this SSR priority intervention as undermining the longer term need for rebuilding strong oversight mechanisms for civilian democratic control of the security forces.<sup>103</sup> Critics also point to the aspect of international actors ignoring the need for efforts aimed at addressing the underlying causes of insecurity in developing countries. Furthermore, the critics believed that security sector reform is married to an optimistic conception of the possibility for external manipulation of political and social forces in countries like Sierra Leone and that in most of its formulations, it leaves out the requirements for major changes in the industrialized countries, such as an overhaul of their arms export policies.

For the proponents of increased role of external actors in security sector reform in post-conflict countries, there is the general belief that as these countries are emerging from the throes of wars with weak economic and financial bases, there is the need for the resources, drive and capacities of external actors. They further argued that a reformed security sector spearheaded by sustained external intervention would address many concerns of potential investors and thus help to rebuild the economy (Neil Cooper and Michael Pugh, 2002). This work will present an alternative view regarding externally-driven SSR in post-conflict

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<sup>102</sup>Haangi, Heiner, 2004, Conceptualizing Security Sector Reform and Reconstruction in Alan Bryden and Heiner Haangi (ed), Reform and Reconstruction of the Security(Geneva: DCAF p.13

<sup>103</sup> Osman Gbla, 2006, Security Sector Reform under International Tutelage in Sierra Leone, International Peacekeeping, Volume 13 Number 1, March 2006 p. 91.

countries like Sierra Leone. It will argue that externally-driven SSR would undermine sustainability and national ownership.<sup>104</sup>

## 2. Background

Sierra Leone is a small West African country with a total landmass of 73,325 sq. km. and an estimated population of about 5.6 million people.<sup>105</sup> It is blessed with rich mineral resources including diamonds, gold, rutile, and bauxite. The country also has had a good head start in many crucial areas like governance and education in West Africa. Its capital, Freetown founded in 1787 as a haven for freed slaves, was one time headquarters for British West Africa. Additionally, Sierra Leone boasts of having the oldest university in West Africa – Fourah Bay College, opened in 1827. This earned the country the prestigious title of Athens of West Africa.

At independence in 1961, Sierra Leone like most other former British colonies, inherited a colonial political system that accorded very little importance to establishing state institutions including the security forces that will properly function within multiparty democratic framework. The colonial authorities established security forces that were essentially tasked to protect British interests. They were designed mainly to maintain law and order in order to prevent rebellion against British rule. Although the colonial security forces particularly the army scored impressive results in both the first and second world wars, and in peacekeeping operations in the Congo, they were inherently incapable of meeting post-independence security challenges of a democratic, pluralistic and multi-ethnic Sierra Leone. The forces were also used as instruments of tyranny and oppression against the people especially in violently putting down revolts like the 1890 Protectorate Uprising and the Hut tax war of 1898.<sup>106</sup> The security forces especially the police and the military continued to function even after independence under this colonial mentality. Post-independence leaders were made to believe that the security forces should always be used to advance and protect their narrow regime interests. This partly explains why these leaders have always been preoccupied to ensure regime rather than individual security.

Successive post-independence regimes in Sierra Leone particularly under single party and military rule (1978 -1992), (1992-1996) and (1997 -1998) saw determined efforts to politicize the security forces. Recruitment, appointment and promotion in both the police and the armed forces were based on political and ethnic considerations rather than on qualification and merit. Under these regimes, exercise of state authority through democratic principles was usurped and the professionalism of security forces was also undermined. Security forces were clearly identified with poor conditions of service, ill-equipped and untrained personnel, breakdown in chain of command, and poorly coordinated intelligence. During one party rule, for instance, there was an attempt to have the forces under firm political control as well as to weaken their strength. The regime introduced a lax recruitment policy that gave tremendous powers to politicians to enlist loyal and faithful people into both the police and

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<sup>104</sup> Osman Gbla , 2006, *ibid*

<sup>105</sup> African Peer Review Country Report of Sierra Leone, December 2011, p.VIII

<sup>106</sup> Osman Gbla , 2002, Security Sector Reform in Sierra Leone, Paper presented at the African Security Dialogue and Research (ASDR) Workshop on Security Sector Reform and Democratization in Africa, 24-28 February 2002, Accra, Ghana, p.2.

the military through the card system. This recruitment system attracted a good number of semi-literate people with obscure backgrounds into the security forces thus undermining professionalism. The heads of both the police and the armed forces were made members of parliament. Accordingly, security forces became very important, if not negative, players in the country's politics thus introducing a new era in civil-military relations. Due to the emphasis on regime rather than state and citizens' protection, the country's security forces especially the armed forces and police were showered with lots of benefits including a monthly rice quota. Additionally, the financial transactions and budget of the military were not subjected to effective public accounting system, thus leading to massive corruption with serious impact on professionalism. Corruption and indiscipline in the forces were even enhanced by the lack of effective civilian oversight institutions. There were also archaic security legislations including the police act of 1964 and the armed forces act of 1965, which have still not been reviewed and replaced. The forces were also poorly paid and equipped.<sup>107</sup> Over the years, there have also been significant lapses in security through poor intelligence handling resulting in failure to get a sufficiently clear picture of an impending threat such that prompt action could have averted the problem or severely reduced its impact. Finally, in the past, the operations of the security forces were shrouded in secrecy and not subjected to necessary scrutiny and oversight by civilian authority. They were unaccountable and lacked transparency in their transactions which encouraged corruption and waste.

The horrendous civil war that devastated the country from 1991 - 2002 brought to the fore the impact of poor security governance on conflict resolution efforts. The armed forces in particular were discredited by civilians who saw them as agents of insecurity as at some points in the conflict, some of these forces especially the armed forces connived with the rebels to wreck havoc on innocent civilians. This development compelled civilians to refer to the armed forces of the country as *sobels*.<sup>108</sup> During the reins of the military regimes of both the National Provisional Ruling Council (NPRC) (1992-1996) and the Armed Forces Revolutionary Council (AFRC 1997-1998), members of the armed forces catapulted themselves to ranks that were completely incompatible with their professional experience and ages. Additionally, finances of the forces were not subjected to strict auditing procedures thus leading to corruption and mismanagement. Some of these developments precipitated complete disregard for discipline, professionalism and respect for democratic principles in the operations of the security forces in the country. Owing to the lack of trust in the armed forces, civilians established civil defence forces (CDFs) with a view to protecting their communities from the rebels. The most prominent among many of these forces were the Kamajohs in the southeast and the Gbetis in the north. The upsurge of these forces triggered lots of debates regarding their role in the resolution of the conflict. There are those who strongly believe that they were very instrumental in prosecuting the war, whilst others believe their operations were not sanctioned by the constitution and that they also contributed to gross human rights violations.

### **3. Security Sector Reforms**

The Sierra Leone Security Sector Reform Programme undertaken within the country's post-war reconstruction programme with significant external assistance made some remarkable

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<sup>107</sup> Gbla, Osman , Security Sector Reform Under International Tutelage In Sierra Leone , ibid

<sup>108</sup> Soldier by day and rebel by night.

strides in capacitating the traditional security forces. However, very little focused efforts were made to strengthen security sector oversight institutions like parliament and civil society. This reform intervention gap needs to be immediately addressed as in the absence of entrenched democratic institutions to control the security forces, very little would be achieved in consolidating hard won peace and democracy in the country. The search for a security sector governance programme that would enable the security forces of the state to meaningfully contribute to democratic and peace consolidation efforts in Sierra Leone remains a challenge that should be addressed.

The Sierra Leone Security Sector Review (2005) identified 9 major members of the security sector in Sierra Leone including:

- (a) The Republic of Sierra Leone Armed Forces ( RSLAF)
- (b) The Sierra Leone Police ( SLP)
- (c) The Correction Services/ Prisons
- (d) The Office of National Security (ONS)
- (e) The Immigration Department
- (f) The National Fire Force
- (g) Ministry of Defence
- (h) Central Intelligence Security Unit ( CISU)
- (i) Ministry of Internal Affairs

Other major actors that the study highlighted are various civil society groups including Campaign for Good Governance (CGG), National Elections Watch (NEW), Centre for Development and Security Analysis (CEDSA) , Coalition of Civil Society Groups, All Political Parties Youth Association and the All Political Parties Women's Association ( APWA). Other actors include the National Security Council (NSC), the Parliamentary sub-committee on Security and Defence, Judicial bodies including the Judiciary, Human Rights Commission ,Office of the Ombudsman and the Justice Sector Coordination Office ( JSCO) , elections management bodies including the National Electoral Commission ( NEC) and the Political Parties Registration Commission ( PPRC),and Private security companies and the Civil Defence Forces ( CDFs).

#### **4. Methods**

The overall objective of this paper is to examine the impact of security governance on conflict in Sierra Leone in the period between 1991 and 2007 with a view to offering a better understanding of the nexus between poor security governance and conflict. The major objective of our study is actually to explore the democratic content in the management of the security sector. While the Sierra Leone context cannot ignore the SSR process, this must be tied back to the core question of democratic governance. Data and information for the report were collected mainly from secondary and primary sources. Important national documents such as the Poverty Reduction Strategy Paper (PRSP) (2005-2007), the Sierra Leone Security Sector Review (2005) , the Truth and Reconciliation Commission Report of 2004, The African Peer Review Mechanism Country Report for Sierra Leone 2011, and the Sierra Leone Security Sector Reform Programme (SILSEP) were critically reviewed

Primary sources including individual in-depth interviews and key informant interviews were extensively used. The study design was carefully planned to get a representative sample of people from the security sector, government ministries, departments and agencies, civil society groups and opinion leaders. The combined role of the Sierra Leone Police (SLP) and Republic of Sierra Leone armed Forces (RSLAF) in policing the 2007 Presidential and Parliamentary Elections was selected as the case study for the research. This selection was informed by a number of considerations including the fact that the 2007 elections presented a test case for the consolidation of security and democracy in the country after years of a fratricidal war. Secondly, the security forces after undergoing a security sector reform process were ostensibly, in 2007, in a position to be tested with regard to their professional comportment in ensuring peace and security. Thirdly, the elections, which were nation-wide also offered an opportunity to assess the role of the security not only in the capital, Freetown, but also in the provinces and the districts.

The selection criteria for respondents in both the key informant and in-depth interviews were well defined to get a representative sample of respondents. They reflect an appropriate balance in terms of gender, age, occupation, sex, religion and ethnic group. The selection criteria for in-depth individual interviews were also defined to incorporate categories of people that relate to the war and security governance. Fifteen personal interviews were conducted in which respondents were drawn from various sectors of society as well as from the various parts of the country.

Questionnaires (structured and unstructured) were developed for the personal interviews and key informant interviews. Participant's observation was also used by the field assistants for the purpose of triangulation to check responses by one data collection method and the other. The development of the questionnaires was carefully done to reflect the guidelines prepared by the project team and the realities of Sierra Leone.

## **5. Case Study - The Policing of the 2007 Elections**

The 2007 Presidential and Parliamentary elections in Sierra Leone were considered important not only for its peace consolidation potentials but also for the nurturing and sustaining of a fledgling democracy.<sup>109</sup> The elections, the third (first in 1996 and second in 2002) since civil war broke out in 1991, were the second since the end of the civil war; the previous two having been won by the country's oldest party, the SLPP. It was therefore not surprising to know that there was an unprecedented voter registration of 91%, or 2.6 million registered voters. The cost of the elections was put at 28 million US dollars broken down as follows: USD18 million provided by the international community and USD 10 million by the Sierra Leone Government.<sup>110</sup> Seven candidates competed in the first round of the Presidential elections held on August 11, 2007. No candidate received the required 55% of the vote to win in the first round and a second round of elections was held between the two

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<sup>109</sup> An estimated 8,980 election monitors from 53 domestic civil society organizations and 144 international election observers from 26 organizations including ECOWAS, the African union, the European Union, the Commonwealth, the National Election Watch (NEW) and the National Democratic Institute (NDI) covered the 2007 elections in Sierra Leone.

<sup>110</sup> A.B. Zack-Williams 2008, *The Quest for Sustainable Development and Peace: The 2007 Sierra Leone Elections* (Nordic African Institute) p.71

top candidates: Ernest Bai Koroma of the APC and Solomon Berewa of the SLPP on September 8, 2007. Ernest Bai Koroma won with 54.6% of the votes. 566 candidates stood in the parliamentary elections in which 112 seats out of a total of 124 were at stake. Voting for the parliamentary seats was done on a first –past-the post- constituency electoral system.

A very important development worthy of analysis in discussing the 2007 elections is the crucial role of the youth. It is evidently clear that the country's population is dominated by young people that constituted 33.3% of the total. These youth have the energy and drives to contribute to the development of the country but they also have the ability to undermining stability and development. It was the youths that were used by the various warring factions as combatants in the decade –old conflict. More worrisome is the increasing realization that an estimated 60% of the youth of the country are unemployed and sometime unemployable. The 2002 poverty profile of the country showed that youth aged between 15 and 24 are amongst the poorest of the poor.<sup>111</sup> The presence of such high numbers of unemployed youth during the elections actually posed a serious security threat. There are even precedents of youth perpetrated violence during previous elections in the country, an act instigated mainly by leaders of rival political parties. The two main parties in the country, the APC and SLPP, had youth wings, most of whose members are not well sensitized on the importance of a culture of peace and tolerant political competition. Both parties used the youth, especially ex-combatant youths, as security guards. Mat Utas corroborated this point in noting that youths were at the centre of politics in the 2007 elections. They played an important role not only in generating problems but also in seeking solutions. Leaders of both parties according to Utas began the political mobilization of ex-combatants and ex-prisoners in the summer of 2007.<sup>112</sup> Although presidential candidates publicly guaranteed not to employ ex-combatants to provide security, they nevertheless continued the political mobilization of former combatants, causing a renewal of violence all over the country. Instead of seeing the elections as an opportunity to exercise their franchise, ex-combatants and youths saw them as an appropriate moment to improve their social positions and future prospects.

In spite of the aforementioned undesirable youth situation, the youth also played an important role in the elections as candidates, election agents and as party cadres. They voted in large numbers as well as mobilizing other voters, helping the aged to vote, and also in maintaining strong internal vigilance at the polling stations across the country to guard against electoral malpractices. They did not only vote but also worked hard to ensure that their votes mattered in the choice of the elected representatives of the people. This is a very important development in the country as most of the youth participated in, and trusted the use of, peaceful means to express their political choice and also facilitated political change.

It is also instructive to shed light on the acrimonious relationship among the three leading political parties – the APC, SLPP and PMDC during both the run-up to the elections as well as during the run-off election. Zealous supports of these parties clashed violently on a number of occasions. In January 2007 for example, supporters of the SLPP clashed with those of the PMDC in Pujehun leading to the burning of houses. Some local newspapers

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<sup>111</sup> Peace, Security and Development Update , July 2007 P5

<sup>112</sup> Mat Utas, 2007, Mercenaries of Democracy: The Politics of Remobilized Ex-combatants in the 2007 General Elections in Sierra Leone.

including *For di People* on Tuesday 1<sup>st</sup> May 2007 carried alarming headlines such as: ‘As party Thugs stone Freetown City Council, SLPP Vows to Kill APC Organizing Secretary’. Additionally, political parties were campaigning on ethnic and regional grounds as part of their strategies of appealing for votes and winning support. During the run-off elections in September 2007, violence again erupted in Kono forcing the police to declare dusk- to-dawn curfew in the town. APC Presidential candidate Ernest Bai Koroma was alleged to be the target of an assassination attempt in the early hours of July 23 2007 when according to the APC, a group of armed men led by Tom Nyuma , a key player in the 1992 coup attempted to enter his hotel room in the southern city of Bo to kill him. And in a letter to the Inspector General of Police in early August 2007, Solomon Berewa, the SLPP Presidential candidate alleged that the APC and the PMDC were planning to disrupt the elections and intimidate SLPP supporters. He claimed that they planned to send their own supporters dressed in Operational Support Division police uniforms to polling stations. The APC Secretary General Victor Foh also accused the SLPP of planning electoral fraud.

### *Security’s Role in the Elections*

Reviewing the 2007 elections, the Sierra Leonean academic, Zack-Williams observed that:

Voting went on well on polling day without any major incident. This was due largely to the professionalism and efficiency of the country’s British-trained forces, something that defied the prediction of the pessimists, who foresaw widespread violence.<sup>113</sup>

One major feature of the 2007 elections was the important role played by the security sector in policing the elections and the post-elections environment. This is particularly interesting considering the fact that the elections became one major yardstick to measure security capacity especially after a security sector reform programme widely considered to be successful. For a majority of the pessimists, it would be very difficult for members of the security sector emerging from the throes of war and authoritarian political culture to successfully police free, fair and peaceful elections particularly when their professionalism, capacity and political neutrality are most times questionable. In their quest to provide a conducive and secured electoral environment for the 2007 elections, the Sierra Leone Police Force in collaboration with other stakeholders and partners prepared a Comprehensive Election Security Strategy. It also conducted exercises to hone their response effectiveness. Threats to the elections were constantly assessed, reviewed and updated by the Office of National Security (ONS) and fed into the overall planning machinery of the SLP. The purpose of the election strategy was to support the National Election Commission (NEC) in providing a safe environment in which people can exercise their democratic rights to vote. The ONS through the National Security Council Coordinating Group (NSCCG) provided coordination between NEC and the security agencies.

Acknowledging that the fear of electoral disturbances may exceed the likelihood of such disturbances actually taking place, the SLP embarked on an outreach strategy to assure the

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<sup>113</sup> Zack-Williams A.B., 2008, *The Quest for Sustainable Development and Peace: The 2007 Sierra Leone Elections* ( Uppsala : Nordic African Institute ) p.76

public that they are professional enough to police the elections effectively. Accordingly, in close working collaboration with international partners organized from the 30-31<sup>st</sup> August 2006 a conference on the Neutrality of the SLP and Its Role throughout the elections. SLP also forged valuable relationships with key stakeholders to ensure that a safe and secured elections environment was provided. Key partners included the Political Parties Registration Commission (PPRC), the All Political Parties Association (APPA), ONS, the United Nations Integrated Office in Sierra Leone (UNIOSIL) and several other civil society groups. Early in the electoral process, the SLP promoted a police/community partnership programme during visits around the country to ensure peaceful co-existence between different groups nationwide. Police were also members of the PPRC established District Monitoring Committees (DMC) responsible for monitoring compliance with the code of conduct, an arrangement intended to enhance their effectiveness at the local level.

Additionally, the SLP allocated greater resources for the election period and provided special training to police staff to reinforce neutrality and ensure a safe environment for candidates and their supporters to campaign freely in all parts of the country. They also protected ballot boxes and deployed security personnel outside polling stations. The police responded quickly to incidents when called upon. In few instances in Freetown, Moyamba, Kono and other districts, the SLP dispersed groups whose presence threatened to disrupt the electoral process. Furthermore, they assisted with the transportation of voting materials. Immediately after the polls, election materials were kept in the districts under police custody.

One of the successful strategies employed by the security forces in the elections was the police partnership with other security forces including the military, prisons, fire force and traffic wardens (about 300) of them to ensure elections security through the military aid to civil power. Although in this form of partnership, police took primacy in internal security, they collaborated with other security forces. This arrangement helped to create robust security during the elections.

## **6. Democratic Control of the Security Forces**

Democratic control of the security forces is a very important issue in Sierra Leone. The 1991 Constitution of Sierra Leone (Act No.6 Of 1991) subjects the security forces of Sierra Leone to democratic civilian oversight. Section 73 (1) of the 1991 Constitution establishes a legislature, which shall consist of the President, the Speaker and Members of Parliament. Sections 73 (3) of this same Constitution empowers Parliament to make laws for the peace, security, order and good governance of Sierra Leone. What this particular constitutional requirement is implying is that the Sierra Leone Parliament is the principal agent for the general enforcement of democratic accountability. Accordingly, the day-to-day work of the executive is carried out with the assent and under the direction of parliament. According to the Constitution therefore, no armed forces shall be raised without the consent of parliament. The Sierra Leone Parliament has a Presidential and Defence Committee charged with the responsibility of providing oversight functions over the security sector.

Additionally, the President as Chief Executive of the State of Sierra Leone is required by the 1991 Constitution to be part of the law making body as well as the Chairman of both the National Security Council and the Defence Council. He is also the Commander -in -Chief of the Armed Forces of the Republic of Sierra Leone. The reason for conferring such powers

on the president is principally to ensure civil control of the security forces at the highest level. The Vice President of the Republic of Sierra Leone is also required by the Constitution to be the Chairman of the Police Council. This is another show of civilian oversight of the security forces at the highest political level. It is also a Constitutional requirement that the Minister of Defence shall be a civilian.

The establishment of the National Security Council under section 2(1) of the National Security and Central Intelligence Act 2002 was another move to ensure civil control of the security sector in the country. The National Security Council is charged with the responsibility of providing the highest forum for the consideration and determination of matters relating to the security of Sierra Leone. Its membership has a very good mix of civilians with only the heads of the armed forces and police as professional representatives.

There are also constitutional provisions for parliamentary scrutiny of public funds in the country. The 1991 Constitution of Sierra Leone 93 (1) (e) and Standing Order s of the Sierra Leone Parliament (70) (6) (a) establish a Public Accounts Committee. The mandate of this committee shall be: to examine the annual accounts showing the appropriation of the sums granted by the House to meet public expenditure together with the report of the Auditor General thereon.

What the preceding discussion is trying to demonstrate is that the necessary constitutional and legal provisions for democratic civilian control of the security forces in Sierra Leone exist. What is however worrying is whether there is the ability in parliament and in the various civil society outfits to adequately exercise these powers to ensure effective oversight of the security sector in the country. Let's take Parliament for instance. There is indeed a parliamentary committee on presidential and defence as well as one on internal affairs in the Sierra Leone Parliament. With the reintroduction of a multiparty democratic system in the country in 1996, these committees tried in several ways to discharge their functions though with some difficulties. Members of the Presidential and Defence Committee for instance participated in budget and follow-up on its implementation. Parliament also made a positive move in 1996 to bridge the gap between members of the armed forces and those of the civil defence forces especially the *kamajohs*.<sup>114</sup> Members of the Presidential and Defence Committee called through Standing Order 23 – Personal Explanation- government's attention to the deteriorating situation in the armed forces and the dangers emanating from the frequent clashes between the kamajohs and the unit of the army. One Member of Parliament even introduced a private members motion calling on the government to take immediate remedial action. The President as Commander in Chief of the armed Forces, made a prompt response by directing the Vice president, the deputy minister of defence and the chief of defence staff to look into the matter and submit a report.<sup>115</sup>

In spite of the aforementioned efforts of parliament, it is noteworthy that parliamentary oversight functions are stymied by a number of developments. The Sierra Leone Parliament, to begin with, was faced with the arduous task of getting both MPs and members of the security forces especially after going through an authoritarian political order to recognize,

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<sup>114</sup> Ibid, meaning local hunters, referring to members of the civil defence forces in the south during the war.

<sup>115</sup> See Letter by His Excellency, Alhaji Ahmad Tejan Kabbah to the Chief of Defence Staff, Ref:N/3 of 27 September 1966

respect and embrace democratic principles of accountability and a system of checks and balances. Before the introduction of the Medium Term Expenditure Framework (MTEF) budgeting system in the country in 2001 for instance, including that for the security forces, did not strictly adhere to budgeting rules and practices. Parliamentary oversight functions in Sierra Leone were also constrained by the fact that the necessary information like audit reports was not available in a timely manner to enable it track budgetary implementation. This situation undermines the effective scrutiny of budget implementation of Ministries, Departments and Agencies including that of the security sector. Parliament also suffers from the shortage of administrative technical staff to facilitate the effective discharge of its oversight functions. Before the capacity building interventions of the National Democratic Institute (NDI) and the International Organization of Migration (IOM), there were only four parliamentary clerks to service the work of over thirty (30) parliamentary sub-committees.<sup>116</sup>

Furthermore, the parliamentary sub-committee handling defence issues is overburdened with so many other functions like presidential affairs coupled with low capacity in terms of professionalism and training. It is also noteworthy that the oversight functions of parliament are in most cases misinterpreted and considered with great suspicion by the people as a design to witch hunt individuals rather than as a necessary dimension of a democratic environment.<sup>117</sup>

Another major impediment to effective parliamentary scrutiny generally and civilian democratic control of the security sector in particular in Sierra Leone is the constitutional limitations on parliamentarians with regard to political alliances in parliament. The 1991 Constitution was designed to promote a healthy political competition in order to ensure effective checks and balances. Accordingly, the Constitution provides for mechanisms to prevent the carpet –crossing of political party members but also the voting and sitting constantly with other political parties other than their own parties.<sup>118</sup> Though these appear to be well meaning, they adversely affect parliamentary oversight functions as they deny members liberty to critically examine issues from their own individual perspectives in parliament.

In spite of the above parliamentary constraints regarding effective democratic control of the security sector in Sierra Leone, there are lots of opportunities for improvement of the situation. The country's post-war recovery strategy including the first generation Poverty Reduction Strategy (PRSP) 2005-2007 introduced several measures aimed at reforming Sierra Leone security sector. This particular PRSP emphasizes transparency, accountability and responsiveness of the security forces. Sierra Leone also profited as a post-war country from some donor interventions to support parliamentary strengthening. Various international aid providers engaged in the post-war transition process demonstrated to be very active in supporting the reform of the legislative framework of security sector governance. The United Kingdom Department for International Development (DfID) launched the Sierra

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<sup>116</sup> Gbla, Osman , 2008, *Parliamentary Oversight of the Security Sector in West Africa: Opportunities and Challenges : The Sierra Leone Case Study* in Adedeji Ebo and Boubacar N,diaye ( eds) ( Geneva : Geneva Centre for the Democratic Control of Armed Forces ( DCAF) p.236

<sup>117</sup> Gbla, Osman , 2008 , *ibid*

<sup>118</sup> See 1991 Constitution, Section 77(1) (k). Though these appear to be well meaning , they

Leone Parliamentary Development Support Project (PDSP) in 1998. This project was designed to enhance awareness of parliamentarians on their roles and functions as well as to enhance its capacity through the provision of necessary equipment and training.<sup>119</sup> The British-led Sierra Leone Security Sector Reform Programme (SILSEP) initiated in 1998 also targets parliamentary oversight of the security sector. Its specific objective was the establishment of effective and appropriate civil control structures and efficient army command and management.

Sierra Leone's Security sector reform programme has helped greatly to guarantee physical security of the individual. It has also protected these individuals from the arbitrary decisions of the security forces. The Police Charter clearly spells out the need for recognizing human rights and the rule of law. There are also established departments like the CDIID (Complaint Indiscipline and Investigation department) in the SLP to curb police excesses. The SSR has also introduced a transparent budgeting system for all ministries, departments and agencies including the security forces.

Although security sector reform contributed tremendously to the combat readiness of the traditional security forces especially the Sierra Leone Police and the Republic of Sierra Leone Armed Forces (RSLAF), it puts very little premium on capacitating civil oversight institutions including parliament and civil society. This lopsided intervention of the security sector reform process undermined security sector governance efforts.

## **7. Major Findings**

It is observed from the research that the absence of the resurgence of violence in Sierra Leone directly reflects improvements in the effectiveness of its security institutions. We therefore have the paradox of increased operational efficiency, even when the institutions of democratic oversight are lacking. In general law and order has been maintained in the country and the security situation is now solely in the hands of the national security forces. In the past, there was high dependent on external forces like the United Nations Mission in Sierra Leone (UNAMSIL) and the International Military Advisory Training Team (IMATT). Regarding ethnicisation and regionalism in the security forces, Sierra Leone has made impressive strides in implementing a new recruitment code for the military with emphasis on education, qualification, professionalism and a high sense of discipline. By stressing the need for local identification and vetting of potential recruits, there is a greater likelihood that Sierra Leone will have a more nationally representative force, a stark contrast to the ethnically and regionally-based armed forces of the past.

The peaceful, free, fair and transparent 2007 elections were largely due to the professional and effective conduct of the security forces. The effective partnership between the SLP and other security forces through the Military Aid to Civil Power (MACP) was very instrumental in ensuring peaceful, free and fair 2007 elections. Another major finding of this research is that the effectiveness of democratic control of the security forces in Sierra Leone has over the years been largely determined by the nature of the political system. During authoritarian political order, especially under single party rule, it was very difficult to ensure democratic control of the security forces. This was mainly because authoritarianism obstructed the

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<sup>119</sup> Sierra Leone Parliamentary Development Support Project ( PDSP

smooth implementation of democratic principles including democratic control of the security forces. With the re-introduction of multiparty system in 1996, the country made some efforts though with difficulties to ensure democratic control of the security forces including parliamentary monitoring of the implementation of the military budget.

What is also clear from the research findings is that there are the various constitutional and legal frameworks for the democratic control of the security forces in Sierra Leone. However, the research findings acknowledge that it is not enough to have the necessary legal authority for democratic control of the security forces but equally important is to have the wherewithal to exercise the authority. The Sierra Leone parliament and the various civil society organizations trying to promote the democratic control of the security forces, according to the research, are confronted with capacity limitations including inadequate human and material resources to effectively discharge functions.

## **8. Conclusions**

This research work has tried to provide an analysis of the democratic control of the security forces in Sierra Leone. In its background discussion, Sierra Leone's various security sector actors were highlighted as well as the thrust of the security sector reform programme of the country. The study also sheds light on the role of the security sector in policing the 2007 elections as a major case study to ascertain the effectiveness of the security sector after undergoing the British- led security sector reform programme. The crux of the paper's analysis puts premium on the assessment of democratic control of the security forces efforts in Sierra Leone by critically reflecting on the available legal authority as well as on the ability to enforce democratic control by parliament and civil society in Sierra Leone. The research findings are relevant to ensuring effective security governance in the country. The study underscored the fact that although there is need to stress the combat readiness of security forces; there is also an urgent need to emphasis security sector governance if peace and democratic consolidation is to be achieved in the country. Although previous studies have explored issues of security sector reform in Sierra Leone with specific focus on combat readiness, there is need for further studies on security sector governance. The role of security sector in ensuring free, fair and peaceful elections also need to be further studied.

Democratic control of the security forces in Sierra Leone is an area that deserves urgent steps particularly as a country currently grappling with efforts to consolidate hard won peace and democracy. If the security forces are not subjected to effective civilian democratic control, gross human rights violations, indiscipline and corruption would be the hallmark of the security forces. Although the required legal framework for civilian democratic control of the security forces in Sierra Leone is in place, the ability to enforce the authority is constrained by weak parliamentary and civil society capacity. It will be very difficult for the Defence and Presidential Committee of the Sierra Leone Parliament for instance, to effectively monitor the activities of the security forces through periodic visits due to the lack of enough vehicles. The few civil society groups like members of the Centre for Development and Security Analysis (CEDSA) that are beginning to show interest in the operations of the security forces also need further training and resources to promote democratic control of the security forces.

It is also noteworthy to conclude that although the British-led Sierra Leone security sector reform programme strengthened the combat readiness of the armed forces and the police, its efforts to promote democratic control of the security forces were inadequate. The legislation on security oversight as enshrined in the various legal documents including the 1991 Constitution, Act No.6 of 1991, Parliamentary Standing Orders and the Legislative Act creating the Office of National Security and the National Security Council do pose a particular challenge because of the lack of clarity on the specific role of parliament over the security forces. In order to ensure effective democratic control of the security forces in Sierra Leone in Sierra Leone, the following recommendations would be helpful:

- (a) Strengthening the capacity of parliament generally and the committee on Defence and Presidential Affairs in particular through the periodic organization of seminars and workshops for members of the security forces on issues of human rights, democracy and governance generally.
- (b) Encouraging close working partnership between parliament and civil society on the one hand and between parliament and members of the security sector on the other hand.
- (c) Carrying out a Constitutional review in order to include intelligence and other security matters more adequately in the constitution.

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