

CHAPTER 7

Security Sector Reform in Democratic Senegal

Lamine Cissé

Former Chief of Staff of the Armed Forces of Senegal, Minister of the Interior of Senegal, former United Nations Special Representative of the Secretary General for West Africa

Introduction

Generally speaking, Senegalese political institutions observe the legal principle that all segments of the state are subject to the law. The construction of the Senegalese nation can no doubt be considered to be a success since ethnicity is absolutely irrelevant in the political arena and does not affect the distribution of positions of national responsibility. Within such an environment, it might therefore be considered inappropriate or even inopportune and irrelevant to speak about security sector reform (SSR) in Senegal. This is however not the case. This study aims to carry out an analysis that will contribute to consolidating Senegalese institutions and further disseminating the best practices that have, to a large extent, contributed to the stability of the country and its excellent civil-military relations.

There are also other reasons for undertaking this study. First of all because Senegal like other countries, but to a lesser degree, experienced a single party political system followed by a limited multiparty system with one dominant party. It is common knowledge that such a regime is often based on an authoritarian definition and conduct of public policy. Secondly, where security is concerned, since 1981 the southern region of Senegal has been the theatre of a conflict whose origins lie in the demands for independence of the Movement of Democratic Forces of Casamance (*Mouvement des Forces démocratiques*

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de Casamance, - MFDC). Although the Senegalese political authorities have always considered this to be a question of internal security, the conflict has led to the engagement of the armed forces, whose traditional mission is geared towards defending the country's territorial integrity. The armed forces are thus involved in continuing security operations that often include conducting missions that can reasonably be said to exceed the simple framework of keeping order due to their degree of intensity, the tactical and strategic objectives, the resources committed and above all the modes of action adopted. Because of the conditions under which they are conducted, these security operations can have numerous consequences for the security forces. As part of their mission, they are required to interact with the population, as well as administrative and traditional authorities, the justice system, the media, civil society and even their counterparts from neighbouring countries, along the national borders. This situation also raises a number of questions, in particular regarding observance of international humanitarian law; the relations among the various security forces engaged in the conflict affected areas; the legal implications of having the armed forces engage in internal security duties that are not normally their responsibility; mainstreaming the gender dimension in situations of operational engagement and the requirements of secrecy and confidentiality surrounding these operations. It may therefore be necessary to evaluate these effects and assess the need or relevance of initiating reforms aimed at refocusing the activities of the DSF on standards that are more in line with the requirements of the rule of law.

Another dimension is the new paradigm of human security, which is now an obligation for all stakeholders. In conjunction with advancing democracy and its attendant effects, this paradigm implies that populations are now seen not only as beneficiaries of security, but above all as stakeholders who are fully involved in implementing security. This means that the right frameworks must be put in place to ensure the participation of the various segments of the population. Additionally, certain observers have noted that following the inception of a new political dispensation with the change of regime after the 2000 presidential election, a series of constitutional reforms, as well as a number of administrative and political practices gradually placed the president of the republic in the forefront of government and relegated other institutions of the republic to the background. Some analysts feel that this led to a diminution of political freedoms and shifted the balance of powers among the legislative, judicial and executive branches in favour of the latter. It is also worth taking time to examine the effects that these factors have had on the security sector.

After describing the context of security sector reform in Senegal, this study will touch on the crisis in Casamance, which is the main security problem facing Senegal, and describe the importance of this issue from the point of view of SSR. The study will then examine the components of transformational change in the security sector to date, as well as the sustainability of such changes. The study will conclude with a number of recommendations.

Security sector governance in Senegal: background

After roughly three centuries of French colonial domination, Senegal acceded to international sovereignty on 20 June 1960, first within the framework of the Mali Federation, then when this was dissolved, as a separate nation on 20 August 1960. The political evolution of the country was characterised by a certain *de facto* political stability, with the single party system. Since 1976, the country has had a fully-fledged multiparty system and a presidential regime that includes an executive branch headed by the president of the republic, who has authority over the prime minister and head of government, the national assembly, which serves as the parliament and the economic, social and environmental council. After two democratic changes of head of state in 2000 and 2012, Senegalese democracy can be considered to have come of age.

The judiciary, which is made up of courts and tribunals in all the administrative regions of the country, administers justice. It is generally felt that the system of justice is credible and accessible to all citizens, although some observers point to some functional shortcomings. Finally, the DSF are unanimously appreciated for their service to the republic and their professionalism. Indeed, the DSF do not play any political role and in professional terms, they seek to satisfy the expectations of the authorities and the population in carrying out the missions entrusted to them both within and without the national territory. Senegal also stands out as one of the few countries in West Africa that has never experienced a military coup d'état.

Political institutions

Political institutions, which were redefined by the 22 January 2001 constitution, are based on the sacrosanct principle of the separation of executive, legislative and judicial powers. Following a tradition established by the 7 March 1963 constitution, which succeeded the 26 August 1960 constitution establishing a parliamentary regime with a bicephalous executive power, the 22 January 2001 constitution placed executive power exclusively in the hands of the president of the republic. The constitution nevertheless provided a number of checks and balances, with oversight functions in the hands of the national assembly and the judiciary power in the courts and tribunals (Fall 2012).

The workings of the political party system however gradually upset the balance of these institutions, to the advantage of the president's party. The national assembly, which the political opposition describes as being "subservient", is also seen by many observers as a rubber stamp parliament. It must however be acknowledged that all the socialist governments that preceded the change in 2000 enjoyed an absolute or qualified majority in the national assembly. Similarly, the majority of opposition political forces are of the view that the constitutional council, whose members are appointed by the president

of the republic, has demonstrated its lack of independence by regularly handing down decisions that appeared to serve the partisan interests of the head of state instead of being based on the letter and the spirit of the electoral code.

This situation has led to repeated reforms of the fundamental law, with a view to resolving incidental political issues. It also contributed to imposing the will of President Abdoulaye Wade who sought to implement a process that some of his opponents described as “monarchical devolution” of political authority. The inception of the youth ‘*Y’en a marre*’ (Enough is enough) movement, as well as M 23 in 2011 represented a major turning point. The latter was an alliance of various youth and civil society organisations and some political parties. After a standoff between opposition parties allied with civil society, and under pressure from international organisations and several western diplomatic missions, the government had to give up its plans. Consequently, the Senegalese people peacefully and transparently operated another change of regime in 2012 and voted Macky Sall, the candidate of the *Alliance pour la République*, a member of the ‘Benno Book Yaakar’¹ coalition of opposition parties, to the highest office in the nation.

In reality, the institutional framework established by the 22 January 2001 constitution had shown its weakness and as a result, the authorities that came into power after the 2012 presidential elections were compelled to initiate a reform process that was entrusted to a committee chaired by a renowned civil society representative. The terms of reference of the mandate of the committee indicate that its task is to:

“restore the prestige and authority of parliament, to replace the present constitutional council with a true constitutional court, to protect the constitution against any amendments that would undermine democratic progress and, in particular, to consolidate the Senegalese electoral framework by enhancing the independence of election management bodies and setting up mechanisms for continued policy dialogue.” (Fall 2012: xxi)

The justice system

According to the provisions of art. 88 of the 22 January 2001 constitution, the judiciary is independent of the legislative and executive branches of power. This power is exercised by the constitutional council, the supreme court, the court of accounts and other courts and tribunals. The legal system is based on two principles; the unity of the legal order, made up of the courts and tribunals, and the hierarchy of courts, with first and second degree courts, as well as other higher jurisdictions. In the eyes of the general public, the Senegalese system of

justice is plagued by three main shortcomings; inadequate independence, lack of transparency and inefficiency (Sy 2012).

The system of justice in Senegal has to deal with several difficulties: insufficient numbers of staff (magistrates and officers of court); difficult access for citizens to this public service which is an important part of the enjoyment of their rights, and inadequate judicial coverage, namely the distribution of first and second level courts throughout the national territory. Above all, the fact that the constitution grants the president of the republic the power to appoint magistrates to the higher courts is likely to considerably hamper the independence of the justice system. For example, the five members of the constitutional council are appointed by the president of the republic for a non-renewable six year term. Similarly members of the supreme court are appointed by decree of the president of the republic. The president also chairs the Higher Council of Magistrates (*Conseil supérieure de la Magistrature*), with the minister of justice as vice-chair. Since the Higher Council of Magistrates plays a decisive role in the career development of senior magistrates, one can easily understand the issues inherent in controlling this body.

President Abdoulaye Wade did make considerable and unprecedented efforts to improve the remuneration of magistrates. He also initiated a project to reform the judicial coverage and thus facilitate access to justice for citizens, while freeing up the courts to deal with cases more promptly. Nevertheless, magistrates, law theoreticians and civil society organisations all feel that the justice system will only be truly independent when the presidents of higher courts are elected by their peers and the president of the republic has less influence over the Higher Council of Magistrates. The issue is still debated in judiciary and political circles where there are fears about the establishment of a 'magistrate-state'.

On this issue and based on the recommendations of the national assizes, President Macky Sall, who took over power after the second democratic regime change, has called for proposals for institutional reforms. The National Commission for Institutional Reform (*Commission nationale de réforme des institutions*) was established for this purpose and submitted its conclusions in December 2013. Some of its proposals, which sparked off various reactions, related to the legal system: a less influential prosecution service, the chairmanship of the higher council of magistrates and a fully-fledged constitutional court to replace the constitutional council. They also touched on the combined roles of president of the republic and president of a political party, etc. Some people protested that the National Commission for Institutional Reform had exceeded its mandate in suggesting a new constitution. Within political parties and civil society, and depending on their affiliation with one group or the other, some spoke about reforms that would consolidate or deconsolidate the constitution.

In any case, it is clear today that in spite of some political reticence or apprehensions that may initially have appeared justified, the national assizes marked an undisputable step forward for democracy in Senegal.

Defence and security forces

The defence and security forces are made up of the armed forces, the gendarmerie, the police, the prisons service, the customs service and the department of water, forestry, hunting and soil conservation. However, since these services do not all have the same degree of involvement in ensuring security in the military sense of the term, this study will only focus on the first three corps mentioned above, namely, the armed forces, the gendarmerie and the police. In describing the lessons learned from the security operations in Casamance, the focus will be on the armed forces, as they bear the greatest responsibilities in this engagement.

The armed forces. With a total of about 15,000 soldiers, the principal mission of the armed forces is to provide external security. This mission is executed by defending the integrity of the national territory on land, sea and in the air. While the terrestrial forces are made up of professional and disciplined troops led by competent officers with excellent authority over them and cover the national territory extensively, albeit insufficiently, their operational capacities are limited because their equipment is largely outdated. The navy and the air force are unable to carry out all their maritime and air defence missions, for similar reasons.

Since 1982, the armed forces have been engaged in continued securitisation operations in the Kolda, Sédhiou and Ziguinchor regions, which have been the theatre of a rebellion by the MFDC independence movement. They are also a key player in dealing with natural disasters and emergency situations.

Finally, they have long been involved in peace missions under the auspices of the United Nations (Contingent of the Mali Federation to the Belgian Congo in 1960), as well as African international organisations such as the African Union and ECOWAS. It is in this capacity that contingents of troops were sent to Darfur, Côte d'Ivoire and Mali. Senegalese staff officers have also served in South Sudan, the Democratic Republic of Congo and more recently in the Central African Republic.

National gendarmerie. With about 6,000 soldiers, the gendarmerie is a military force that has attributions related to military policing, public security and criminal investigation. Under the authority of a senior officer known as the senior commander of the national gendarmerie and director of military justice, the national gendarmerie is divided into territorial and mobile units, as well as units specialised in crime investigation, anti-terrorism, port surveillance and environmental defence. The gendarmerie also participates in international peace missions.

Like the armed forces, the gendarmerie is renowned for its professionalism, competence and observance of republican values. In its activities, it respects human rights. Although there have been sporadic reports of torture being used in certain cases, this practice is frowned upon by the high command. Generally speaking, such violations of the law are dealt with through legal process and the perpetrators are punished.

The principal challenge facing the gendarmerie is its inability to cover the full extent of the national territory. Also, in the hinterland, the gendarmerie is not adequately represented in the areas of the national territory that are affected by the MFDC rebellion. This security vacuum has led to the absence of any government authority and makes it particularly difficult to ensure effective administrative activities for the population.

The armed forces were kept out of national political life for a long time because they did not have the right to vote. This right was granted to them by law n° 2006 – 20 of 30 June 2006. The same applied to the paramilitary forces, as well as all government agents who were deprived of this right because of their specific status. The military command however never demanded to be allowed to enjoy this right, which is considered by many observers to be a major component of citizenship (Esambo Kangashe 2013: 159). Indeed, the hierarchy was rather apprehensive about the issue, due to the risk of politicisation of a corps whose strength till then had lain in its ability to maintain the same distance from all political trends.

National police force. The police force is under the responsibility of the minister of interior and public security. It is a paramilitary body entrusted with a public service mission, intelligence, criminal investigation and the control of organised crime and terrorism. It is made up of territorial units in charge of public security in urban areas and mobile units that are responsible for law enforcement. It also includes specialised criminal police units such as the criminal investigations division and the departments in charge of combatting major crime and terrorist acts.

The reputation of the police force has been tarnished by its poor image with a part of the population that accuses it of corruption and inadequate professionalism. Also the recent frequent changes in management following a series of dismissals have led to some instability. Steps have however been taken to improve this image. For example, two non-hierarchical ranks have been instituted; the position of controller general of police (where no appointment has been made since it was created in 2009) and that of inspector general of police. Like the gendarmerie, the police is unable to cover the national territory adequately due to a lack of personnel and infrastructure. The police force nevertheless participates in peace operations within the framework of formed police units and civilian police officers. The ongoing recruitments must be continued in order to replace the numerous officers who have retired, and officer training and specialisation in the field of anti-terrorism must be enhanced.

Challenges and lessons from the crisis in Casamance

This crisis, which is the main security issue in Senegal, involves various stakeholders. It provides valuable lessons about SSR, in particular with regard to the

degree of democratic control of security forces and the nature of civil-military relations.

Who are the actors involved in resolving the crisis?

When the MFDC took up arms in 1982 to demand independence for the southern region of the country, thus undermining the project of building a Senegalese nation, the government of Senegal responded with a strategy that while using military force, has never been based on resolving the conflict by force of weapons. The MFDC is built on an ethnic foundation, mainly of the Diola² group and includes a political wing whose influence over the military wing varies according to circumstances and events. Experience has shown that apart from the common security activities, large scale operations that may be seen as actual war operations are generally planned and conducted in response to acts of violence perpetrated by armed groups of the MFDC either against the civilian population or against units of the armed forces. It could be said that the operations carried out by the Senegalese armed forces serve more to support attempts at political negotiations with the political wing of the MFDC than to reduce the rebel camps, which are deeply embedded in the geographical territory of neighbouring Gambia and Guinea-Bissau. All observers consider both these neighbouring states as stakeholders in the conflict either for geopolitical reasons, or simply due to the links that they maintain with the MFDC, which can sometimes be useful in the tumultuous relations between these two countries and their larger neighbour. As a result, the territories of both countries may shelter rebel bases or serve as a fall-back zone when the Senegalese military carries out targeted operations, as is the case in any geographic area where there is a rebellion.

Political and administrative authorities. By virtue of art. 45 of the constitution, the president of the republic is “responsible for national defence”. He is the commander-in-chief of the armed forces and presides over the higher council on national defence and the national security council. The president of the republic is therefore in charge of defining and conducting the national policy to counter the activities of the MFDC. From this point of view, he has full authority over all those in charge of the operational and tactical implementation of this policy, namely the armed forces, as well as the gendarmerie and the police. The ministries of interior, the armed forces and justice make up the strategic levels of policy implementation.

Government action is carried out locally by the deconcentrated administrative authorities, that is, regional governors, departmental prefects and sub-prefects and heads of the different arrondissements. The national assembly has the power to control government activities. This power is exercised through the work of its standing committees or when the budget is approved in the plen-

ary session. It may also take the form of inspection and fact-finding missions carried out in the field by the standing committee on defence. The economic, social and environmental council is in charge of approving draft bills and proposals, as well as draft decrees that concern economic and social affairs, with the exception of finance laws (some development projects that affect the Casamance region). Various control bodies situated at different levels within the administration also contribute to accountability, observance of the law and safeguarding human rights.

Where the military is concerned, the armed forces inspectorate general, which is headed by a flag officer, carries out field visits and detailed inspections of the major commands within the armed forces and the gendarmerie and reports on them to the president of the republic. The ministry of interior and the ministry of the armed forces both include departments in charge of inspecting the financial bodies that are under the responsibility of these ministries. Finally, any authority with hierarchical powers is obliged to oversee their subordinates, in particular those in charge of managing public funds.

Decentralised local authorities. As part of the decentralisation policy initiated in 1972, which culminated in the passing of law n° 96-06 of 22 March 1996, establishing the local authorities' code, these local administrative authorities, namely mayors and heads of rural communities, are granted certain attributions related to general safety and economic development, as well as education, social affairs, sanitation, culture and science. Act III of the administrative decentralisation policy has now evolved considerably, with communes being granted full powers, which opens interesting prospects in the area of security. At the same time Act III also raises a number of difficulties for stakeholders.

Civil society. Essentially, civil society can be defined as the opposite of political society. It is based on an endeavour to ensure that the needs of citizens are met by the public authorities who have been entrusted with political power either legitimately, through universal suffrage, or legally by an administrative act. Civil society acts as an intermediary between the public authorities and citizens; on one hand, it expresses the needs of the population and seeks to make sure that they are met by these authorities and, on the other, it undertakes various initiatives aimed at substituting for the failures of the public authorities when they are derelict in carrying out their duties.

In the area of security, civil society aims to participate in defining public policy, but at the same time, in adopting the position of intermediary between government and citizens, it sets itself up as a guardian that evaluates government bodies and also plays a role as a facilitator and watchdog, while also sounding alerts and reporting incidents. Civil society is very active in Ziguinchor, where it is represented by various national and regional organisations. For example, an association known as the Platform of women for peace in Casamance, a grouping of women from Kolda, Ziguinchor and Sédhiou, travelled to Sao Domingo in the Republic of Guinea-Bissau on 24 July 2012 to ini-

tiate talks with MFDC representatives as part of the renewed dialogue between the independence movement and the government of Senegal (Senenews 2012).

The international community. ECOWAS has a number of peace and security mechanisms, including the following instruments in particular:

- The 1999 Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security;
- The supplementary protocol to the protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping, and Security, on democracy and good governance;
- The ECOWAS Convention on small arms and light weapons, which is aimed at preventing the dissemination and accumulation of such weapons.

The West African Economic and Monetary Union is also in the course of establishing a peace and security architecture. It is however worth noting that international organisations, ECOWAS and the African Union have not had much involvement in the attempts to resolve the conflict in Casamance. This is no doubt due among other reasons to the fact that Senegal wishes to treat this matter as a purely internal problem.

Mediators and facilitators. Although the Senegalese political authorities have constantly sought to avoid internationalising the conflict in Casamance, the neighbouring states of The Gambia and Guinea-Bissau have always been involved as mediators or facilitators. The first two agreements signed within the framework of this conflict, for example, were signed in Cacheu in Guinea-Bissau in 1991 and 1993 respectively. The Gambia, for its part, was closely involved in the meetings held in Banjul in 2000 and participated actively in securing the freedom of five soldiers held by the MFDC in May 2012, who then travelled to Dakar from Banjul.

Some other foreign players have participated in mediation or facilitation efforts. One example is the Community of Sant'Egidio, a movement created in Rome in 1968 after the Second Vatican Council, which brings together lay persons from over 70 countries on different continents (Sant'Egidio [n.d.]). Sant'Egidio is particularly active in conflict mediation. It has been rather successful in Mozambique and in Guatemala and worked to ensure the participation of the MFDC hardliners in the negotiations held in January 2012. The movement is currently still active in Senegal and still working on the crisis in Casamance, as is Humanitarian Dialogue, a group based in Geneva.

Furthermore, a number of good offices missions have been carried out on the side lines and to varying degrees by certain Western embassies, in particular France and the United States, with the aim of bringing the parties together. The US has a special envoy on Casamance while for France, Ambassador André Lewin, among others, has devoted a great deal of his influence, energy and heart to this cause.

Where institutional players are concerned, certain personalities have served as 'Mr. Casamance'. One such person is Robert Sagna, mayor of Ziguinchor and former senior minister in the government of President Abdou Diouf, who played a role as an influential emissary and, for a time at least, was a central figure in this situation.

A wide range of other personalities have been involved in attempts at mediation and facilitation: political and traditional leaders, senior civilian and military officials who held these positions during the regime of President Abdoulaye Wade between 2000 and 2012 or prior to that. This variety has not made it possible to pursue a consistent national strategy.

What lessons can be drawn from the conflict in Casamance in terms of SSR?

The conflict in Casamance provides an extremely valuable opportunity to observe and assess the various aspects of the security sector in an African country that is consolidating its democracy and national unity. An analysis of the manner in which the conflict has been managed provides insights as to how civilian democratic control and the republican nature of the Senegalese armed forces have remained intact, despite the lengthy military operations carried out under often extremely trying conditions for both the units and the military command structure.

Officers in the armed forces are competent and well trained and have real authority over their troops. Commanders in charge of the various units are generally appointed solely on the basis of their professional qualifications and not according to regional, religious or ethnic criteria. This makes the Senegalese armed forces a truly national body.

Existence of true, combat-ready operational capacities. Fighting units can count on direct and in-depth fire support from the artillery as well as the air force, which despite its limited resources, is formidably effective against the armed groups. In manoeuvres, the command posts are generally properly sized to provide the main operational functions required in the engagement (artillery and aviation fire, logistics, intelligence, movements and communication).

An impersonal command chain, with combat-ready troops who are obedient to their chief and not to a particular individual. Most of the troops engaged are thus capable of containing any shock, that is, notwithstanding losses, they are able to continue carrying out the mission assigned them. This is the result of proper instruction and training, but above all the existence of a real esprit de corps within the units.

A command structure that is close to the troops, as demonstrated by regular visits and inspections by the high command. The armed forces chief of general staff makes it a point to visit the units in military zones 5 and 6 (Ziguinchor,

Kolda and Sédhiou) at least once every quarter. This enables him to constantly monitor the situation and find out about the state of the troops, the means at their disposal and their ability to carry out their mission. Generally speaking, these visits are organised systematically at all levels.

Financial advantages aimed at maintaining the morale of fighting units. Two types of incentives have been put in place. First of all, a daily intervention allowance that is paid to all soldiers in areas considered as operational zones. This allowance, which relates to their location, is paid to all soldiers garrisoned in military zones 5 and 6. In addition, a more substantial daily operations allowance is paid to units engaged in specific security operations throughout the duration of their engagement. These incentives are a supplement to their ordinary entitlements such as free meals for all categories of soldiers present in these zones.

What factors are relevant in maintaining discipline, dealing with complaints, guaranteeing the respect of human rights and establishing good relations with the local population?

Existence of general disciplinary regulations that are rigorously applied equally to all soldiers. Any misdeeds committed in the execution of missions are generally sanctioned by the commanding authority in the form of disciplinary action for the lower ranks or, in the case of higher officers, by a reconsideration of their career prospects.

Establishing rules of engagement and behaviour for units in operations. These rules define the conditions for opening fire, the gradual and measured use of arms and protection of places of worship, schools, etc.

Effective logistical support in the form of subsistence and combat resources delivered to all units, regardless of their geographical location. Thanks to this logistical capacity, the units are not dependent on the local population. On the contrary, the military barracks often serve as a 'canteen' for people living in the surrounding areas.

Bases are a reassuring presence for local inhabitants. Local inhabitants, who are often victims of acts of violence on the part of armed groups or simple criminals, are generally happy to have the military stationed in their villages. Indeed, they often do not hesitate to call on their political or traditional authorities to appeal to the military command in their favour for this purpose.

How has Senegal avoided a deterioration in civil-military relations in spite of the lack of adequate resources for the armed forces to carry out their mandate?

Because the Senegalese armed forces have a long-standing tradition of involvement in national development right from the time of independence, they have

developed a deep understanding of civil-military relations. In the conflict affected regions, the armed forces quickly realised that it was essential to garner the support of the local population. They therefore included civil-military relations in their activities, from the highest levels of command, right down to the troops deployed on the ground. As a result, all the activities of the Senegalese armed forces in these security operations are based on a real concept of civil-military relations. These relations take different forms, but most often include:

- Providing medical services to the population through care, evacuating patients, supplying drugs and distributing mosquito nets;
- Permanent supply of food to village dwellers by sharing troops' food rations with them or by occasional gifts to the most affected communities;
- Educational assistance in the form of supply of school books or rehabilitation of classrooms;
- In certain specific situations, troops stationed in very remote areas actually step in as schoolteachers when the latter have fled the area as a result of the insecurity;
- Reconstruction of places of worship and rehabilitation of community infrastructure, as well as undertaking a major programme of reconstructing destroyed villages in order to facilitate the return of refugees and displaced persons;
- Strong communication with local inhabitants with a toll-free number that enables them to rapidly alert the troops when their safety is threatened;
- Putting doors in place, building bridges and rehabilitating rural roads to facilitate access, in particular in Casamance and in the Sindian arrondissement, close to The Gambia;
- Unit heads sponsor cultural and sporting activities for young people during the long school vacation.

Components of transformational change in the security sector

The way in which the approach adopted by the Senegalese authorities in dealing with the conflict in Casamance has evolved can be said to provide an example of transformational change in the area of security sector governance and reform. In more general terms, the changes in the security sector in Senegal are evident in several dimensions:

Personal commitment of the head of state

After his election in 2012, President Macky Sall immediately showed his interest in the security services and his desire to improve their working conditions by implementing certain measures.

During a visit to military zone 6 in April 2013, the head of state addressed the soldiers in the following terms: “Be assured that as commander in chief of the armed forces, I follow with keen interest the work that you carry out on a daily basis and I am even more determined to provide you with the means required to undertake the duties entrusted to you by the nation” (Le Soleil 2013). Such visits are extremely significant because they reassure the military command and have a positive effect on troop morale.

In addition, on armed forces day on 8 November 2013, President Macky Sall reaffirmed his decision to provide the armed forces with the necessary equipment to enable them to function efficiently.

High profile measures

Increasingly, members of the DSF are called to account for offences committed in executing their mission. In one instance, the director of the Central Office for the Control of Illicit Narcotics Trafficking (*Office central pour la répression du trafic illicite des stupéfiants*) and the director general of police were accused of drug trafficking. This case, which was the subject of broad media coverage even beyond the national borders, ended with the removal of the director of the Central Office for the Control of Illicit Narcotics Trafficking and the dismissal of the case against the director general of police.

Also, where accountability is concerned, the institutional arsenal in place for controlling the behaviour of members of the DSF covers all existing areas of control. These oversight measures are usually effective, at least for the implementing echelons. Public funds, be they individual entitlements such as wages and rations or miscellaneous general maintenance costs, do generally get to the departments for which they were disbursed. Some people however deplore the secrecy surrounding inspection and audit reports, which are not made public. Similarly, in the case of disciplinary sanctions, these remain confidential and only the senior authorities of the offender are informed. There is also the misuse of the ‘defence secrecy’ label in public procurement as a way of avoiding the procedures put in place to ensure more transparency in this area. This is why citizens and uninformed observers feel that there is no effective oversight of the defence sector. Nevertheless, the specific nature of the defence sector must not be overlooked, with certain aspects that cannot be dealt with in an open forum.

Organisational reform

President Sall initiated a reform of the intelligence services aimed at grouping the entire intelligence community within a single coordinating body under the responsibility of the office of the president of the republic. The reform also takes account of the need to confer greater common law prerogatives on the

intelligence services for the protection of individual liberties, in case of an imminent terrorist risk. It is worth noting that any decisions taken under this scheme may be subjected to subsequent control by a judge.

The head of state also launched a process to begin formalising the activities of the security forces with the drafting of a national defence and security concept aimed at clarifying the attributions and missions of each body. The purpose is to satisfy the requirements of human security and ensure proper strategic and operational coordination. This concept is to serve as the basis for defining the organisational structure and equipment required for the security forces in the years ahead.

In addition, an internal security orientation law that is currently under study is aimed at reforming the internal security system of Senegal by defining a programme of action to be implemented by government from 2015 to 2025. The greater part of this programme would be aimed at a more coherent and effective use of internal security forces to tackle new security requirements, in particular in the area of fighting crime, which is clearly on the increase, and to counter the relative inefficiency of the disaster forecast and management system. It will also clarify and harmonise the responsibilities of the various internal security actors, while clearly defining the scope of the latter. With regard to the question of whether there is a need to distinguish between the security sector and the defence sector, there is a debate about whether the gendarmerie should be placed at the disposal of the ministry of interior. In other words, both the police and the gendarmerie would be under this same ministry. While the experience of France could inform the decision to be made by the political authorities, there are for the moment divergent views on the issue.

With a view to instilling a culture of security within the elite of the republic, defence education has been initiated with the creation of a centre for higher studies on defence and security. The ambition of the centre is, among others, to conduct training seminars for the national elite.

Transformative action

Across the board, the educational level required for recruitment of security personnel has been raised. A reform of the requirements of the police force has led to raising the level of recruitment. To be recruited, aspiring police non-commissioned officers must hold a baccalaureate and those who wish to be policemen must be holders of an elementary school leaving certificate. The armed forces and the gendarmerie are also expected to follow the same trend and raise the level at which officers and non-commissioned officers are recruited. Indeed, non-commissioned officers will now be required to hold a baccalaureate, while officers must have a bachelor's degree.

The armed forces are beginning to benefit from some major equipment endowment programmes. The navy strengthened its fleet by commissioning a

patrol vessel in 2013 and is awaiting delivery of other vessels very soon. Also, there have been reports in the press about a contract between Senegal and the Brazilian company *Embraer*, concerning the purchase of three Super Tucano fighter planes similar to those already supplied to Angola, Burkina Faso and Mauritania (SenewebNews 2013). A number of light armoured vehicles were also delivered at the Dakar port in April 2014 and a few examples were included in the Independence Day parade.

Where the gender dimension is concerned, female soldiers now participate in peace missions in external theatres of operation. For the first time, the armed forces contingent deployed to Guinea-Bissau under the auspices of ECOWAS included some female soldiers. The national police and gendarmerie units deployed in Darfur and in Haiti also include women. Above all, the army officers' corps now includes female lieutenants who for the moment work within the services units.

Lasting change

The vital question that now arises is to what extent can these positive changes in the area of security sector governance be sustainable? This part of the study takes a look at those changes that are well entrenched, as well as areas that remain more vulnerable.

Scope of government action

Given the scope of major reforms and the steps taken to increase the efficiency of security forces, it must be acknowledged that the government of President Macky Sall has demonstrated its desire to improve security sector governance. In addition to initiating the exercise of re-equipping the DSF with the purchase of major equipment, another welcome move has been the effort to rationalise the organisation and functioning of the security system. Where the conflict in Casamance is concerned, the overall management of the problem and the moderate use of force on the part of the DSF has made it possible to preserve the overall unity of the Senegalese nation. The fact that security forces personnel may be held criminally liable has made for greater respect of human rights, although human rights defence organisations still express some expectations that they consider not to have been met.

Well established achievements

The republican character of the DSF is one major achievement. It is demonstrated in the fact that they are not involved in politics and that no circles or

lobbies interfere in the selection of flag officers to head major institutions by the president of the republic. Thus, there has always been continuity and stability in the handing over of authority over the major commands and this has never been officially called into question.

We must also acknowledge the respect of human rights; Senegal is recognised as one of the rare African countries where members of the security forces are subject to the law and do not benefit from any preferential treatment compared to the civilian population. Another point is that the armed forces are no longer needed to provide security during elections. Security coverage in the country must now be geared towards deploying only first and second category forces, namely the police and the gendarmerie. In reality, only the Ziguinchor, Kolda and Sédhiou regions, which are affected by the MFDC rebellion, could continue to require some specific security management.

Definition of the scope of internal security

The Senegalese authorities have never considered the conflict in Casamance as a war situation. The term generally used to describe the operations carried out in this region is 'securing'. These operations are mainly carried out by armed forces units, as already shown. This raises the question about whether the police and gendarmerie are capable of controlling an insurrectional situation within the national territory. For example, the Brazilian police carries out real armed operations to dislodge criminals and drug traffickers from the favelas of Rio de Janeiro.

When the armed forces have to carry out policing operations, military units often find themselves having to investigate suspects, search homes and carry out arrests, activities that are all responsibilities of criminal police officers. The right solution might be to set up a specific legal service for the armed forces, with sworn personnel fully capable of drawing up any legal acts needed. This is the solution adopted by Burkina Faso, which has a corps of military judges who are capable of providing advice to unit chiefs right up to battalion level, both in the garrison and in the field. (Twenty years ago, the armed forces chief of general staff of Senegal also had a judge detached part-time to him, to act as a legal advisor). Also, in order to comply with the framework for the use of each force, the gendarmerie and police units need to be structured to take into account this type of armed threat within the national territory.

Matching administrative constituencies and territorial command sectors of the security forces

Within the framework of decentralisation, the objective of act III is to organise Senegal into viable territories that will ensure sustainable development by

2022. The aim is to enhance the decentralisation and territorialisation of public policy, in order to boost local development.

In the area of territorial coherence, decentralisation really needs to take into account not only local sociological specificities, but also the coherence of territorial command sectors. Under the terms of art. 3 of the new decentralisation law, Senegal is now divided into administrative constituencies comprising 14 regions, 45 *départements* and 125 *arrondissements*, as well as local authorities with 42 *départements* and 557 *communes*.

Although the administrative and security concerns are not exactly identical, it may be useful to consider whether the administrative division and the functional relations described in act III on decentralisation need to match the territorial command sectors of the armed forces and the gendarmerie (military zones and gendarmerie legions). The command structure of the gendarmerie in particular is considering establishing one legion per region and one company per *département*.

Improving parliamentary control

Parliamentary control needs to be improved through enhanced capacity building and improving the knowledge of members about security and defence. In addition, field visits should be organised. It is rather significant that the national assembly has never summoned the armed forces chief of general staff nor the high commander of the national gendarmerie before it to answer questions on defence or specific operations directly. Indeed, the only hearings to involve the minister in charge of the armed forces are during the budget sessions. Furthermore, the procedures for auditing equipment procurement programmes need to be defined, while observing strict secrecy and confidentiality concerning national defence. The security forces could take more initiative in this area and invite representatives of parliament to participate in some of their activities. Another way of helping parliamentarians familiarise themselves with the forces would be to give them an opportunity to visit military barracks or even units in operations inside and outside the national territory, a practice that used to be common some years ago. Furthermore, it would be valuable for the national assembly to be aware of the opinion of senior commanders regarding certain aspects of security policy implementation. This could take the form of oral presentations in a solemn session and would supplement and broaden their knowledge of the subjects discussed during question time in plenary or in budget sessions. Generally speaking, it must be acknowledged that parliament tends to show a certain natural reserve concerning investigations of any issues that are labelled 'defence secret' and indeed of any issues related to national defence. To enhance the culture of oversight of this institution, this attitude will have to change.

Organisation of the private military and security companies sector

Companies providing security services are responding to a demand that is not satisfied by the national police force. There are 257 such private security companies on the Senegalese market today and they are characterised by an inadequate legal framework, in particular in the area of social protection for their workers. Also, because the sector is doing well financially some multinational security companies are now showing an interest and increasing their presence on this market. This compelled the president of the republic to urge government to sign a collective bargaining agreement to provide the sector with a stable regulatory framework, in line with its current size and its future development.

Certain religious leaders have also set up their own private guards who provide security services during the public events that they organise. This is an infringement of a government duty, although the latter does not have sufficient resources to adequately carry out this duty.

Implementing the concept of community security

The concept of community security was unprecedented in Senegal. The mission of the Community Security Agency (*Agence pour la sécurité de proximité*), which was created in August 2013, is to “participate, together with the police authorities and security forces (police and gendarmerie), in implementing community policing based on prevention and active partnership among government, local authorities and the actors of social life”. The Community Security Agency began its activities by recruiting a total of 10,000 young people in one year. After undergoing technical training, they were deployed to the local authorities. Some of these young people were also detached to the police and the gendarmerie.

To a certain extent, the Community Security Agency can be seen as a contribution to fighting against youth unemployment. This new agency could also be supplemented by the revitalisation of the municipal police service, which was created by decree, according to the terms of law n° 96-06 of 22 March 1996, establishing the local authorities’ code. Police auxiliaries could also be recruited once again, if necessary. For the Community Security Agency, these measures could guarantee its long term existence and avoid a situation where the concept is abandoned when President Macky Sall leaves power.

Conclusion and recommendations

In conclusion, despite its political and social stability, Senegal cannot claim that a reform of the security sector is irrelevant for this country. Indeed, the country

faces real external threats related to its geopolitical situation, in an environment characterised by fragile states to the south and the upsurge of jihadist terrorism to the north and east. The institutional and legal environment also needs to evolve to adapt to the concept of human security, which mobilises new stakeholders.

The initiatives taken by the regime that assumed power after the last presidential and parliamentary elections in 2012 are thus very welcome. They have sought to reform existing institutions to ensure that the powers of the executive branch in the area of defence and security are shared, that control is enhanced and more formal and that public security policies are rationalised. The moves to organise and equip the forces must continue because a secure environment is a prerequisite for any development policy. We must not lose sight of the fact that years of investment and sacrifices can be swept away in just a few days. The examples of Mali and, more recently, the Central African Republic are a rather eloquent confirmation of the fact that security should be a priority investment sector.

All that is needed now is for these good intentions to be translated into concrete action. This would require a more formal structure for an overall security sector reform process, which would make it possible for all the initiatives undertaken to be coordinated within a framework that includes all sectors. Thus, oversight institutions, parliamentary representatives, the legal system and policy makers, as well as other stakeholders will be able to contribute in a coordinated manner to meeting the security needs of the population, in compliance with existing laws and regulations. In practical terms, a number of texts will need to be adopted to structure national defence and security in a way that allows for broad participation of new players in defining, implementing and controlling public security policy. There is a need for improved coordination of implementing bodies, through the establishment of frameworks for planning and conducting operational activities. In a sub-region that is characterised by long-standing conflictual relations between the armed forces and political authorities, Senegal is the exception. The republican nature of the armed forces is grounded on legal principles and embodied by officers of all ranks. Far from being a simple slogan, it is amply demonstrated through numerous daily acts.

Nevertheless, while Senegal may not need to officially engage in a security sector reform programme, it still faces major challenges in security sector governance. These challenges must be openly acknowledged in order to generate synergy among the various initiatives undertaken in different sectors and identify those areas that have not yet been tackled.

Notes

- ¹ 'Benno Book Yaakar' is Wolof for 'United in the same hope'. This coalition was made up mainly of Moustapha Niasse's Alliance des Forces de Progrès

Macky Sall's Alliance pour la République and the Socialist Party led by Ousmane Tanor Dieng.

- ² An ethnic group representing 9% of the Senegalese population and made up of various sub-groups (Diouf 1994).