



The African Sector Security Network (ASSN) Team  
Coordinated by Dr Niagalé BAGAYOKO

## Baseline Study of the State of Play of Security Sector Governance and the Inclusion of Civil Society in Security Sector Reform Processes in Nigeria, Mali, Cameroon and Wider ECOWAS/ECCAS Region





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## TABLE OF CONTENT

<b>About the authors</b>	<b>4</b>
<b>Acronyms and Abbreviations</b>	<b>6</b>
<b>Summary</b>	<b>8</b>
<b>I. INTRODUCTION</b>	<b>9</b>
1.1. Research Questions	10
1.2. Democratic Governance and Security System Reform	11
1.3. Research Methodology	12
1.4. Political, Economic, Social, Financial and Institutional Factors Conducive to Civil Society Involvement in Security Governance	12
<b>II. CONTINENTAL, REGIONAL AND NATIONAL INITIATIVES FOR THE INVOLVEMENT OF CIVIL SOCIETY IN SSG/R PROCESSES</b>	<b>14</b>
2.1. The Role Played by the AU in SSR	14
2.2. ECOWAS	16
2.3. The ECCAS	22
2.4. Relevance of Continental and Regional Arrangements	23
2.5. Towards a Common Perception of Regional Security Threats?	23
<b>III. GENERAL RECOMMENDATIONS</b>	<b>26</b>

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## ACRONYMS AND ABBREVIATIONS

<b>APSA</b>	African Peace and Security Architecture
<b>ASSET</b>	Association of Security Sector Education and Training
<b>ASSN</b>	African Security Sector Network
<b>AU</b>	African Union
<b>CIDO</b>	Citizens and Diasporas Directorate
<b>COPAX</b>	Council for Peace and Security in Central Africa
<b>CPF</b>	Conflict Prevention Framework
<b>CSOs</b>	Civil Society Organisations
<b>DSF</b>	Defence and Security Forces
<b>ECCAS</b>	Economic Community of Central African States
<b>ECOSOCC</b>	Economic, Social & Cultural Council
<b>ECPF</b>	ECOWAS Conflict Prevention Framework
<b>ECOWAS</b>	Economic Community of West African States
<b>ECOWARN</b>	ECOWAS Warning and Response Network
<b>EUCAP</b>	European Union Capacity Building Mission
<b>EUTM Mission</b>	European Union Training Mission
<b>FAMa</b>	Forces armées maliennes
<b>FES PSCC</b>	Friedrich-Ebert-Stiftung Peace and Security Centre of Competence Sub-Saharan Africa
<b>FOMAC</b>	Central African Multinational Force
<b>ICPA</b>	International Corrections and Prisons Association
<b>IDS</b>	Institute of Development Studies
<b>IHEDN</b>	Institut des Hautes Etudes de la Défense Nationale
<b>IRCT</b>	International Rehabilitation Council for Torture Victims
<b>IRD</b>	Institut de recherche pour le développement
<b>MARAC</b>	Central African Early Warning Mechanism
<b>MINUSMA</b>	Mission multidimensionnelle intégrée des Nations unies pour la stabilisation au Mali
<b>MISAHEL</b>	Mission de l'Union Africaine pour le Mali et Sahel
<b>MRE</b>	Monitoring, Review and Evaluation mechanism
<b>MSC</b>	Mediation and Security Council
<b>NHRC</b>	National Human Rights Commission of Nigeria
<b>NGOs</b>	Non-governmental organisations
<b>OECD</b>	Organisation for Economic Cooperation and Development
<b>OIF</b>	Organisation internationale de la francophonie
<b>PCRD</b>	Post Conflict Reconstruction and Development



<b>PGPSDS</b>	Programme pour la gouvernance partagée de la sécurité et du développement au Mali
<b>PRAWA</b>	Prisoners Rehabilitation and Welfare Action
<b>RECs</b>	Regional Economic Communities
<b>UNDP</b>	United Nations Development Programme
<b>UNREC</b>	United Nations Regional Centre for Peace and Disarmament in Africa
<b>UNSAC</b>	United Nations Standing Advisory Committee on Security Questions in Central Africa
<b>SDC</b>	Security and Defence Commission
<b>SSG</b>	Security Sector Governance
<b>SSR</b>	Security Sector Reform
<b>SSRG</b>	Security Sector Reform and Governance
<b>WANEP</b>	West Africa Network for Peacebuilding

## SUMMARY

This baseline study, was conducted by the African Security Sector Network (ASSN) team for the Friedrich-Ebert-Stiftung Peace and Security Competence Centre (FES PSCC) as part of the project "Security for All", which is co-financed by the European Union. This study intends to be a gap analysis audit and an overview on SSG/R processes in targeted countries (Mali, Nigeria and Cameroun) and the wider ECOWAS region.

This study examines the current situation regarding security sector governance and the inclusion of civil society in formulating security policies as well as the oversight of the security

sector, taking into consideration initiatives undertaken by ECOWAS, the African Union, as well as national initiatives in the three project countries. The aim is to identify gaps and the causes of the weak involvement of civil society in the public oversight of the security sector so that project activities in all work packages can be specifically tailored and targeted to encourage greater participation of CSOs in these reform processes in West and Central Africa. The study also provides additional baseline data by showing shortcomings and root-causes in order to make security provision more accountable.

## I. INTRODUCTION

The case of Mali raises the issue of Security Sector Reform and Governance (SSR/G) in a multi-dimensional conflict context. It should, indeed, be emphasized that the efforts undertaken to reform the Malian security system as well as to improve its governance are being implemented in a specific context marked by protracted political and security crisis, and not in a post-conflict setting as hoped for in 2015, when the Agreement for Peace and Reconciliation in Mali was signed. Whereas the Malian army has been suffering heavy losses (as evidenced, once more, by the particularly deadly Boulkessi, Asongo and Indelimane attacks) in an extremely tense political and strategic environment, the internal security forces appear helpless in addressing the increasingly violent insecurity and crime. The regular holding of elections since the 1990s and the establishment of institutional mechanisms meant to guarantee rule of law have failed to prevent the country -regarded until the March 2012 coup as a model of transitional democracy- from slipping into a political crisis which, in spite of a lull period due to the 2013 elections, continues with the current representative system being criticized, including by some very popular religious protagonists. However, the security crisis that erupted in 2012 following the progression of jihadist-allied Tuareg separatists groups goes far beyond the sole terrorist dynamics: it is driven by foreign imported dynamics (i.e. from Algeria, Libya, Gulf States etc.), by dynamics related to natural resource management and exploitation mechanisms as well as other community and identity factors. Although the Security Sector Reform (SRR) process was formally launched in 2014, it is currently closely related to the implementation of the May-June 2015 Agreement

for Peace and Reconciliation in Mali, while at the same time, the insecurity and violence growing in the central part of the country go beyond the scope of this Agreement. However, the need to establish professional and effective defence and security forces throughout the Malian territory, including in the vast areas that have been largely overlooked or marginalized for decades, remains acute. The SSR/G process initiated enjoys massive support from international partners and is widely implemented in accordance with the norms and standards set forth by them.

The case of Cameroon places the SSG/R issue into an authoritarian political context, against the backdrop of an identity crisis. Cameroon is indeed marked by the longevity of an individual as the head of the State. Indeed, President Paul Biya has managed to hold on to power since 1982, despite internal socio-political and security turmoil as well as requests from the international community calling on him to further promote the expression of democracy. Due to a number of concessions and democratic achievements, Paul Biya's regime can be described as a "competitive authoritarian regime". Thus, mechanisms of democracy have been introduced for more than three decades, such as elections, a multi-party system, respect for certain civil liberties and the possibility for the people to play a role in the political game. At the same time however, the State, its resources and institutions were obviously controlled by the elite. Strictly speaking, no SSR process has been engaged in Cameroon so far: changes in the security system are overwhelmingly driven by the executive, with particular support from foreign partners in the efforts to restructure the forces.

The case of Nigeria puts SSG/R in a context of democratic transition and security crisis.

As in Cameroon, there is no SSR process *stricto sensu* in Nigeria, and reform initiatives have mostly been decided by the successive governments, without external actors seeming to play a central role. On the other hand, the supervisory role played by Nigerian civil society organizations (CSOs) appears to be much more active and committed than it is in Cameroon.

## 1.1. Research Questions

The rationale behind the approach adopted in this study is not to undertake security systems reform in Mali, Nigeria and Cameroon solely and purely in terms of capacity-building. As a matter of fact, the improvements of such SSR processes are measured against the following three indivisible parameters:

1. Improved operationality of the Defence and Security Forces (DSF),
2. Promotion and respect for Human Rights by the DSF, and
3. Progress in the area of security system governance as a whole.

These are the three criteria that guided us in defining research questions. The first parameter is operational and relates to the restructuring of forces to make them capable of coping with the asymmetric and multifaceted threats facing the three countries. These various threats and security challenges are assessed throughout the study based on the strategic and conflict environment specific to each of the three countries considered. Have the efforts to reform the defence and security forces helped to increase their operational capacity (which is measurable in terms of field performance (technical capacities), level of professionalism (respect for

the promoted standards and norms); responsiveness (preparedness to immediately respond to imminent threats)? This study therefore attempts to briefly describe the efforts deployed on a sector-by-sector basis in each of the three countries, as well as the training programmes implemented.

The second type of criterion relates to respect for basic rights and human dignity, which the defence and security forces have to protect in the same way as State sovereignty and institutions. The recent involvement of Cameroonian, Malian and Nigerian defence and security forces in atrocities, abuses or gross human rights violations has been frequently and abundantly reported. These countries' defence and security forces all share a security culture based on brutality and inherited from the colonial and post-colonial eras. The abuses and human rights violations they perpetrate in their various areas of operation (Central Mali for the FAMA; fight against Boko Haram for the Cameroonian and Nigerian forces; the involvement of Cameroon's forces in the violent crackdown on popular protests in the English-Speaking regions or during the electoral period) rank high among the criticisms addressed to security and defence forces of the three countries by national or international Civil Society Organizations (CSOs). How, therefore, is the human rights-based approach considered in the three countries?

The third parameter is related to democratic governance of the security sector. Reinforcing internal control mechanisms (especially general inspections and military justice) as well as those responsible for the external control of the security sector (the Parliament and rule of law institutions like Human Rights Commissions, Courts of Auditors, Mediators and Ombudsmen on the one hand, and CSOs on the other) is

an absolutely major challenge in these three countries. But what real capacities do these actors, especially CSOs, have to exercise their oversight role ?

The political will behind the initiatives proposed to reform the defence and security forces and enhance their governance was also considered in each study. To what extent do the policies supported by governments authorities favour measures aiming at achieving a more democratic security governance involving other players like civil society organizations? In the three countries, indeed, the highly varying level of CSOs' involvement in security sector oversight-active in Nigeria, increasing in Mali and timid or non-existent in Cameroon- is often hampered not only by lack of strong political commitment from government authorities to move towards a more democratic security governance, but also by the broadly informal functioning of the armed and security forces considered in this study.

Finally, each of the three processes was considered with respect to the African Union Policy Framework on Security Sector Reform as well as the ECOWAS (concerning Nigeria and Mali) and ECCAS frameworks, which have been analysed in detail to answer the following question: how do continental and sub-regional SSG/R policy frameworks inspire or influence the ongoing processes in the three countries considered?

## 1.2. Democratic Governance and Security System Reform

The definition of security used in this study largely incorporates the perspective developed by the *"human security"* concept emphasizing that security can be jeopardized by other

threats than military, caused by political, economic, societal and environmental factors, while populations may be exposed to improper or abusive behaviour by the defence and security forces themselves, especially when implementing instructions from an authoritarian regime.

At this level, security thus refers to provisions aimed not only at ensuring the security of State's institutions by protecting national sovereignty and territory, but also at ensuring the security of citizens and communities that make-up the territory.

"Governance" as a concept captures the fragmentation of power and authority at various levels and refers to the structures and processes through which social organization is structured, ranging from centralized control to self-regulation. Looking at security from a governance perspective thus aims to lay particular emphasis on how a wide range of state and non-state actors exercise power and authority over security policy -both formally and informally- at a local, regional or international level. "Security Sector Governance" (SSG) properly speaking, considers both the role of governments in developing and implementing security decisions, and highlights the influence of various non-governmental and private players on security provision, management and oversight. Therefore, SSG appears to be an analytical concept that provides insight into the exercise of power and authority in ensuring the security of State and people.

Democratic governance of the security sector, on the other hand, is a normative concept referring to the efforts made to optimize State's and citizens' security by strengthening rule of law, civil control and respect for human rights by public and private security providers

operating throughout the national territory. What democratic governance of the security sector and human security have in common is the particular attention paid to the security of individuals, communities and the whole population, including legal protection of citizens' rights, security of people and properties, as well as the independence, accessibility and fairness of judicial proceedings.

Security Sector Reform (SSR) is geared towards promoting the setting-up or strengthening of democratically governed and human rights compliant security systems. It is a political and technical process, carried out in a cross-sectoral manner in order to foster States' and people's security, through the promotion of a more effective and accountable management and control.

Based on the above definitions, the quality of security provision and that of security governance should be considered as reinforcing each other when embedded in a democratic context.

### 1.3. Research Methodology

The methodology adopted in this study is predominantly qualitative. It is based both on a review of existing literature and field research.

- In Nigeria, the methodology adopted involved interviews (conducted either individually or in groups with CSOs and security agencies) and "media tracking".
- In Mali, it was possible to carry out interviews with local (SSR Commission, independent institutions, CSOs) and international stakeholders involved in the SSR process (MINUSMA, EUTM mission, MISAHEL etc.).

- In Cameroon, it has been difficult to get in touch with active military personnel or police officers. As all requests for authorization were unanswered, informal meetings have been adopted as an alternative. Interviews with civil society actors have fortunately provided access to more critical viewpoints.

### 1.4. Political, Economic, Social, Financial and Institutional Factors Conducive to Civil Society Involvement in Security Governance

The case studies carried out in Mali, Nigeria and Cameroon have highlighted the following factors as influencing civil society's involvement in SSG/R processes:

- **Legal factors:** the existence of a liberal and legal framework is crucial in enabling CSOs to play a role in SSG/R processes;
- **Political factors:** political commitment is paramount to foster democratic governance of security systems. It should however be noted, as the Ghanaian and Senegalese experiences between the independence period and the 1990s have shown, that the seeds of security reform can be sown in non-democratic contexts;
- **Organizational factors:** the weaknesses of civil society can be due to poor structuring;
- **Financial factors:** limited financial resources can sometimes explain CSOs' lack of involvement in promoting democratic governance of security systems;

- **Cognitive factors:** civil society's limited involvement in SSG/R issues is sometimes also due to extremely poor understanding of security challenges and issues. Indeed, gaps in SSG/R expertise and very poor strategic culture are particularly limiting factors.

More generally, however, the cases of Mali, Nigeria and Cameroon raise the issue of the effective or purely formal nature of democratic security governance. Democratic governance frameworks have been formally established in the three countries considered in this study. These include the enshrinement of the role played by parliaments and independent institutions in national constitutions; the existence of laws, decrees, ministerial orders and administrative decisions; the planning of the defence and security budget within the national budget and its submission to parliamentary and Supreme Audit Institutions; the establishment of legal mechanisms for the functioning and management of defence and security forces; the definition of duties and prerogatives for defence and security services by the fundamental law; the existence of a legal framework covering the activity of CSOs... However, these three case studies question the nature of the democratic control exercised both over defence and security forces, and over the bodies under whose authority they operate.

The institutional existence of control bodies in no way prejudices their capacity to effectively exercise control. A question too rarely asked is whether oversight bodies, be it the Parliament, rule of law institutions or civil society, are actually independent or effectively have levers of action vis-à-vis the executive. These mechanisms are thus, to varying extents in Mali, Nigeria and Cameroon, weakened, avoided or even overlooked, in particular given

the basically hybrid nature of the security systems concerned in this study. Referred to as a sphere where stakeholders, norms and formal and informal networks interact, hybridity is perceptible through: the influence of family, community and social solidarities that seem to hamper all efforts to introduce a streamlined management of human resources, particularly in recruitment, advancement and promotion processes; the bypassing of hierarchical chains of command, due to the prevalence of internal solidarities, either corporatist, educational (influence of schools and training courses), or related to political affiliations and which have become challenging, especially for inspection services; problems hindering expenditure control, which are tightly linked to lack of transparency, an issue that has always marked debates on FDS actual staffing levels and the allocation of military or police social benefits; current rent-seeking behaviours due to international SSR budgets, particularly in the Malian context. Today, it appears essential to consider such factors related to the informal procedures that also characterize African security governance and regulation. Nevertheless, it should also be acknowledged that control institutions and actors, which until then were de facto paralyzed or disempowered, seem to gain some influence, as evidenced in Mali with a mobilization led by the Office of the Auditor General, the National Assembly and the civil society to condemn corrupt practices that have marked some defence procurement transactions.

## II. CONTINENTAL, REGIONAL AND NATIONAL INITIATIVES FOR THE INVOLVEMENT OF CIVIL SOCIETY IN SSG/R PROCESSES

During the 2010s, the African multilateral institutions i.e. the African Union (AU) and Regional Economic Communities (RECs) adopted documents for the support and assistance they provide to SSR processes undertaken by their Member States.

### 2.1. The Role Played by the AU in SSR

The African Union Policy Framework on Security Sector Reform was adopted by AU Heads of State and government at the Ordinary Summit held in January 2013. The African Security Sector Network (ASSN) was involved in the drafting of this document, which refers to the following:

- the February 20, 2007 Declaration of the United Nations Security Council (S / PRST / 2007/3) stating that security sector reform is essential for peacebuilding;
- the UN Secretary-General January 2008 report (A / 62/659-s / 2008/39) outlining UN's SSR approach;
- the UN Secretary-General June 11, 2009 report (A / 63/881-S / 2009/304) recognizing SSR as an immediate priority in the aftermath of a conflict, and
- the UN Security Council July 16, 2010 Statement (S / PRST / 2010/14) emphasizing that effective SSR programs are instrumental in preventing conflicts.

The AU Policy Framework on SSR equally refers to the provisions of its own Post Conflict Reconstruction and Development (PCRD) Policy, which gives priority to restoration and capacity-building of security institutions

As indicated in its Section A, the specific objectives of this policy framework are to:

- a. provide a policy framework for AU Member States and RECs to formulate, design, implement, monitor and evaluate SSR processes;
- b. provide a platform for SSR orientation, training and capacity-building to assist African individuals, groups and institutions to participate more effectively in SSR processes and to provide an African instrument for SSR advocacy;
- c. guide the partnerships and relationships of international organisations and other partners working with the AU, RECs and Member States in SSR processes and,
- d. serve as African building block contribution to the global SSR framework of the United Nations.

Section B lays out Core African Principles for Security Sector Reform. These principles highlight the need for African solidarity, national ownership and national commitment; the need to take the local context into account, including the role of informal and customary security institutions and traditional justice actors; the need to consider SSR as part of broader democratization and reform processes fostering good governance; the need for gender-mainstreaming and SSR assistance coordination. Section C of the document is about "*prohibitions*": The framework prohibits all national,



regional, continental and international entities from carrying out activities in Africa, in the name of SSR, which may undermine the sovereignty, territorial integrity, political independence, domestic jurisdiction of a Member State, including the use of SSR to effect regime change in a Member State, or its ability to fulfil its international obligations. The Political Framework also prohibits the use of children below the age of eighteen (18) in armed forces and groups in particular, as well as the use of mercenaries as agents or members of the security sector; the use of private military companies (PMCs) in SSR activities in Africa is deplored. It is also clearly stipulated that the African Union may not support any activity that has the potential to cause unnecessary militarization or lead to an arms race that is contrary to international law.

While Section D covers the core elements of SSR programming, Section E focuses on gender mainstreaming in the security sector, Section F on vulnerable groups and the rehabilitation of ex-combatants, refugees and internally displaced persons, Section G on continental implementation strategies and structures for SSR processes, evoking the role not only of the AU itself, but also that of RECs and Member States, clearly referred to as *“primary providers of peace and security for their citizens and for all entities within their borders (...) SSR will be conceived, designed, led, managed, coordinated, implemented, monitored and evaluated by national actors. National authorities will also make substantial financial, human and other resource contributions to the SSR process. To be truly national, a Member State will include as many national stakeholders as possible into the SSR process”*.

The role of African civil society in SSR is specifically provided for in Section H. The AU recognizes the role of civil society in the activities of

the Union as enshrined in Article 4 (c) of the Constitutive Act of the African Union and in the relevant sections of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union and the Post Conflict Reconstruction and Development Policy (PCRDP). According to the framework document, the role of CSOs in SSR is limited to:

- a. the promotion of dialogue among the different sectors of society on security issues as a confidence-building measure;
- b. active participation in the formulation, monitoring and evaluation of security sector policies and legislation;
- c. the promotion of peace, security and stability in Africa;
- d. the promotion and defence of a culture of good governance, democratic principles, participation, human rights and freedoms as well as social justice in the security sector;
- e. the promotion and defence of best practices in the security sector;
- f. conducting research and providing training on security related issues;
- g. Advocacy and awareness-raising on security related issues, particularly on security budget analysis, and monitoring and evaluation of security policy and practice, and
- h. the promotion of the implementation of this policy at national, regional and continental levels.

Furthermore, the African Union encourages

civil society organisations to use relevant channels to interact with the AU, RECs and AU Member States. In addition, civil society will act *“not only as watchdogs over security related actions of national, regional and continental authorities, but its engagement will also be seen as a measure of public approval of security related activities including security sector reform”*.

Within the AU Commission, the Defence and Security Division (DSD) of the Peace and Security Department (DPS) is responsible for matters relating to the RSS process. It is worth adding that two other actors are expected to play a key role in matters concerning civil society involvement in security systems reform and governance: on the one hand, the Citizens and Diasporas Directorate (CIDO), which provides secretariat services and works closely with the Economic, Social and Cultural Council (ECOSOCC). It was established in July 2004 as an advisory body made up of different social and professional groups from AU member states); The ECOSOCC was created to enable African CSOs to actively participate in developing and implementing AU's principles, policies and programs.

In the spirit of the objectives and principles of the Constitutive Act of the African Union and the Statutes of ECOSOCC, the AU, the Regional Economic Communities (RECs) and the Member States are encouraged to ensure the participation of CSOs needs assessment, formulation, adoption, implementation, monitoring and evaluation of security sector reform. In this respect, the importance of the *“Living-stone Formula”* - which is specifically devoted to the role of African CSOs in promoting peace and security in Africa and under which SSR processes fall- should be emphasized, as it provides a framework for the engagement of

CSOs at the continental level, including by recognizing those finding it difficult to intervene at the national level due to civic space restrictions.

## 2.2. ECOWAS

For two decades now, ECOWAS (Economic Community of West African States) has gradually developed a normative framework to promote and support security sector reform and governance (SSG/R) in West African States. This SSG/R normative framework, which is part of the West African Peace and Security Architecture (see ECOWAS map), is itself defined by the following texts:

- the Revised ECOWAS Treaty, adopted on 23 July 1993, particularly Article 58 by which the member States undertake to work for peace, stability and sub-regional security;
- the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security, adopted on 10 December 1999;
- the Protocol on Democracy and Good Governance, adopted on 21 December 2001, supplementary to the aforementioned Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security;
- Vision 2020, which identifies peace, security and stability as the foundation of regional integration;
- the Conflict Prevention Framework (CPF), adopted in 2008 ;

- the Supplementary Act relating to a Code of Conduct for the Armed Forces and Security Services of ECOWAS, draft bill which dates back to 2011.

These fundamental texts sometimes do not at all or simply indirectly or partially deal with the issues related to system reform and governance of West African security systems. As a matter of fact, it was only in 2016 that ECOWAS adopted the ECOWAS Policy Framework for Security Sector Reform and Governance, then the ECOWAS Five-Year plan of action to implement the Policy Framework for the security sector reform and governance 2019-2023 in 2018, exclusively devoted to these issues. It is however important to know all the existing provisions in this regard.

### **2.2.1. References to SSG/R between 2001 and 2016**

In Section 1 Chapter I of the *“2001 Protocol on good governance and democracy, additional to the Protocol relating to the Mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security”* relating to the *“principles of constitutional convergence”*, it is specified that *“the military shall be apolitical and at the disposal of the regularly established political authority; every serving soldier cannot be entitled to an elective political mandate”*. In addition, section IV deals specifically with the *“role of the military and security forces in democracy”* (Article 19-20).

The Conflict Prevention Framework (CPF) adopted in 2008 contains very detailed provisions relating to security governance in its articles 72 to 76. Security governance is therefore effectively conceived as an integral component of conflict prevention.

The drafting of the *“Code of Conduct for the Armed Forces and Security Services of ECOWAS”* (2011) has been subject to a long process of reflection. It was during the Sixty-Sixth Ordinary Session of the Council of Ministers held in Abuja on 17-18 August 2011 that the draft *“Supplementary Act ASA/... /... / 11 on the Code of Conduct for the Armed Forces and Security Services of ECOWAS”* was discussed. However, this document has not yet been validated at the highest level: the Code of Conduct has been adopted by Directors, Experts, CCDS, CCSS, Ambassadors and Ministers. It was introduced to the Mediation and Security Council in June 2018 in Liberia. Member States of the MSC made some remarks which hindered the validation of the document at its level and at the level of the Conference of Heads of State and Government. The issues raised are currently being examined and the document will be submitted again to the MSC and then to the Conference of Heads of State and Government. It is only after it has been validated by these two bodies that the Code of Conduct can be implemented.

### **2.2.2. The ECOWAS Policy Framework for Security Sector Reform and Governance (2016)**

The ECOWAS Commission was mandated by the ECPF to develop both a Security Governance Framework and an Action Plan associated therewith. To this end, a group composed of relevant ECOWAS departments, external experts and CSOs was set up by the Commission. The initial design work for this document was started in 2009. The African Security Sector Network (ASSN) was associated with these early works, as well as the WANEP (West Africa Network for Peacebuilding).

The ECOWAS Policy Framework for Security Sector Reform and Governance was adopted and signed in June 2016 in Dakar by the West African Organization's Conference of Heads of State and Government. This validation at the highest decision-making level gives it an undeniable strength and legitimacy.

The Preamble to the document refers to both the Constitutive Act of the African Union and the Charter of the United Nations. In addition, the relevant texts adopted by the United Nations on SSR are all mentioned. The African Defence and Common Security Policy and the provisions of the AU's Post-Conflict Reconstruction and Development Policy (PCRD) -which defines capacity building of security institutions as a priority-, of course as well as the 2013 AU Policy Framework on SSR are presented as fundamental references.

Special emphasis is also placed on the crucial importance of security sector governance: *"lack of culture of governance of the security sector, inadequacy of physical and institutional capacity, lack of/limited professionalism of security institutions and actors, insensitivity to gender issues, lack of relevant training, inadequate equipment, funding and other resources, and absence of effective democratic control"* is presented as root cause of the challenges facing the security sector in West Africa. Therefore, the document proposes a very precise definition of *"democratic governance of the security sector"*, which refers to *"the provision, management and control of security sector based on democratic principles and values for the benefit of the people. It requires separation of powers, a participatory and inclusive approach involving citizens through their legally and regularly chosen representatives in decision-making processes, management and control of State*

*activities and functions in the Security Sector"* (Section 1: Introduction).

The Preamble equally stresses the importance of *"anchoring the security sector reform and governance efforts on the region's shared cultures and values"*.

Moreover, *"security"* as defined in the document explicitly refers to the concept of human security, as the objective of putting *"citizens at the centre of the security discourse"* to support the achievement of ECOWAS Vision 2020 is explicitly stated. Thus, the Preamble to this Policy Framework states that *"democratic governance and human security are at the core of the community strategy aiming at making security a regional public good and an essential service for citizens as well as a vital component to achieving sustainable development"*. However, the need to combine *"state security"* and *"human security"* is also highlighted.

Section 1 - Introduction of the document thus points out that the definition security *"the term security covers both the traditional state-centric notion of the survival of the state and its protection from external and internal aggression by military means, as well as the non-military notion of human security based on political, economic, social and environmental imperatives in addition to human rights"*.

Indeed, the ECOWAS Policy Framework is intended as a regional strategic framework for SSR/G to be adopted locally by the different Member States of the Organization. In line with the 2013 AU Framework, as well as the 2001 Additional Protocol on Democracy and Good Governance and the 2008 CPCC, the ECOWAS Framework aims to foster a contextualized approach to SSR concepts and methods, as it applies to West African states.

Furthermore, while considering Security Sector Reform and Governance (SSR/G) as an essential component of conflict prevention, ECOWAS believes it should also *“be part of a broader reform agenda on promoting human rights, the rule of law, peace-making, peacekeeping, peace-building and sustainable development”* (Item 10, D, Section 1). SSR/G is therefore designed as directly contributing to the promotion of democracy within member states. It thus aims to:

- *« a. To eliminate threats to individual and group rights, safety, life, livelihoods and property, and the protection of the institutions and values of democratic governance, human rights and the rule of law under a human security umbrella;*
- *b. to strengthen and orient the focus and capacities of institutions, individuals and groups engaged in the security sector to make them efficient, effective, responsive and responsible to democratic control and to adhere to basic human rights and the rule of law”* (Item 13.D).

Thus, the purpose of the document is to provide the ECOWAS Commission, Member States and any involved stakeholder with guidelines, so as to enable them implement and monitor SSR/G processes jointly with the AU, other RECs, the United Nations, international players and CSOs (Item 12.C). The sub-objectives pursued also include the promotion of *“a regional platform for advocacy and learning on SSG/R through sharing of experiences and good practices, training and other capacity building activities in West Africa”*.

Section 2 discusses *“the core principles of ECOWAS SSRG”*. First, it refers to all texts making-up the backbone of the West African

Peace and Security Architecture (recalled in the introductory part of this document). It also refers to the 2011 Code of Conduct of ECOWAS Armed Forces and security services, to the ECOWAS Anti-Terrorism Strategy and its Implementation Plan (2013) and to the ECOWAS Integrated Maritime Strategy (2014).

Section III of the document also discusses the *“essential features of SSG/R”* including the following essential elements:

- a. a national security policy;
  - b. a periodic security sector review and needs assessment;
  - c. a comprehensive professionalization and modernization of the security and justice sectors ;
  - d. the involvement of customary authorities and community-based security providers in the SSR process;
  - e. the effective involvement of Civil Society Organisations and the media (see details);
  - f. the establishment of democratic control and oversight institutions, as well as efficient judiciary systems.
- The executive sphere (Heads of States and Government, ministries, cabinet members and other management bodies) has to fully play its role in providing the political guidance, direction and needed resources to the security institutions.
  - The role of parliaments in security sector oversight and control - in accordance with constitutional provisions of the different states- is widely emphasized.



It is further clarified that the ECOWAS Parliament will contribute to the better understanding, dissemination and implementation of common normative standards on SSG/R.

- The Framework stresses the need to ensure full independence of the judiciary from the executive and legislative branches, especially in the fight against the culture of impunity.
  - Finally, member states have to enact national legislation limiting the legitimate use of force by security institutions and holding these institutions accountable for any violation of such legislation. Moreover, it is recommended that exceptional measures such as curfew and state of emergency have to be adopted in compliance with the constitution, applicable national legislations and regional instruments, as well as international human rights and humanitarian law.
  - ECOWAS States must establish independent oversight bodies such as Ombuds institutions, national human rights commissions, Auditors General responsible for monitoring the functioning of security institutions. These institutions should be empowered to receive and investigate complaints from the public and security sector personnel, while ensuring that security players comply with the core principles of democratic governance.
- g. Although the whole Framework repeatedly stresses the need for Member States to provide security and justice institutions with the resources, they need to carry out their tasks, a specific paragraph is also devoted to this aspect. It focuses very specifically on resource mobilization strategies, from both domestic (both public and private) and external sources, to ensure long-term funding for SSG/R programmes.
- h. The document highlights the primary responsibility of ECOWAS Member States in establishing a national structure for co-operation and partnerships to support the implementation of SSG/R programmes. However, it is also possible for States (especially fragile and post-conflict States) to receive external assistance and coordination capacity building from the ECOWAS Commission, the AU, the UN and other partners.
  - i. An effective communication strategy: In order to respect their citizens' right to freedom of information, Member States are committed to developing a communication strategy enabling different stakeholders (national public authorities, populations, CSOs, regional and international partners) to be informed on how SSG/R processes evolve.
  - j. A monitoring, review and evaluation mechanism (MRE): The importance of developing internal tools and defining Monitoring and Evaluation (M&E) indicators is underscored to measure the achievements, failures or progress made in SSG/R.
- Section IV of the Framework, entitled "*Gender Mainstreaming in SSG/R*", refers to Article 63 of the Revised ECOWAS Treaty (1993), the ECOWAS Gender Policy (2004), Article 81 of the ECPF on the "*Women, Peace and Security*" agenda (2008), the ECOWAS Regional Action Plan for the Implementation of the UN Security Council Resolutions 1325 and 1820, as well as

other AU and UN relevant instruments.

Section V of the Framework, entitled *“Implementation Mechanism of the ECOWAS SSG/R Policy Framework”* specifies the roles of the Commission and Member States respectively. In order to secure support from ECOWAS for national SSG/R programs, member states must address a request to the Mediation and Security Council (MSC). Based on the recommendations of the MSC, the ECOWAS Conference of Heads of State and Government decides whether to respond positively to the request received or not.

The Policy Framework clearly specifies that *“Member States are the primary providers of security and justice services for their citizens and States”*.

The role played by West African civil society in SSG/R processes is discussed in a recurrent and cross-cutting way throughout the document. In Section I / Introduction of this Policy Framework, particular emphasis is placed on civil society presented as referring to *“civil society organizations (CSOs) as defined in article 3 of the Statutes of the Economic, Social and Cultural Council of the African Union (ECOSOCC)”*.

According to this article, CSOs include:

- *“a. a. Social groups such as those representing women, children, the youth, the elderly and people with disability and special needs;*
- *b. Professional groups such as associations of artists, engineers, health practitioners, social workers, media, teachers, sport associations, legal professionals, social scientists, academia, business organizations, national chambers of commerce, workers, employers, industry and agriculture as well as other private sector interest groups ;*

- *c. Non-governmental organizations (NGOs), community-based organizations (CBOs) and voluntary organizations;*
- *d. Cultural organizations”.*

Also, Item (e) of Section III refers more explicitly to the effective involvement of civil society organizations and the media. Like the 2001 Protocol on Democracy and Good Governance and the 2008 CPCC, ECOWAS recognizes the positive role played by CSOs and the media in promoting peace and security in West Africa. Member States are called upon to scrupulously ensure full and effective participation of CSOs and media in the process of designing, formulating, implementing, evaluating, reviewing and monitoring SSG/R programmes, projects and activities. ECOWAS also encourages CSOs and the media themselves to:

- raise citizens awareness and advocate for better understanding, dissemination and implementation of the concepts and principles contained in the Policy Framework at national and regional levels;
- contribute to instilling in ECOWAS citizens a culture that values democratic governance in the security sector;
- conduct research, training and capacity-building activities on SSG/R in West Africa, in partnership with the ECOWAS Commission;
- encourage dialogue between national security institutions on the one hand, and between these institutions and communities on the other hand ;
- participate in formulating the national security policy, as well as in reviewing and assessing security sector needs;

- contribute to the work of institutions in charge of overseeing and controlling the security sector.

Item (h) of Section III on coordination of cooperation and partnerships evokes - as mentioned above- the importance of setting up national structures *“composed of several stakeholders such as government officials, CSOs, international partners, CBOs, research and academic institutions”*.

Finally, Section V Item C specifically discusses the role of Civil Society Organizations and the Media in SSG/R and broadly reiterates the provisions detailed under section III Item (e), while further underscoring that civil society must also promote transparency and accountability in SSG/R programs and ensure that security activities meet the needs of citizens and communities.

Section VI addresses the relations with partners in more details than Item h of section III. Foremost among these are the African Union and the United Nations. As a continental organization, the African Union is presented as playing a key role in supporting Regional Economic Communities (RECs), building blocks of the peace and security architecture in SSG/R. The role played by UN and other partners is equally highlighted.

### **2.2.3. The Five-year Implementation Plan for ECOWAS SSG/R Policy Framework (2019-2023)**

Adopted in 2018, this 5-year plan is broken down into six major strategic objectives:

- Strategic Objective 1 : creating an enabling environment for Security Sector Governance Reform (SSG/R);

- Strategic Objective 2: support a national vision of security and the mandate of the SSG/R;

- Strategic Objective 3: Increasing confidence in the security sector;

- Strategic Objective 4: making security agencies more efficient and professional;

- Strategic Objective 5: consolidating the achievements and institutionalizing a culture that promotes SSG/R;

- Strategic Objective 6: examining the progress made and applying the lessons learned in the planning process (Monitoring and Evaluation).

### **2.3. The ECCAS**

Since the early 1990s, a great number of structures and mechanisms dedicated to peace and security issues in Central Africa were put in place within the ECCAS zone. Some of these include:

- the UN Standing Advisory Committee on Security Issues in Central Africa (UNSAC) established in 1992;

- the July 1996 Non-aggression Pact between Central African States;

- the Council for Peace and Security in Central Africa (COPAX), established in February 1999, the three pillars of which are the Security and Defence Commission (SDC), the Central African Multinational Force (FOMAC) and the Central African Early Warning Mechanism (MARAC). These are structures put in place within the ECCAS zone which make up the APSA's sub-re-



gional linchpin established under the AU (continental security structure), and

- the February 2000 Mutual Assistance Pact.

In May 2007, the 25<sup>th</sup> ministerial meeting of UNSAC adopted the Sao Tomé Initiative calling for the development of a code of conduct for defence and security forces in Central Africa. This initiative was adopted following the Bata Declaration on the *“Promotion of Democracy, Peace and Sustainable Development in Central Africa”*. UNREC subsequently prepared a draft code of conduct for armed and security forces in Central Africa. On the basis of the draft and comments by UNSAC and ECCAS Member States, a consolidated Code of Conduct was adopted at the 28<sup>th</sup> ministerial meeting held in Libreville (Gabon) in May 2009. This Code specifies distinct mandates of defence and security institutions and clearly spells out their responsibilities towards the State and the people. It also seeks to build the defence and security capacities institutions in terms of civic instruction, respect for human rights and respect for international humanitarian law.

To make this document operational, the *“Code of Conduct for Armed and Security Forces in Central Africa: Implementation and Training”* project was launched between 2010 and 2011 (for a 18 months period). The main objective of the project was to increase the professionalization of the security sector in the Central African sub-region by assisting Member States in implementing the Code. The project was implemented by UNREC, in partnership with ECCAS.

The project timeline included the following steps:

- publication and dissemination of the Code of Conduct;

- elaboration of draft implementation guidelines of the Code of Conduct;

- governmental and international expert consultations to finalise the draft implementation guidelines;

- sub-regional training workshop for governmental experts on the Code of Conduct;

- sub-regional training workshop of civil society organisations (CSOs) on the Code of Conduct.

So far, this document is the only one existing at ECCAS level, as the organization has not yet engaged in developing a framework document on its role in SSG/R.

## 2.4. Relevance of Continental and Regional Arrangements

It is worth noting that Mali, is the only country where provisions of the AU Policy Framework on SSR have been explicitly implemented through the field work carried out as part of MISAHEL. This Framework, most of whose provisions can only be implemented by sovereign decision of AU Member States, has little or no influence in Cameroon and Nigeria. In Nigeria, the provisions of the ECOWAS SSR Framework seem to be better appropriated by CSOs.

## 2.5. Towards a Common Perception of Regional Security Threats?

Based on the above three case studies, we can highlight the following dynamics reflecting the overlap of varied (if not mutually opposed) perceptions and conceptions of security.

First of all, the conception inherited from the colonial period appears to be pervasive. The strategic and tactical culture remains strongly “imported” in Cameroon (with France playing an overwhelming role from the 1959 “*Plan raisonnable*” to the 2001 21 decrees) and Mali (where the operational and territorial set-up focused within the capital city and developed during the governorate is still in place, despite years of cooperation with the USSR in the post-independence period). Perpetuated and often amplified after 1960, the repressive approach to policing is a legacy whose influence remains perceptible.

Today, on the other hand, the role and influence of the conceptions valued by foreign partners highly differs in the three contexts. In Mali, the security concept developed by multilateral actors a SSR approach largely inspired by the 2007 OECD SSR framework, promoted by partners like the MINUSMA, EU EUTM and EUCAP missions as well as DCAF- has created a fertile environment for some actors, including CSOs which, since the 2005 National Conference on Security (Etats généraux de la communication), have actively contributed in promoting “*human security*”. While the Malian political and military elite have been less receptive to “*human security*”, this approach is spearheaded by several Nigerian CSOs exerting an influence and receiving attention from the executive sphere. In Cameroon, political and military leaders -involved in bilateral cooperation with foreign partners encouraging a “*realistic approach*” to security- show very little sensitivity to such an approach, while CSOs still fail to actively advocate it. This has resulted in ambiguities and duplicity in the country’s relationships with foreign partners.

On the other hand, traditional military-security cooperation with external partners plays an

absolutely central role; conversely, leaders at the highest level of the State, as well as civil society actors have been speaking out against advocacy campaigns on human rights violations perpetrated by the defence and security forces. Some believe that the recurrent political or security crises affecting the country stem from the interference of Western countries - including traditional partners-, and such ideas are shared to the population through political staging and media game. On September 2, 2014, Christine Robichon, then French ambassador to Cameroon, published a press release denying any connection between France and Boko Haram, aimed at destabilizing Cameroon. In Mali, a certain anti-French rhetoric describing the Barkhane Operation as an occupying force meant to plunder the country’s resources has developed in the media and social networks, attracting a significant part of the population.

In addition, the current security dynamics in the three countries investigated - and even more broadly in West and Central Africa - mark a major change in the traditional “*defence / security continuum*” based on the distinction between internal and external threats to security. The Malian and Cameroonian contexts indicate that the classical (Westphalian) dissociation of defence and security missions is questionable (and contested).

In Cameroon, this interconnection between defence and security has long been acknowledged through the concepts of “*defence spirit*” and “*popular defence*”, which are traditionally geared towards mobilizing military, police and civil forces against rebellions. Defence is therefore referred to in Cameroon as always and means permanently put in place by the State to address any threat to its independence and security. These include different structures,

institutions, regulations and organizations reflecting changes in the socio-political context and the threat environment.

The population is considered as a stakeholder in this defence effort against domestic and external enemies of the nation. In Mali today, only two of the possible use-of-force scenarios (preserving national territorial integrity against external enemies and participation in peace-keeping missions) require an outward operation, with the three others (operations following attacks by armed groups; interposition between two groups or people in a context of community conflict; law enforcement missions at the request of the political authority as a third category force) expected to be carried out within the national territory. In reality, these different conceptions raise the fundamental issue of changing or reversing missions of the defence and security forces in the West and Central African security context, calling on to examine the current nature of the security-defence continuum and, accordingly, on the present-day missions of the internal defence and security forces of the African space.

Indeed, according to the Westphalian conception of security that governed the functioning of Western and post-colonial armies, the military instrument was designed almost exclusively to operate beyond national borders, while security forces were seen as strictly designed to work within the national territory. Nowadays on the contrary, insecurity management in Central and West Africa is based on cooperation between the different armed forces categories in addressing both domestic and cross-border threats, according to a tradition close to the counter-insurgency philosophies (including the French doctrine by Galula during the wars of independence and the American "*Low Intensity conflict*" approach). Indeed, the

current security and conflict setting shows that armed forces are increasingly involved in operations taking place within national borders, in so far as the most serious threats to human and State's security are endogenous. This is typical of States that do not figure among regional powers and, as such, have no foreign ambition.

Conversely, with a majority of threats having a trans-regional nature and being represented by groups, whose criminal or illegal activities (trafficking for instance) challenge State's authority, the other security forces hitherto known to be confined within the national territory are increasingly adding an international aspect to their missions. This suggests that henceforth, the distinction between military missions and internal security forces missions probably lies in a criterion other than the traditional internal/external distinction: 'judicialization', which a necessary condition for the success of a number of missions like the dismantling of criminal or terrorist networks. Once this is achieved, consideration must be given on the distribution of powers between the forces whose job is to crush the enemy forces and those called on to engage criminal prosecution against them. This change, reflecting an evolution of the geostrategic context is likely to result in one of the following two scenarios: either armed forces missions are strictly regulated by newly-drafted national defence and security strategies clearly in line with the rule-of-law, particularly emphasizing their neutrality and duty to protect civilians, but above all these, based on a genuinely African strategic vision; or, in the absence of such safeguards, this change may lead to an objective return to the colonial and post-colonial situation, marked by the use of the armed forces as a political instrument for the repression of populations and freedoms.

Another growing issue concerns State's monopoly of legitimate coercive power: in Mali, the role of non-state security providers has once again gone beyond the single internal defence/security distinction with the FAMA and the French Barkhane force tactically allying on the field with some armed groups (militias) having community affiliations and therefore, often operating across borders. Vigilance committees and self-defence groups have also been successful for several years in Nigeria and Cameroon, sometimes established through unspoken security arrangements, tolerated or authorized by State authorities.

### III. GENERAL RECOMMENDATIONS

To better understand and meet the challenges highlighted in this research work, it seems relevant to:

- undertake communication and advocacy campaigns to disseminate and increase awareness of the AU Policy Framework on Security Sector Reform as well as the ECOWAS Policy Framework for Security Sector Reform and Governance among civil society stakeholders in Mali, Nigeria and Cameroon;
- conduct training workshops for CSOs so as to develop and further their expertise on SSG/R issues, including by developing very specialized areas of expertise (defence and security expenditure budgetary control for instance) as well as their capacities to document and analyse security information;
- encourage the idea of building coalitions of local NGOs specialized in democratic security governance issues ;
- promote closer relations between local CSO coalitions and national human rights commissions with a view to collectively promoting respect for human rights by the Cameroonian, Malian and Nigerian armed forces;
- establish direct links between the African Union (DSD/PSD, CIDO and ECOSOCC) and local CSO coalitions specialized in democratic security governance issues;
- establish direct relations between ECOWAS (Department of Political Affairs, Peace and

Security and the Early Warning Directorate attached to the Commission's Chair) and the local CSO coalitions specialized in democratic security governance issues;

- encourage the creation of spaces for dialogue between CSOs, defence and security forces and the executive under whose authority they operate;
- support the organization of CSOs advocacy campaigns on targeted topics (for instance, on the improvement of the social condition of the defence and security staff);
- contribute to the development of indicators for the ECOWAS Early Warning System by feeding it with the criteria selected for the FES PSCC Project SSG/R Barometer. The decentralization of the ECOWAS Early Warning System at national level is a clear opportunity for CSOs in the various States. Thus, CSOs could contribute to SSG/R by supplying the various written materials used as decision-support tools, daily news, country or regional status reports (daily, weekly, quarterly and yearly), alerts, as well as situation or thematic notes. Local CSOs should also provide the Observation and Monitoring Centre with reports. CSOs should work closely with the ECPF and the ECOWARN to help the prevention system adopt a security sector governance reform indicator;
- carry out a political economy analysis on parliamentary institutions and rule of law institutions theoretically involved, as part of their prerogatives, in the supervision of security systems, but actually have difficulties exercising their role;
- develop fine and detailed sociologies of

defence and security forces. The insufficient or lack of consideration given to sociological or societal aspects -however critical- is one of the major weaknesses of the SSR concept, which goes contrary or at least deviates from the initial approach based on "*civil-military relations*". While such an approach, introduced by the American academic tradition, suffers from insufficient consideration of the global nature of the reforms to undertake as well as the significance of governance issues, it has nevertheless sought to analyse, in a very accurate way, power relations (micro-politics) within the armed forces, an aspect that needs to be reconsidered today.

## FES Peace and Security Series No. 37

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The lack of security is one of the key impediments to development and democracy in Africa. The existence of protracted violent conflicts as well as a lack of accountability of the security sector in many countries are challenging cooperation in the field of security policy. The emerging African Peace and Security Architecture provides the institutional framework to promote peace and security.

### About the publication

Local, national and regional challenges to peace and security as well as democratic governance have become heightened and complicated due to emerging security threats. This is also true for democratic governance of the security sector. A common problem in all the countries is a lack of knowledge and understanding of the concept of SSG/R and the important role civilian oversight plays in the process, which is why the provision of targeted research, analysis and awareness raising to influence public debate and policy makers is such an important element.

In all the targeted countries as well as on the regional level there are challenges with democratic oversight of the security sector. In none of the countries civilian oversight is strong or welcome and mutual distrust between the military and civil society runs

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deep. Even though it has been recognized in all the countries that for SSR to lead to good SSG it is vital to include civil society, especially also marginalized groups, progress has been slow. Civilian oversight, including by CSOs, leads to lower levels of impunity, abuse of power and state violence. On the regional (ECOWAS, ECCAS) and continental (UA) levels, the progress in addressing common security and development challenges on a collective basis has been slow and with mixed results. Even though the ECOWAS Policy Framework for Security Sector Reform and Governance in West Africa states that all member states shall ensure the full and effective participation of CSOs and the media in the formulation, design, implementation, monitoring and evaluation phases of SSG/R programmes, projects and activities, the involvement of CSOs from the relevant countries remains weak.

