

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA P. O. Box 3243 Telephone: 215-115513822 Fax: 251115 519321 Email: cido@africa-union.org

REPORT OF THE AFRICAN CIVIL SOCIETY CONSULTATION

ON

THE DRAFT AFRICAN UNION POLICY FRAMEWORK ON SECURITY SECTOR REFORM

ABUJA, NIGERIA, 22-24 NOVEMBER 2010

ABBREVIATIONS AND ACRONYMS

APSA	African Peace and Security Architecture
AU	African Union
AU-HSG	AU Assembly of Heads of State and Government
ASSN	African Security Sector Network
CIDO	Citizens and Diaspora Organisations Directorate
CSO	Civil Society Organisation
DDR	Disarmament, Demobilization & Reintegration
DSD	Defence and Security Division
ECOSOCC	Economic, Social and Cultural Council
SSR	Security Sector Reform
PRCD	Post-Conflict Reconstruction and Development
PSC	African Union Peace and Security Council
PSD	African Union Peace and Security Department
REC	Regional Economic Community
SSG	Security Sector Governance
UN	United Nations

INTRODUCTION

The African Union (AU) held an African civil society consultation on the draft AU Policy Framework on Security Sector Reform (SSR), in Abuja, Nigeria, from 22-24 November 2010.

OBJECTIVES

The objectives of the meeting were three-fold. The first objective was to sensitize civil society on the process and development of the AU SSR programme within the framework of the African Union since the inception of the programme in 2008. The second objective was to receive and harness the contributions of African Civil Society Organisations (CSOs) contributions towards the finalization of the policy document as a basis for its presentation for consideration and adoption by the executive policy organs of the AU. The third was to mobilize civil society support for the AU SSR process and to begin their self organization in support of the administration and implementation of the final policy document that will hopefully emerge from the African Union Summit scheduled for June 2011 in Equatorial Guinea.

ATTENDANCE

The meeting was attended by 35 civil society organizations from the five geopolitical regions of Africa, along with representatives of the media, the United Nations, the African Security Sector Network (ASSN), universities and other academic institutions and the relevant departments of the AU, particularly the Defence and Security Division of the Peace and Security Department (PSD) and the Citizens and Diaspora Directorate (CIDO).

OPENING CEREMONY

The opening session that was presided over by Professor Eboe Hutchful, Chair of the ASSN, had three main presentations.

In his welcome statement, the Director of CIDO, Dr. Jinmi Adisa, on behalf of the AU Chairperson, Mr. Jean Ping, formally welcomed participants to the meeting. Dr. Adisa observed that consultation with CSOs on the draft AU Policy Framework on SSR was important for two main reasons. Firstly, it derived its impetus from the Constitutive Act of the African Union, which was designed as a partnership between governments and segments of the civil society. Secondly, SSR remained an essential component of a wider governance architecture that is a necessary and sufficient condition for the progressive development of African states.

He saw this development as particularly significant because the AU initiative for an African Security Sector Reform Framework was inspired by the civil society. It was therefore a matter of pride that the process was now returning to the civil society for consolidation before being finalised by the appropriate policy organs of the AU.

Dr. Adisa drew two lessons from this experience. One was that the AU was living up to the aspirations of its founding fathers and mothers by creating itself as a people-oriented body. Secondly, he urged the civil society to draw appropriate lessons from this experience in terms of the policy engagement process. He noted that the African Union, as a people-oriented community, was comprised of multiple stakeholders with whom civil society actors must vie, contend and collaborate as required. Outcomes would be decided not merely by the strength of ideas, but also by the wisdom and methods with which such ideas are pursued and the character of diplomacy employed in effecting them.

As part of the AU SSR process therefore, the civil society must relate with and coordinate their actions with other stakeholders through appropriate models of interaction that would allow for cross-fertilization and cross-triangulation of efforts, actions and objectives. Simultaneously, the civil society must recognize the primacy of executive actors such as the AU Assembly of Heads of State and Government (AHSG) and the Executive Council of Ministers in determining the final outcomes of AU processes. Hence, civil society proposals and recommendations must be clearly oriented to affect those outcomes. Within that context, it would be extremely wise to take advantage of this particular consultation and to make maximum use of its proceedings.

Subsequently, the Chair of the Peace and Security Cluster of the Economic, Social and Cultural Council (ECOSOCC), Professor Dipo Kolawole, congratulated the AU Peace and Security Department (PSD) and their collaborators in the civil society, particularly the ASSN, for providing a detailed, concise and balanced document for review. He expressed delight that the document had a niche for civil society and provides for their interaction with other important actors.

Professor Kolawole urged the civil society to approach the document in a comprehensive manner. On the one hand, he added, they need to continue to contribute positively towards the definition, refinement and consolidation of the provisions of the draft policy framework. On the other hand, they need to engage the document actively by assuming the responsibilities and commitments it bestows upon them. Moreover, their actions must be both prospective and retrospective. Thirdly, he noted that once the document was adopted, they would need to build

and mobilize support to sustain the pace and tempo of its administration, continuity and implementation at local, national, regional, continental and global levels.

He reiterated the point made earlier by Dr. Adisa that the CSO consultation was testimony to the AU's respect for the provisions of its Constitutive Act on building a people-oriented community in the African Union, and added that ECOSOCC as the main civil society organ of the Union was proud to be effectively associated with the process.

In his presentation, Dr. Norman Mlambo, the African Union Focal Point on Security Sector Reform observed that the Defence and Security Division (DSD) of the AU Peace and Security Department (PSD) had the responsibility for leading the AU SSR process. He outlined the structure of the PSD and its competences in this regard.

He added that the PSD regarded the CSO consultation as important for a variety of reasons. One was the provisions of Article 4 (c) of the Constitutive Act of the African Union, which encourages "participation of the African peoples in the activities of the Union" which was further strengthened by the 2002 Protocol Relating to the Establishment of the Peace and Security Council (PSC) of the African Union which also "encourages non-governmental organizations, community based and other civil society organizations, particularly women's organizations, to participate actively in the effort aimed at promoting peace, security and stability in Africa". In addition, the Post-Conflict Reconstruction and Development (PRCD) frameworks require the AU, RECs and Member States to "foster inclusion of civil society organizations as partners in safety and security activities, while the Livingstone Formula of 2007 outlines a basic process and mechanism for the interaction of CSOs with the PSC. He concluded that it was in this context that the AU Commission has partnered with the ASSN, one of the leading think-tanks on the subject of SSR. This AU-CSO consultation was therefore an integral part of the African Union policy formulation process, he affirmed, not a cosmetic activity.

BACKGROUND AND DEVELOPMENT OF THE DRAFT AFRICAN UNION POLICY

FRAMEWORK ON SECURITY SECTOR REFORM

Three presentations were made in this introductory session. The first by Dr. Norman Mlambo gave the background, context and objectives of the AU Policy Framework on SSR. Dr Mlambo noted that the need to reform the security forces in many AU Member States was self-evident as most of them faced challenges that made it difficult for them to discharge their functions in a democratic manner. Most of these challenges were legacies of the colonial era, an era in which

security forces were created, not to serve the general public, but to safeguard the interests of the colonial power.

The early forms of transformation of the security sector consisted mainly of DDR process accompanying the withdrawal of the military from politics. These sets of reforms had only limited impact as security forces in many states soon degenerated to the point where they were not able to perform their legitimate role of defending the state and providing security to the generality of the people.

The turning point for the AU on security sector transformation came with the Post Conflict Reconstruction and Development Policy (PCRD) of 2006. The PCRD gives priority to the re-establishment and strengthening of the capacity of African security institutions and provides for the development of an AU policy framework on SSR.

Dr. Mlambo traced the history of the development of the draft AU Policy Framework on SSR, identifying the ASSN and the UN as critical partners in the process. He reiterated the fact that, the Assembly of Heads of State and Government in January 2008 adopted a decision which “encourages the Commission to develop a comprehensive AU Policy Framework on Security Sector Reform (SSR), within the context of the policy Framework on PCRD adopted by the Executive Council in Banjul in June 2006”. Thus, it was the Assembly decision that mandated the development of an AU SSR policy. The objectives of the SSR policy include democratizing Security Sector Governance (SSG) and tackling the internal development challenges of the African security sector.

Finally, Dr. Mlambo identified the challenges that face the AU SSR process as including a lack of adequate capacity to move the process of developing the policy, managing and implementing the policy framework, lack of funding for SSR activities, and lastly the fear that some AU Member States might not accept the draft policy document knowing fully well that it might erode their security sector power bases. He however expressed the hope that this would not be the case since the mandate to develop the policy was given by the AU Assembly of Heads of State and Government.

In his own presentation, Dr. Adedeji Ebo traced the UN’s role in the AU SSR process to a Conference on ‘The UN and SSR in Africa’, hosted jointly by South Africa and Slovakia and held in Cape Town, South Africa, in November 2007. The UN’s role is currently defined by the AU-UN Strategic Partnership on SSR. As part of that partnership, the AU and the UN have

requested the ASSN (in a joint letter dated 01 November 2010) to provide support to the implementation of this strategic partnership.

Dr. Ebo reiterated that the UN's partnership with the AU is particularly important because the global approach of the UN is largely dependent on the extent to which it is informed and responsive to regional approaches. Moreover, the UN is uniquely suited to support the AU on SSR because of the UN's political neutrality.

Dr. Ebo noted that the AU-UN strategic partnership in SSR stands on the two legs of (a) articulating the AU SSR policy and (b) implementation of the policy. He further pointed out that the AU and the UN have jointly agreed on specific areas of support to accompany and expedite implementation of the AU SSR policy, including, but not limited to, joint AU-UN SSR assessments, development of policy tools (such as a Code of conduct for Armed and Security Services in Africa), and harmonization of security legislation.

In conclusion, he charged the meeting to identify specific ways in which uniquely African ideas can be brought to bear on the current SSR debate. He emphasized that SSR should be located within a broader good governance agenda for Africa.

In his follow-up presentation, Prof. Eboe Hutchful noted that the SSR/SSG (Security Sector Governance) agenda has always been driven primarily by the civil society. He traced the origin of this development back to the pro-democracy agitations of the period of military rule and one-party states in several African States. However, the agenda suffered a loss of momentum because the civil society focused largely on the removal of military regimes and one party rule, and thus lacked proper conceptual clarity on long-term security sector transformation. Hence, CSOs have played a role in SSR that tends to vary very much from country to country - a prominent role in South Africa, a somewhat negligible one in Sierra Leone, and somewhere in between in the case of Liberia.

Moreover, part of the loss of momentum can be attributed to the fact that donors captured the SSR agenda as part of their donor toolkit, marginalizing Africans in the subsequent global discourse. The African civil society faces an additional quandary because while the AU has given structural space to CSOs, particularly in the context of the African Peace and Security Architecture (APSA), this has not necessarily percolated down to the AU Member States, many of which tend to resist a role for CSOs in SSR.

He concluded that the real challenge of civil society engagement will become evident after the policy is adopted. The civil society will have to be active in advocacy and vigilance. SSR is not only contested, but has so far been statist and donor driven. As a result, popular concerns will have to be driven by CSOs. In this process they must go beyond advocacy towards engagement and collaborative interaction with other stakeholders to advance the project. They would need to develop the necessary tools and capacity to do this. Many CSOs recoil from direct interaction with security institutions; but while this is understandable in light of the history of these institutions, those who do may well find that dialogue is not only possible but fruitful and mutually rewarding, and that there are highly intelligent professionals within these institutions.

Finally, he recalled the role of the ASSN which had been highlighted by various presentations in the opening statements and observed that, rather than a 'civil society' organization per se, the ASSN is a hybrid and multidisciplinary organization that brings together civil society, security analysts and researchers, parliamentarians and active and retired security practitioners, working to promote security transformation from both outside and inside.

OPEN DISCUSSION

In the ensuing discussion, several issues were raised by participants on different aspects of SSR. These ranged from the issue of ownership, the role of informal actors in the security sector, broadening of the support base for SSR, to ways by which SSR can be properly entrenched in many African states.

On the issue of ownership, participants noted that the idea of SSR originated from Africa. The struggle to end military rule in many African states was led by the civil society, but after the end of military rule civil society in many states left the political space to other actors in the state thus halting the momentum towards democratization of major institutions, including the security institutions. This gap was then filled by external actors who are now being erroneously regarded as the initiators of SSR. However, African civil society and key actors in the security sector are re-claiming lost ground and domesticating SSR, hence the need for an SSR policy at the AU level to provide general guidance for implementation at the national level.

Participants noted that there was a need to align the various SSR policy frameworks of sub-regional organizations with the AU Policy Framework on SSR to ensure synergy in their work in this area.

The issue of informal actors in the security sector was also debated at length. Some participants were of the opinion that informal security providers and actors should be recognized as part of the stakeholders in the SSR discourse. Others cautioned that recognizing informal security actors may be tantamount to legitimizing armed dissidents and other dangerous groups that are intent on harming the state and its people. Thus, the state itself should be encouraged to build effective, capable and responsible institutions as part of the SSR agenda. In the same vein, participants were of the opinion that the activities of private military and security companies should be regulated so that they do not constitute a threat to the security of the state. The process of outsourcing their services, especially on security should be refined and reformed. SSR and DDR should also be linked in order to achieve better results for both in post-conflict situations.

Participants also noted that in order to have more buy-ins into the SSR policy framework, there is a need to engage more states in the AU SSR process. Moreover, while SSR has been generally linked to post-conflict reconstruction, it is important to go beyond this and include SSR in conflict prevention and other peace-building processes.

In order to ensure that SSR is well entrenched in many African states, it is important that it becomes one of the key courses in defence colleges and other security institutions. While it is already being taught in some institutions, these are still few and far between. Many more national security institutions should be encouraged to include SSR as part of their curricular.

Also, in order to sustain interest in SSR, it is important that there is energetic interaction between the state and civil society on SSR especially after the official adoption of the policy by the Assembly of the African Union. In this regard, CSOs need to move beyond mere advocacy to begin to engage the system more critically and constructively as part of a collaborative, people-oriented partnership agenda.

PRESENTATION AND REVIEW OF DRAFT POLICY FRAMEWORK

Following the discussion, the AU Focal Point on SSR, Dr. Norman Mlambo, made a formal and detailed presentation of the draft AU policy framework on SSR which was then reviewed thoroughly by the participants. The participants then agreed on a number of recommendations to improve and refine the document.

THE WAY FORWARD

Following intense discussion, participants agreed that the African civil society must embrace a post-adoption implementation agenda that would accompany the adoption of the policy framework. The purpose of the agenda would be to support and sustain the policy framework and to assist Member States in the implementation process. Within this context, the civil society would seek to establish a programme and plan of action through a series of regional workshops in different parts of the continent, held in collaboration with RECs under the auspices of the African Union Commission through CIDO and the PSD, with the involvement of ECOSOCC Clusters.

Participants also stressed the need for the Chair of the ECOSOCC Peace and Security Cluster to be associated with the PSD in the SSR processes leading up to the African Union Summit of July 2011 and after.

CLOSING CEREMONY

The closing ceremony was chaired by Prof. Eboe Hutchful. During this session, the civil society formally presented a summary of recommendations for the improvement of the draft AU Policy Framework on SSR. A draft communiqué for the consultation was read and adopted. The draft report of the meeting was also read and adopted.

In his closing remarks, Dr. Norman Mlambo said that the PSD would consider all the recommendations from the civil society consultation and use them to improve the AU draft policy framework on SSR in consultation with the AU Office of Legal Counsel. Dr. Mlambo pointed out that the process leading to the adoption of the policy document will be mainly political, with consultations at the levels of government experts, ambassadors, ministers and Heads of State and Government.

The consultation ended with a vote of thanks delivered by the Director of CIDO, Dr. Jinmi Adisa.

Abuja, Nigeria, 24th November 2010.