Consolidating SADC’s regional integration:
The governance of the security sector

Compiled by the African Public Policy and Research Institute

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### ANNEXES

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Acknowledgments

The African Public Policy and Research Institute (APPRI) would like to thank the Open Society Initiative for Southern Africa (OSISA) for the generous funding that made it possible to hold the colloquium ‘Consolidating SADC’s Regional Integration: The Governance of the Security Sector’. APPRI also appreciates the assistance OSISA provided in taking care of the logistical arrangements for the conference, and to express its gratitude to the Institute for Democracy in South Africa (IDASA), which contributed tremendously by providing the premises from where APPRI is operating. The role played by regional and continental organizations such as the Southern African Development Community (SADC) and the African Union (AU) in making the conference a success can hardly be over-emphasized. APPRI also acknowledges the parliamentary committees in SADC and beyond who allowed some of their members to participate. Special thanks should also be extended to attendees from various independent organizations, who contributed greatly to the vibrant discussions that took place during the three days of the colloquium.

Lastly, but not least in importance, we must acknowledge the tireless efforts and dedication of APPRI staff, from the time the conference was conceptualized to its organization and the management of the event itself. Without their contribution the conference could not have succeeded.
Executive summary

The Southern African region faces the major challenge of combining the principles of democracy and the creation of democratic institutions with the pragmatic decisions required in implementing reforms in the security sectors of SADC member countries. This is rendered especially difficult by the need to address security issues in the different country contexts. There are also conceptual barriers to be overcome, because there is no consensus among African leaders as to what ‘security’ denotes, for example whether it refers to regime or human security. There is also an urgent need to expand definitions of security threats to include technological risks such as cyber warfare. While the seriousness of cyber threats is a source of great concern in the global community, African governments have not engaged with this issue so far.

The field of security sector reform (SSR) is a particularly sensitive one for the governments of the Southern African region, and indeed for those in the rest of Africa. The difficulty of analysing SSR (as with ‘security’ in general) begins at the conceptual level, especially when it comes to questions of terminology. Expressions such as ‘security sector governance’ and ‘security sector reform’ tend to be regarded with a certain amount of caution and apprehension by governments, depending on the perceptions of the users. It appears that a number of African governments prefer the term ‘governance’ to ‘reform’, possibly because their leaders interpret reform as implying a radical and revolutionary change-over in the security sector.

The main purpose of the conference was to interrogate the concept of SSR. Some participants argued that the concept itself was foreign, and that by adopting it Africans were attempting to mimic what was happening in the western world. Their reasoning was that Africans needed to coin their own phrase to describe the process, so that it reflects and accommodates African situations. They also suggested that not only should the name be changed, but that the process it denotes required alteration as well. Africa needs to domesticate SSR in both terminology and practice so that it not only addresses African situations but provides a means of adjusting to new developments in the range of security threats.

Recognizing the importance of SSR in Africa’s emerging democracies, the African Union (AU) has begun to formulate a SSR framework. It has declared itself available and ready to assist African states to conduct SSR, as there is evidence that individual countries have found it difficult to implement SSR on their own. The framework envisaged is based on the understanding that SSR is important to democratic consolidation in Africa, and that, if implemented effectively; it can play an important role in preventing the occurrence, or mitigating the continuation of, conflicts in African countries. Once the framework has gone through all the relevant structures of the AU and has been approved, regional organizations such as the Southern African Development Community (SADC) and individual member states can use it to guide their SSR arrangements.

Implementation of SSR is likely to be a daunting task for the governments of the region. Because of the uneven nature of democratization in different SADC countries, some of them have enormous democratic deficits. In these states, SSR will be very difficult to accomplish, because this kind of reform is premised on an operational democratic dispensation. This is underscored by the example of the SSR experience of the Democratic Republic of Congo (DRC).

Among the challenges faced by the DRC, in common with other SADC states, is the fact that some of their SSR programmes are donor-driven, because African countries lack the requisite resources for conducting genuine SSR independently. This means that many of these
programmes tend to be aligned with the interests of the donors, in line with the adage ‘he who pays the piper calls the tune’. SADC member states recognise the need to make the SSR process home-grown, and thus a better reflection of the realities of their security environments. Another difficulty is raised by the need for a regional approach to SSR because of the cross-border nature of some African conflicts, again exemplified by the situation in the DRC. An uneven undertaking of SSR processes across the region can undermine the good progress achieved in some states.

A particularly thorny issue in some SADC countries that have recently seen the end of conflict revolves around what provision is made for war veterans, who can pose a significant threat to democratic transition and consolidation. Although the extent of the threat differs from country to country, we have the instance of Zimbabwe, where the war veterans have emerged as a critical political influence, especially in perpetrating election-related violence, and engaging in intimidation to entrench the political interests of some groups or organizations. On the other hand, war veterans have not posed a similar security problem in Ghana and Kenya. However, the discussions that took place at the conference made it clear that in most African countries the economic reintegration of war veterans remains a major concern, because a failure of assimilation could result in their involvement in violent political processes. Accordingly, the issue of war veterans needs to be integrated into discourse on SSR. War veterans are a phenomenon that has not been the subject of much research or discussion in Southern Africa so far. Study of this issue should prioritise factors such as demobilization, economic reintegration, their assimilation into political party structures, and their use to influence or subvert electoral outcomes.

The governance of the security sector in countries such as Ghana and Kenya demonstrate a much more developed democratic governance structure than in Southern Africa, which presents a more problematic scenario. In general SSR as practised in the region is not grounded on democratic institutions and practices, but revolves around the leaders, who maintain strong control over the security sector. This has intensified the politicization of security. It is a source of even greater concern when the governance structures allow, or are manipulated into, utilizing war veterans as a ‘fifth column’ that subverts democratic processes. The spectre of the security sector operating as a political instrument in pursuit of regime security continues to loom large in Southern Africa.

Parliaments in most Southern African countries are not able to play a genuine role in overseeing the affairs of the security sector. While defence portfolio committees exist in all the countries, in the majority of cases they tend to treat defence issues tabled before them as a mere formality, rather than requiring rigorous oversight. The reason is that in most SADC countries parliamentarians do not debate critical issues such as defence budgets because doing so is considered as tantamount to questioning the legitimacy of the head of state and commander-in-chief of the armed forces. As a result, security sector expenditure is a major contributor to the fiscal crises that confront Southern African states from time to time. Another reason for the lack of parliamentary oversight is that in general members of parliament in SADC countries are ill-equipped to undertake constructive and meaningful roles in monitoring executive decisions. The creation of a regional network of parliamentarians would therefore go a long way towards addressing this lack of capacity by fostering continual interchanges of ideas, opinions and information. This would lead to a cross-pollination of expertise, and provide the necessary skills and experience to enable parliamentarians to exercise their oversight functions more fully.
INTRODUCTION

The overall aim of the African security architecture is to create peaceful environments that allow the economies of African countries to grow, and in this way reduce poverty. A key aspect of strengthening security is located in the day-to-day practices of the oversight bodies appointed by states and sub-regional organizations. The work of the national defence and security committees becomes pivotal to understanding how the prevailing international security system can be related to continental aspirations, as outlined in the Common African Defence and Security Policy (CADSP) of 2004. The Policy gives equal weight to state-centred and human security. Furthermore, the CADSP makes provision for African governments to work in partnership with civil society organizations (CSOs) to achieve comprehensive peace, stability and prosperity in Africa.
THE WORK OF THE AFRICAN PUBLIC
Policy and Research Institute
(APPRI), based in Tshwane, South
Africa, is primarily concerned with research,
analysis, commentary on the new African
civil/military relations and support for
policy implementation. Assisted by the
Open Society Initiative for Southern Africa
(OSISA), APPRI organized a colloquium for
sub-regional parliamentarians and other
entities working in the security field, which
took place from 27 to 29 June 2011, at
Birchwood Hotel & OR Tambo Conference
Centre in Johannesburg. The purpose of
the conference was to consolidate SADC’s
regional integration through fostering
greater cooperation between members
of the relevant oversight bodies and
other interested parties, which in turn
will strengthen the governance of the
security sector. The 59 participants of the
colloquium were carefully chosen from
parliamentary oversight bodies, civil society
groups, academic institutions, senior
echelons of government, and the diplomatic
and donor communities. All of those who
attended shared a focus on the challenges
facing overall regional integration.

This report presents a synthesis of the papers
presented, and the discussions that followed,
during the conference.

Colloquium themes

The colloquium examined four key themes:
1) the current tensions within the international
security system, and how these affect and
relate to African security;
2) the African Union’s SSR policy and SADC;
3) key areas of public policy intervention in the
security sector governance arena; and
4) experiences from other sub-regions,
lessons learned on SSR best practices to
guide SADC.

Colloquium objectives

The colloquium sought to achieve the
following objectives:

1. to develop a cadre of parliamentarians, civil
society groups, media, researchers, government
officials and intellectuals that is informed
on governance of the security sector within
democratic political environments;
2. to provide a platform for dialogue, the sharing
of experiences and networking between
practitioners, researchers and policymakers;
3. to inspire and encourage new research to support
SADC’s defence and security integration and best
practice as regards oversight;
4. to develop insights on harmonizing oversight
of such issues as military veterans, intelligence
agencies while mainstreaming gender
perspectives;
5. to motivate a regional approach to the
governance of prisons;
6. to establish a platform for effective collaboration
between civil society, government officials and
policy makers on the issues;
7. to build intellectual capacity within each
defence and security committee in SADC
through research and internships for committee
researchers and support staff; and
8. to establish an on-going relationship between
APPRI and the chairpersons of parliamentary
defence and security committees through their
research and support staff.

Methodology

The colloquium provided an opportunity for
members of parliament (MPs) to engage in dialogue
and exchange expert knowledge on security sector
governance with civil society actors, scholars,
senior government officials and the diplomatic
and donor community through presentations and
plenary discussions.
OPENING REMARKS

Dr. Kondwani Chirambo, Institute for Democracy in South Africa (IDASA)

PROGRAMME DIRECTOR PROFESSOR HAMILTON SIPHO SIMELANE, our guest of honour, who represents the Department of Defence and Military Veterans of South Africa, honourable members of parliament from Ghana, Kenya, Uganda and the SADC region, members of the diplomatic corps, I stand here to welcome you to this SADC Regional Integration Colloquium on the Governance of the Security Sector hosted by The African Public Policy and Research Institute (APPRI), which is based at the Institute for Democracy in South Africa (IDASA).

IDASA is an African institute working with African and global partners to build democracy on the continent. Its mission is to contribute to the building of sustainable democracies in African countries through various approaches which involve both state and non-state actors. In advancing the cause of democratic consolidation, IDASA recognizes the intricate relationship between democracy and defence and security matters.

Without a secure, safe and productive citizenry, sustaining democracy in Africa, and indeed anywhere, would be an illusion. Yet matters of security are not straightforward, as we all know. Security has a broad definition and its applications range from the personal and the societal to institutional, national and supranational dimensions.

The question of consolidating African democracy in the arena of defence and security is an issue that has seized IDASA since its inception in 1986. Although this was not a core area of our expertise, we have engaged with various constituencies over the years to develop projects that factor community dimensions, particularly human security, into the notion of security. However, with the formation of APPRI as a cooperating partner in August 2010, we have found and developed a mutually reinforcing relationship that is beginning to address defence and security as an integral part of the democracy-building process.
In this regard, Dr. Martin Rupiya, the Executive Director of APPRI, has created an important synergy and linkage between the traditional IDASA approach and what is represented here, which will ultimately contribute to the continental consolidation of democracy.

We are pleased to associate IDASA with this inaugural conference to launch the APPRI, and hope that this new entity will enjoy your approval and contributions as we move forward. I also acknowledge the presence of two partner organizations, the South African government’s Ministry of Defence and the Military Veterans, as well as representatives of the Open Society Initiative of Southern African (OSISA), which provided the funding for this event. It is also a pleasure to welcome the attendance of an equally significant civil society component, which will create a much-needed platform for cross-fertilization and mutually enriching dialogue on the complex and ever-challenging area of oversight of the defence and security establishments.

This gathering comprises a select body of officials in government and representing regional bodies, academics, diplomats, members of civil society organizations and other distinguished groups, all of whom interested in the issue of peace and security on the African continent. We hope that the deliberations that take place over the next three days will encourage greater integration of the SADC Democratic process in the long run, and in the short term the fulfillment of the conference objectives.

These are:

• to consolidate regional integration through collaboration with parliamentary oversight bodies such as the defence and security committees;
• to create a platform for dialogue between parliament, civil society and government officials; and
• to identify contemporary barriers to oversight in this sector, and harmonize methods of responding to them.

Once again I wish to congratulate APPRI on its having organized this event, and extend my welcome to everyone here present. I wish you fruitful deliberations during the next three days.

Without further ado, I wish to invite the representative from OSISA, Mr. Deprose Muchena, to make his opening remarks before welcoming the representative of the Minister of Defence and Military Veterans, South Africa.

Mr. Deprose Muchena, Open Society Initiative for Southern Africa (OSISA)

Muchena welcomed the establishment of a civil society group focusing on the complex and challenging issue of civil military relations as an important addition to the missing component amongst existing organizations.

The security sector in Africa is characterized by weak parliamentary oversight. Security issues tend to ‘pass through parliament instead of [being passed] by parliament’. Southern African parliaments should aspire to be as influential in the area of security sector as they are in Western nations. There is also a failure in parliamentarians’ understanding of what oversight should entail. This could be ameliorated if representatives of CSOs worked in partnership with new parliamentarians to help them perform their oversight roles better. Against this backdrop, OSISA welcomes the entry of a new player, APPRI, as a vital aid to strengthening this process. Among the benefits APPRI offers is its willingness to share the unique skills of its researchers with other CSOs. I welcome all of those present on this occasion, and look forward to fruitful deliberations during the colloquium.
AFRICA IS FACING A VAST RANGE OF SECURITY SECTOR CHALLENGES.

In the contemporary security scenario cyberspace represents an increasing threat, in addition to the traditional four domains of attack from the ground, air, water and space. There is a growing need for a thorough discussion and re-conceptualization of what constitutes cyber warfare and what the specific threats really are. Africa has not fully engaged with this issue, and consequently has not formulated appropriate measures to guard against potential attack via computers. In many African states, the response to cyber threats has often been to shut down access to information, which may not be the most appropriate solution. Instead, they should view cyber security as a national priority, and craft appropriate frameworks to defend against and guide their reactions to cyber-attacks.

Africa is also beset by significant maritime security challenges. These include piracy off the east coast of the continent, illegal immigration across the Mediterranean, and narcotics trafficking into Africa from across the Atlantic. Notwithstanding the scale of these threats, the importance of maritime security has not been fully recognized by African governments and civil society. One of the main reasons is a common lack of sufficient resources to secure territorial waters.

Several African countries, including the Frontline States (FLS) of Southern Africa, which have emerged from long civil wars, have not sufficiently addressed the issues raised by demobilization, disarmament, repatriation, resettlement and reintegration (DDRRR) of war veterans—particularly reintegration. A number of unresolved problems remain. For example, there is need to establish a shared analytical framework on the definition of a war veteran, and to broaden this term to include other security personnel, such as intelligence operatives and prison staff. Another source of concern is that because of the dearth of research into child soldiers in post-conflict settings, there is no information on whether they are properly catered for in DDRRR programming. A third issue is that owing to Southern Africa’s unique history of decolonization and armed struggles against settler regimes, many former combatants pose a security risk if they are not adequately reintegrated. For example, marginalized or neglected former liberation fighters have threatened
national stability in Zimbabwe and Namibia. In the Democratic Republic of Congo (DRC), many demobilized young people have joined the ranks of the unemployed, and pose a danger to society through their participation in criminal activities. Zimbabwe established a short-lived war veterans’ ministry 17 years into independence, in 1997. Other than that, only two African countries – South Africa and Namibia – have recognized the importance of this group and developed ministries dedicated to dealing with war veteran issues.

Other challenges that have yet to be addressed are the ‘securitization’ of HIV/AIDS in underdeveloped countries, including African states, and the political implications of ‘effective securitization’; and the proliferation of illicit small arms and light weapons on the continent. Both are areas that are at present greatly under-researched.

The global recession has also created other security risks. For instance, in Southern and West Africa, food insecurity has become more acute as a result of the resultant steep rise in food prices. There is also a danger that Africa, because of its financial reliance on China, will start to imitate its political model, without investigating whether or not this is suitable to an African context.

Another issue requiring attention is a chronic failure in the work of many governments and research institutions working in the area of security sector governance to consider gender, even though human rights, including those of women, are obviously relevant to security concerns. Institutions like APPRI can ensure the incorporation of gender issues into their research in the future, which would help to strengthen SSR processes. Other means of building up these processes would be a fuller and more effective engagement with government on SSR matters by civil society. Through its parliamentary forum, SADC has already started to open a wider discourse on SSR, with the aim of strengthening the capacity of parliamentarians to monitor and interrogate developments in the security sector.

Funding for SSR is also important. The source of the funding (if it is not domestic) can skew the nature of the reform, undermine local ownership and prevent the formulation of contextualized programmes. For example, in the West African states of Sierra Leone and Ghana, security sector and justice reform focused mainly on combating drug trafficking, because that particular area was a priority for the European Union (EU), which was a major funder of these reforms.

There is also a danger that Africa, because of its financial reliance on China, will start to imitate its political model, without investigating whether or not this is suitable to an African context.
THE AFRICAN UNION AND SADC PERSPECTIVES ON GOVERNANCE OF THE SECURITY SECTOR

The AU and SSR

While SSR is usually considered at the national level in practice, there are important regional and sub-regional considerations that need to be taken into account as well. Increasingly in Africa, (although not sufficiently so), SSR is being promoted within the regional and sub-regional structures of the Africa Peace and Security Architecture (APSA) under the aegis of the AU.

The continental body recognizes that there is an urgent need to adopt a comprehensive SSR policy framework to strengthen the operational capacity of security institutions and enhance security sector oversight throughout Africa. Several African countries have already implemented SSR-related activities, including DDR, albeit in a disparate and fragmented way. The AU’s Post-Conflict Reconstruction and Development (PCRD) framework of July 2006 was one of the first documents to address SSR formally on a continent-wide basis. As a follow-up, in January 2008, the AU Assembly of the Heads of State and Government adopted a decision encouraging the AU Commission to develop a comprehensive continental policy framework on SSR within the context of the PCRD policy. Accordingly, in January 2009, the Commission started the process of formulating an AU policy framework for SSR and its implementation strategy. The Union has emphasized the importance of ‘giving priority to the (re) establishment and strengthening of the capacity of security institutions’ and ‘facilitating SSR’.
In October 2010, the AU and the United Nations (UN) conducted a joint SSR orientation workshop at the Kofi Annan International Peacekeeping and Training Centre (KAIPTC) in Accra, Ghana. Over 30 participants, mainly from the Economic Community of West African States (ECOWAS) region, the AU and the UN, reviewed the latest version of the draft AU policy framework on SSR.

**Overview of the AU SSR policy document**

The AU policy framework for SSR is guided by the definition of security contained in the Solemn Declaration on a Common African Defence and Security Policy, which is multi-dimensional and encompasses both the traditional state-centric notion (of the survival of the state and its protection from external aggression by military means), and the notion of human security (which is based on political, economic, social and environmental imperatives and recognition of human rights).

‘The security sector’ comprises all state and non-state institutions, groups, organizations and individuals that play a role in providing security and justice. These include, first, core security actors (members of the armed forces, police, gendarmeries, paramilitary forces, presidential guards, those working in the intelligence and security services, coast guards, border guards, customs authorities, and members of reserve and local security units). They also cover non-statutory security forces (liberation and guerilla armies, private security companies, and political-party militias). Second, they include bodies involved in security management and oversight (the executive; national security advisory entities). Third are the members of the legislature and legislative select committees, and of the rule of law institutions (the judiciary, justice ministries, prisons, criminal investigation and prosecution services, human rights commissions and ombudsmen, and customary and traditional justice systems). Fourth are those working in the government ministries of defence, internal affairs and foreign affairs. The fifth category includes representatives of customary and traditional authorities; financial management bodies; and civil society organizations.

The AU draft policy defines SSR as the process in terms of which states and societies reorient the policies, structures, and capacities of institutions and groups engaged in the security sector. The aim is to make them more effective, and more responsive to both democratic control and to the security and justice needs of people.

The draft notes that different terms such as security sector governance, security sector transformation, security sector development, security sector review, security and justice reform are often used interchangeably to refer to SSR. It also comments that some African governments regard SSR as European in nature, and believe that donors such as the EU are attempting to shape the SSR discourse accordingly, preventing Africa from determining its own form of SSR. The rationale for the AU’s SSR policy is to reinforce African ownership and the Africanization of SSR on the continent. However, ownership implies the need for greater African political and financial commitment to organizing SSR without foreign subvention.

While the AU guidelines are especially cogent for national SSR processes in post-conflict environments, the Union will provide support for national SSR activities in other contexts. These include situations when there is a United Nations Security Council (UNSC) mandate incorporating SSR; when a member state decides to implement SSR and requests assistance from the AU; and when the AU Peace and Security Council recommends such assistance.

The aim of the AU SSR policy is to provide a framework to guide all stakeholders on how to implement SSR on the African continent; to create a platform for SSR training, capacity-building and advocacy; to inform partners and other stakeholders; and to contribute to the
development of a global SSR strategy. However, member states of the AU and Africa’s regional economic communities (RECs) will continue to bear the primary responsibility for SSR initiatives in their own countries.

The draft AU SSR policy framework proposes 10 basic principles to guide African SSR processes:

1. African solidarity and African partnership in SSR;
2. SSR as part of regional integration;
3. national ownership, responsibility and commitment;
4. a national vision, including the setting of parameters for external support for SSR;
5. context-specific SSR;
6. inclusion of actors in informal and customary security and traditional justice in SSR policy-making;
7. SSR as part of broader national reforms and democratization processes;
8. SSR as conforming with principles of good governance;
9. SSR that is compliant with gender mainstreaming; and
10. SSR assistance that is well coordinated.

The framework also describes those national environments that are not receptive to SSR. These include countries in which factions actively attempt to undermine the sovereignty, territorial integrity, domestic jurisdiction and ability of member states to fulfill their international obligations; in which children are forced to take part in armed conflicts; in which mercenaries and private military security companies (PMSCs) are employed; in which society is militarized; and in which governments take part in arms races, contrary to international law.

There are specific issues to be considered before an appropriate SSR policy and programme can be developed. Most of these can be expressed as questions:

- what is the threat to national peace and security?
- what are the ideal requirements for security in terms of numbers, units, and governance structures, financial and other resources required?
- is there a need to create new units or to disband some existing units?
- what are the most pertinent gender issues in this context, and what gaps in current policy need to be filled?

There are also related matters, like DRRR and transitional justice, in countries that are in the process of recovering from war.
The security posture of the member state (whether it involves non-aggression, self-defence or collective security) should be identified. Its security interests should complement its national development objectives. Other pertinent issues are the economic resources a member state can allot to peace and security; its commitment to regional, continental and international peace and security obligations; whether its security programme makes provision for technological advances and research and development (R&D); and whether it consents to the participation of all groups, including women, in all national security activities.

**Legal and security frameworks for the security sector**

The legal and security frameworks within which the security sector operates should include the national constitution and domestic security legislation. There are also security and standard operational procedures and rules of engagement; and a regulatory regime for administration, finance, command and control, equipment and communications.

**Capacity-building and professionalization of the security sector**

The essential elements of capacity-building and professionalization entail the continual recruitment of young staff members; the setting up of formal security structures; the provision of training at national and regional levels, and the use of existing training institutions such as the SADC Regional Peacekeeping Training Centre (RPTC); attractive conditions of service; and participation in regional, continental and international peace and security exercises.

**Partnerships and coordination**

In terms of SSR partnerships and their coordination, it is important to establish partnerships on a basis of equality between national actors and external actors; to conduct partnership analyses; to articulate partner responsibilities, timeframes and exit strategy clearly; to agree that the implementing member state should coordinate external support; and to encourage member states to seek coordination assistance from RECs, the AU, the UN or other relevant partners.

**Democratic control and oversight of the security sector**

In a democracy, oversight of the security sector should be exercised by multiple agencies. The government/executive of each country, including the head of state and the ministries of defence, internal and foreign affairs, should provide political and policy direction. Parliament/the legislature, including regional parliaments where applicable, and the relevant parliamentary/legislative committees should make laws, rules and regulations that allow legislative oversight of security matters. Judicial control and oversight involves enforcing laws, rules and regulations, including international humanitarian and human rights conventions, and monitoring the activities of military courts. Independent oversight should be carried out by civilian institutions such as the Inspector General of Security Institutions and ombudspersons for the security sector (audits and financial accountability); the AU Assembly of Heads of States and Governments; the AU Peace and Security Council; the AU Security Sector Reform Unit; Africa’s RECs; African civil society; the UN; and other cooperating partners.

**Implementation mechanisms and guidance tools**

A number of continental, regional and national tools, guidelines and mechanisms relevant to SSR already exist. Among them are the African SSR database; technical guidance notes for all SSR scenarios; codes of conduct for armed forces; templates for assessment, review, monitoring and evaluation; a manual of gender best practice in the security sector; national security surveys;
and the draft AU policy framework. Some of these written instruments are in the process of being revised and upgraded. Instances are the new SSR implementation tools and best practices, and the amended policy documents that were submitted to the AU PSC, Executive Council and Assembly for adoption in June 2011. These are supplemented by continuous efforts on the part of the AU to improve the performance of those involved in SSR activities. Examples are consultations among all stakeholders; ongoing training of relevant staff in SSR issues; capacity-building for SSR staff working at AU headquarters and RECs, and involved in AU peacekeeping missions (which is the biggest challenge so far); and visits to countries contemplating SSR to conduct needs assessments.

Financial support for all the above remains an issue of serious concern. There are many new entry points for civil society that are emerging all over Africa in the area of SSR.

The SADC Parliamentary Forum and SSR

The Southern African Development Community Parliamentary Forum (SADC PF) was established by the SADC Summit of Heads of State and Government on 8 September 1997 as an autonomous institution of SADC, in accordance with Article 9(2) of the SADC Treaty. The Summit noted that the main objective of the Forum was to constitute a Parliamentary Consultative Assembly and, ultimately, a regional parliamentary framework for dialogue on issues of regional interest and concern. The SADC PF is the vehicle through which parliaments and parliamentarians of member states, as the elected representatives of the people, participate in promoting the regional integration agenda and the affairs of SADC. It is in essence ‘the Voice of the Parliaments’.

The main goal of establishing the Forum was ‘to strengthen the implementation capacity of SADC by involving parliamentarians in the work of SADC’, working with and through national parliaments. Currently the Forum comprises 14 member parliaments and represents about 3,500 parliamentarians in the SADC region. Each member parliament appoints a presiding officer and four representatives (MPs) who reflect its gender and political composition.

The SADC PF is a consultative and advisory inter-parliamentary forum without legislative powers. The Plenary Assembly of the Forum is SADC’s highest policymaking and deliberative organ. It meets twice a year to make policy decisions and recommendations to the SADC Summit of Heads of State and Government on various issues affecting the region. The Executive Committee manages the institution, while a Secretary General leads its Secretariat.

Over the last 10 years, the SADC PF has emphasized the importance of parliamentary capacity development and standard-setting by developing regional instruments that parliaments and governments alike can use in promoting good governance and deepening democracy in the SADC region. These tools can help parliaments to overcome institutional challenges to become more open, democratic, independent, accountable, and responsive.

One such initiative is the SADC PF Norms and Standards of 2001, the first regional instrument on elections, which aims to provide a blueprint for credible, peaceful, and transparent elections in Southern Africa. The guidelines have placed sustained discussion of democratic elections and electoral reform high on the agenda in SADC. This has helped to strengthen electoral institutions by reforming out-dated electoral legal frameworks that are not consistent with good practice. They have also contributed to entrenching democratic process in the conduct of elections, which in turn has gone some way towards preventing the disputes over the outcome that has typically been raised by unsuccessful political parties after elections. The ultimate aim of the Norms and Standards is to contribute to political stability in the SADC region.
In 2008, the SADC PF developed a Model Law on HIV/AIDS. Its aim is to assist the governments of individual SADC countries, in particular their policy and law makers, to address any gaps in domestic legislation by adopting and adapting the provisions of the Model Law to suit that country. It provides a comprehensive framework for the harmonization of HIV and human rights laws in Southern Africa, and remains an important point of reference and sounding-board for legislative reforms in the area of HIV/AIDS.

The Forum also facilitated the participation of parliamentarians in the SADC Regional Consultative Initiatives on the Protocol on Gender and Development. This included meetings attended by the ministers responsible for gender and justice, attorneys general, members of the Council of Ministers, and senior officials from SADC member states. The SADC Protocol on Gender and Development, which was signed by SADC Heads of States and Governments in August 2008, has been welcomed by both women and men in the region as a progressive ‘roadmap to gender equality and equity’.

The 28th Plenary Assembly of the SADC PF approved and adopted Benchmarks for Democratic Legislatures in Southern Africa on 3 December 2010. This document represents a milestone in the path towards parliamentary reforms in Southern Africa. It provides a point of reference on best practice for national parliaments by emphasizing a standards-based approach to parliamentary reform. These benchmarks are helping parliaments in their efforts to evaluate and guide parliamentary development practitioners and development partners towards designing more appropriate parliamentary support programmes. The Forum has also played an important role in advocating the ratification, domestication and implementation of SADC protocols and other decisions, for the benefit of citizens of the region.

The major challenges facing the SADC PF include ineffective collaboration between state and non-state actors. Critics have described this as ‘the missing link’ in the efforts towards regional integration and economic cooperation currently under way. Weaknesses in both legislatures and civil society formations have resulted in poorly-resourced watchdog institutions and very strong executives. Constitutional and legal deficiencies, as well gender disparities, have also affected the work of the Forum. The role of parliamentarians has been undermined by a lack of intra-party democracy and by inter-party dynamics. In addition, most parliaments in the region are bedevilled by inadequate funding, and by a dearth of sufficiently informed members.

Notwithstanding the difficulties described above, some advances have been made towards improving the governance of the security sector. The advent of multiparty democracy in SADC countries has brought about an increasing recognition of the importance of the role of CSOs, as the tenets of democracy entail that institutions of governance (such as parliaments) have an obligation to guarantee active civic participation in their business in order to retain public confidence. It is for this reason that parliaments in the region have followed the global trend of instituting parliamentary reforms to make these institutions more open and accessible, transparent and responsive to citizens. This will allow parliaments to shake off the infamous tag that their function is merely to provide a rubber stamp for executive decisions. The specification of minimum standards for democratic legislatures is the context within which the SADC PF developed the Benchmarks for Democratic Legislatures in Southern Africa.

The SADC PF places emphasis on the need for parliaments to collaborate with CSOs in order to benefit from each other’s unique competitive advantages. For example, CSOs have infrastructure and staff capacity geared to research, and rapid access to current and relevant information. Most parliaments and parliamentarians lack these amenities. CSOs also have the capability
to undertake advocacy through their networks, for example the ‘50 by 15 Movement for HIV Prevention’ launched in 2009. This was the result of collaboration between representatives of the national parliaments of Southern African countries, through the SADC PF, and national-level, regional, and global CSOs operating within Southern Africa. The Secretary General of the Forum, Dr. Esau Chiviya, characterized the lack of cooperation between parliaments and CSOs as the missing (democratic) link in the current mix in SADC.

One of the most important outcomes of the reform process in almost all SADC parliaments is the establishment of systematic and robust legislative committee systems, which are proving the best and most effective vehicle through which CSOs, the public and the media can contribute information and opinions on all issues before parliament. The parliamentary committees have the merit of a non-partisan approach and a willingness to cooperate on issues that affect the public good.

One of the highlights of the parliamentary reforms in terms of the practice and procedures relating to public business is the referral of bills to relevant portfolio committees when they have been gazetted. Two stages of a bill cannot be deliberated in one sitting of the committee without leave of parliament. The introduction of question time in Parliament (‘Questions without notice’ and ‘Questions with notice’) provides MPs with the opportunity to question and monitor the activities of the government.

Well-coordinated portfolio committee systems are also offer the best means to engage with the public. They are well placed to scrutinize written submissions and conduct public hearings within and outside parliament. The opening of the proceedings of parliamentary committees to the public and the media, which includes TV and radio coverage of parliamentary sessions, allows members of the public access to what is happening in parliament. Also, civic participation is encouraged in countries where constituency/democracy offices have been established, so that public hearings and evidence-gathering sessions can be conducted outside the precincts of parliament. Portfolio committees are expected to table at least one report per year.

The legislative process has also benefited from parliamentary reforms, as bills are published in the Government Gazette at least 14 days before being introduced in parliament, and (as already noted) are referred to the relevant portfolio committees at that point. In addition, portfolio committees in some SADC states have been given extensive powers to review existing legislation.

Other tasks that the SADC PF considers important are to:

1. facilitate and coordinate capacity-building for MPs and parliament staff;
2. develop tools on security sector governance for benchmarking and self-assessment, including model legislation and/or policies, to help parliamentarians to exercise their oversight responsibilities;
3. create opportunities for knowledge-sharing and networking among parliaments and MPs and with CSOs and other stakeholders, such as the media;
4. harmonize the laws and policies on security issues of SADC member states; and
5. domesticate relevant regional and international instruments that have been ratified by the member state concerned.
5.

THE EXPERIENCES OF SADC MEMBER STATES: DISARMAMENT, DEMOBILIZATION AND REINTEGRATION: the basis of SSR in post-conflict countries

The situation of post-conflict countries

The implementation of disarmament, demobilization and reintegration in countries that are involved in reconstruction after war is informed by the assumption that ‘there is no single armed conflict that cannot be ended by the formula of DDR’. Some of the most common characteristics of post-war environments are: strong militarization of the population, including children; a proliferation of small arms and light weapons; serious human rights violations including rape, extortion, and abuse of power; the destruction of, or severe damage to, community infrastructures; the disintegration of socio-economic support frameworks; widespread impoverishment; weak or illegitimate state institutions; and the marginalization of civil society.

DDR can be defined as the disarmament of combatants so that they no longer pose a threat to the civilian population; demobilization to normalize the numbers of persons engaged in military activity; and reintegration of the former combatants into normal social and economic activities. Implementation of DDR is necessary in the aftermath of conflict to make the creation of lasting peace feasible. It comprises a series of technical operations that are planned and executed in countries recovering from war to help in the consolidation of peace, the enhancement of human security, and the promotion of economic recovery. However, DDR is an option only when the country has acceded to
the full range of commitments necessary to enter the post-conflict stage. Pre-requisites for successful DDR include the clear specification in the relevant peace agreement of the nature of the DDR envisaged; proper preparation and global planning; provision for adequate funding and resources; and evidence of a genuine political commitment in all the previously belligerent parties and other stakeholders to conduct the DDR operations within set timeframes.

Normally, when the DDR process has been completed, the country concerned recognizes a need to reform and restructure the security sector institutions. DDR and SSR should be viewed as complementary. SSR is necessary to ensure that the country’s security institutions are capable of protecting the state and its citizens effectively, and in a transparent and democratically accountable manner. SSR is also implemented in countries at peace, in order to raise the operational efficiency (that is its provision of state and human security) of the security sector and to make it subject to stronger civilian control and oversight.

A major challenge encountered in both DDR and SSR is the presence in a country recently at war of foreign soldiers who require effective repatriation, resettlement and reintegration after disarmament and demobilization (DDRRR). This occurs when forces from other countries have been involved in a civil war, as was the case in the complex conflicts (which were characterized by continual trans-border movement of forces) in West Africa, the Great Lakes region and Central Africa. Because cross-border fighters pose a permanent threat to the security of the neighbouring countries, it is necessary in such cases to craft and implement a regional, rather than an individual-country approach to DDR.

Case Studies

Democratic Republic of Congo

The DRC is a country characterized by high levels of poverty, strong militarization and poor infrastructure. It is so large that there are outlying regions over which the government has little control. DDRRR has been carried out according to the provisions of the Global and All-Inclusive Peace Agreement of 2002. These processes, and the SSR that followed, were supported by many international, regional and domestic stakeholders. For example, the World Bank, in collaboration with multiple donors, UN agencies and CSOs, conducted the Multi-Country Demobilization and Reintegration Programme (MDRP) and Multi-Donor Trust Fund from 2002-2009 for not only the DRC but six of its nine neighbouring states (Angola, Burundi, Central African Republic, Congo-Brazzaville, Rwanda and Uganda). Interna-
tional support for DDR also came from the EU, Belgium and the Netherlands. The DRC worked with other Southern African countries, such as South Africa and Angola that have undergone DDR to seek information on best practice and to consolidate positive relationships in the region.

Substantial efforts were made to sensitize Congolese communities to the importance of DDR, and these have helped to foster the social reintegration of former combatants. Their economic assimilation has been less straightforward. There is a clear need for skills training to help former soldiers make a living as civilians. Also, elements of the Armed Forces of the DRC (FARDC) and the National Congolese Police (NCP), who have been drawn from the various military factions that took part in the civil war, are ill-trained and unprepared for service that involves providing security.

Reform of the Congolese military, police, justice system, and legal framework for security issues is under way. Specific organic (that is, foundational) laws for SSR have been prepared by parliament, but are awaiting presidential enactment. The DRC has replaced the militarized police force, like the former gendarmes, with ‘proximity police’, in order to deal with issues of public order more effectively. SSR in the DRC has been marked by the high degree of involvement of external actors such as the United Nations Organization Stabilization Mission in the DRC (MONUSCO), the EU and bilateral partners such as South Africa.

Relations with neighbouring countries have improved, which has allowed the Congolese government to work with Rwanda and Burundi to deal with rebel groups like the Interahamwe. Although the Banyamulenge tribe is largely peaceable, and its members have reintegrated into society, they sometimes engage in battles over resources. Another source of concern is that human rights abuses continue to occur in parts of the DRC, such as the volatile eastern provinces of North Kivu, South Kivu and Orientale.

In line with its mandate, MONUSCO has been working closely with the Congolese government and other national actors to carry out tasks that include ensuring the protection of civilians; promoting human rights and justice; completing the DDR and SSR processes; preparing for elections; and preventing the plunder of the DRC’s natural resources. MONUSCO and the Congolese government concur that there is reason to predict that the 2011–2013 elections will be held in a generally secure environment. (Members of the security sector are not allowed to vote because their role is to be apolitical.)

Zimbabwe

The security sector in Zimbabwe is governed by a number of laws, chief among which is the Zimbabwe National Security Council Act of 2009. Under the Act all branches of security – the defence and police forces, the prison service and state security – fall under the control of the executive, which is responsible for drafting national security policy. The role of the legislature is to oversee the implementation of that policy.

The Act establishes the National Security Council, which is the supreme decision-making body. Its members comprise:

- the President, who is the Chair of the Council;
- the two Vice Presidents;
- the Prime Minister;
- the two Deputy Prime Ministers;
- the ministers of finance, defence, police and (a recent addition) the minister of justice;
- one minister appointed by each of the three political parties in the Inclusive Government;
- the minister of state in the President’s office responsible for national security;
- the Chief Secretary to the President and Cabinet;
- the Secretary to the Prime Minister;
- the Commander of the Zimbabwe Defence Forces;
- commanders of the army and air force;
• the commissioner general of police;
• the commissioner of prisons; and
• the Director General of the Department of State for National Security.

The functions of the Council include reviewing national policies on security, defence and law and order, and recommending action as appropriate; ensuring that the operations of the security sector comply with the principles set out in the constitution and any other law; reviewing national, regional and international security, political and defence developments and recommending or directing appropriate action; and receiving and considering national security reports, and issuing both general and specific directives to the security services. The Act is tied to the terms under which the Inclusive Government was negotiated, and will therefore have effect only during the period that this transitional arrangement continues.

The role of parliament

The Constitution of Zimbabwe empowers parliament to oversee the executive in terms of how it uses public funds and executes public policy. One of the ways in which parliament does this is to appoint portfolio committees that are specific to the different ministries and departments. There are two committees of parliament that fulfill this role with regard to the security sector, the Portfolio Committee on Defence and Home Affairs (with respect to the House of Assembly) and the Thematic Committee on Peace and Security (with regard to the Senate). These Committees are expected to monitor those statutory bodies that deal with State security. They generally hold joint sessions during field visits and evidence-gathering excursions.

The Standing Orders of the Houses of Parliament give the Committees a detailed mandate, which includes their duty to consider and deal with bills and statutory instruments falling under the domain of the security sector; and monitor, investigate, inquire into and make recommendations relating to any aspect of the legislative programme or budget policy. In the execution of their business, the Committees have powers to summon service chiefs or heads of security institutions to appear before them to give oral testimony.

The Committees and the full parliamentary caucus scrutinize various bills in the domain of the security sector, such as the Public Order and Security Act, before voting them into law. The Committees also consider quarterly reports from the sector ministries and departments. They monitor human security in the country, including violations of human rights or any forms of abuse that affect the welfare of its citizens. The Committees also monitor the budget, financial allocations and spending of the security institutions.

Challenges

There are a number of barriers to the full exercise of parliamentary oversight. Among them are political polarization and inter-party violence; the whip system; secrecy laws that hinder parliament’s access to certain information; a lack of technical training and knowledge in MPs and parliamentary staff concerning security issues and legislation such as the National Security Council, Defence and Police Acts; and resource constraints. Women are under-represented in parliament—only 54 out of 302, perhaps because the often violent and insecure electoral environment in the country tends to discourage women from standing for election. Travel sanctions by the EU, Australia, New Zealand and the United States on some ZANU-PF MPs have also affected the work of parliament, as the parliamentarians affected cannot leave the country to carry out necessary parliamentary business elsewhere. There are also differences of opinion in parliament along political party lines, about the politicization of the security sector and the role it plays in electoral processes. Many MPs are apprehensive that Zimbabwe’s leaders are ready to implement security sector governance.
Angola

As part of its policy of expansion into Africa, China has embarked on a huge project to open a dialogue with the countries of Southern Africa. Interestingly, there are approximately 300,000 Chinese citizens living in Angola, a considerable number. On the other hand, despite the efforts of the Chinese, many Southern Africans perceive them as merely attempting to serve Beijing’s business interests, and claim that they aggravate the tensions already existing in the region.

There are approximately 300,000 Chinese citizens living in Angola.

While Angola aspires to become the powerhouse of Southern Africa, at present the Angolans are failing to establish their country in that role. It must be noted, however, that Angola has the resources to become a power on the continent. One of the reasons that Angola is making relatively little progress in the southern parts of Africa is that it appears to give preference to extending its sphere of influence northwards, to countries such as Cape Verde, possibly because it is cheaper to travel to Lisbon, Portugal, than Johannesburg, South Africa, and easier to obtain a visa for Portugal than for South Africa. Although the latter has offered to ease visa restrictions, Angola has declined. Again, the relationship between Angola and the DRC is not very cordial, but is maintained like a marriage of convenience for business reasons. Angola has quite a bit of leverage in the DRC.

The Angolan province of Cabinda, which has been engaged in a struggle for secession from Angola for many years, is arguably still in a state of conflict. One of the reasons supporting the Cabinda’s claims to independence is that this province is geographically separated from Angola by a narrow strip of Zairian territory. The issue of self-determination and secession is a contentious one, and has been made even more so by the fact that 50% of Angola’s oil revenues come from Cabinda. Moreover, the AU has already set the tone with regard to the question of autonomy.
The Angolan government has designed a demobilization scheme for former liberation fighters. Military service is compulsory for young people in Angola, where those of conscription age cannot cross national borders, enroll in public schools or the police force, or secure civil service employment unless they have completed national service. However, there is evidence that for middle-class and wealthy parents, there are ways of circumventing the system.

As well as describing oversight mechanisms for the security cluster Angola’s hegemonic ambitions.

**Mozambique**

The General Peace Agreement of October 1992, which brought Mozambique’s 17-year conflict to an end, provided for DDR, military integration and reform, but did not mention any review of the police force. The UNSC, which established the United Nations Operation in Mozambique (ONUMOZ) on the basis of that Agreement, gave it a wide-ranging mandate. This mandate included monitoring and verification of the cease-fire, supplying DDR for the formerly warring parties, supervising the withdrawal of foreign forces (Malawian and Zimbabwean contingents) from Mozambican territory, and overseeing the disbanding of private and irregular armed groups. Under the UN peacekeepers around 100,000 combatants were demobilized, but only a fraction of what was estimated at between 500,000–6,000,000 weapons in circulation were collected. Because the disarmament process was only partially successful, a proliferation of illicit small arms and light weapons occurred in Mozambique and Southern Africa. Another cause for concern was that the country’s reintegration programme failed to guarantee long-term sustainable employment as civilians for former combatants. There is also evidence of differentiated treatment for those combatants who fought in the civil war, and those who took part in the armed liberation struggle.

The new Mozambique Defence Force (FADM) comprised members of the army that served under the Liberation Front of Mozambique (FRELIMO), the ‘old’ Mozambique Armed Forces (FAM–FPLM) and the non-statutory components of the Mozambican National Resistance (RENAMO) forces, in equal proportion. Following the establishment of FADM, the government’s SSR focused mainly on the police, who had been accused of politicization and partisanship. Part of the reforms of the security sector involved the dismantling of secret prisons.

Mozambique’s SSR challenges include reducing the size of the defence budget, striking a balance between security imperatives and development, and ensuring good coordination of stakeholders in the security sector. Because there is no national infrastructure to ensure maritime security, the issue of piracy remains a serious challenge. Attempts to deal with it tend to be blocked by financial, logistical, and political considerations. Some of the latter have bearing on donor countries. For instance, it is argued that the British economy benefits from piracy owing to the fact that insurance brokers (based in the United Kingdom–UK) can set high insurance premiums, and that British risk managers are involved in negotiating the ransom fees. South African companies are also profiting from piracy by providing security services to ships. A different and even more serious form of illicit maritime activity is ‘people smuggling’, or, more specifically, trafficking in human beings. Mozambique is used as a route into South Africa by traffickers from the Horn of Africa.

Military service is compulsory for young people in Mozambique, as it is in Angola. A young person who has not served the mandatory term in the army is usually denied a passport.
COMPARATIVE EXPERIENCES OF GOVERNANCE OF THE SECURITY SECTOR IN THE REGION

**Kenya**

Weeping police reforms were undertaken in Kenya after the civic violence that erupted after the 2007/2008 election resulted in the deaths of about 1,000 people died and the displacement of approximately 500,000. Among the entities appointed to investigate the root causes of these events were the National Commission for Human Rights; a Commission of Enquiry into Post-Election Violence (The Waki Commission, so named after its chairperson, Philip Waki, a judge of Kenya’s Court of Appeal); and the UN Special Rapporteur on Extra-judicial Killings. The Waki Commission’s report found that in responding to the outbreak of the violence, the Kenyan police had demonstrated serious failures of organization, capacity and nonpartisanship. Many police officers were found to have committed crimes during this period, on
the Kenya police were generally inadequately trained, poorly organized, and susceptible to corruption and political influence.
SSR AND JUSTICE SECTOR REFORM CAN BE SEEN AS INTERDEPENDENT, because a weak prosecution/judiciary sector undermines any attempt to create a strong security sector. For example, in countries where the criminal justice process is weak, it is common for trials to be corrupted or to continue for an inordinately extended period. Conversely, in situations in which the judiciary is strong but the security sector or prosecution is weak, impartial adjudication of a case is impossible if the evidence presented is inadequate. Another important aspect of reform in countries emerging from war or undergoing a change of political leadership is correct sequencing of reconciliation, SSR and transitional justice. The consequences of incorrect sequencing are dire, as the experience of Kenya after the post-election violence of 2007/2008 demonstrates. In that case, action had to await the findings of the various entities that investigated and reported on what had occurred. The sequence that was followed in Kenya was first, enquiry; second, political reconciliation; and third, SSR. However, the Kenyan government did not address the question of transitional justice.

The Waki Commission’s report called for police reform in Kenya, but did not publish the names of the police officers alleged to have perpetrated crimes during the post-election violence. Instead, the Commission handed the list of names to Kofi Annan, Chairman of the AU Panel of Eminent African Persons. In July 2009, Annan gave a sealed envelope containing the list to Luis Moreno-Ocampo, the
Prosecutor of the International Criminal Court (ICC). The reason for the involvement of the ICC was that the Kenyan government had failed to set up a tribunal to address the matter. Several powerful politicians, including the secretary to the cabinet, Francis Kirimi Muthaura, and the former police chief, Mohammed Hussein Ali, were summoned to appear before the ICC on charges of committing crimes against humanity.

Sierra Leone

In the case of Sierra Leone, SSR and transitional justice were provided, but there was no reconciliation process, even though a Truth and Reconciliation Commission was established under the 1999 Lomé Peace Accord. There were various reasons for this failure, one of them an internal issue in the security field: the army continued to oppose a government led by Ahman Tejan Kabbah. Another reason was external and political: the US supported Charles Taylor, while the British gave their backing to Kabbah, who refused to allot all the positions in his government that the Lomé agreement had awarded to the Revolutionary United (RUF). However, after the RUF had excluded the army from the Lomé negotiations, it realigned its loyalties to support the new president. (This repeated a similar occurrence in Conakry in 1998, when the army renounced its allegiance to the RUF.)

After Sierra Leone’s civil war, the UN established the Special Court for Sierra Leone. Its aims were to bring to an end the culture of impunity that allowed powerful political figures to commit crimes without being held to account; advance reconciliation; and create a public record of the atrocities that had been committed. The Court has indicted more than 10 alleged war criminals and convicted five of them. However, commentators have criticized the Court’s focus on prosecuting high-level officials like Charles Taylor rather than the soldiers who were responsible for the widespread killings and amputations that took place during this bloody period of conflict.
Detention, monitoring and OPCAT: An overview of regional oversight mechanisms

Overseeing conditions in a country’s prisons plays a crucial role in protecting the inmates from abuse, and helping to ensure that their rights are observed. Analysts view prison oversight as ‘a means of achieving the twin objectives of transparency of public institutions and accountability for the operation of safe and humane prisons and jails’. Such oversight can be construed as embracing at least six distinct functions: 1) regulation; 2) audit; 3) accreditation; 4) investigation; 5) reporting; and 6) inspection and monitoring.

A preventative approach (that is, the identification of threats to the welfare of prisoners and prison staff, and actions to remedy or prevent such risks to avoid escalation) relies on the inspection and monitoring function. This involves routine inspections of a wide range of correctional institutions by independent bodies,
which draw up comprehensive reports on how prisoners and detainees are treated, and what the risk factors contributing to torture and ill-treatment are. This leads to the analysis of these threats and in turn to various recommendations aimed at mitigating or eliminating them; in short, to the reinforcement or implementation of protective measures.

The Optional Protocol to the Convention against Torture (OPCAT), which seeks to open all places of detention to both international and national scrutiny, was adopted by the UN General Assembly in December 2002 and entered into force in June 2006. A UN Subcommittee on Prevention of Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (SPT) was established pursuant to the provisions of OPCAT, and began its work in February 2007. The OPCAT expresses the need for state parties to create or designate National Preventive Mechanisms (NPMs). The SPT has a strictly preventative mandate, which focuses on an innovative, sustained and proactive approach to the prevention of torture and ill-treatment. It has an operational function, which entails visiting all the places of detention in state parties, and an orientation function, which involves providing advice and assistance to state parties and NPMs regarding the prevention of torture. The SPT and NPMs have the mandate to conduct regular preventative visits to all places of detention, and to make recommendations and observations to the government and relevant authorities on means of improving the situation of prisoners and detainees.

Key requirements for effective NPMs include their establishment by state parties within one year of ratifying the OPCAT; functional independence (financial, logistical and personal); membership that is multi-skilled, gender balanced and includes representatives of minority groups; and their being granted certain powers. The OPCAT identifies some of these basic powers and protections that are necessary to ensure that the SPT, working internationally, and the NPMs, acting domestically, can fulfill their mandates effectively. It specifies that both must be given un fettered access to all places of detention and to relevant information and people. OPCAT also lays down that the SPT and NPMs should be able to guarantee that those persons who provide information are not punished for communicating with them. The SPT publishes an annual report documenting its activities.

**OPCAT in the SADC region**

On the international front, 59 states have ratified the OPCAT so far. However, only eight of these have been African countries. A certain amount of concern is being expressed over the slower uptake of the OPCAT in Africa. Only two of the SADC countries, the DRC and Mauritius, have ratified the Convention. At the time of the conference, Mauritius had designated an NPM, but not the DRC. South Africa, Madagascar and Zambia have signed OPCAT, but not ratified it.

Prisons in Southern Africa face a vast number of challenges, many of them arising from obsolescent laws and old and poorly-maintained infrastructure. Overcrowding is an enormous problem. Eight countries in the region have prison occupancy levels of more than 100%. The DRC (with 270%); Zambia (207%); Malawi (197%); Mozambique (191%); and Madagascar (173%) have the most overcrowded prisons, but Tanzania (145%), South Africa (134%) and Botswana (131%) are little better. A partial explanation of the situation is the high levels of remand detention for long periods in all these countries.

Oversight of the correctional services in Southern Africa is generally conducted by five different categories of persons: 1) an inspector of prisons or of police; 2) prison visiting committees; 3) official visitors; 4) parliamentary committees; and 5) representatives of national human rights institutions (NHRIs).

**Inspector of prisons or police**: In Malawi, South Africa and Lesotho the Inspectorate of Prisons,
Three magistrates, a law officer and four other members are assigned to two or more correctional institutions. The Board may enquire into the conditions of detention of detainees, and hear their complaints. It must report the latter to the relevant minister, especially when the complaint concerns abuse or an urgent need for repairs. Visits are conducted on a monthly basis, and include inspection of any part of the institution, and detainees outside it for purposes of work, or in hospital.

Official Visitors: The legislation of a country may provide for visits to be conducted by certain specified office bearers. These are typically the cabinet minister and deputy minister responsible for prisons, judges and magistrates, or any other person who has been appointed for a specific purpose. Each country has designated people who have been authorised to visit, and who have defined powers and obligations.

Parliamentary Committees: In many Southern African countries, access to prisons is granted to members of the national or provincial assembly, as well as members of particular parliamentary committees with portfolios in respect of prisons. The Parliamentary Portfolio Committee on Justice, the Judicial Inspectorate of Prisons and the Police Complaints Authority respectively perform some oversight functions in the prisons.

Prison visiting committees: In Botswana, the Prisons Act of 1979 created the Prison Visiting Committees (PVCs), which are appointed for each prison by the Ministry of Defence, Justice and Security (which has authority over all the country’s prisons). The PVC visits prisons, monitors the treatment of prisoners, interviews prisoners and takes up any complaints they make with the relevant officer in charge. While the PVCs submit reports on their findings to the Commissioner of Prisons, these (and any recommendations they make) are not made public. In South Africa, Independent Correctional Centre Visitors (ICCVs), which in similar fashion are established for each of the country’s correctional centres, form part of the Judicial Inspectorate of Prisons. Appointed by the inspectorate through a process of public nomination, the ICCVs must make regular visits to the designated prison, conduct private interviews with inmates, record the complaints of inmates in an official diary, deal with complaints, and routinely monitor the way in which the prisoners are treated. While the PVCs submit reports on their findings to the Commissioner of Prisons, these (and any recommendations they make) are not made public. In South Africa, Independent Correctional Centre Visitors (ICCVs), which in similar fashion are established for each of the country’s correctional centres, form part of the Judicial Inspectorate of Prisons. Appointed by the inspectorate through a process of public nomination, the ICCVs must make regular visits to the designated prison, conduct private interviews with inmates, record the complaints of inmates in an official diary, deal with complaints, and routinely monitor the way in which the prisoners are treated.

In Mauritius, the Reform Institutions Act of 1988 provides for the establishment of Boards of Visitors.

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Legal and Parliamentary Affairs in Zambia; the Portfolio Committee on Correctional Services in South Africa; the Parliamentary Committee on Legality and Human rights in Mozambique; and the portfolio committee in the DRC are examples. The effectiveness of these committees depends on how proactive they are in conducting these visits; whether they are able to compile detailed reports on them; and how they use their reports, findings and recommendations to raise questions with the relevant prison authorities.

National human rights institutions: NHRIs are bodies established by governments under the constitution, by law or by decree. Their functions can be broadly defined as the promotion and protection of human rights. They exist in two forms: 1) the offices of ombudspersons and 2) national human rights commissions. Botswana, Lesotho, Namibia and Zambia and Mozambique, for example, have offices of ombudspersons. Their mandate usually includes investigating complaints against government agencies concerning matters such as abuse of power, maladministration, corruption and human rights violations. Botswana’s Ombudsman is restricted from investigating issues affecting the security of state and crimes. In Lesotho, the Ombudsman may receive and investigate complaints against any government department or its officials. In 2005 it conducted a visit to certain police stations and cells, after which it issued recommendations to the state. In Namibia, the Ombudsman acts only in response to a specific complaint or request for assistance; it does not conduct regular oversight visits. Zambia has a body called the Commission for Investigations, with powers similar to those of an Ombudsman in other countries.

Lesotho, Madagascar, Mauritius, Mozambique, South Africa, Tanzania, Zambia, and Zimbabwe, have established National Human Rights Commissions (NHRCs). These generally have a broad mandate to promote and protect human rights. Some NHRCs may also hold hearings and conduct inquiries following complaints by individuals or groups. Because they have a broad mandate to deal with all forms of human rights abuse, they often do not have sufficient resources to focus on the needs of people in detention. They also cannot always make regular visits to prison, or conduct follow-up inspections. Some NHRCs have restricted access to prisons and police stations, while others are allowed to visit some but not all places of detention.

The region and the continent: civilian oversight of the police in Africa

The African Policing Civilian Oversight Forum (APCOF) is a network of African policing practitioners drawn from state and non-state institutions in East, West, Southern and North Africa. It is active in promoting police reform through civilian monitoring of policing. The network believes that the broad values behind the establishment of civilian oversight of the police are to assist in restoring public confidence, develop a culture of human rights, integrity and transparency within the police, and promote good working relationships between the police service and the community. Apart from the aims outlined below, APCOF aims to raise awareness, share information on police oversight, and provide technical assistance to civil society, police and new and emerging oversight bodies in Africa.

APCOF, which was established in 2004 as a coalition of police oversight bodies and practitioners, was registered in 2006 as a not-for-profit company under South African company law. Its objectives are to:

1. create and sustain public confidence in the police;
2. develop a culture of human rights, integrity, transparency and accountability within the police;
3. establish good working relationships between the police, civil society and the community; and
4. promote good working conditions in the police service.
APCOF and its network partners engage on a range of policing issues on the African continent. These include:

1. advocating fair treatment of citizens by police agencies on the continent;
2. exchanging information, especially on good practice, between oversight bodies;
3. campaigning for the establishment of police oversight bodies in countries that currently lack them;
4. promoting better working conditions for police officials; and
5. encouraging and supporting the formation of networks to promote police reform.

The composition of the APCOF Board reflects the continental expertise drawn from the state and civil society that is contributing to policing reform. Board members include:

- Florence Simbiri-Jaoko, the chairperson of the Kenya National Commission on Human Rights, Kenya;
- Etannibi Alemika, who holds the chair of criminology in the Department of Sociology at the University of Jos, Nigeria;
- Edith Kibalama, the executive director of the East Africa Centre for Constitutional Development, Uganda;
- Innocent Chukwuma, the executive director of CLEEN, the Centre for Law Enforcement Education Network, Nigeria;
- Otive Igbuzor, a member of the Police Service Commission, Nigeria;
- Mathews Seseko, the provincial head of the Independent Complaints Directorate, South Africa;
- Tommy Tshabalala, the head of investigations at the Independent Complaints Directorate, South Africa;
- Ababacar Ndiaye, a project officer with the Senegalese Commission on Human Rights, Senegal;
- Amir Suliman, of the Regional African Centre for Justice and Peace, Sudan;
- Tito Rutaremara, an ombudsman from Office of the Ombudsman, Rwanda;
- Elrena van der Spuy, of the Centre for Criminology in the Faculty of Law, University of Cape Town, South Africa;
- Amina Bouayach, of the Association of Human Rights Organisations, Morocco; and
- Sean Tait, the APCOF Coordinator.

with technological advances in communication, politicians have found they can no longer ignore public opinion concerning the police.
The context within which APCOF operates

Despite the drive towards reform, all police departments in Africa continue to encounter significant problems (in common with most police agencies around the world). This is not to decry the advances that have been made in a number of African countries, where dramatic improvements in police/community relations and enforcement have been reported. There remains a need to widen and sustain interaction between those involved in law enforcement and ordinary citizens. In some African countries key government officials, including senior police officers, recognize the need for broad community-based interventions to address the causes of criminal violence, and to support oversight of law enforcement. This is an essential measure to help build the community trust necessary for effective policing, and it also allows communities the opportunity to assist in preventing crime.

As the strength and reach of the media and civil society grow with technological advances in communication, politicians have found they can no longer ignore public opinion concerning the police. While the public can create pressure on the authorities for or against ‘tough on crime’ approaches, it can also help to increase the political space available to advocate greater accountability in the police. However, building police oversight institutions is no easy task. Just as policing itself is multi-faceted and challenging, so is policing oversight. This makes a simple transfer of practice from one country to the next both impractical and undesirable. Yet countries on the continent have had few points of reference other than examples coming from the wealthy, industrialized northern hemisphere. The implications of this lack of reference, together with the inherent political sensitivities in any country, are that creating more and stronger policing oversight will need sustained support from experts. Any technical assistance must be sensitive to local dynamics, and to continental and international political agendas.

Any proposal will need to fulfill the criteria of being relevant and appropriate to the capacity and constraints of local situations. It is for these reasons that a network such as the APCOF Board, and the regional equivalents it supports, is invaluable.

Networks, whether these comprise the interactions between reform-minded police in different countries, or a collaborative approach to police reform, are recognized as important aids to promoting ethical and accountable policing. They represent the potential to move beyond institutional reform to reach wider constituencies, and to translate concepts of national security into actions and principles at the local level. The extent to which local communities can internalize the need for accountable policing will determine the role that they can play in ensuring accountability, and the extent of their input into future policy interventions to provide safety and guarantee that democratic process is followed.

Case studies taken from various contexts show that it is important to build civil society capacity and expertise so that the public can support policing reforms that emphasize accountability as well as effectiveness. The lesson was clearly learnt in Kenya, where donors focused almost exclusively on improving the operational effectiveness of the police, not understanding that this is inseparable in practice from accountable and fair policing. The absence of the latter was very clearly demonstrated in the police responses to the violence that followed the elections in 2007, the legacy of which continues to bedevil the police reform process in that country.

Local civil society networks can benefit immensely from support at the regional and continental levels in their efforts to strengthen the police reform agenda. Comparing their experiences with those in other jurisdictions enables local CSOs to gain useful insights, devise ways to push forward processes that might have become blocked, reduce tensions and add to mutual security.
The debate on police reform that has evolved over the last decade recognizes that:

- attention needs to be paid to the fundamental importance of the oversight component in the overall reform process, and that that support must be directed at strengthening the oversight mechanisms in society;
- governance, which should include the oversight component, normative frameworks, institutional management and operational efficiency, should be placed at the centre of the reform process;
- police reform needs to be built on local ownership; and
- such reform should be debated by African experts who work in fields related to security and policing and are therefore in a position to advise their peers.

The APCOF strategy takes cognizance of the above points. Its efforts are divided into four distinct but interrelated work streams:

- promoting regional and continental standard-setting on police oversight and police accountability;
- developing tools that provide a means of assessing and encouraging ethical policing;
- building and supporting local networks of ownership; and
- fostering the knowledge and skills development of oversight practitioners.

Promoting continental standards relevant to police oversight and accountability

APCOF’s strategy is to work towards a set of agreed African standards and guidelines on civilian police oversight, and the implementation plans and tools that follow from them. These will be used to inform the development of civilian oversight of the police at the domestic (individual country) level. The strategy used for advocacy is evidence-based, and can be approached through multiple entry points. Each of these entails a stand-alone intervention that can be pursued at continental and regional level simultaneously, and has been designed to have a measurable effect on police oversight and accountability. Projects that are being undertaken as part of this work stream are described below.

Promoting the African Commission on Human and People’s Rights (ACHPR) Resolution on Police Oversight

In November 2006, APCOF successfully lobbied for the adoption of the Resolution on Police Reform, Accountability and Civilian Police Oversight in Africa at the 40th Ordinary Session of the African Commission, which was held in Banjul, The Gambia. The Resolution acts as a foundation for APCOF’s work at continental level, providing it with a mandate to promote the implementation and strengthening of policing oversight in Africa through the development of police oversight mechanisms, and recording and tracking progress in police reforms through a regular audit of police oversight in Africa.

Developing tools and standards for assessing the quality of policing

APCOF works to promote regional standards with which police services should comply. Such standards provide a normative framework for policing and are an important entry-point for engaging police agencies on the question of what acceptable behaviour entails, while providing objective points of reference for oversight practitioners. It is crucial that these standards are developed in collaboration with oversight practitioners, members of civil society and police agencies, because agreement is required if they are to form a common framework for the police and the oversight community that results in an improved prospect that it will be acted upon. Projects being undertaken as part of this work stream are described below.

Developing Common Standards for Policing in East Africa

In 2008–2009, APCOF, the Commonwealth Human Rights Initiative, the East African Police Commis-
sioners Coordinating Committee (EAPCCO), and the East African Community (EAC) articulated a set of common standards for policing in Eastern Africa. The standards are designed to inform the ongoing process of harmonizing policing practice and police training in the East African region, and to support selected priorities, including those of the East African Community.

*Developing monitoring indicators for the Southern African Police Commissioners Cooperation Organization (SARPCCO), and assessing compliance*

The SARPCCO Code of Conduct outlines an agreed standard of operation by the police agencies of Southern Africa. It also sets out principles (integrity, respect for life and the rule of law) that, if adhered to, could at the very least reduce human rights violations. However, until 2010 there was no easily accessible tool that enabled oversight bodies to monitor the application of the Code of Conduct, and to develop means of encouraging compliance. Such a tool would also enable SARPCCO, the police services, policy makers, police oversight agencies and civil society to focus on meeting common objectives. The set of monitoring indicators for each of the articles of the Code of Conduct was released in 2010. The second set of indicators is intended to provide criteria for assessing the performance of police agencies in the region. This undertaking will be carried out in close collaboration with civil society partners in SADC countries. This will serve the dual purpose of providing fresh insights to SARPCCO and helping to build the capacity of civilian entities to engage their own police agencies on issues of accountability, oversight and policing that is ethical and compliant with human rights standards.

*Skills development for oversight practitioners*

APCOF seeks to support the entities engaged in police oversight through providing access to knowledge and skills that are relevant to their duties. Current and future activities under this work stream are described below.

**Independent police oversight investigator training**

In 2010, APCOF, the South African Independent Complaints Directorate (ICD) and the GIZ (formerly GTZ), through the Trilateral Cooperation Fund (TriCo), agreed to collaborate with the Kenya National Commission on Human Rights (KNCHR) and the Tanzania Commission for Human Rights and Good Governance (CHRAGG) to provide training. The specific aim was to strengthen the monitoring and investigation capacity of the Kenyan and Tanzanian national human rights institutions, enabling them to play a more effective role in police oversight.

The training programme that resulted is structured as a four-day residential course with interactive sessions, which include role-playing and discussing case studies. The training materials include a manual as well as a resource pack containing relevant policy documents from various organizations and institutions and a CD that provides useful literature on the subject of monitoring and investigation. The actual training provided focuses on instructing the trainees on the technical requirements of the entire investigation process, from the receipt of a complaint, assessment of whether a violation has occurred, and the briefing of investigators, to crime scene management, preservation of evidence and interviews with witnesses and victims. Basic skills such as statement-taking and report writing are covered, as are more profound questions concerning the challenges to be confronted when working with the police, and the roles investigators play in police oversight bodies.
Regional security governance is a topic of increasing interest to academics and policymakers worldwide. Indeed, it is of particular interest to Africa, for two reasons. First, the continent, like other areas of the world, has since 1990 regained its geo-strategic and -economic importance. Second, there is a growing consensus among African policymakers that a one-size-fits-all approach based on the European template is both conceptually biased and inefficient as a guide to policy. Accordingly, those who are formulating the AU’s continental SSR policy framework are not merely importing concepts, but also adapting them to Africa’s own needs and conditions.

In short, Africa needs to take another, searching, look at security and the challenges faced by the whole continent and the individual sub-regions within it. Southern Africa can be differentiated from the other regions in that, unlike those elsewhere, its countries focused on security rather than economic integration.
from the time the Frontline States (FLS) were formed in the 1970s. The Southern African Development Coordination Conference (SADCC) was the economic arm of the FLS. However, while the FLS talked about a shared security strategy and coordinated policies, no discussions were held on security integration. In the aftermath of the FLS there were considerable difficulties in marrying a traditional interpretation of state-focused security, which generally meant protection of a regime, with a wider frame of reference that included social, economic and political development as a means of providing social security. As a result, regional security governance became uncoordinated and prone to ad hoc security decisions on the part of individual countries until the second half of the 1990s.

What does security in the SADC region amount to nowadays? In the mid-1990s academic commentators argued that the entire region constituted one security community, in that all of the countries belonging to Southern Africa were united in moving towards democracy, even though much had still to be accomplished. In other words, they believed that if the peoples of a region containing integrated groupings that had a developed sense of community; they would also desire peaceful change. Today we think of the region in terms of a security complex, which is a more modest assessment than the ‘one community’ ambition. A security complex describes a situation covering a number of states that have different perceptions on security, but realize that their interests overlap. Put another way, national (that is, domestic) security problems can be dealt with only in the context of security in all the other countries in the region.

Peace cannot be taken as a given; it has to be worked for. This means that peaceful change cannot be expected to take place naturally, as is implied by the notion of a security community. Instead we face a situation in which the insecurities of states and people in the region result from real, harsh circumstances that are sufficiently destabilizing to spill over into all the adjacent countries.

The security threats faced by states and people in the region, however, need to be defined before they can be addressed. There are traditional and new threats. The former are relatively easy to define: they affect state security directly, and are dealt with by the security establishment. On the other hand, the new threats are many and various, and can threaten not only the state but also society at the same time, or are directed solely at society. State entities are not able to pay adequate attention to all of the emerging threats; they lack the resources, both human and financial, and have many other claims on their attention. This explains why new threats to security are often anticipated, identified and studied by agencies outside the governments, such as CSOs, before they are recognized by states. Both state and non-state actors should provide platforms for dialogue between them on how security threats belonging to the indirect category can be addressed.

APPRI is one of several non-state actors well-placed to carry out the role of promoting dialogue on security matters. The reduction in aid to Southern Africa from Europe was flagged at the colloquium as a reason for proactive efforts to manage security without subvention from external sources. It may also mean that African countries will have to make greater contributions to maintaining and expanding the AU and other regional security structures and operations, and this in turn will have implications for policy.

At the colloquium, civil society actors, in dialogue with the honourable parliamentarians and academics, suggested that radicalism as a new security threat is essentially a response by the ‘have nots’ to the ‘haves’; and that a state’s reaction to cyber-attacks should not be used to suppress popular information technology and communication for political reasons. All of these are issues that APPRI would do well to take up.

Ultimately, the key question is: Who can pronounce on these new threats? I would like
to suggest that these contemporary security issues are best responded to by a concert of forces, a collaboration between state and civil society agencies.

In a security complex such as ours where there are regional security issues, and national security problems rapidly affect other countries in the region, there are key players who stand at the interface between the executive and the populace. In developing democracies these are the parliamentarians. They are strategically placed to benefit from specialist knowledge on specific security issues, and to feed this into the law-making process, the oversight duties of parliamentary committees, and innovative debate between members of the SADC Parliamentary Forum.

This is why MPs should arm themselves with knowledge, which is the best basis for positive intervention. In this context knowledge confers the power to raise pertinent points, draw attention to informed views on an issue, influence legislation, and shape policy for the future.

In examining new security issues and engaging a concert of different forces to define them, assess the extent of risk, and offer solutions, and in having MPs help the government to a fuller understanding of a range of views, we are travelling the road to a more inclusive, democratic public policy process. Again, APPRI itself is well placed to help build a regional, more inclusive security culture of this kind. It does so by providing a platform for this concert of forces to meet and interact, in the way we are doing on this occasion.

But this conference is not only about empowering individual CSOs or parliamentarians. In the end security is not something out there; it is about empowering individuals and groups to pursue their core values in ways that do not impinge on the security of others. We need to build an inclusive security culture in which Southern Africa and other regions on this continent can have its individuals and groups (including the state) share approaches, so the core values of all can be protected. We want to have regions where approaches to security that have been agreed between all parties are well established, and where these approaches set limits on behaviour and certain types of action.

In the context of the AU, all to do with the continental was aspirational; the rest was work in progress. In SADC and our regions civil society representatives, honourable parliamentarians and academics also need to be aspirational. In being aspirational, organizations such as APRRI must be allowed to provide the platform so that the work in progress on new security threats and security in general is inclusive, has depth, produces new knowledge and insights and facilitates a situation where all are empowered to contribute to each other’s security and well-being and where, eventually we do amount to a community living in a real and durable peace.

The fundamental purpose of the colloquium was to elucidate the role APPRI intends to play. In essence, this work would concern conflict prevention. There is empirical evidence that security issues that are deliberately ignored by governments become sources of conflict over time. APPRI sees itself as a driver of public policy and a developer of constructive public/private sector debate. All its work is based on empirically-grounded research. Moreover, APPRI intends to provide policy implementation support in partnership with those governments that are willing.

We look to a future in which the AU’s SSR policy framework will act as an umbrella under which solidarity, partnership and regional security integration amongst states in Southern Africa and elsewhere on the continent can build complementarity rather than competition between states.
CONCLUSION AND POLICY RECOMMENDATIONS

The main issues interrogated during the conference revolved around the security sector in the SADC region, with a particular focus on SSR and parliamentary oversight. While the following recommendations could make a difference to peace and security in the region if they are followed in a committed and pragmatic manner, we must bear in mind that the problem of a huge democratic deficit cannot be remedied by these actions alone.

The 11 policy recommendations derived from the deliberations of the conference are as follows.

First, in order for the states of the SADC region to undertake a meaningful SSR process and for their parliaments to exercise genuine oversight of developments in the security sector, they need to consolidate their democracies in a people-centered manner. This would improve the quality of life of the general populace. Very little progress can be made without this prerequisite, difficult although it may be to accomplish.
Second, SADC states should prioritize the issue of SSR in order to support democratic gains. The continent has experienced serious civil uprisings deriving from contestation of election results in many countries, even when these elections have been democratic. In Southern Africa, the case of Zimbabwe springs to mind, but even in other states in the region tensions between political parties create simmering resentments and mistrust that can all too easily erupt into violence. Central to the support of election results in a country is the involvement of the security sector. In the past, arguably even in the present, this sector has been manipulated to serve the political interests of certain individuals and political groupings rather than the common good. It follows that unless SADC states implement comprehensive and meaningful SSR, political stability will be difficult to achieve and maintain.

Third, before meaningful security sector reform can be conducted, some of the SADC countries need to conduct a process of national reconciliation. In the majority of these countries relations between individuals and political groupings have been fractured so seriously that repairing them has become a national necessity. These nations, such as Zimbabwe, should undertake a national ‘healing process’ to prepare a foundation for SSR. This process should not be aimed at revenge or punitive measures, but should be seen as an attempt to ‘level the ground’ before the building blocks for SSR can be laid. Only then can a meaningful SSR process be instituted to bring about peace and stability in the future.

Fourth, there is a need for SADC and its member states to embrace the SSR framework that is being developed by the AU. This is very important, because it will afford them the means and the support required to undertake SSR, especially since the AU has made itself available to assist whenever it is requested to do so. This is essential, because experience has shown that if states are to carry out SSR in a meaningful way, they cannot do it alone. The objectivity of external assessment and guidance is needed, as is assistance in addressing questions of transparency. There are also the more practical aspects that are difficult for a state to manage unaided, chief among them the problem of sufficient resources to carry out the necessary reforms.

Fifth, Southern African parliaments should take their oversight responsibilities seriously, to serve the interests of the electorate. This is especially the case where the security sector is concerned. During the conference, delegates expressed the concern that parliamentarians do not exercise diligent oversight of defense issues, even when they are members of defence portfolio committees. At present, such committees are mere ‘talk shows’ intended to allay the concerns of citizens and the international community, but in practice achieving little. There is, therefore, an urgent need for parliamentarians to do their work, and without fear or favour.
Sixth, while there are often structural problems that prevent parliamentarians in Southern Africa from exercising oversight, there is also the serious challenge of their lacking the capacity to do so. Few MPs know what is expected of a monitoring role, and are lacking in the kinds of information and experience required to address the issues they are expected to scrutinize. It is important to assist MPs to develop these necessary skills through various means, including workshops and modules on democratic practice, and the principles oversight committees should be following. At present, the only training provided to MPs is a minimal introductory course offered when a new term of parliament begins. Its content is largely focused on familiarization with the operation of parliament, and does not address issues of oversight.

Seventh, it would be very useful if a network for SADC parliamentarians was created and maintained by a service provider who would undertake responsibility for running the network on a continuous basis. The service provider would have to build a database of all security sector portfolio committees in the region, and identify areas in which intervention is needed to elicit better performance. The managers of the network would also be responsible for organizing annual workshops for MPs that would allow them to share information and experiences. This would contribute to a cross-fertilization of ideas that would almost certainly improve the performance of MPs involved in oversight of the security sector.

Eighth, progress and growth are best served when founded on knowledge. It is imperative to found an organization or institute to generate knowledge on developments in SSR, and especially to brief parliamentarians involved in oversight of the security sector. This organization or institute could work with parliament staff to ensure a continual flow of relevant information, and could also offer courses focused on budgeting and budget analysis for parliamentarians.

Ninth, most Southern African countries have prisons that are urgently in need of reform. Those that have taken steps in this direction are making progress very slowly. The predominant prison culture remains traditional and grounded on punitive rather than corrective principles. SADC states need to change prisons from being places of hardship and suffering to institutions that offer the chance of rehabilitation. To do this, those managing places of detention need to create environments that show respect for the human rights of prisoners, and prepare them for reintegration into society when they have served their sentences. Such a transformation would also ensure that prisoners regain the right to vote, which is denied them in most countries in Southern Africa.

Tenth, there is need for in-depth research into, and greater interrogation of, the issue of war veterans. In a number of Southern African states, the struggle for liberation has left a legacy that continues to shape the attitudes of many who fought but have not adapted to civilian life. So far researchers have not addressed this important topic with sufficient rigour. A workshop or conference should be held to debate this phenomenon on the basis of properly-conducted research. One of the themes that would have to be raised would be the extent to which war veterans have played a role in influencing the outcome of democratic elections.

Finally, there is a need not only for extensive research into the issues of SSR and parliamentary oversight, but to find ways to put the results of this research to good use. At present, explanations of different security situations remain underdeveloped because very little research material has been made available to guide understanding. For instance, the political economy dynamics of the security sector have not been interrogated and knowledge around this important issue remains shallow and inadequate.
## Annex I: Agenda

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<thead>
<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker/Chair</th>
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<tbody>
<tr>
<td>27 June</td>
<td>Day 1</td>
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<tr>
<td>09.00 - 09.15</td>
<td>Registration</td>
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<tr>
<td>09.15 - 09.20</td>
<td>Opening Remarks Institute for Democracy in South Africa (IDASA) Open Society Initiative for Southern Africa (OSISA)</td>
<td>Prof Hamilton Simelane Chair</td>
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<tr>
<td>09.20 - 09.30</td>
<td>Intro: APPRI &amp; Colloquium Objectives</td>
<td>Dr Martin Rupiya</td>
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<td>09.45 - 09.50</td>
<td>Official Opening: Minister of Defence &amp; Military Veterans: Hon. L. Sisulu—SADC Integration-Governance of the Security Sector and its Oversight Challenges?</td>
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<td>09.45 - 09.50</td>
<td>Vote of Thanks and Official Photo</td>
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<td>10.00 - 11.00</td>
<td>Tea/coffee</td>
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<tr>
<td>11.00 - 13.00</td>
<td>Governance of the Security Sector: Oversight Challenges “New and Old”</td>
<td>Chair: Hon. Adan Keynan MP Kenya Presenter: Dr Rupiya</td>
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<td>13.00 - 14.00</td>
<td>Lunch</td>
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<td>14.00 - 15.30</td>
<td>The African Union and SADC perspectives on Governance of the Security Sector Prof Medhane Thadesse AU Peace &amp; Security Dept Discussion</td>
<td>Chair PhD Student, Oxford Transitional Justice Prog: Chris Mahony</td>
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<td>15.30 - 16.00</td>
<td>Tea/Coffee</td>
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<td>16.00 - 17.00</td>
<td>Security Sector Oversight Challenges: The Case for Ghana: Hon (apt) George Kofi Nfojoh, MP, Vice Chair, Comte on Defence &amp; Interior: also Hon. Seth Kwame Acheampong, MP and Member Def &amp; Interior, Ghana</td>
<td>Chair Lesotho MP</td>
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<td>19.00 - 21.30</td>
<td>Entertainment [ cultural group] Cocktail—Traditional Dress [separate programme]</td>
<td>Restaurant Area Dinner Speech: Prof Paul-Bischof (Rhodes Univ)</td>
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<td>28 June</td>
<td>Day 2</td>
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<td>11.00 - 13.00</td>
<td>SADC Member state: Practitioner experiences Democratic Republic of Congo</td>
<td>Prof Ditend Grevisse DDR Unit, DR Congo</td>
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<tr>
<td>14.00 - 15.30</td>
<td>Regional Comparative Experiences of Governance of the Security Sector Kenya experience</td>
<td>Chair MPs Ghana</td>
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<tr>
<td>15.30 - 16.00</td>
<td>Tea/Coffee</td>
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<td>Session VII National Reconciliation</td>
<td>Prof Ditend</td>
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<tr>
<td>16.00 - 17.00</td>
<td>National Reconciliation: Chris Mahony</td>
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<tr>
<td>29 June</td>
<td>Day 3</td>
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<tr>
<td>09.00 - 10.30</td>
<td>Correctional Services/Prison Reforms and Regional Approaches Ms Amanda Dissel: Civil Society Prison Reform perspectives Tommy Tshabalala: Civil Society Policing: SADC Chairperson: APCOF</td>
<td>Dr M. Rupiya Prof Paul Bishoff</td>
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<td>10.30 - 12.30</td>
<td>SADC (PF) Experiences: Sheuneni Kurasha Lusophone Experience: Leonardo Amaral</td>
<td>Trevor Maisiri</td>
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<tr>
<td>12.30</td>
<td>Closing Remarks and Vote of Thanks</td>
<td>Prof Hamilton Simelane</td>
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## Annex II: List of Participants

<table>
<thead>
<tr>
<th>Name</th>
<th>Organization</th>
<th>Country</th>
<th>City</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hon Sivumelwano Nxumalo</td>
<td>Member of Parliament</td>
<td>Swaziland</td>
<td>Manzini</td>
</tr>
<tr>
<td>Celumusa Eric Khoza</td>
<td>Clerk of Parliament</td>
<td>Swaziland</td>
<td>Manzini</td>
</tr>
<tr>
<td>David BYAZA-SANDA LUTALA</td>
<td>Secretary General du Senate</td>
<td>DRC</td>
<td>Kinshasa</td>
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<tr>
<td>Raymond Luete Katembo</td>
<td>Chair of Senate and National Assembly</td>
<td>DRC</td>
<td>Kinshasa</td>
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<tr>
<td>Hussein Ali Mohamed</td>
<td>Chair of Dept Committee on Admin</td>
<td>Kenya</td>
<td>Nairobi</td>
</tr>
<tr>
<td>Adan Keynan Wehliye</td>
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<td>Andre Van Zyl</td>
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Annex III: List of Acronyms

- **APCOF**: African Policing Civilian Oversight Forum
- **APPRI**: The African Public Policy and Research Institute
- **APSA**: Africa Peace and Security Architecture
- **AU**: African Union
- **CADSP**: Common African Defence and Security Policy
- **CHRAGG**: Tanzania Commission for Human Rights and Good Governance
- **CSOs**: Civil Society Organizations
- **DRC**: Democratic Republic of the Congo
- **EAC**: East African Community
- **ECOWAS**: Economic Community of West African States
- **EU**: European Union
- **FADM**: Mozambique Defence Force
- **FAM–FPLM**: Mozambique Armed Forces
- **FARDC**: Armed Forces of the DRC
- **FLS**: Frontline States
- **FRELIMO**: Liberation Front of Mozambique
- **GIZ**: Die Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)
- **ICC**: International Criminal Court
- **ICCVs**: Independent Correctional Centre Visitors
- **ICD**: Independent Complaints Directorate
- **IDASA**: Institute for Democracy in South Africa Inhuman and Degrading Treatment or Punishment
- **KAIPTC**: Kofi Annan International Peacekeeping and Training Centre
- **KNCHR**: Kenya National Commission on Human Rights
- **MDRP**: Multi-Country Demobilization and Reintegration Programme
- **MONUSCO**: United Nations Organization Stabilization Mission in the DRC
- **MPs**: Members of Parliament
- **NCP**: National Congolese Police
- **NHRCs**: National Human Rights Commissions
- **NPMs**: National Preventive Mechanisms
- **ONUMOZ**: United Nations Operation in Mozambique
- **OPCAT**: Optional Protocol to the Convention Against Torture
- **OSISA**: Open Society Initiative for Southern Africa
- **PMSCs**: Private Military Security Companies
- **PVC**: Prison Visiting Committee
- **RECs**: Regional Economic Communities
- **RENAMO**: Mozambican National Resistance
- **RPTC**: Regional Peacekeeping Training Centre
- **SADC**: Southern African Development Community
- **SADC PF**: Southern African Development Community Parliamentary Forum
- **SPT**: UN Subcommittee on Prevention of Torture and other Cruel, Inhuman and Inhumane and Degrading Treatment or Punishment
- **SSR**: Security Sector Reform
- **UN**: United Nations
- **UNSC**: United Nations Security Council
The Open Society Initiative for Southern Africa (OSISA) is a growing African institution committed to deepening democracy, protecting human rights and enhancing good governance in southern Africa. OSISA’s vision is to promote and sustain the ideals, values, institutions and practice of open society, with the aim of establishing a vibrant southern African society in which people, free from material and other deprivation, understand their rights and responsibilities and participate democratically in all spheres of life.

Open Debate is funded by OSISA and is intended to spark debate on critical issues. Feel free to join in the discussion, send your thoughts to opendebate@osisa.org or alicek@osisa.org or comment on the website: www.osisa.org

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The African Public Policy and Research Institute (APPRI) aims to be the leading research and public policy implementation institute in the field of civil military relations. APPRI’s mission is to reinvigorate the intellectual rigour applied to civil-military relations and to enhance practical intervention initiatives on civil-military relations as a methodological tool towards consolidating the democratisation process in Africa.

To achieve this, APPRI’s main objectives are to work closely with partners in undertaking targeted policy implementation support and capacity building and to provide meaningful support to governments, organisations, institutions and regional and continental bodies in policy research and policy implementation.

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