



Seminar Summary Report: The Constitution and the Security Sector: Enhancement of Democratic Values and Peace Pretoria, 6 June 2008

The aim of the seminar was to provide a platform for a debate on the relationship between the constitution and the security sector with the view of enhancing democratic values and peace consistent with democratic norms, sound principles of governance and rule of law. The ultimate objective was to positively influence the policy processes towards an effective SSR in African. Various speakers expressed their views on this relationship and suggested ways of adopting democratic governance principles in Africa as a means of enhancing democratic values and peace.

The topics tackled were:

- The constitution and the security sector: enhancement of democratic values and Peace by Michelo Hansungule, Professor in Human Rights Law
- Addressing defence Policy during Constitutional Reform Processes by Maj-Gen (Rtd) Len Le Roux, Office Director, Institute for Security Studies
- The Convention for a Democratic South Africa (CODESA) process by Hon. Gen. Bantu Holomisa, Member of the South African Parliament and President of the United Democratic Movement
- Towards a free and Fair 2009 Malawi Election: Reform Process by Hon. Alfred John Chikalimba, Chairperson of Malawi's Defence and Security Committee
- Security Forces in a Democratic Dispensation: The Case of Swaziland by Mr Thulani Maseko, Attorney of the High Court of Swaziland and Secretary General of the Lawyers for Human Rights (Swaziland)
- The Constitution and the Security Sector: Enhancement of Democratic Values and Peace: Experience of Sudan by Hon. James Janga Duku, SSLA Deputy to the Chair to the Security and Public Order Committee

- Constitutional Making : Lessons from Zambia's experience by Prof Melvin Mbao, Department of Public Law and Legal Philosophy University of the North West
- General report on the Security Sector in Zimbabwe by Mr. Prichard Zhou, an official of the Zimbabwe Government

In general, the conversation was about developing national constitutions that would serve as a guide towards building security sectors that are responsive to democratic ideals of African states. It was generally agreed that the political environment influences the level at which the security sector is accountable, affordable, adequate and appropriate. The participants observed that the challenge was for the security sector to meet the demands of both the legitimate governments and those of the people.

The case studies reflected a growing desire to engage with change. It was noted that although some governments' legal frameworks reflected democratic principles in the security sector, the depth and width of engagements were largely inadequate. In others, the tendency was to adopt past provisions that did not reflect any normative character or structure of the security sector. It was also observed that the challenge remains the lack of adequate resources and capabilities to fill the gap between the hardware (relevant ministries, air forces, armies, police forces, etc.) and the software (instruments, pieces of legislations, policies, etc) of the security sector.