Rule of Law and Security Sector Governance: What Emerging Security Sector Leaders Should Consider

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What is the rule of law?

As a principle:

The law applies to all, including those who govern

AND

The substance of the law affirms principles related to constitutionalism, civil liberties, human rights, fundamental freedoms.

As a process:

Everyday interactions between residents and state security/justice actors

Mutual respect, accountability, transparency

Popular trust in state security and justice institutions, institutional legitimacy

More sustainable and effective prevention and response to conflict, violence, crises
Examples from Core Sources

- Institutional checks & balances
- Consistent and clear laws
- Equal protection of freedoms/liberties
- Access to fair, affordable justice

Laws apply to “all persons, institutions and entities, public and private, including the State itself:

Laws are:
- Publicly promulgated
- equally enforced and independently adjudicated
- constituent with international human rights norms and standards.

- Executive compliance with law
- Impartiality of Justice System
- Transparent judicial processes
- Equality before the law
- Law enforcement
- Property rights
How does rule of law relate to security challenges?

AFRICA’S ACTIVE MILITANT ISLAMIST GROUPS

**TUNISIA**
- Okba Bin Nafaa Brigade
- Ansar al-Sharia Tunisia (AST)
- Soldiers of the Caliphate (a.k.a. Ansar al-Shariah) (targeting both Algeria and Tunisia)

**LIBYA**
- Islamic State in Libya (I.S.I.L., Wilayat Barqa, Wilayet Fezzan, and Wilayat Tarhuna)

**ALGERIA**
- Al-Qaeda in the Islamic Maghreb (AQIM) (operating across North Africa)

**MALI/BURKINA FASO/NEGER**
- Jama'at Nusrat al-Islam wal Muslimin (JNIM), comprising the following AQIM affiliates:
  - Ansar Dine
  - Movement for the Liberation of Azawad (FLM)
  - Al Mouahhidoun
  - Saharawi Emirate of AQIM
  - Ansar al Islam
  - Islamic State in the Greater Sahara (ISGS)

**LIBYA**
- Islamic State in Libya (I.S.I.L., Wilayat Barqa, Wilayet Fezzan, and Wilayat Tarhuna)

**EGYPT**
- Islamic State in Sinai (I.S.I.S., Wilayat Sinai) (I.S.I.S., Ansar Beit al-Maqdis (I.S.I.M.), and Islamic State in Egypt)

**SOMALIA**
- Al-Shabaab (targeting both Somalia and Kenya)
- Islamic State in Somalia (I.S.I.S., a.k.a. Al-Noor of Caliphah)

**AFRICA’S TRENDS IN MILITANT ISLAMIST GROUP ACTIVITY IN AFRICA**

**KENYA**
- Al-Nusra (a.k.a. Muslim Youth Council)

**MOZAMBIQUE**
- Al-Shabaab and affiliates

**ATTACKS**
- AQIM and affiliates
- Al-Qaeda affiliates
- Al-Shabaab and affiliates
- ASWJ and affiliates
- Boko Haram and affiliates
- EI/S affiliated groups
- ISWJ and affiliates
- ISS and affiliates
- Undifferentiated/unaffiliated groups

*Note: Compiled by the Africa Center for Strategic Studies, this graphic shows violent events involving the listed groups over the 12-month period ending December 31, 2022. Data on attacks on civilians does not reflect the perpetration of the events. Group affiliations are intended for informational purposes only and should not be considered official designations. Due to the fluid nature of many groups, the listed affiliations may change.

Sources: Armed Conflict Location & Event Data Project (ACLED); Emin G Mohiuddin; Humanitarian International Crisis Group; SITE Intelligence Group; The Sudan Group; Stanford University’s Mapping Militants Project; Stratfor; Terrorism Research & Analysis Consortium (TRAC); and Aaron Y. Zelin.
How does rule of law relate to megatrends?

Figure 6. Major Routes of Migration in Africa

Sources: UNHCR, IOM, MMC
Linking Rule of Law and Security Sector Governance

Security sector held to high standards of public service provision

Range of formal and informal institutions involved

Inspectorates – Parliaments – Courts – National Independent Commissions – Civil Society – Media

Seven principles (DCAF): accountability, transparency, rule of law, participation, responsiveness, effectiveness, and efficiency
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