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DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE ASSESSMENT OF SENEGAL FINAL REPORT

JANUARY 2013

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development or the United States Government.

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ACRONYMS AND ABBREVIATIONS

AEG	Agriculture and Economic Growth
AKAD	<i>Association Kédougou Actions Développement</i>
ANOI	<i>Agence Nationale pour l'Organisation de la Conférence Islamique</i>
ANRAC	<i>Agence Nationale pour la Relance des Activités économiques et sociales en Casamance</i>
APIX	<i>Agence Nationale chargée de la Promotion de l'Investissement et des Grands Travaux</i>
APR	<i>Alliance Pour la République</i> Alliance for the Republic
AQIM	Al-Qaeda in the Islamic Maghreb
ARMP	<i>Autorité de Régulation des Marchés Publique</i> Public Procurement Regulatory Authority
ARTP	<i>Autorité de Régulation des Télécommunications et des Poste</i>
BBC	British Broadcasting Company
BBY	Benno Bokk Yakaar
CBJ	Committee to Protect Journalists
CBO	Community-Based Organization
CDCS	Country Development Cooperation Strategy
CDEPS	<i>Conseil des diffuseurs et éditeurs de presse du Sénégal</i>
CENA	<i>Commission Electorale Nationale Autonome</i>
CIDA	Canadian International Development Agency
CJRS	<i>Convention des jeunes reporters du Sénégal</i>
CMM	Conflict Mitigation and Monitoring
CNES	<i>Confédération Nationale des Employeurs du Sénégal</i>
CNRA	National Audiovisual Council
CNTS	<i>Confédération nationale des travailleurs du Sénégal</i>
CONGAD	<i>Conseil des ONG d'Appui au Développement du Sénégal</i>
COSCE	<i>Société civile pour les élections</i>
COSEF	<i>Conseil Sénégalais de Femmes</i>

CPA	<i>Coalition Populaire pour l'Alternative</i>
CPI	<i>Conseil Présidentiel de l'Investissement au Sénégal</i>
CPS	<i>Coordination Patronale du Sénégal</i>
CRAES	Council of the Republic for Economic and Social Affairs
CRED	<i>Conseil pour le Respect de l'Ethique et de la Deontologie</i>
CREI	<i>Cour de Répression de l'Enrichissement Illicite</i>
CSM	<i>Conseil Supérieur des Magistrats</i>
CSO	Civil Society Organization
DG	Democracy and Governance
DGE	<i>Direction Générale des Elections</i>
DO	Development Objective
DRG	Democracy, Human Rights, and Governance
ECOWAS	Economic Community of West African States
EPP	Elections and Political Processes
ESF	Economic Support Funds
EU	European Union
FTF	Feed the Future
GES	<i>Groupements économiques du Sénégal</i>
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>
GOS	Government of Senegal
GRCC	<i>Groupe de réflexion sur la compétitivité et la croissance</i>
HCJ	High Court of Justice
HCRT	<i>Haut Conseil de la Radio et Télévision</i>
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immune Deficiency Syndrome
IFAN	<i>Institut Fondamental d'Afrique Noir</i>
IFES	International Foundation for Election Systems
IMF	International Monetary Fund
INGO	International Non-governmental Organization
ITUC	International Trade Union Confederation
KEOH	<i>Kédougou Encadrement et Orientation du Développement Humain</i>
LDMPT	<i>Ligue Démocratique/Mouvement pour le Parti du Travail</i> Democratic League/Movement for the Workers Party

LGBT	Lesbian, Gay, Bisexual, and Transgender
MCC	Millennium Challenge Corporation
MEDS	<i>Mouvement des Entreprises du Sénégal</i>
MFDC	<i>Mouvement des Forces Démocratiques de la Casamance</i>
MP	Member of Parliament
NGO	Non-governmental Organization
NTS	<i>Nouveau Type de Sénégalais</i>
ONEL	<i>Observatoire National des Elections</i>
OSI	Open Society Institute
OSIWA	Open Society Initiative for West Africa
PDS	<i>Parti Démocratique Sénégalais</i> Senegalese Democratic party
PGAT	General Plan of Territorial Management
PNDL	<i>Programme National de Développement Local</i>
PRSP	Poverty Reduction Strategies Paper
PS	Socialist Party
RADDHO	African Assembly for the Defense of Human Rights
RESOCIT	<i>Reseau Sénégalais des Observateurs Citoyens</i>
RTS	<i>Radiodiffusion – Télévision Sénégalaise</i>
SUDES	<i>Syndicat Unique Démocratique des Enseignants du Sénégal</i>
SYNPICS	<i>Syndicat des Professionnels de l'Information et de la Communication</i>
UNACOIS	<i>Union National des Commerçants et Industriels du Sénégal</i>
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UPS	<i>Union Progressiste Sénégalaise</i>
USAID	United States Agency for International Development
WADR	West African Democracy Radio

EXECUTIVE SUMMARY

DISTILLING THE CORE DEMOCRACY, HUMAN RIGHTS, AND GOVERNANCE PROBLEM

Senegal's history since independence is one of strong central government, due in part to the French Gaullist legacy and in part to the initial need for a strong central government to build the Senegalese nation-state. All of Senegal's first three presidents used patronage politics to govern. Patron-client relationships with the *Marabout* leaders¹ of the Sufi brotherhoods provided popular support for Léopold Senghor, Abdou Diouf, and Abdoulaye Wade. All three used enhanced executive power to practice “presidentialist” politics as heads of three successive dominant parties, the *Union Progressiste Sénégalaise* (UPS), the Socialist Party (PS), and the Senegalese Democratic Party (PDS). Then the period of democratic transitions stemming from the end of the Cold War saw the rise of an awakened citizenry in the 1990s, a trend that was amplified in 2011. In 2000, Senegal's voters ended the Senghor/Diouf legacy of socialism in hopes of spurring economic growth, and in 2012, they ended Wade's wild “liberalism” in hopes of starting an era of good governance.

This Democracy, Human Rights, and Governance (DRG) assessment is based on three weeks of field research. A team interviewed approximately 100 knowledgeable informants in Dakar, Ziguinchor, and Kédougou, ranging from representatives of the national, regional, and local levels of government; civil society actors at the national and local levels; U.S. Government officials; donors and implementers; and academic and other independent analysts. In addition, extensive use of both primary and secondary documents informs this assessment. The DRG problem identified in this assessment is that power and resources are too highly concentrated in Senegal, a major cause and effect of the lower-level problems of a lack of effective checks and balances, weak accountability, and poor delivery of basic services—the latter due, in part, to incomplete decentralization.

Consensus: Senegalese have a clear sense of national identity that exists alongside their various ethnic, religious, and regional identities. Senegalese are proud of their history of achievements, including the election of an ethno-religious minority as their first president. This national pride in the country's history of political tolerance and inclusion has been reinforced by a political leadership that historically has emphasized inclusive rather than exclusive forms of ethno-politics. Nearly nine out of ten Senegalese believe democracy is the most preferable political system, and political elites broadly agree on the rules and institutions governing elections.

Rule of law and human rights: Senegal has never had a coup d'état and enjoys a high level of commitment to civilian rule among political elites and the officer corps of its Armed Forces. There are concerns about perceived impunity of the security forces. In the absence of a constitutional provision for legislative confirmation, the president nominates judges, promotes like-minded judges to senior positions, and posts troublesome judges to remote jurisdictions, resulting in judicial self-censorship that makes the judiciary an inadequate counterbalance to the power of the presidency. Corruption is perceived to be a problem, and access to justice is agreed to be too limited. The Macky Sall Administration appears to be determined to drive meaningful reforms to strengthen the judiciary and improve governance.

Competition and political accountability: Senegal's electoral system is transparent and delivers credible results that are accepted by the political parties. It is not a perfect system but is accepted by the political elites. Sall's coalition received nearly 80 percent of the seats, but his individual party, the *Alliance Pour la République* (APR), constitutes only 43 percent of the Assembly. This is a change from Senegal's history of a single

¹ In Senegal, the term *marabout leader* means a leader of a religious community. *Marabouts* can be religious scholars and, in some cases, may make amulets and tell fortunes.

dominant party. The APR will be reliant on its coalition allies. The 2014 local elections will test its cohesion. Three scenarios can be envisioned. In the first scenario, the coalition will hold together to meet the challenge of defeating the *Parti Démocratique Sénégalais* (PDS). Under the second scenario, jockeying for position in the presidential election of 2017 will stimulate the political ambitions, and the coalition will break apart. Under the third scenario, the coalition will purge dissidents, but will hold together due to the advantages of running the government. The lack of checks and balances diminishes executive branch accountability. The National Assembly has historically been little more than a “chamber of applause,” and it remains to be seen if Macky Sall intends to work to strengthen it. The Senate has been created and then abolished repeatedly, and currently does not exist. Patron-clientelism has ironically provided a kind of accountability, but patronage systems are increasingly weakened. Civil society is vibrant, but dependent on foreign donors, and the private media is constrained by lack of advertisers, the criminalization of defamation, and the lack of a Freedom of Information Act.

Inclusion: Senegal historically has been a country of tolerance and inclusion. The burgeoning youth population mobilized for the 2012 elections and remains a serious challenge the government must face. The Parity Act catapulted Senegal to the level of the Nordic nations in terms of women in Parliament, but since many of the women deputies are not functionally literate, it has had the unintended consequence of contributing to the inability of the legislative branch to hold the executive accountable. *Goor-jigeens* (“men-women”) and *goor-jigen* (“man-woman”) in Wolof (understood to refer to homosexual men) historically did not experience discrimination in Senegal, but this has been changing in recent years. There has been a backlash in reaction to their growing visibility.

Government effectiveness: Government effectiveness in Senegal is adversely affected by the concentration of power in the executive branch, a cause and effect of the weakness of the National Assembly and the lack of judicial autonomy; limited capacity of civil society organizations (CSOs) and the media to demand social accountability; and political corruption, elite immunity, and politicized prosecution. In addition, efforts at decentralization that could improve government effectiveness in terms of public service delivery as well as consensus, rule of law, political accountability, and inclusion, are incomplete. Senegal has gone through two waves of decentralization, but enabling regulations diluted original intent and fiscal decentralization was never attempted. Thus, competencies have been devolved without corresponding resources.

The core DRG problem: The assessment team has concurred that Senegal’s central DRG problem is that *the concentration of power and resources in Senegal weakens consensus on the political system, undermines rule of law, reduces competition, thwarts political accountability, constrains inclusion, and reduces government effectiveness, leading to an array of problems including pervasive corruption, poor service delivery, sporadic civil disturbances, and the lack of resolution of the conflict in Casamance.*

ACTORS AND INSTITUTIONS

The executive: The power of the presidency in Senegal is far superior to the institutional checks and balances placed on it in the Constitution. During the 1990s, acceptance of this situation waned, and people voted out President Diouf in 2000. After initial high public approval, trust in President Wade fell precipitously from 2005 to 2008 according to the Afrobarometer. The Senegalese people’s satisfaction with their democracy also severely eroded during this time. However, even in 2008, when 71 percent disapproved of Wade and 64 percent were unhappy with their democracy, 88 percent of Senegalese still felt democracy was the most preferable form of government. There is strong consensus on the need to institute constitutional checks and balances on presidential power.

The security forces: Out of the 15 total member states of the Economic Community of West African States (ECOWAS), Senegal and Cape Verde are the only two never to have undergone a coup. While the military refrained from interfering in the two alternations of power, the executive branch repeatedly used security forces to suppress political opposition. Police brutality, even when it results in fatalities, has seldom resulted in the investigation or prosecution of offending officers. A major obstacle to the prosecution of members of Senegal’s security forces is the requirement of an *ordre de poursuite*, authorization from the supervising

ministry—the Ministry of the Interior in the case of police officers and the Ministry of Defense in the case of *gendarmes* and military personnel. This procedure in effect grants the executive branch veto power over any judicial proceedings against members of the security forces. Contributing to this impunity, Senegalese Armed Forces are under the jurisdiction of military courts, which typically are less likely than civilian courts to convict.

The legislature: Parliament’s inadequate checks on presidential authority, low quality of debates, and the hasty adoption of bills contribute to the low opinion of National Assembly elected officials seen in the Afrobarometer survey results. Low public opinion of deputies is compounded by the fact that Members of Parliament (MPs) tend to be suspicious and mistrust each other as well. In Senegal, policies are written, implemented, and evaluated exclusively by the executive. Parliament is not meaningfully involved in making laws or policy decisions. Deputies seldom consult citizens or civil society organizations regarding policy issues. Generally speaking, prime minister questioning is done by ministers; Parliament exerts little control over the prime minister, or other ministers. Reports by audit institutions are transmitted to the President of the Republic and not to the National Assembly. There is a serious problem of transparency in the financial management of the Assembly, and international partners understandably restrict their assistance to the legislature accordingly.

The judiciary and customary legal traditions: The judiciary has never had sufficient independence to function as a check on executive power. The judiciary remains structurally and functionally dependent on the executive, and is thus ill-equipped to counterbalance executive power, or protect individual rights. The majority of the population, especially those living in rural areas, relies on customary justice mechanisms. Legal aid is dwarfed by the scale of the need, but despite this, trust in the courts is high.

Sub-national governments: The state has decentralized administrative powers, but without the financial resources to tackle problems. The limitation on the transfer of financial resources to local authorities is due to longstanding concerns about collectivities’ ability to manage funds. The distrust of local councils is shared by the public: in 2008, 55 percent of Senegalese trusted their local council only a little or not at all, according to the Afrobarometer. The government envisions what is called Act III of decentralization. If the political will exists to complete the process, it will require strengthening financial planning and management skills in the collectivities, and more resources for public service delivery and local economic development.

Political parties and elections: The 2012 elections were credible and transparent. The *Commission Electorale Nationale Autonome* (CENA), created in 2005, is the monitoring body that oversees the work of the election administration bodies to ensure they observe the electoral law and regulations. Presidential selection of CENA members has made it somewhat controversial, and in 2008, 58 percent of Senegalese trusted CENA only a little or not at all, as seen in the Afrobarometer results that year. There are approximately 200 parties in Senegal. The Charter of Democratic Governance of the 2008-2009 *Assises Nationales* proposed to modernize the party system and the electoral process, but this has yet to happen. Parties in Senegal are based on personalities and are so weak and fractious they have to enter into coalitions. Coalitions of parties have no ideological basis, and thus have difficulty agreeing on programs. This makes election results fluid.

Civil society: With slightly more than 12,000 registered civil society organizations (CSOs), Senegal has a very dynamic civil society that played a significant role in the elections of 2012. CSOs tend to be personality-based “non-governmental individuals” energized by a single dynamic leader who becomes inextricably associated with the organization, and inadvertently retards its development as a self-sustaining institution. Funding is a challenge for civil society, and CSOs are often accused of implementing donor agendas.

The media: Private newspapers were permitted to open in the mid-1980s. While Senegal’s high rate of illiteracy limits access to the press, portions of newspapers are read over the radio on a regular basis. Liberalization of Senegalese radio did not happen until the mid-1990s. Their growth has been explosive; there are now slightly more than 60 private and community radio stations around the country. Liberalization of television, however, remains slow-paced. The agency responsible for allocating broadcast frequencies, *Autorité de Régulation des Télécommunications et des Poste* (ARTP), has been criticized; telecommunications entrepreneurs

who had hoped for sweeping deregulation have been disappointed by the ARTP's approach of guided deregulation instead. Reform of the 1996 Media Code is critical for the ability of Senegal's media to play the role required of independent media in a democracy.

Other non-state actors: The conflict between the secessionist movement, *Mouvement des Forces Démocratiques de la Casamance* (MFDC), and the Government of Senegal (GOS) has destabilized southern Senegal for three decades. A special envoy from the U.S. State Department, Ambassador James Bullington, has been meeting with various stakeholders in an effort to find a resolution to Africa's longest civil dispute, a situation of neither peace nor war. The so-called "war economy" in the Casamance has created incentives that are a major impediment to the peace process. Illicit activities include marijuana cultivation and illegal logging, with the logs and the marijuana being exported out through Gambia, and the laundering of money from the transshipment of cocaine through Guinea-Bissau to Europe. It is not clear how much of these illicit activities are directly tied to the MFDC, but the commander of Military Zone Five told the team the MFDC commanders have to take care of their fighters, so they have resorted to criminality for survival. A second set of non-state actors are named as a potential problem: radical Islamists. President Macky Sall has a delicate balancing act with the *marabout* leaders of the Sufi brotherhoods. Their influence in politics has been waning in recent years while today, Salafist forms of Islam are gaining support. Some want to see President Sall prioritize the deepening of democracy and continue to move Senegal away from the forms of patrimonialism that gave religious leaders great influence in the past, while others want him to bolster the role the *marabout* leaders can play in protecting Senegal's position as a bulwark against radical Islam.

THE PROPOSED STRATEGY

The concentration of power and resources has been identified as the main DRG problem. More precisely, it is both a cause and effect of the lack of effective checks and balances stemming from a dominant executive branch, weak oversight functions, and a policy of decentralization that has never been completely implemented. Two other important problems have been identified: the unresolved conflict in the Casamance, which has impeded development in the region and made Senegal vulnerable to negative effects emanating from illicit activities based in Guinea-Bissau and Gambia; and the potential threat of radical Islam.

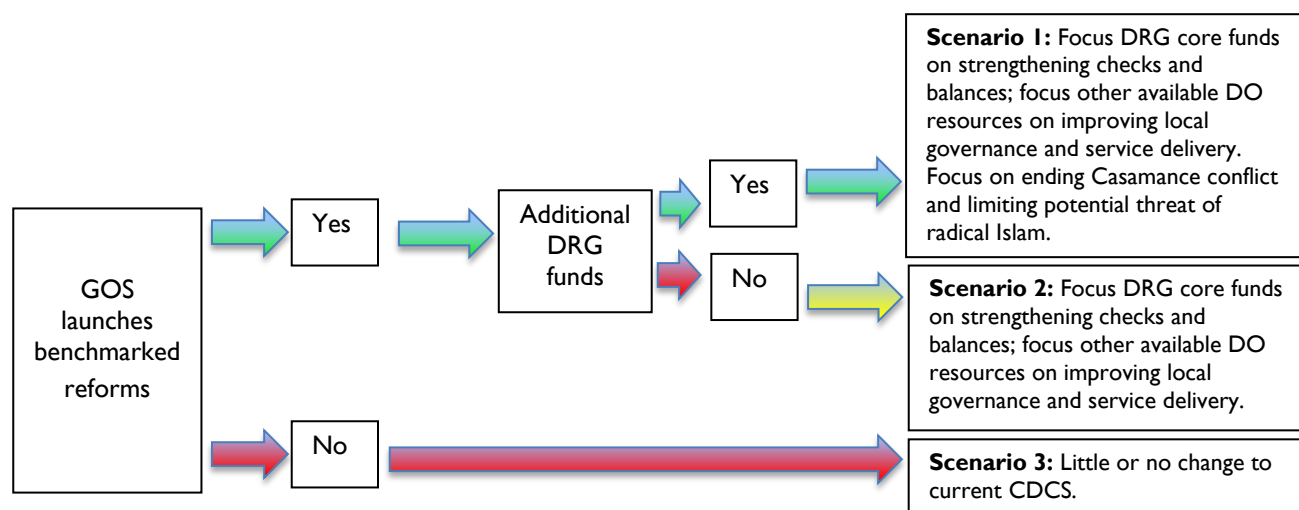
The assessment recommends that USAID consider a new development objective of ***promoting pluralism and shared governance that supports constitutional and legal requirements*** under the following development hypothesis: ***If checks and balances on executive power are strengthened, and local governance is improved, there will be commensurate improvements in the quality of public services in health and education, in the development of the agriculture sector, and in the management of natural resources.***

The assessment has identified steps the GOS must take, and USAID should develop benchmarks for enactment of reforms in collaboration with the GOS. They could include:

- *Measurable steps to draft and enact the so-called Act III of decentralization:* Key features should include (1) elaboration of a system of fiscal decentralization featuring block grants to collectivities, (2) regulations clarifying the respective roles and responsibilities of the collectivities and decentralized services, (3) decentralization of additional competencies to the collectivities, and (4) design of a program for improving collectivity capabilities to implement the Code of Collectivities and to budget and manage additional funds.
- *Measurable steps to strengthen legislative oversight:* This would include creation of (1) an independent research capability in the National Assembly, so that deputies would have access to independent research that would enable them to oversee the executive branch more effectively and debate legislation more competently; and (2) an institution for training new deputies in their roles and responsibilities, with a special emphasis on women deputies. A major focus of the training should be basic budget literacy.
- *Measurable steps to strengthen judicial independence:* (1) Enact legislation to limit the president's power to appoint and promote judges, and (2) design a program for in-service training of judges and magistrates in areas of complex economic crime.

- *Measurable steps to improve media freedom:* (1) Repeal the Defamation Law, and (2) enact a Freedom of Information law.

USAID should make its DRG programming decisions based on benchmarked reforms. Three scenarios can now be described. If the GOS does not launch reforms, USAID should retain the existing scope of the Country Development Cooperation Strategy (CDCS). If the GOS launches reforms, then USAID should endeavor to secure additional DRG resources. If additional resources cannot be secured, a second scenario would go into effect. If the GOS launches reforms, and USAID is able to secure additional DRG resources, then USAID can initiate a preferred third scenario.



Senegal is francophone Africa’s strongest democracy, but during the presidency of Abdoulaye Wade, it underwent a period of protracted backsliding. Senegal’s second alternation of power gives hope that the backsliding will be reversed and Senegal will re-embark on a course of democratic development. But Senegal finds itself in a bad neighborhood, with France launching attacks against al-Qaeda fighters next door in Mali, international cocaine traffickers operating to the south in Guinea-Bissau, and illegal logging and marijuana traffickers based in Gambia. Senegal’s 30-year-long conflict in the Casamance has become a stalemate—a debilitating condition of neither war nor peace that is being fueled by a “war economy” interlinked with a variety of illicit actors, most of whom are not Senegalese. Senegal’s second alternation of power through a peaceful election provides a window of opportunity for its democracy to break with its history of presidential domination and establish stronger checks and balances on executive power. Better service delivery and economic growth is essential if Senegal’s growing population of young people is to find gainful employment and contribute meaningfully to society. Completing the process of decentralization should be given priority consideration to this end. Also, Senegal must be vigilant lest radical forms of Salafist Islam make real inroads, and undermine its vaunted culture of religious tolerance.

Senegal may be francophone Africa’s most important democracy, but its government is a coalition of unknown stability that is still finding its feet. This and the critical challenges of interest to the U.S. Government that Senegal faces are reasons why the current low level of core DRG funding should be reviewed at the highest levels.

I.0 STEP ONE: DEFINING THE DRG PROBLEM

I.1 INTRODUCTION

When France gained control of the Senegal River valley in the 1870s, it was able to begin transforming into a colony the network of forts and trading posts it had by then established in territory once part of various empires and kingdoms. The Sufi brotherhoods initially resisted, but subsequently in central and northern Senegal (but not in southern or eastern Senegal), they became facilitators of French colonization. Over the course of the remainder of the 19th Century, France imposed the production of cash crops, chiefly groundnuts, millet, and cotton, and commenced two railroad construction projects in Senegal. France discriminated among the different types of subjects it conquered. Most groups fell under the Code of Indigenous Status, while *marabouts* and traditional chiefs enjoyed different treatment. In 1848, the natives of the four municipalities of St. Louis, Gorée, Dakar, and Rufisque were recognized as French citizens with the privilege of electing their municipal councilors and one deputy to the French National Assembly. In 1945, the French Provisional Government allocated 10 seats to French West Africa in the new Constituent Assembly, of which five would be elected by African subjects. In 1946, France granted rights of limited citizenship to all its African subjects, and each territory was able to elect local representatives, bringing to prominence a nascent political class of French-educated Africans who began advocating for independence. In 1956, France granted universal suffrage, and municipal elections were held throughout Senegal; the following year in 1957, there were elections to a Territorial Assembly. Three years later, Senegal became independent.²

The leaders of Senegal's independence movement were inspired by French republicanism, and they adopted a constitution that incorporated the same principles. The Senegalese Republic would be indivisible, democratic, and secular, with recognized fundamental rights and freedoms, and French as the official language. The early connection of Senegal with France is important for understanding why Senegalese today prefer to compare their country to the world's oldest democracies rather than to the rest of Africa.

I.1.1 Patron-Clientelism in Senegal

Scholars of politics in Senegal note that political patronage, without being an evil specific to Senegal, has been a crucial factor throughout its history.³ To ensure functional rule, the French colonizers learned they needed the cooperation of traditional chiefs and the leaders of the Sufi brotherhoods, to which the vast majority of Senegalese belong. After independence, Senegal's leaders adopted the same practice and relied on the brotherhoods to reinforce state legitimacy and power in the early years. The *marabouts* provided a voting bloc of disciples through political *ndigels* (*fatwas* or orders), and in exchange, politicians gave gifts such as airline tickets for the pilgrimage to Mecca, good supplies of water and electricity during major religious events such as the Magal of Touba and the Gamou of Tivaouane, and diplomatic passports and other privileges. Patron-clientelism became "the backbone of the Senegalese political culture."⁴ Political parties attracted members mainly on the basis of patron-client relationships. Politicians were, according to Mamadou Diouf, "political brokers" or, in the words of Linda J. Beck, "patrimonial democrats" drawing supporters by proving they were

² *Atlas de l'Afrique, Sénégal*, Les Editions Jeune Afrique, 2007, p. 76.

³ See M. Foucault, "La Gouvernamentalité," in *Magazine Littéraire*, n° 269, Paris, 1989.

⁴ Coulon, Christian. "Senegal: The Development and Fragility of a Semidemocracy," in *Democracy in Developing Countries: Africa* edited by L. Diamond et al. Boulder: L. Rienner Publishers, 1988, 141-178.

effective and generous in the distribution of wealth.⁵ Some have termed patrimonialism the basis of the social contract in Senegal.⁶ Electoral politics, however, became more competitive in the 1990s, and the *marabouts*, whose numbers continued growing exponentially with each new generation, began to give competing *ndigels*, or they withdrew from electoral politics altogether to avoid alienating their followers.⁷

1.1.2 Senegal's Geopolitical Situation

Senegal wields influence disproportionate to its modest size, resource endowment, and population. Since the 11th Century, it has been a contact zone with “white Africa” to the north of the Senegal River and a point of penetration of Islam. Located on the Atlantic Ocean at the western end of the African continent, Senegal has also been a hub for trade with Europe and America. Multiparty democracy was reintroduced in Senegal a decade before the end of the Cold War, and Senegal has always been one of the most stable countries in Africa, able to exert influence equivalent to the economic and military powers of South Africa, Nigeria, and Egypt, and often cited as an example to others.⁸ In a speech delivered in Dakar on August 1, 2012, Secretary of State Hillary Clinton said: “If anyone doubted that democracy can thrive in Africa, let him come to Senegal. Americans admire Senegal as one of the few countries in West Africa that has never experienced a military coup. Thank you Senegal for being a model for the region.”⁹

Senegal may be a model of stability in the region, but it is a volatile region lying in the Sahel, which the U.S. Government now understands suffers from a syndrome of repeated shocks—a situation the U.S. Government is endeavoring to address in a cross-sectoral approach through a Joint Planning Cell in Dakar. Senegal's location in West Africa places it adjacent to countries that serve as transit points for cocaine traffickers. Within its borders, Senegal has one of the longest-running conflicts in Africa, in the Casamance. Senegal borders on Mali, where Tuaregs who left the ranks of the Libyan army after the fall of Gadhafi joined with remnants of previous Tuareg rebellions in an armed insurgency, sparking a coup in Bamako on March 22, 2012, ironically between the first and second rounds of voting in Senegal. An African democracy that casual observers had come to assume as stable was overthrown with surprising speed, and al-Qaeda in the Islamic Maghreb (AQIM) gained a foothold to the east of Senegal, making Senegal's Armed Forces a strategic asset of importance.¹⁰

1.1.3 Ethnicity and Ethnic Relations in Senegal

Unlike in other parts of Africa, ethnic tensions have had little influence on politics in Senegal.¹¹ The global spread of democratic politics in the post-Cold War era tested ethno-religious cleavages in many other countries, but these problems never materialized among Senegal's five major ethnic groups: Wolof, Sereer, Hal-Pulaaren (Peul, Tukulëër), Joola, and Manding. For the most part, ethnic relations are marked by social harmony. Indeed, the different ethnic groups have evolved traditions such as joking kinship (*cousinage à*

Ethnicity has had little influence on politics in Senegal. This is attributable in part to cultural traditions such as joking kinship (*cousinage à plaisanterie*) that contribute to social harmony and religious tolerance.

⁵ J.-F. Médard, « Le 'Big man' en Afrique : esquisse d'analyse du politicien entrepreneur, » in *L'année sociologique*, n° 42, 1992.

⁶ D. Cruise O'Brien, “Le contrat social sénégalais,” in *Politique africaine* n° 45, 1992, pp. 9-20. Voir aussi, D. Cruise O'Brien, Mamadou Diouf, “Introduction : la réussite politique du contrat social sénégalais,” in *La construction de l'Etat au Sénégal*, Paris, Karthala, 2000, p. 10.

⁷ Villalon, Leonardo A. “Generational Changes, Political Stagnation and the Evolving Dynamic of Religion and Politics in Senegal,” *Africa Today* 46:3-4, 129-141, 1999. Beck, Linda J. *Brokering Democracy in Africa: The Rise of Clientelist Democracy in Senegal*. New York: Palgrave, 2008.

⁸ Gérard-François Dumont et Seydou Kanté, “Le Sénégal : une Géopolitique exceptionnelle, » In *Géostratégiques* N°25, 10/09.

⁹ Arsène Flavien Bationo, “Macky Sall et les nouveaux enjeux géopolitiques du Sénégal,” <http://www.lestratege.net/index.php/geopolitique/535-macky-sall-et-les-nouveaux-enjeux-geopolitiques-du-senegal> accessed December 4, 2012.

¹⁰ As this assessment was being finalized, the French launched a military intervention in Mali to halt an Islamist rebel advance on Bamako. Erlanger, Steven and Scott Sayre. “French Airstrikes Push Back Islamic Rebels.” *New York Times*. January 12, 2013.

¹¹ G. Hesseling, *Histoire politique du Sénégal*, Karthala, 1985, p. 75.

plaisanterie) through which people may, in certain circumstances, make fun of each other without negative consequences. Senegal's joking kinship tradition obligates mutual assistance and defuses tensions. Other sources of national integration include the nation-building policies of the first head of state, Léopold Sedar Senghor, the impact of the Wolof language, intermarriage, the cosmopolitanism of the city of Dakar, and a tradition of democracy and Pan-Africanism. Ethnic intermarriage is so common that historians and anthropologists refer to a process of "de-ethnicization" in Senegalese society.¹² Another part of the reason for the low level of ethnic tensions in Senegal is Islam. Senegal is 93.8 percent Muslim, and Islam, as practiced in Senegal, is tolerant and essentially controlled by the system of brotherhoods. Only 4.8 percent of Muslims do not belong to any brotherhood. The brotherhoods are generally organized around a figure, often the object of veneration.¹³ Senegalese tradition of social harmony prevailed during the stresses of the 2012 election campaign, although certain brotherhoods expressed frustration about the perceived bias of President Wade in favor of the Murids.

The population of Senegal is today estimated at slightly more than 12 million inhabitants and growing at 2.65 percent annually according to the World Bank. It is unevenly distributed geographically, resulting in significant disparities across the regions. The age pyramid reveals a young country, with a wide base and a narrow peak: 47 percent of the population is under the age of 15. Unemployment is estimated at 48 percent.¹⁴ Improved medical care has greatly extended life expectancy, although infant mortality is still high in some areas. The government's family planning policy has not led to substantial decreases in fertility and birth rates, and rapid population growth is expected to continue in the near term. Population growth exacerbates problems of education, vocational training, and employment. The task of addressing these issues is made more complex by the rural exodus, mainly toward Dakar. The attractiveness of cities and the decrease in the agricultural labor force it causes exacerbate imbalances between regions, cause a concentration of young people in the cities, and contribute to high unemployment and economic hardship, particularly for the youth. With 41 percent of its population living in cities, Senegal has one of the highest urbanization rates in sub-Saharan Africa.¹⁵ The uneven distribution of the population in the country, and the concomitant disparity in the government's spatial planning policies, work against Senegal's vaunted national integration. The youth bulge in the cities is a potential social time-bomb.

I.1.4 Chronology of sub-Saharan Africa's First Multiparty Democracy

Democracy has a much longer history in Senegal than in other African countries, with roots dating back to the four communes established in the mid-19th Century. President Senghor associated African socialism with *Francophonie* and the *Négritude* philosophy in the newly emergent nation-state.¹⁶ Senghor built upon the patron-client networks established by the French, and his prioritization of nation-building helped spare the country from the waves of military coups that swept Africa in the 1960s and 1970s. In the first years after independence, the primary challenge facing his *Union Progressiste Sénégalaise* (UPS) party was his rivalry with the more radical Prime Minister Mamadou Dia, which culminated in a 1962 coup attempt for which Dia was imprisoned. Dia's links to the powerful Sufi brotherhoods were broken, and thereafter only Senghor's party enjoyed such ties. In 1963, Senghor ran unopposed for president and by 1966, he had established a de facto one-party state, although Senegal remained one of the most liberal and open societies in Africa. Press freedom was restricted but never entirely eliminated. Intellectuals, artists, and activists enjoyed freedom of expression under Senghor's democratic-corporatist one-party rule, which in 1976, changed when Senghor

¹² M. Diouf, *Sénégal, Les ethnies et la nation*, Les NEAS, 1998, p. 67.

¹³ S. Dramé, *Le musulman sénégalais face à l'appartenance confrérique*, L'Harmattan, 2011, p. 17.

¹⁴ Central Intelligence Agency, *The World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/sg.html>, accessed December 2, 2012.

¹⁵ *Atlas de l'Afrique, Sénégal*, Les Editions Jeune Afrique, 2007, p. 79.

¹⁶ French-speaking black intellectuals developed *Négritude* as a literary and ideological movement in the 1930s. In addition to Senghor, its founders included the Martinican poet, Aimé Césaire.

reopened Senegalese politics to opposition parties of a predetermined ideological range, with his renamed Socialist Party (PS) the official socialist choice.¹⁷

Although he had by the mid-1970s reintroduced limited multiparty competition, Senghor failed to create a competitive economic system. Rapid state-led economic growth did not materialize. The Senegalese economy was hurt by the oil shocks of the 1970s, and by the end of a second decade in power, Senegal's founding president felt compelled to step down. In 1980, Senghor initiated a planned succession to appoint his prime minister as head of state, sparing his successor, Abdou Diouf, the risk of electoral competition. The result was a smooth and peaceful—though not yet democratic—transition, and Léopold Senghor became the first African president to leave power of his own volition.

Inheriting a country hard hit by economic crisis, Diouf was obliged to agree to the painful conditions of the International Monetary Fund (IMF) structural adjustment programs and liberalize the economy. However, Senegal did not rise from the ranks of the world's poorest countries. The combined effects of urbanization and a diverse and complex monetary economy began disrupting Senegal's neo-patrimonial system. Religious leaders began to display more neutrality in the political sphere, and negotiated agreements with politicians more carefully, minimizing the risks inherent in choosing an ally, making sure to stand by the eventual winners.¹⁸ Politics in Senegal was changing. People began to feel emancipated from longstanding patronage networks. A newfound sense of citizenship was emerging, and people sensed the power of their vote.

Diouf was defeated by Abdoulaye Wade in March 2000, and he handed over power peacefully in Senegal's first alternation of power. Wade took up the reins of the patronage system handed down from his two predecessors. He built infrastructure such as highways and bridges and transformed the capital city. He initially enjoyed high levels of popular approval and was re-elected in 2007. But Wade's heavy hand aggravated the inherent defects of patronage politics, and he purposefully weakened national institutions. By 2008, Wade's public approval had fallen below 30 percent, as shown in the results of the Afrobarometer survey of that year.¹⁹ Defying low popular approval and a growing dissatisfaction with the performance of Senegal's democracy under his presidency, Wade contrived to stand for a third term in 2012, arguing that although the 2001 Constitution now limited the president to two terms, his election to his first seven-year term in 2000 came under the previous constitution, which did not provide for term limits.²⁰ By presidential decree on November 23, 2010, Wade set February 26, 2012 as the date for the next election. Administration of the election would be handled by the Ministry of the Interior, headed by a PDS stalwart, Ousmane Ngom.

Opinion of the President	
Strongly approve/approve	Disapprove/strongly disapprove
29.1%	70.5%
Source: Afrobarometer 2008	

In the lead-up to the election, Wade proposed two changes to the Constitution. The first would replace Senegal's majoritarian system that required a second round of voting if no candidate received more than 50 percent of the vote with a plurality requirement of only 25 percent of the electorate to win in the first round. The second proposed change was for the vice president to be elected on the same ticket with the president. Opponents perceived self-interest in these proposals. The office of vice president had been created by an earlier constitutional revision, but Wade had not appointed anyone to the post. With the proposed constitutional amendment for the vice president to be elected on the same ticket with the president, many suspected Wade intended to appoint his son Karim, already a powerful minister in his cabinet, as vice

¹⁷ Galvan, Dennis Charles, "Political Turnover and Social Change in Senegal," *Journal of Democracy*, 12:3, July 2001.

¹⁸ Ch. Gueye et A. Seck, "Islam et politique au Sénégal : logique d'articulation et de co-production," in *Islam et engagements au Sénégal*, sous la direction de Mayke Kaag, Leiden, 2011, p. 13.

¹⁹ Round 4 of the Afrobarometer survey was conducted in 2008 and is the most recent data available. Results of the Round 5 survey should be available in spring 2013.

²⁰ Diouf set the precedent for this constitutional argument, claiming that term limits were not introduced until 1999 after his election in 1983 and again in 1988, which allegedly permitted him to not only run again in 1993 but also potentially in 2000 had he won reelection.

president, and then run with him on the same ticket, expecting to win against a fragmented opposition in an election to be administered by a Wade political ally that would require only 25 percent of the vote to win. Wade would turn 86 shortly after the election, and his son Karim would be in a position to succeed him as president.²¹

An Awakened Citizenry

Concern over Wade standing for a third term, the two proposed changes to the Constitution, and the question of who would administer the 2012 presidential and legislative elections galvanized opposition parties and civil society organizations. Young people made up a large portion of this nascent movement. A *Comité de Veille et de Suivi des Recommandations* (Vigilance Committee for Monitoring the Recommendations) was created in January 2011 to negotiate reform of the electoral process. As the Arab Spring swept through Tunisia, Egypt, and Libya, in Senegal, the president of the African Assembly for the Defense of Human Rights (RADDHO), Alioune Tine, organized opposing parties, movements, and unions into a group called *Touche Pas à Ma Constitution!* (Don't Touch My Constitution!). Citizens' movements like *Y'en a Marre* (Had Enough) also protested independently.²²

Events reached a head on June 23, 2011 when the National Assembly met to vote on Wade's proposed constitutional changes. Opponents of the amendments, large numbers of them young people, fought riot police in downtown Dakar, charging toward the National Assembly throwing stones before being pushed back with water cannons and tear gas. As riot police pulled back to positions inside the parliamentary compound, the protesters occupied the plaza in front of the National Assembly, chanting, "free our country." Other protesters broke off from the main group and fought supporters of the ruling party between Dakar's main Sandaga market and the National Cathedral. With clouds of tear gas and smoke from burning cars rising above downtown, President Wade's spokesman announced on state-run radio that the ruling party was abandoning changes to the percentage clause. Justice Minister Cheikh Tidiane Sy told lawmakers that the constitutional article requiring a president to be elected with an absolute majority would remain unchanged.²³

In its timing, and the prominent role played by youth and social media, Senegal's second alternation of power bears striking similarities with the Arab Spring.

Further concessions by Wade ensued. In July, he removed responsibility for administering the elections from the Ministry of the Interior and gave it to a newly created Ministry in Charge of Elections (MCE), headed by the electoral technocrat, Cheikh Gueye. He refused, however, to withdraw his candidacy. When his adversaries reminded Wade that he had previously promised not to run for a third term, he replied "*Maa waxoon waxeel*" ("What I said I take back").

On January 27, 2012, the Constitutional Court of Senegal ruled that Wade's first term did not count under the new constitution, and he was allowed to run for a third term. But a more active and demanding Senegalese citizenry had emerged through the mass protests, capable of using their votes to deliver a message.²⁴ Opposition to Wade was coalescing, and it had a name: *Mouvement de 23 Juin*.²⁵

The election on February 26 gave Wade 34.8 percent of the vote, less than the majority required, forcing a March 25 runoff against Macky Sall, the runner up, with 26.5 percent of the vote.²⁶ Macky Sall defeated Wade

²¹ Kelly, Catherine Lena, "Did the June 23 Movement Change Senegal?" African Futures, <http://forums.ssrc.org/african-futures/2012/07/12/june-23-movement-change-senegal/> accessed January 4, 2013.

²² Ibid.

²³ Voice of America, *Senegal's Ruling Party Drops Constitutional Changes After Dakar Riots*, <http://www.voanews.com/content/senegal-opposition-protesting-constitutional-change-124419569/158352.html> accessed January 4, 2013.

²⁴ A-A. Sy, *Le 23 juin au Sénégal (ou la souveraineté reconquise)*, L'Harmattan, 2012.

²⁵ West African Democracy Radio (WADR). "Senegal: Wade names new elections minister, as police arrest outspoken rapper," July 26, 2011.

²⁶ African Elections Database, <http://africanelections.tripod.com/sn.html>, accessed January 4, 2013. *Chronique d'une révolte : Photographies d'une saison de protestation*, <http://www.afriqueinvisu.org/chronique-d-une-revolte.363.html>, accessed January 10, 2013.

in the second round, and Wade accepted the results. Macky Sall was inaugurated as Senegal's fourth president on April 2.

Comparing the Two Alternations of Power

The election of Abdoulaye Wade in 2000 was the first instance of an awakened citizenry producing alternation of power through the ballot box. The election of Macky Sall in 2012 was the second. The two instances of alternation of power have striking similarities. In 2000, Senegal's voters ended socialism in hopes of spurring economic growth. In 2012, they ended Wade's wild "liberalism" in hopes of starting an era of good governance. In 2000, the fall in the fortunes of the Socialist Party, combined with the departure of the political heavyweights, Djibo Ka and Moustapha Niasse, helped the opposition to defeat the incumbent. In 2012, the falling fortunes of the PDS and the departure of the political heavyweights, Idrissa Seck and Macky Sall, resulted in President Abdoulaye Wade losing the election.

One notable aspect of the Wade presidency was the critical role Senegalese youth played in the various pro-democracy and good governance movements throughout the second term and during the electoral process. A second aspect of the Wade presidency was that he was not able to use the old patronage networks to guarantee blocs of votes as had been possible before. These developments are grounds for cautious optimism. Young people constitute both an asset for development when they are included and afforded opportunities, and a potential threat to stability if ignored and marginalized. As evidenced by various violent protests in the lead-up to the elections, disenchanting youth groups are showing growing tendencies to resort to extreme measures—including violence—to voice grievances. The government certainly knows it has an opportunity to bring about meaningful changes that improve the management of public affairs; that rebuild state institutions according to the findings of the *Assises Nationales*; that respond to the demands of a newly invigorated citizenry, especially the youth of the country; and that honor the pledges of President Sall.²⁷

The people's expectations are high. This puts pressure on the new government to deliver. Indeed, the new government says it seeks a break with the past and has begun to act. Although the motives may fall short of a purely principled establishment of effective democracy, the Sall government has abolished the Senate; reduced the number of government agencies, administrative directorates, and units; begun conducting audits of public entities and created agencies to fight corruption and economic crimes; and reactivated the court that prosecutes corruption. But President Sall has entered office with limited space for maneuver in the face of many urgent problems and the level of poverty in the country. This is where international partners can help.

1.1.5 Methodology

This assessment is based on three weeks of field research in October and November 2012 by three USAID officials, two analysts, a team leader, and a logistician. The team interviewed approximately 100 knowledgeable informants in Dakar, Ziguinchor, and Kédougou, ranging from representatives of the national, regional, and local levels of government; civil society actors at the national and local levels; U.S. Government officials; donors and implementers; and academic and other independent analysts. In addition, extensive use of both primary and secondary documents informs this assessment.

1.1.6 The DRG PROBLEM

The DRG problem identified in this assessment is that power and resources are too highly concentrated in Senegal, a major cause and effect of the lower-level problems of a lack of effective checks and balances, weak accountability, and poor delivery of basic services—the latter due, in part, to incomplete decentralization.

²⁷ *Assises nationales, Sénégal An 50* (sous la présidence d'Amadou Makhtar Mbaw), *Bilan et perspectives de refondation*, Paris, L'Harmattan, 2011. A-A. Sy, *Le 23 juin (ou la souveraineté reconquise)*, Paris, L'Harmattan, 2012. Inaugural speech of President Macky Sall, April 3, 2012.

1.1.7 A Window of Opportunity

Senegal enjoys numerous endowments that have contributed to its stability in an unstable sub-region: longer traditions of democratic participation than other African countries, a history of tolerance, and a professional army. Senegal was the first African country to see a president leave power of his own volition, and the first African country to reestablish a multiparty system—this in advance of the end of the Cold War. Senegal has undergone two peaceful alternations of power, the second of which is particularly significant because it arrested a period of protracted backsliding. The new government of Macky Sall knows it has an opportunity to bring about meaningful changes that return Senegal to a path of democratic development, and USAID has a window of opportunity to help strengthen the most important democracy in French-speaking Africa—one that faces threats of concern to the United States.

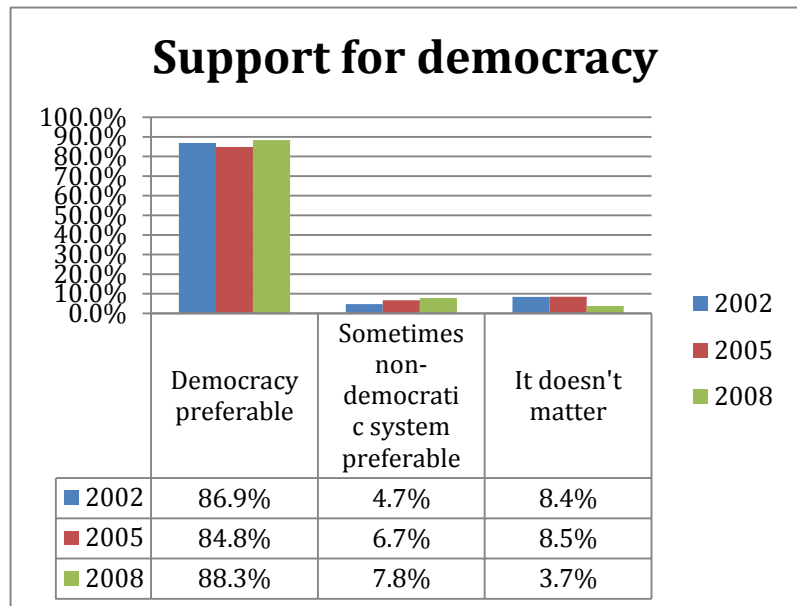
1.2 DRG ELEMENTS

This section defines the key issues of democracy, human rights, and governance in Senegal using the five elements of the DRG assessment framework: consensus, rule of law, competition and political accountability, inclusion, and government effectiveness. It concludes with a concise and nuanced statement of the central DRG problem in Senegal.

1.2.1 Consensus

Throughout the 1960s, the emerging nations of Africa witnessed the failure of the various democratic systems handed over by the departing colonial powers. This reversed in 1976 when Senegal led the way in the reestablishment of multiparty democracy.

President Senghor allowed the establishment of three parties to stand in opposition to his renamed Socialist Party: a leftist party, a centrist party, and a conservative party.²⁸ Senghor’s successor, Abdoul Diouf, advanced democratic development further in the elections of 1983 when 14 opposition parties were permitted to run. Senegal’s gradual institutionalization of a competitive electoral process culminated in the peaceful alternation of power in 2000 and 2012. The steady deepening of democratic practices has produced high levels of support for democracy as the preferable form of government, as seen in results from the Afrobarometer surveys. In 2002, 2005, and 2008, nearly nine out of ten respondents said they believe democracy is the most preferable political system. Today in Senegal there is consensus among political elites about the rules and institutions governing elections, and a strong majority of the people prefers democratic governance.



National Identity and the Secessionist Challenge to National Unity

Senegalese have a clear sense of national identity that exists alongside their various ethnic, religious, and regional identities. Senegalese are proud of their history of achievements, including the election of an ethno-

²⁸ Ungar, Sanford J. *Africa: The People and Politics of an Emerging Continent*. Simon and Schuster, Inc., 1978.

religious minority as their first president. This national pride in the country's history of political tolerance and inclusion has been reinforced by a political leadership that historically has emphasized inclusive rather than exclusive forms of ethno-politics. Moreover, as Senegalese intellectuals point out, an Islamo-Wolof model of social incorporation has created a basis for a common ethno-national identity.²⁹

However, the political and economic dominance of the Wolof, Senegal's largest ethnic group, has been a bone of contention in some peripheral regions. Most notable among these has been the Hal-Pulaaren in the Senegal River Valley and the Diola in southeastern Casamance, where for more than 30 years the national unity of Senegal has been challenged by a low-intensity conflict waged by a secessionist movement, the *Mouvement des Forces Démocratiques de la Casamance* (MFDC) that has undermined the economic development of Senegal's potential bread basket.³⁰

The origins of the MFDC date back to the colonial period, when the French were unable to defeat or negotiate treaties with the highly decentralized Diola, the main ethnic group in the region. There is a widely believed claim that Casamance was administered separately from the rest of Senegal under direct authority of the governor of French West Africa, and was integrated with Senegal only toward the end of the colonial period. This claim was refuted when the former director of the French archives for West Africa, Jacques Charpy, released evidence on December 21, 1993 in the form of an historic statute that Casamance never was an autonomous territory, and that during the colonial era, the territory between Gambia and Guinea-Bissau was administered by the French governor of Senegal.³¹ However, the belief about the Casamance having once been separately administered became the basis for a later claim to the right of self-rule.³²

President Senghor attempted to integrate Casamance by offering patronage positions to regional leaders such as Emile Badiane. The government, however, used northern intermediaries to administer the Casamance, much as the French had done. The northern civil servants assigned to Casamance appropriated land and exploited natural resources in ways that raised the ire of the *Casamançais*.³³ Tensions escalated between 1980 and 1983 through a series of unfortunate incidents: the death of a student at a demonstration at the Ziguinchor high school; a peaceful march that resulted in heavy-handed suppression by President Diouf; and arrests, trials, and imprisonment of *Casamançais* leaders. These events galvanized significant elements of the local population into rebellion, although initially the MFDC had only traditional weapons and a few antique guns. In May 1990, the MFDC officially declared an armed struggle for independence.

In time the MFDC split into two and then three factions, and for a time, slightly more than one-quarter of the Senegalese military was deployed to the region. Senegal's image suffered due to reports of human rights abuses by the military. Negotiations led to a series of short-lived agreements that all failed, largely because of the internal divisions within the MFDC. Military defeat of the MFDC proved impossible, however, due to the heavy forests and the MFDC fighters' ability to retreat across the borders of Gambia and Guinea-Bissau. By the new millennium, the situation was being described as *ni paix ni guerre*.³⁴ Fortunately, neither the *Casamançais* nor the ethnic Diolas became targets of discrimination or violence in northern Senegal.

²⁹ Diop, Momar Coumba and Mamadou Diouf. *Le Sénégal sous Abdou Diouf*. Paris: Karthala, 1990 ; Diouf, Makhtar. *Sénégal: Ethnies et Nation*. Dakar: UNRISD, 1994.

³⁰ Cruise O'Brien, Donald. "The Shadow Politics of Wolofisation," *Journal of Modern African Studies*. 1998, 36:1, 25-46 ; Beck, Linda J. *Brokering Democracy in Africa: The Rise of Clientelist Democracy in Senegal*. New York: Palgrave, 2008.

³¹ Diouf, Babacar, "Sénégal : Le conflit en Casamance entre tradition et héritage colonial," *Pambazuka News* 2009-11-09, Numéro 122, <http://pambazuka.org/fr/category/features/60167>, accessed January 11, 2013.

³² Darbon, Dominique. "La Voix de la Casamance... une parole Diola," *Politique Africaine*, 14, 1985: 127-138 ; Foucher, Vincent. "Senegal," *Africa Yearbook: Politics, Economy and Society South of the Sahara in 2011*. Leiden: Brill, 2012.

³³ Hesseling, Gerti. "Le droit foncier dans une situation semi-urbaine. Le cas de Ziguinchor," in *Espaces disputés en Afrique Noire* edited by B. Crousse et al, Paris: Karthala, 1986, 113-132.

³⁴ Evans, Martin. "Ni paix ni guerre: The Political Economy of Low-Level Conflict in the Casamance," London: Background Research for HPG Report 13, February 2003.

Throughout the conflict they actively participated in Senegalese society, holding public office, serving in the civil service and Armed Forces, and working in the private sector.

Secularism, Religious Tolerance, and the Potential Threat of Radical Islam

Some early analyses of the origins of the Casamance conflict focused on religion, in part because the symbolic leader of the MFDC was a Catholic priest, and in part because the Diola and other ethnic minorities in the Casamance are more religiously plural than their northern counterparts, who overwhelmingly belong to one of the major Sufi brotherhoods. However, what is remarkable about religious adherents in the Casamance as in the rest of Senegal is the high level of religious tolerance.

Religious identity and activism is salient in Senegalese society. Leonardo Villalon has argued that it has been religious rather than secular civil society that has historically maintained some level of political accountability in Senegal. More recently, Villalon has drawn attention to the rise of Salafist forms of Islam in Senegal.³⁵ Although there is evidence of their growing influence, particularly in urban areas and the rural areas to the east, to date, political leaders and parties that propose a form of political Islam have attracted little support. Recent events in neighboring Mali warrant vigilance on how a burgeoning youth bulge in the population, weak political accountability, poor public service delivery, and sluggish economic development might provide fodder for the growth of more radical forms of Islam in Senegal.

1.2.2 Rule of Law and Human Rights

Senegal has never had a coup d'état and enjoys a high level of commitment to civilian rule among political elites and the officer corps of its Armed Forces. The only political intervention by the military was a show of force made during the standoff between President Senghor and Prime Minister Mamadou Dia in 1962. The republican nature of the Armed Forces is evident in the non-role they played during the two alternations in power. Although advisors to President Diouf allegedly urged him to call in the Armed Forces and put an end to the electoral process when it became clear that he was going to lose his bid for reelection in 2000, the fact that he chose not to is as much an indication of his perceived inability to do so as his commitment to the democratic process. Similarly, calling in the military was not an option for President Wade in 2012, although in March 2011, his Minister of Justice accused the youth wing of the opposition coalition *Benmoo Siggil Senegal* of conspiring to attempt a coup d'état. This issue was ridiculed and quickly dropped.³⁶

Addressing Impunity of Security Forces

The issue that Senegalese security forces have posed with rule of law is one of impunity. In a 2010 report, Amnesty International provided case evidence of authorities consistently providing members of the security forces with impunity for alleged human rights violations during the suppression of public demonstrations and detention of suspects. The June 2012 report by Amnesty International researcher, Gaëtan Mootoo, found that in the past two decades, hardly any investigations into allegations of human rights violations committed by Senegal's police and *gendarmerie* had led to the accused being brought to justice. This also applied to the 30-year conflict in Casamance in which government security forces committed atrocities for which no one was held accountable. The culture of impunity serves as both a weapon and a shield for security forces.

The Sall government has pledged to put an end to impunity. The new Minister of Justice, Aminata Touré, has stressed publicly that victims of recent human rights abuses were entitled to justice and reparation and that the authorities were determined to prosecute those responsible for violations.³⁷ A major obstacle to the

³⁵ Villalon, Leonardo A. *Islamic Society and State Power in Senegal*. Cambridge: Cambridge University Press, 1995; and "Islamism in West Africa: Senegal," *African Studies Review*, 2004, 47:2, 61-71.

³⁶ Foucher, Vincent. "Senegal," *Africa Yearbook: Politics, Economy and Society South of the Sahara in 2011*. Leiden: Brill, 2012.

³⁷ Amnesty International, <http://www.amnesty.org/en/for-media/press-releases/senegal-new-government-must-end-decades-impunity-human-rights-violations-20>, accessed December 7, 2012.

prosecution of members of Senegal’s security forces is the requirement of an *ordre de poursuite*, authorization from the supervising ministry—the Ministry of the Interior in the case of police officers, and the Ministry of Defense in the case of *gendarmes* and military personnel. This procedure in effect grants the executive branch veto power over judicial proceedings against members of the security forces.

There is, however, evidence to suggest popular protest has led to greater juridical accountability in cases against members of the paramilitary and police forces. For example, security forces used live ammunition to suppress a violent protest in Kédougou, resulting in a death in 2008. Dozens of detainees alleged that they were brutally beaten and even electrocuted to force confessions of their involvement. Although President Wade pardoned the 19 people convicted in March 2009, Amnesty International maintained that they were pardoned to shield the perpetrators of torture from prosecution and end investigations.³⁸ The incident led to heightened sensitivities. When in August 2012 a deaf mute was beaten to death after being detained in Kédougou for allegedly selling marijuana, the population erupted. While the case against the officers involved in the 2008 incident is reportedly still pending, it is remarkable that the officers are being prosecuted at all. What is more, there has already been a verdict rendered against one of the officers involved in the 2012 beating death, although he received only a three-year prison sentence.³⁹

Lack of Legislative Powers of Confirmation Undermines the Judiciary

The Constitution affirms fundamental civil liberties and human rights and provides for judicial independence, but the general principles regarding separation of power and checks and balances are not always applied. The process by which members of the judiciary are appointed, promoted, and transferred compromises their autonomy. In the absence of a constitutional provision for legislative confirmation, the president names judges to positions based solely on advice from the *Conseil Supérieur des Magistrats* (CSM), which the president chairs.⁴⁰ The executive has used this power to promote like-minded individuals to senior positions and to post troublesome judges to remote jurisdictions, resulting in judicial self-censorship.⁴¹ This makes the judiciary an inadequate counterbalance to the power of the executive branch and contributes to the concentration of power in the presidency.

There is nevertheless some evidence of judicial autonomy, such as the Constitutional Council ruling against disproportionate allocation of legislative seats by the president during a redistricting process in 2006. However, such instances of judicial autonomy are heavily outweighed by numerous examples where the judiciary has seemed to toe the political line, including the Constitutional Council’s authorization of President Wade’s run for a third term.

Strong Legal Code, Weak Implementation

Senegalese frequently refer to their legal code as “beautiful,” *beau*. While there may be various areas for potential legal reform, particularly to promote the private sector (see Competition and Political Accountability, below), the larger issues for rule of law are manipulation of the legal code by political leaders and the general impunity that they and other social and economic elites enjoy.

Political leaders have manipulated the legal code to reinforce their hold on power, reward their allies, and punish their political enemies. President Senghor, for example, ensured the succession of his *dauphin*, Abdou Diouf, through a constitutional revision just prior to stepping down on January 1, 1981. The Senate and Vice Presidency have been created and eliminated at various times according to political calculations. President Wade raised legal tinkering for punitive purposes to new heights in 2008 after Macky Sall, the President of the

³⁸ Op cit.

³⁹ Senego.com. “Meurtre Kekouta Sidibe: Le procureur requiert 3 ans ferme contre Mdl Ameth Bassine Diop,” Senegaweb.com, 22 November 2012.

⁴⁰ Open Society in West Africa. “Sénégal: Le Secteur de la Justice et l’Etat de Droit,” Dakar, 2008.

⁴¹ Transparency International. “Corruption Perception Index,” 2009.

National Assembly, requested an audit of the *Agence Nationale pour l'Organisation de la Conférence Islamique* (ANOCI) headed by President Wade's son, Karim.⁴² Infuriated by the audacity of a deputy, particularly one from his own party, calling an executive branch official to account, his own son no less, Wade retaliated by citing "misunderstandings between the executive and the legislative power... [and] a crisis of confidence between the President of the Republic... and the President of the National Assembly" and pushed for legislation that reduced the term of the President of the National Assembly from five years to one, in effect firing Macky Sall.⁴³ A good indicator whether President Sall will prove to be committed to enhancing legislative checks on executive power is whether he will support the current President of the National Assembly, Moustapha Niasse, in his effort to reinstate a multi-year term for the leader of the Parliament.

Corruption, Elite Impunity, and Politicized Prosecution

Corruption remains a significant problem in Senegal. According to the 2010/11 Global Corruption Barometer published by Transparency International, 88 percent of Senegalese believe the level of corruption has been on the rise over the last few years, while only 22 percent believe the government's actions to fight corruption have been effective. The most corrupt are held to be police officers, elected representatives, political parties, members of the judiciary, and civil servants.⁴⁴

There are two types of funds in Senegal that are the source of chicanery, if not outright corruption.

Political Funds (*Fonds Politique*): Allocated to the President of the Republic and the President of the National Assembly, these discretionary funds are meant for public benefit activities or to assist vulnerable citizens. However, the management of these funds is opaque, and they are used for vote-buying, buying the allegiance of opinion leaders and *marabouts*, and even for personal use. Political funds contribute to the process mockingly referred to as "transhumance," or seasonal migration, whereby politicians switch to the winning party following elections. During the Wade presidency, charges were often filed against political rivals of the president,⁴⁵ and most politicians who were prosecuted testified that their fortunes were from the *fonds politique* they managed, or that they were given money by the president. President Wade himself has stated that he is the one who gave his son money from his political funds (money that Karim is accused of embezzling), as he did for President Sall and many others. Reform of political funds is called for.

Mining Social Fund (*Fond Social Minier*): These are funds that mining companies are required to pay to support local development projects in the communities that surround the mining area. In practice, the central government collects the funds, and the intended beneficiaries have no information on who manages them or any say in how they are spent. There are seldom any visible projects that result. The *Fond Social Minier* has been a great source of frustration for mining companies and tensions with neighboring communities. Mining is the sector in which management remains the most opaque in Senegal. Although the country has long been

Global Corruption Barometer 2010/11 Institutions affected by Corruption:			
1 = not at all corrupt, 5 – extremely corrupt			
State Actors	Rating	Non-State Actors	Rating
Police	4.6	Education	3.5
Parliament	4.5	Business	3.1
Parties	4.4	Media	3.0
Judiciary	4.2	NGOs	2.6
Public Officials	4.0	Religious Bodies	2.4
Military	2.8		

⁴² ANOCI was responsible for infrastructural projects in preparation for an OIC meeting in Dakar, allegedly spending billions of Francs CFA without satisfactorily completing the projects (Sagna 2008).

⁴³ Dioune, Babacar. "Assemblée nationale: Une résolution écourté le mandat du président," Dakar: *Le Soleil*, November 10, 2008.

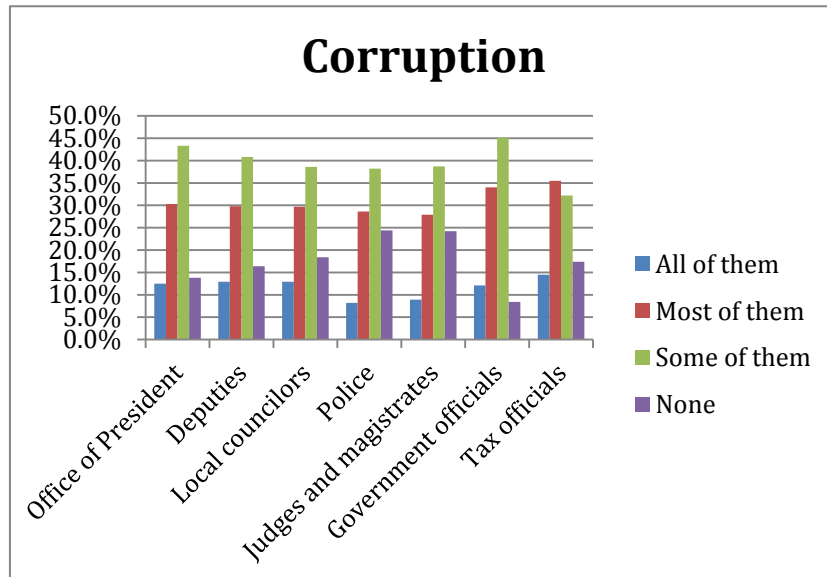
⁴⁴ Transparency International. "Global Corruption Barometer 2010/11" 2012a. With a rating of 2.9 out of 10 on the 2011 Corruption Perception Index, Senegal is ranked 112 out 183 countries rated by Transparency International.

⁴⁵ Transformation Index BTI 2012, *Senegal Country Report*, <http://www.bti-project.org/countryreports/wca/sen/2012/#chap3> accessed February 21, 2013.

touted as poor in natural resources, resources now being exploited and new discoveries qualify this characterization today. There is an urgent national need to formulate policies and laws to govern the exploration, exploitation, and sale of mineral resources and oil in particular, and the use of revenue for national development.

Public Procurement: The popular perception is that procurement is a big source of corruption in Senegal. Despite the Procurement Code recently adopted and the creation of the *Autorité de Régulation des Marchés Publique* (ARMP, Public Procurement Regulatory Authority), procurement rules reportedly are not fully respected. It is thought that most businesses do not receive payment for services delivered without giving kickbacks. As a result, the debt owed by the government to the private sector is very high and has caused the

bankruptcy of many businesses. Despite this common perception, there has been progress. ARMP reports that the number of sole-source sweetheart deals has been falling sharply. While the role the ARMP is playing is to be lauded, corruption in public procurement is far from ended. To get at one aspect of the problem, the Transparency International affiliate in Senegal, Forum Civil, has undertaken a No Impunity petition that asks government officials to declare their assets and asks the anti-corruption agencies to tackle corruption in public institutions, particularly the politicization of the judiciary.⁴⁶



Results of the Afrobarometer survey of 2008 revealed that roughly three-fourths of respondents believed that all, most, or some of each category of person or office named was corrupt. Interestingly, about one-quarter of respondents said they thought no police or judges were corrupt. This may be related to the increase in prosecution of elite corruption over the last decade, although the prosecutions have been seen as politicized. In 2005, for example, the ad hoc High Court of Justice (HCJ) that had lain dormant for decades, despite rampant allegations of corruption by top officials, was activated to prosecute Idrissa Seck, who had lost his position as prime minister in December 2004, reportedly because President Wade saw Seck's growing popularity as a political threat. In July of the following year, the government charged Seck with "endangering national security" for having allegedly misappropriated funds from a municipal project. The National Assembly then voted to prosecute Seck for embezzlement through the HCJ. Presided over by a member of the judiciary, the members of the HCJ are elected from among the legislature, which at the time was dominated by the ruling PDS party of President Wade. Following a political rapprochement between Seck and Wade, however, the HCJ dropped the charge of threatening state security, and then an investigative panel of the Supreme Court dismissed the corruption charge and ordered him released from prison in early 2006.

There are parallels with the case of Karim Wade, who was protected from accounting for the 650 billion-CFA franc (\$1.2 billion) energy-crisis program budget while his father was head of state. Following his father's defeat, however, he is now being investigated along with six other former members of Wade's government by yet another previously dormant institution, the *Cour de Répression de l'Enrichissement Illicite* (CREI), which was created by President Diouf in 1981 but has never prosecuted a member of Senegal's political elite.

⁴⁶ Transparency International. "Ending Impunity in Senegal," 2012b.

President Sall seems to be keeping promises to audit state institutions and programs. In June 2012, the government shut 59 state institutions and launched audits of government projects. Business observers were reported to view the public sector reforms as likely to be far-reaching. The main port at Dakar and the office heading a \$500 million airport project were given new directors, and changes that may extend to mining contract renegotiations—an area where the Wade government granted licenses without observing due process. Audits reportedly would include all members of Wade’s Administration, including Sall, who was prime minister from 2004 to 2007.⁴⁷

The second alternation of power is an opportunity to drive real reforms that significantly improve the management of public affairs. There is broad consensus on the need to restore the integrity of the state, and the findings of the *Assises Nationales* provide guideposts. The president’s commitment can be seen in the expressed determination to recover ill-gotten gains through a number of visible acts: the operationalization of two key institutions designed to fight bad governance, the *Corps de Control* and the *Cour de Comptes* (Regulator Corps and the Court of Accounts), the adoption of a Code of Transparency, the creation of the *Office National de Lutte Contre la Corruption* (National Anti-Corruption Office), and the creation of a *Cour de Répression des Délits Économique* (Court for Repression of Economic Offenses). Implementation is impeded, however, by a combination of haste and unclear processes that are not inclusive and are essentially bureaucratic. Apart from the participation of the Civil Forum in drafting the language creating the national anti-corruption office, strategy is being developed behind closed doors in government departments and then tested in public opinion. Thus far, the reforms are generating little buy-in and are not always well understood—a situation detrimental to efforts to improve governance. It will be critical for the deepening of rule of law in Senegal’s democracy that prosecution of corruption not be limited to those who have fallen from political power, that the institutions being created or revived function effectively, and that the public understand and approve of the efforts. These are areas where the international partners can play an important role—to prevent reversion to old practices—by insisting that the reform process be open to all stakeholders and adequately address the problems they are meant to fix.

The emergence of a more demanding citizenry and strong commitments by President Macky Sall to promote good governance are hopeful signs for the future of Senegal’s democracy.

Limited Use of and Access to the Judiciary

As noted in the 2004 DG Assessment, rule of law requires that the law be evenly applied. The judicial branch must be autonomous and effective, and application of the legal code must be legitimate and binding. However, ordinary Senegalese regularly do not abide by the law. This may be attributed to a number of different factors, including conflict between the legal code and customary rules or Islamic law, and a general lack of comprehension either by those applying the law or those to whom it is being applied.

For example, land tenure is often based on traditional land allocation and/or Islamic family law rather than on the legal code. Under these circumstances it is not surprising that land conflicts have emerged in the Kédougou region over allocation of land to mining companies. As the director of the Minister’s cabinet explained, officials consult a map of national land allocation before entering into negotiations with a mining corporation; however, maps of legal claims to land do not necessarily reflect actual land tenure patterns.

Further complicating the application of the law is the inaccessibility of a legal code written in a highly specialized terminology largely unintelligible to all but legal experts, and in a foreign language (French) not spoken fluently by the majority of Senegalese. Moreover, members of the judiciary and civil service report not having copies of the relevant portions of the legal code, which has been repeatedly modified.

Also, a resounding theme in the team’s interviews was the inaccessibility of the judicial system for logistical, financial, and/or cultural reasons. Many Senegalese prefer to resolve both commercial as well as domestic

47 Skelton, Rose. “Senegal’s Sall Tackles Corruption in Bid for Investors.” Bloomberg, June 8, 2012.

disputes outside the judicial system, given distances to courts and the costs and excessive delays in rendering decisions. The upshot is that citizens' rights are not always sufficiently protected, making projects such as the legal aid centers now being put into place by Forum Civil critical to enhancing rule of law in Senegal.

1.2.3 Competition and Political Accountability

Electoral Competition

Despite continuing issues regarding the autonomy of the institutions that organize and supervise elections and other sources of potential fraud, after two peaceful alternations in power, it is clear that Senegal has established a transparent electoral system that delivers credible results. This is not to say the system is perfect. One particularly contentious issue has been the multiple ballots used for each political party. Not only have opposition parties complained that this is unnecessarily costly, the potential for fraud has been evident since the 1990s when voters reportedly were told to return from the polling station with the unused ballots of opposition parties in exchange for small amounts of cash.⁴⁸ Wade's refusal to accept a single ballot in 2012 was viewed as an attempt to assure his victory, although if true, it did not influence the outcome.

Name of Party/Coalition	Votes received	% votes	Seats	% seats
Benno Bokk Yakaar Coalition	1,040,899	52.9%	119 seats	79%
Alliance Pour la République			65 seats	43%
Alliance des Forces de Progrès			21 seats	14%
Parti Socialist			20 seats	13%
Parti Démocratique Sénégalais	298,846	15.2%	12 seats	8%
Alliance Bokk Gis Gis	143,180	7.3%	4 seats	2%
Mouvement Citoyen pour le Reforme National	113,321	5.8%	4 seats	2%
Mouvement Républicain pour le Socialisme et la Démocratie	70,655	3.6%	2 seats	1.3%
Parti pour la Vérité et le Développement	48,553	2.5%	2 seats	1.3%
Union pour le Renouveau Démocratie	21,964	1.1%	1 seat	0.6%
Mouvement Patriotique Sénégalais	21,868	1.1%	1 seat	0.6%
Convergence patriotique pour l'équité	20,762	1.1%	1 seat	0.6%
Parti de l'émergence citoyenne	20,671	1.0%	1 seat	0.6%
Deggo Souxali Transport/Commerce	18,859	1.0%	1 seat	0.6%
Leeral Coalition	17,791	0.9%	1 seat	0.6%
And Jef	15,889	0.8%	1 seat	0.6%

In addition, the process by which the National Assembly is elected has historically assured both minority representation and a clear majority for the presidential party. As Senegalese elections became increasingly competitive in the 1980s, opposition parties lobbied for a mixed electoral system that today includes both proportional representation from a national list (90 deputies in 2012), and a first-past-the-post system in which one to two deputies (a total of 60 deputies in 2012) are elected from the winning party in each *département*. While even micro-parties receiving less than 2 percent of the national vote are assured a seat in the legislature, the president's political allies have always taken the largest portion of parliamentary seats, as did Benno Bokk Yakaar ("United in Hope"), the coalition supporting President Sall in 2012.

⁴⁸ Beck, Linda J. *Brokering Democracy in Africa: The Rise of Clientelist Democracy in Senegal*. New York: Palgrave, 2008.

As seen in the table above, the potentially significant difference in 2012 is that while Sall's coalition received nearly 80 percent of the seats, his individual party, the APR, constitutes only 43 percent of the Assembly. In the past, presidential coalitions have been clearly dominated by the party of the president, assuring him a rubber stamp from his highly dependent allies in Parliament. Consequently, Senegal has had what can be termed "a serial dominant party system" since its return to multiparty competition in 1976. But while the fate of the PDS perhaps has been sealed by the defeat of President Wade, the APR has not (yet) managed to establish itself as a new dominant party. While it is clearly the strongest member of the presidential coalition, the APR is far more reliant on its coalition allies than were the PS of President Diouf and the PDS of President Wade. Those parties enjoyed clear majorities in the Assembly.

The 2014 local elections will test the consolidation of the ruling coalition, Benno Bokk Yakaar (BBY). Three scenarios can be envisioned. In the first scenario, the coalition will hold together as it did in the second round of the presidential election and in the legislative election, because members will gain more together than separated due to the list system and the challenge of defeating the PDS, which remains a political force to be reckoned with. Under the second scenario, anticipation of and jockeying for position in the presidential election of 2017 will stimulate the political ambitions of rival coalition members from the large cities, and the coalition will break apart. Under the third scenario, the coalition will take the opportunity to purge dissident candidates, but will hold together due to the advantages gained from running the government.

The assessment team was divided on the question of whether the coalition will endure. It can be argued that the first scenario is more likely for three reasons. First, Senegal is a very centralized country, and local authorities (except in the city of Dakar) have little power and there are fewer local issues than in national elections. Whoever holds the national government holds power locally. Candidates supported by the president have a much greater chance of winning in their locality. Second, the fragmentation of the party system makes the coalition parties too weak to stand individually. Self-interest will hold them in the coalition. Third, President Macky Sall is aware that his party is not yet present throughout the territory, and he must make concessions to the other coalition parties based on their regional powerbase. He must show that he has no hegemonic ambitions, and is concerned with the consolidation of the coalition. This will give President Sall the best chance of being reelected in 2017.

It can be argued, however, that jockeying among politicians from the major cities in anticipation of the presidential election of 2017 will splinter the coalition. This would increase political competition and could increase accountability, making it a positive development that would strengthen governance and would steer Senegal away from the pattern of dominant parties established in the past. It would further weaken existing parties, however, and might thereby cause politicians to resort to identity politics, campaigning based on ethnic and religious identities, thus causing harm to Senegal's vaunted religious tolerance and ethnic inclusion.

Also, application of the Parity Law in the local elections of 2014 likely will have the same unintended consequences it had in the elections to the National Assembly, as discussed below, undermining the minimum quality of already weak management capacity in the local communities by increasing the number of illiterate rural representatives. The government might therefore decide to defer or progressively apply the Parity Law to local elections, so as not to jeopardize implementation of Act III of decentralization. On the other hand, as illiteracy is very high among rural men as well, the government may decide that building the capacity of elected officials is going to be a challenge no matter whether it is men or women holding office, and with gender parity being a principled goal, the government may very well implement the Parity Act in 2014.

Weak Legislative Checks and Balances

The National Assembly: The National Assembly has been mocked as nothing more than a "chamber of applause." This was true under President Wade, despite some initial indications of attempts to question if not check the exercise of executive power, such as the confrontation between Sall and Karim Wade in 2008. However, Sall's willingness to challenge Karim was less an attempt to check presidential power than a battle to determine who would succeed President Wade.

Thus, although weak party institutions are no cause for celebration, the current weakness of the coalition government may be an opportunity to strengthen the autonomy of the legislature, and its capacity to provide a more effective check on presidential power. Sall's commitment to strengthening legislative checks and balances, however, may prove no greater than President Wade's.⁴⁹ Reinstating a multi-year term for the President of the National Assembly would be an important benchmark of political will to strengthen checks and balances. However, if President Sall agrees to do so, it could be because of his dependence on his political allies rather than a principled commitment to strengthening the legislature.

The Senate: Created at the end of President Diouf's regime, the Senate was an effort to check the growing opposition in the National Assembly with a second legislative chamber. Not surprisingly, President Wade dissolved the PS-controlled Senate shortly after taking office, criticizing it as primarily a mechanism to distribute patronage to leaders of the former ruling party. Wade reinstated the Senate, however, after his party swept local elections, assuring its control over the Senate's indirect electorate of local officials. Sall's decision to dissolve the Senate as President Wade did before him could therefore be less a reflection of his stated desire to reallocate its budget to combat flooding in the capital region than concern over his inability to control the Senate majority until after local elections are held.

Political Parties and Patron-Clientelism: The election of a series of dominant presidential parties or coalitions is yet another weakness in Senegal's mechanisms for political accountability—one found throughout sub-Saharan Africa. Both political elites and ordinary citizens tend to view political parties as tools for patronage rather than vehicles for policy debates. Consequently, once a new “chief patron” wins out, leaders and members of parties seek access to new patronage resources and change parties in the process known as transhumance. After the 2000 elections, this process was actually encouraged by the PDS, with serious fallout in terms of factionalism that at times turned violent.

Following the change in power in 2012, however, there has been an effort to avoid this pattern, particularly by the party faithful who paid their dues during the lean years in the opposition. If indeed boundaries between parties are to become more rigid, political parties will have to begin offering meaningful political alternatives to voters beyond improved access to patronage.

One hopeful sign of improved electoral politics during the 2012 elections was the voter education campaigns about how to select a candidate and the civic education campaigns about the meaning of citizenship, as well as the voter registration drives and the election observation missions conducted by civil society organizations.⁵⁰

Limited but Growing Accountability beyond the Electoral Process

One of the critical forces for and beneficiaries of democratic reform over the last three decades has been Senegalese civil society. With slightly more than 12,000 registered civil society organizations (CSOs), more than a dozen independent newspapers, and scores of private radio stations, Senegal has a vibrant civil society. Non-governmental organizations (NGOs), community-based organizations (CBOs), and independent media outlets have all become engaged in holding public officials accountable both during and beyond the electoral process. They have been constrained, however, by various factors, including limited financial and human resources; isolation from official policy debates; and concentration in urban areas, particularly Dakar. It is not surprising that Senegal, like most low-income countries, has limited financial resources available to CSOs, and a limited advertising market available to independent media. As is true elsewhere in Africa, Senegal's CSOs are often dominated by charismatic leaders, making any given NGO, as wags often have it, more aptly termed an NGI (non-governmental individual).

⁴⁹ Wade abruptly abandoned his campaign pledge to create a parliamentary system during the drafting of the 2001 Constitution.

⁵⁰ Collectif des organisations de la Société civile pour les élections (COSCE). “Report on the Impact of Civil Society in the Electoral Process in Senegal (2012).” Domestic election observation program by Citizens and the Media: Presidential and Parliamentary Election 2012 (PRODEL), Dakar: 2012; Y'en a Marre. “Observatoire de la démocratie du contrôle de l'action publique et de la participation citoyenneté: Note Conceptuelle,” Dakar: 2012(a).

Lack of own-resources reduces the autonomy of CSOs, which are consequently accused of implementing donor-driven programs. Lack of resources makes media owners and editors susceptible to shaping news coverage to please their advertisers. Low pay makes journalists dependent on per diem paid by the organizers of events, making them more likely to be favorably covered. Moreover, the professionalism of journalists is undermined by a lack of training, and there is a corporate incentive toward sensationalism in order to attract readers and listeners. While hard-hitting investigative journalism is crucial to political accountability, the “yellow journalism” characteristic of the media in Senegal undermines its legitimacy. Journalists’ unions and other professional organizations have called for an end to the practice of providing per diem to journalists, but solutions to the vulnerabilities caused by dependence on foreign donors and the financial weakness of independent media outlets are less apparent.

In terms of the participation in public policy debates, the media (in particular CSOs) are hindered by a lack of access to information. Although freedom of information is enshrined as a constitutional right, Senegal does not have a Freedom of Information Act to provide the mechanisms by which citizens can gain access to information and remedy access denied. While journalists typically develop sources through which they can gain information, this is generally limited to information that is held by the National Assembly, and not the executive branch. Civil society actors as well as ordinary citizens still face formidable obstacles to obtaining information on critical issues such as budgets and audit results.⁵¹

The lack of a Freedom of Information Act weakens the ability of Senegal’s media to serve as a watchdog and advocate for government integrity.

Moreover, civil society actors and other representatives of the citizenry are seldom invited to participate in legislative debates or hearings, and National Assembly committee meetings are not open to the public. To offset this, CSOs with the support of various international partners have been able to set up forums to indirectly influence public policy such as the Poverty Reduction Strategies Paper (PRSP) process sponsored by the World Bank.

Also, in addition to concerns about the dominance of charismatic NGO leaders and the concentration of media outlets in the hands of a few often unidentified owners, the capacity of civil society actors to hold public officials to account is skewed by their concentration in urban areas, particularly Dakar. Both media outlets and Dakar-based NGOs have been working to develop affiliates around the country; however, there continues to be a concentration in urban areas. This is particularly problematic given the push for Senegal to undertake a “Third Act” of decentralization (see Government Effectiveness, below).

1.2.4 Inclusion

The Youth Demographic

Senegal’s growing population and its urbanization rate, with 41 percent of its population in cities being one of the highest in sub-Saharan Africa, present the government with an extremely serious challenge. The attraction of the cities and the decline in agricultural labor that ensues is causing economic hardship. Within the urbanization problem is the issue of unemployment, particularly for youth. Urban growth leads to a mass of young people in the cities who have difficulty finding a job. This contributes to a growing sense of exclusion, and is a tremendous challenge for the new government, in no small part because of the youth movement that arose during the elections.

Beginning with a public rally demanding massive changes in their living conditions on March 19, 2011, the anniversary of Senegal’s first alternation in power 11 years earlier, as with the Arab Spring then underway to the north, Senegalese youths began using the phenomenon of Web 2.0 and social networks

The group *Y'en a Marre* popularized the term “NTS” (*Nouveau Type de Sénégalais*). The New Type of Senegalese refers to young people from all trades and professions, including the unemployed, who used music and social media and rallied to mobilize voters in support of change.

⁵¹ Open Budget Programme. *Open Budget Index 2010: Senegal*. Washington, D.C.: Open Budget Initiative, 2011.

such as Facebook and Twitter to mobilize as never before. Mobilized youth voted in numbers that made an impact on the 2012 election.⁵² The question of youth and inclusion has not yet been studied by Senegalese researchers who, when examining youth, focus on other social questions. Senegal's socio-cultural system, underpinned by norms, rules, values, beliefs, and stereotypes, is unfavorable to the formal political participation of young people. Their access to decision-making is limited because, due to their age, young people are considered too inexperienced to have useful views. This is a dangerous situation to which the government must be alert.

The problem of *taalibes* should be mentioned here. Although not an issue of youth inclusion as such, but rather one of human rights protection and trafficking in persons, 50,000 children ostensibly attending *daaras* (Koranic schools) are forced to beg. In Dakar alone there are 8,000 *taalibes* begging in the streets, according to the 2012 *State Department Human Rights Report*. This has resulted in Senegal being placed on the Tier Two Watch List.

Urban Bias in the Context of Ethno-Regional and Religious Inclusion

Senegal is characterized by ethnic and religious tolerance, but urban bias, in particular the concentration of resources, power, and influence in metropolitan Dakar, is a significant source of disparity. With one out of five Senegalese living in Dakar,⁵³ the concentration of public and private resources there is understandable, but not desirable. Another factor driving the spatial concentration of power and resources in Dakar is the political influence of the capital city and the fact that all major national, international, and non-governmental actors are headquartered there.

Urban bias creates disparities in access to information and other public resources, particularly education, which is critical to political participation and accountability. Disparities in economic investment and thus development have left Senegal's rural population in a more financially precarious state than urban dwellers, and hence more dependent on government subsidies and other services that typically have been distributed through patronage networks. Consequently, Senegal's rural populations have been less likely than urban dwellers to exercise their political rights and hold their elected officials accountable. Incomplete decentralization has not countered the problem of urban bias in Senegal.

Advances in Addressing Gender Inequality

As elsewhere in Africa and around the world, Senegalese women and girls are faced with socio-cultural, economic, and political inequalities that diminish their empowerment and threaten their health and actual survival. Despite various constitutional and legal protections, gender inequality persists in various forms in Senegal, ranging from limited access to credit to the inability of mothers to transmit Senegalese citizenship to children fathered by a foreign national. Perhaps the best evidence of continued inequality has been the limited leadership roles played by women. While true in the private sector and civil society, it is perhaps most egregious in politics. Senegalese women face "glass ceilings" in various institutions and careers, typically tied to gendered division of labor; the limited representation of women in elected offices, however, fundamentally undermines their ability to advance gender equality.

Thus, perhaps the most remarkable achievement in the area of gender inclusion has been in redressing gender inequality through the Parity Law. Senegalese women from all political stripes, with assistance from various civil society leaders, prominent academics, and international partners, mobilized to lobby for the passage of legislation that would introduce parity into the electoral process. Over the course of several years, prominent political leaders such as Awa Diop of the PDS and Aminata Mbenge of the PS, civil society leaders such as Alioune Tine of RADDHO, and academics such as Professor Fatou Sarr Sow of *Institut Fondamental d'Afrique*

⁵² Sylla, Kaita. "Senegalese Youth : Taking a Stand." Open Democracy Net. August 7, 2012. <http://www.opendemocracy.net/5050/khaita-sylla/senegalese-youth-taking-stand> accessed January 11, 2013.

⁵³ Dakar has a population of approximately 2.5 million (ANSD 2006), or 19 percent of Senegal's estimated population of 12.9 million (CIA World Factbook, 2012).

Noir (IFAN's) Gender and Scientific Research Laboratory worked together to gain the support of male party leaders and traditional and religious leaders who were likely to object to a bill on gender equality. In May 2010, the National Assembly passed the Parity Law.

As IFAN's Professor Sow has pointed out, male legislators may not have realized precisely what the new legislation would entail, given their subsequent objection to its enforcement in the 2012 legislative elections. Senegalese women have always served as the key organizational force behind all electoral campaigns, an important constituency that votes in large numbers. Seeing this, and facing as he was a very low approval rating going into the 2012 election, President Wade had a clear incentive to support gender equity in order to win the support of women organizers and voters. He therefore provided funding to a nationwide campaign to educate Senegalese on the purpose and meaning of the new Parity Law.

Senegal's Parity Law resulted in the election of slightly more than 40 percent women to Parliament. Article 1 has established absolute parity of men and women for all institutions totally or partially elected. Article 2 requires lists of candidates to alternate between the two sexes.

As a result of the Parity Law, slightly more than 40 percent of the deputies elected in 2012 were women, doubling the number and placing Senegal far above the average for sub-Saharan Africa and close to the Nordic country average in terms of the percentage of women in Parliament.⁵⁴ This is a clear success, but supporters of the legislation as well as female political and civic leaders are nevertheless realistic about the extent to which this will actually impact the lives of Senegalese women in the short term. As Fatou Kine Diop, the president of *Conseil Sénégalais des Femmes* (COSEF), has noted, socio-economic transformations and changes in cultural views regarding gender are critical to improving the status of and opportunities afforded Senegalese women and girls, and these do not occur automatically just because a new law has been passed. Political parity, therefore, must be seen as a means to address deeper gender issues in Senegalese society. As Deputy Ramoutalaye Diatta, a woman recently elected from Ziguinchor, explained, the increased presence of women in the National Assembly is an opportunity to ensure that issues of concern to women are raised in Parliament, including broad-based gender equality, education for children, and economic opportunities for youth.

In order to achieve this, however, the new female parliamentarians, many of whom are illiterate or only semi-literate, will need training, along with similarly situated male members of the Assembly. Moreover, more attention will need to be paid to how women are nominated to party lists, to overcome the predominance of male party leaders.

Backlash against an Increasingly Visible LGBT Community

While advances have been made on the status of women, Senegal has experienced a serious backlash against its lesbian, gay, bisexual, and transgender (LGBT) population, specifically homosexual men. The highly publicized arrest and prosecution of HIV/AIDS activists in December 2008 was clearly tied to the increased visibility of the gay community in Senegal, which historically has quietly co-existed and even played a role in Senegalese society. *Goor-jigeens* (literally "men-women" in Wolof) in the past did not experience discrimination in Senegalese culture.

Activists from AIDES Senegal, an officially registered NGO that provides HIV/AIDS prevention services to men who have sex with men, were arrested during a meeting under the Senegalese penal code that criminalizes homosexual relations, although none of them were engaged in sex at the time of their arrest. The activists claimed to have been physically abused during their arrest and tortured during their detainment even after each confessed (under duress) to being a

Goor-jigeens ("men-women") and *goor-jigen* ("man-woman") in Wolof, understood to refer to homosexual men, historically did not experience discrimination in Senegal, but this has been changing in recent years. There has been a backlash in reaction to their growing visibility.

⁵⁴ <http://www.ipu.org/wmn-e/world.htm> accessed January 8, 2013. The number of women in Senegal's National Assembly is less than 50 percent because the often odd number of candidates elected from either a national or district list invariably favored men. For example, if a district had only one deputy, the candidate was male.

goor-jigen (“man-woman”). The defendants were sentenced to eight years in prison, although their conviction was overturned under intense international pressure.⁵⁵ There was never any investigation into the allegations of torture, and most of the men had to go into hiding after their release.

The mounting homophobia was reinforced by religious leaders, politicians, and the media. Many Muslim leaders publicly condemned homosexuality, and the prime minister announced that the government had no intention of decriminalizing homosexuality.⁵⁶ One Senegalese newspaper actually blamed homosexuals who “have abused the tolerance of their compatriots in seeking to live too openly in their sexual deviance, going so far as to organize and publicize their marriages.”⁵⁷ This was in reference to the ceremonial gay marriage organized by a popular musician, Pape Mbaye, in a Dakar suburb earlier in 2008, a photo of which was widely circulated. After being told by the Senegalese police that they could not guarantee his security, Mbaye sought refuge in Gambia, leading President Yahya Jammeh to vow that he would behead all homosexuals. When Mbaye fled to Ghana, he was attacked by a mob of Senegalese expatriates, resulting in the expedition of his request for asylum in the United States.⁵⁸ Fortunately, there have been no other public incidents of human rights violations against the LGBT community in Senegal, although it is quite likely this is because it has gone deeper underground, as both the criminal code and heightened homophobic hostility remain unchanged.

1.2.5 Government Effectiveness

Government effectiveness in Senegal is adversely affected by a number of the issues raised in the prior sections, including (1) concentration of power in the executive branch, a cause and effect of the weakness of the National Assembly and the lack of judicial autonomy; (2) limited capacity of CSOs and the media to demand social accountability; and (3) political corruption, elite immunity, and politicized prosecution. In addition, the Dakar-centric nature of Senegal’s political economy has undermined efforts at decentralization that could improve government effectiveness in terms of public service delivery as well as consensus, rule of law, political accountability, and inclusion.

Limited Success with Earlier Efforts at Decentralization

Senegal has undertaken two major waves of decentralization since independence. First, in 1972, the central government created elected rural councils as a means to stimulate economic development. Unfortunately, these councils were largely captured by traditional and religious leaders with close ties to the ruling party, and never became a mechanism for improved economic performance, much less political reform.

In the 1990s came another wave of reform seeking to deconcentrate administrative services and deepen political decentralization. In 1990, the power to formulate and execute local budgets was transferred from state officials to locally elected councils. These councils, however, remained under the tutelage of local government officials until 1996, when regional assemblies were created, the number of local councils and elected officials was significantly increased, and responsibility for nine different areas of public policy were transferred from central to local government.

In 1996, nine competencies were transferred to the collectivities:

- Management and use of state, public, and government lands;
- Environment and natural resource management;
- Health, population, and social affairs;
- Youth, sports, and leisure;
- Culture;
- Education and vocational training;
- Planning;
- Territorial development; and
- Town planning and housing.

⁵⁵ Amnesty International. “Senegal: An Agenda for Human Rights,” 2012.

⁵⁶ Sidy, A. “Madicke Niang: ‘Il ne saurait être question de dépénaliser l’homosexualité au Sénégal,’” *WalFadjri*, December 11, 2009.

⁵⁷ Agence de Presse Sénégalaise. “Sénégal : Les journaux commentent la libération des homosexuels,” *Dakar*: April 21, 2009.

⁵⁸ Semple, Kirk and Lydia Polgreen, “Persecuted in Africa, Find Refuge in New York,” *New York Times*, October 5, 2008.

In addition to legally expanding the power and autonomy of the councils, their composition became more diversified as a result of increased electoral competition. However, as has been the case with other political reforms, the implementation of decentralization policies and laws has been wanting, both because of a lack of political commitment by central authorities that wish to retain their power, and because of a lack of financial and human resources.

Financially, local governments as well as deconcentrated administrative services are heavily reliant on the central government for their funding. Although local governments can adopt taxes and other duties, the fiscal tax base outside of Dakar and, to a lesser extent, a handful of other urban areas is extremely limited. Consequently, local collectivities are reliant on the transfer of resources to meet their responsibilities in the various policy areas delegated to them, but the process of resource allocation remains highly centralized.⁵⁹

Moreover, local governmental and non-governmental actors alike have limited knowledge, training, and access to the information necessary to fulfill their more complicated responsibilities. While changes in the eligibility rules for local elected officials making it possible for civil servants such as teachers to hold public office have raised the educational profile and professional competence of mayors and rural councils in many areas, there are a large number of illiterate members of local councils and a relatively high turnover rate, making the prospect of training of local elected officials in areas such as budget management daunting.

In addition, since the time of the PS regime, the legal provision that mayors may hold more than one public office has made mayors serving as deputies and even ministers common practice. Mayors currently serving as deputies or ministers as well as politicians who hope to do so in the future claim this is not problematic because they are able to appoint competent assistant mayors to manage day-to-day affairs when they are away for duties in the capital city. However, this adds to the problem of the concentration of power in Dakar and undermines government efficiency and political accountability.

I.2.6 Distilling the DRG Problem

The thread running through all five of the elements of Democracy, Human Rights and Governance is the problem of the concentration of power and resources in central government, primarily in the executive branch and specifically in the hands of the president. After half a century, this concentration has become both a cause and effect of the lack of checks and balances, weak accountability, and incomplete decentralization. The concentration of power and resources contributes to poor service delivery, which combined with slow economic growth and high rates of unemployment, especially among young males, might be a catalyst for the growth of more radical forms of Islam in Senegal. It certainly contributes to the inability to resolve the decades-old Casamance conflict.

The assessment team has concurred that Senegal's central DRG problem is that ***the concentration of power and resources in Senegal weakens consensus on the political system, undermines rule of law, reduces competition, thwarts political accountability, constrains inclusion, and reduces government effectiveness, leading to an array of problems including pervasive corruption, poor service delivery, sporadic civil disturbances, and the lack of resolution of the conflict in Casamance.***

⁵⁹ United States Agency for International Development. "La décentralisation fiscale au Sénégal," Synergie, April 2012.

2.0 STEP TWO: KEY ACTORS AND INSTITUTIONS

2.1 THE EXECUTIVE

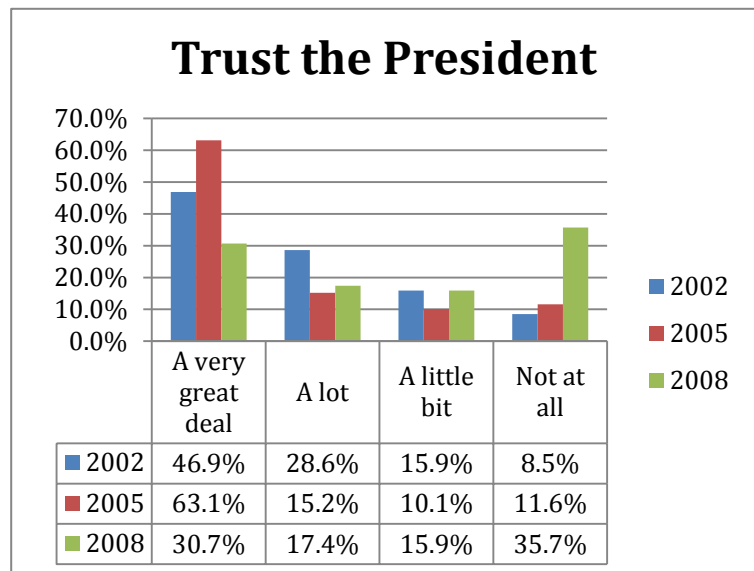
2.1.1 Senegal's Dominant Presidency

The Constitution of January 22, 2001 enshrines the principles of the separation and balance of powers, fundamental rights, and good governance. Although the powers of the executive branch directed by the president, of the legislative branch embodied in the Parliament, and of the judiciary made up of courts and tribunals are held by the Constitution to be balanced, in actual fact, the institution of the president dominates, making Senegal's democracy "presidentialist" in nature. This is due to traditions rooted partly in traditional African perceptions of the proper powers of the chief, and partly in the legacy of the French Gaullist tradition.

Senegal had a brief experiment with a parliamentary system from 1960 to 1962 that resulted in the adoption of a presidential system in 1963, after the prime minister led an attempted coup against President Senghor. The President of the Republic became the epicenter of power—the one to whom all demands were addressed and who decided everything, animated politics, initiated and conducted policy, and ultimately determined the direction of Senegal's democracy. This history of largely unchecked presidential power provided the precedence and the latitude for the hubris of Wade.

Nearly all informants criticized the over-large powers of the president. Such criticism once was only heard from intellectuals and opposition politicians. Today actors inside the government (including those at the highest level who have been the closest collaborators of heads of state) are critical of excessive presidential power. Thus, the secretary general of the Socialist Party, Ousmane Tanor Dieng, who was Minister of State and Minister of Presidential Affairs and Services

under President Diouf, has stated that "Senegalese institutions were dangerous when we were in power and are even more dangerous now with the alternation regime. An over development of presidential powers has been observed since the late President Léopold Sedar Senghor; everything is in the hands of the President of the Republic. He initiates, decides and executes. Everything departs from and comes down to him. We first note a kind of culture of the executive or culture of Bonapartism or Caesarism. Everything is in the hands of the President who has almost unlimited powers."⁶⁰ Idrissa Seck, former Minister of State, Director of President Wade's cabinet who became prime minister, is on record saying, "the crisis in Senegal is essentially a

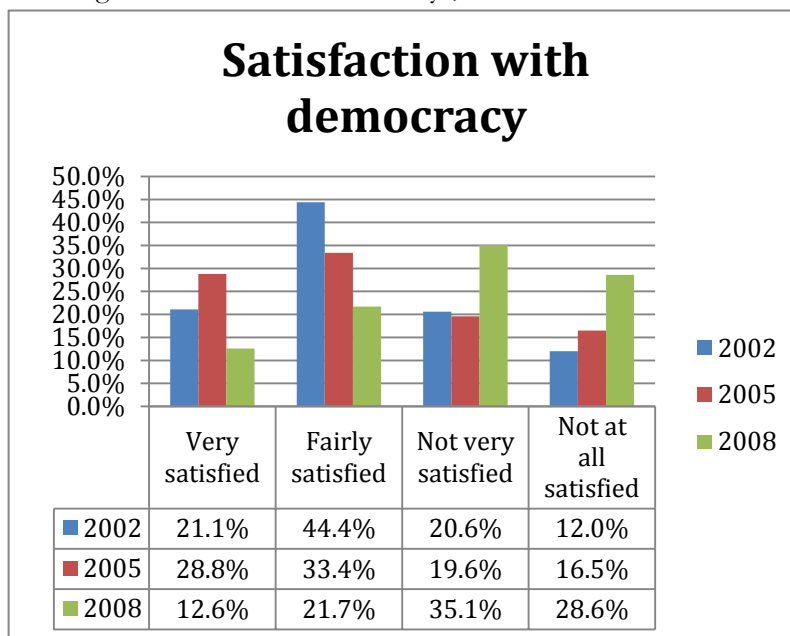


⁶⁰ Interview accordée au Journal *Le Populaire* du mardi 8 mars 2005.

crisis of institutions ... the first reform I mean to lead ... is to reduce the powers of the institution of the President ... Senegal needs a President who reassures, encourages and promotes, rather than a demiurge who seizes all powers and has a power of life and death over the citizens.”⁶¹ The civil society leader, Alioune Tine, shares this view. “The Office of the President has become an institution which not only subsumes, but enslaves all other institutions, reducing them to the status of dwarf institutions. Worse, institutions are manipulated unscrupulously to serve the will of politicians. When they resist, they are crushed like flies as is the case with CRAES [Council of the Republic for Economic and Social Affairs]. When they are reestablished, as is the case with the Senate, it is only to transform their members into servants of the executive. That is why the President appoints 65 percent of its members.”⁶²

This view tracks with public opinion. According to the Afrobarometer surveys, trust in President Wade fell precipitously from 2005 to 2008 (see above). The Senegalese people’s satisfaction with their democracy also severely eroded during this time; by 2008, 63.7 percent were saying they were not very or not at all satisfied with their democracy, compared with 78.1 percent who said they were very or fairly well satisfied with their democracy in 2002.

However, even in 2008, when 70.5 percent disapproved of Wade and 63.7 percent were unhappy with their democracy, 88.3 percent of Senegalese still felt democracy was the most preferable form of government.



Today there is strong consensus on the need to institute constitutional checks and balances on presidential powers.⁶³ The *Assises Nationales* addressed the issue and proposed to give many of the president’s powers to the prime minister. This and other proposed measures to restore the balance of power and a system of checks and balances should be systematically reviewed.

2.2 SECURITY SERVICES

The West African sub-region has long suffered from political instability; 47 percent of Africa’s coups d’état have occurred in 31 percent of Africa’s states: the 16 countries of West Africa.⁶⁴ Senegal and Cape Verde are the only two of the 15 ECOWAS states never to have undergone a coup. The Senegalese military has intervened in politics only once, during the December 1962 standoff between President Senghor and Prime Minister Mamadou Dia, and then only using a show of force by surrounding the National Assembly—this without firing a shot. After more than five decades since independence, the Senegalese Armed Forces are

⁶¹ Voir le journal *Le Quotidien* du 5 janvier 2007.

⁶² Conférence de presse de la RADDHO sur la situation nationale du Sénégal, Dakar, 28 novembre 2007

⁶³ Voir pour la présidentielle de 2007 le Programme de la Coalition Populaire pour l’Alternative (CPA) et Projet de charte fondamentale du Sénégal proposé par le leader du parti *Jéffél* — Talla Sylla.

⁶⁴ Including coups that occurred in the homelands of Transkei and Venda and the island of Zanzibar when it was an independent country, a total of 111 coups have occurred in 35 African countries since the first in 1910, in Ethiopia. The 15 member states in ECOWAS plus Mauritania account for 52 of the 111 coups.

widely seen as a republican army that upholds the Constitution, not a presidential guard at the beck and call of the executive.

The loyalty of the Armed Forces to the Constitution has been tested. Many Senegalese claim that in 2000, when it became apparent that President Diouf was losing his bid for reelection, his advisors recommended that he use the military to stop the electoral process. The fact that he refused is perhaps as much a commentary on his assessment of his inability to do so as it is a commentary on his commitment to the democratic process. When President Wade found himself in the same situation in 2012, according to BBC reports, many feared he would try to cling to power.⁶⁵ But had President Wade attempted to call upon the Armed Forces to prevent his electoral defeat, it is unlikely his order would have been obeyed.

Senegalese Security Forces	
Branch	Personnel
air force	400
army	11,900
navy	600
gendarmerie	5,700
police	5,000

Sources: IISS, Bagayoko-Penone

While the military has characteristically refrained from interfering in the political process, the executive branch has repeatedly used security forces to suppress political opposition in the name of social order. This practice intensified as opposition began to mount in the second term of President Wade. During the contentious period leading up to the 2012 presidential elections, various civil society leaders such as Alioune Tine of the human rights group, RADDHO, and leaders of the *Y'en a Marre* movement, and even presidential candidate Cheikh Bamba Diye were detained.

Reports of police brutality and the use of torture against detainees are not rare. According to human rights activists, torture is commonly used in Senegal to both punish and extract (sometimes false) confessions from detainees. Defendants frequently receive prison terms based on these forced confessions.⁶⁶ In 2007, an accused thief was beaten to death in prison. At his funeral, the police used live ammunition to disperse a spontaneous demonstration resulting in one death.⁶⁷

Police brutality, even when it results in fatalities, has seldom resulted in the investigation or prosecution of offending officers. Amnesty International has charged that Senegalese authorities have consistently ensured impunity for members of the security forces responsible for human rights violations.⁶⁸ A major obstacle to the prosecution of members of Senegal's security forces is the requirement of an *ordre de poursuite*, authorization from the supervising ministry—the Ministry of the Interior in the case of police officers and the Ministry of Defense in the case of *gendarmes* and military personnel. This procedure in effect grants the executive branch veto power over any judicial proceedings against members of the security forces. Contributing to this impunity, Senegalese Armed Forces are under the jurisdiction of military courts, which typically are less likely than civilian courts to convict.⁶⁹

However, there is evidence to suggest increasing juridical accountability at least for members of the paramilitary and police forces in cases that resulted in mass protest, as in the events in Kédégou in 2008 and 2012, described above in Section 1.2.2.

Despite the instances of excessive use of force, as shown below, Afrobarometer results for 2002, 2005, and 2008 show high levels of trust in the police, although this may have changed since 2008 due to shootings of

⁶⁵ BBC News, "Senegal's President-elect Macky Sall hails 'new era'," <http://www.bbc.co.uk/news/world-africa-17508098> accessed January 5, 2013.

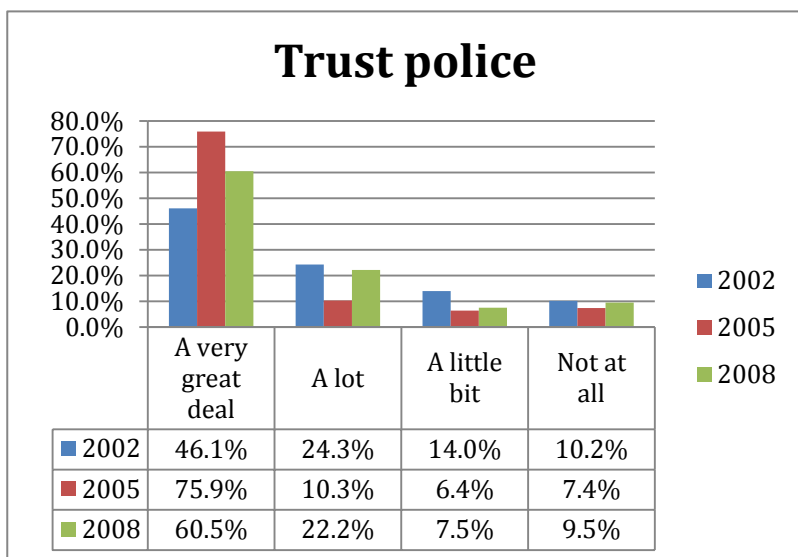
⁶⁶ Beck, Linda J. "Senegal," *Countries at the Crossroads*. New York: Freedom House, 2011.

⁶⁷ Amnesty International. "Senegal: Land of Impunity," September 2010.

⁶⁸ Ibid.

⁶⁹ Beck, Linda J. "Senegal," *Countries at the Crossroads*. New York: Freedom House, 2011.

demonstrators by security forces. In May 2011, for example, the *gendarmes* responding to protests against deteriorating economic conditions opened fire, killing a bystander seeking medicine for his asthmatic daughter.⁷⁰



Interviews in Kédougou suggest that prosecution of security forces is now resulting in their hesitancy to act. Some observers in Dakar believe this explains the light-handed police response to the demonstration in October 2012 over the detention of the Murid leader, Béthio Thioune, in whose home two dead bodies were found. To avoid the unwanted extremes of excessive and non-use of force, clearly there is a need for improved training of security forces to ensure their capacity to maintain social order.

One positive trend is the decline in extrajudicial executions and other

human rights violations associated with the Casamance conflict, although this can largely be attributed to the decline in the intensity of the conflict.⁷¹ However, there is cause for concern should the current round of peace negotiations fail.

2.3 THE LEGISLATURE

The 150⁷² deputies elected in June 2012 were directly elected by universal suffrage;⁷³ 60 of them through proportional votes from party lists, and 90 of them from one or two member districts by majority votes.

The National Assembly has three principal functions: representing the people, making law, and overseeing the executive. Exercise of the three functions is weak.⁷⁴ Four factors explain this weakness. First, historically the Senegalese conception of majority rule required submission to the President of the Republic, leader of the only—and later, majority—party in the House.⁷⁵

Second, since the advent of multiparty representation, members from the president’s party in the National Assembly and the Senate (once again abolished in 2012) must be loyal to the president if they want to be retained on the party lists. The incentive is thus to obey the president even when this is to the detriment of the Assembly.

⁷⁰ Sagna, Najib. “Sénégal: Lundi noir à Sangalkam - Malick Bâ reçoit une balle à la tête et meurt,” Walfadjri 31 May 2011.

⁷¹ Beck, Linda J. “Senegal,” *Countries at the Crossroads*. New York: Freedom House, 2011.

⁷² After independence, the institution had 80 parliamentary deputies. This number was successively increased to 100 in 1978 and to 120 in 1983 and then to 140 in 1998 before being reduced to 120 with the advent of the alternation in Senegal in 2000.

⁷³ Article 60 de la constitution. Article L. 147 du code électoral mis en œuvre pour les législatives du 1^{er} juillet 2012 par le décret n° 2012-36 du 19 mars 2012 portant répartition des sièges de député à élire au scrutin majoritaire à l’occasion des élections législatives du 17 juin 2012.

⁷⁴ See M.A.Thomas et O. Sissoko, “Liaison legislature: the role of the National Assembly in Senegal,” *Journal of Modern African Studies*, 2005, 43,1, p. 97

⁷⁵ A-R. Thiam, *La sélection du personnel politique au Sénégal (1981-2001). Contribution à l’étude de la professionnalisation politique des candidats à l’accès au Parlement dans une démocratie hybride*, Thèse de doctorat en science politique, Université de Montpellier I, 2009, p. 280.

Third, deputies are required in the National Assembly's rules and procedures (*règlement intérieur*) to ask the president his opinion on bills before they can be introduced. This has given the president the power to control the legislative agenda. With the technical expertise of the executive branch unmatched by any equivalent expertise in the legislature, the executive branch is able to impose its views.

Fourth, there are no minimum qualifications for deputies; getting elected does not depend on proving oneself technically competent to serve in the National Assembly. Many sitting deputies do not have an adequate level of education (80 members in the current legislature are illiterate in French) to do effective parliamentary work.⁷⁶ This undermines the laudably representative profile of the National Assembly achieved through the Parity Act. The gender equality principle has been implemented mechanically, without any preparatory measures. It is an unintended consequence of the Parity Act that gender equity contributes to the weakness of Parliament.

Approval of Deputy in the National Assembly	
Strongly approve/approve	Disapprove/strongly disapprove
23.8%	75.5%
Source: Afrobarometer 2008	

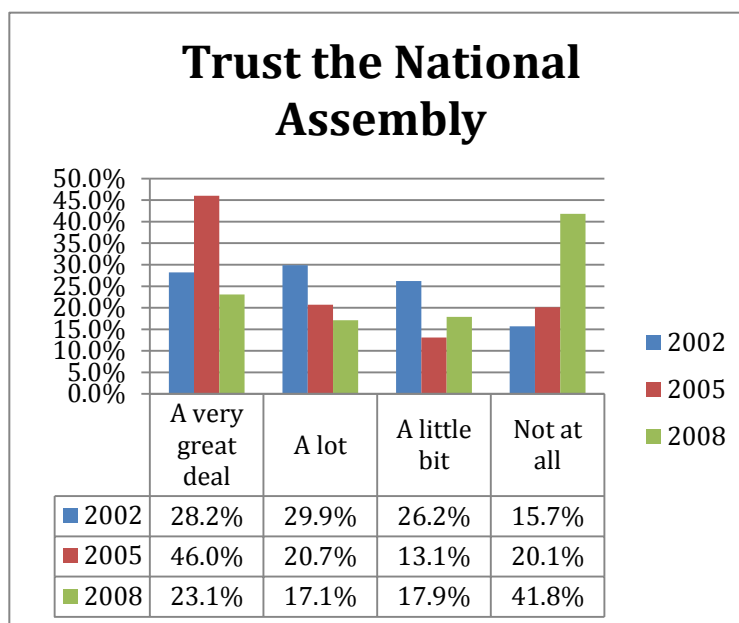
Parliament's feeble checks on presidential authority, low quality of debates, and the hasty adoption of bills certainly contribute to the low opinion of National Assembly elected officials seen in the Afrobarometer survey results of 2008, with 75.5 percent of respondents reporting disapproval of their deputy, and declining trust in the National Assembly itself since 2005, with 59.7 percent of respondents in 2008 saying they trusted the National Assembly only a little bit or not at all.

MPs tend to be suspicious and mistrust each other as well.⁷⁷ Presidentialism has reduced the Parliament to the *Surga* ["servant" in Wolof] of the executive.⁷⁸

2.3.1 The Lack of Involvement of the National Assembly in Public Policy Debate

The formulation of laws and policies is the purview of the executive in Senegal, although draft laws and policies must be presented to the National Assembly under Article 67 of the Constitution. The legislature lacks an independent research capability, so when measures are presented to the National Assembly, parliamentarians do not have access to the quality of information necessary to make informed judgments on the merits of draft laws. The majority of deputies can acquire independent information only through personal connections. The result is that policies are written, implemented, and evaluated exclusively by the executive.

Parliament is not meaningfully involved in making Senegal's laws or policy decisions.



⁷⁶ M. Tamba, « Approche sociologique de l'Assemblée nationale du Sénégal de 1960 à 2001 », Mélanges offerts à Boubacar Ly, Société en devenir, Presses universitaires de Dakar, 2006, p. 47.

⁷⁷ I-M. Fall, « L'Assemblée nationale du Sénégal », in Recherches sur les législatures africaines, Democracy in Africa Research Unit (DARU), University of Cape Town, 2010.

⁷⁸ M-C. Diop. « Le Sénégal à la croisée des chemins », *Politique africaine* n°, p. 115.

Under these conditions, Parliament is neither a place for debate on important issues nor a counter to executive power. A member of the National Assembly has said of this situation: “The executive shows no respect to the National Assembly. The President decides on everything. He appoints the National Assembly bureau from his Palace and sets the agenda of the National Assembly.”⁷⁹

2.3.2 The Relationship of Deputies with Citizens and the Public

Article 64 of the Constitution binds elected officials and citizens in a system of representation, but Parliament has never been an effective representative of the people. This was confirmed in interviews, especially in Ziguinchor. Deputies seldom consult citizens or civil society organizations regarding policy issues. The relationship with voters remains political in nature, limited to invitations to cultural ceremonies and the sponsorship of events and so forth. Views are seldom solicited, and there is no “constituency system” per se. Relations between elected representatives and their constituents tend to be informal and personal.

2.3.3 The Weakness of Parliamentary Oversight

Under Article 85 of the Constitution, MPs can ask questions of the prime minister and other members of the government who are required to answer them in writing or orally with or without a debate. However, the practice of filtering questions through the Conference of [Committee] Presidents, which is controlled by the majority party, dilutes questions from opposition members. It is a small number of deputies (often the same ones) who formulate questions. The requirement of one Conference session per month is not respected under the pretext of not bothering the government unnecessarily. Generally speaking, prime minister questioning is done by ministers; Parliament exerts little control over the prime minister, or other ministers.

Commissions of inquiry have broad investigative powers. They may hear any person whose testimony is considered germane. The creation of a commission of inquiry, however, requires a favorable vote from the majority, making such commissions rare in practice. When they are created, commissions of inquiry tend to focus on noncontroversial issues, and shy away from budgetary concerns. They seldom call civil society organizations and knowledgeable citizens to testify. The absence of in-house parliamentary expertise reduces the quality of inquiry and impairs verification of testimony, and collection of relevant information from other commissions is haphazard.

Reports by audit institutions such as the Court of Auditors, the General Inspectorate of State, ministries, and independent administrative authorities, such as the Ombudsman, the National Audiovisual Council (CNRA), the Autonomous National Electoral Commission (CENA), and the Public Procurement Authority (ARMP), are transmitted to the President of the Republic and not to the National Assembly. This is an area where the new government could easily enact a reform that would demonstrate its commitment to transparency and accountability.

2.3.4 Lack of Transparency within the National Assembly

The absence of external audits of Parliament merits note. Neither the Court of Auditors, nor any other supreme audit institution verifies the accounts of the National Assembly. The mechanism of internal audits through the Committee of Accounting and Control is not functional, since the committee never meets. The National Assembly does not accept that the Procurement Code, meant to regulate all public procurements, applies. There is a serious problem of transparency in the financial management of the Assembly, and international partners understandably restrict their assistance to the legislature accordingly.

The fact that for the first time since independence the party of the president does not have a majority in Parliament but rather is part of a coalition, is potentially a window of opportunity to end the historic servility of Parliament and help the National Assembly exercise its oversight functions. This came out repeatedly

⁷⁹ Dia, A. Deputy at the National Assembly, *Sud Quotidien* du 26 décembre 2007, p. 3.

during the interviews. New deputies especially have stated their desire for the National Assembly to break with the past.

2.4 THE JUDICIARY AND LEGAL PROFESSIONALS, INCLUDING TRADITIONAL/CUSTOMARY JUSTICE MECHANISMS

2.4.1 Legal Guarantees

The Constitution affords many protections of judicial independence, and protections of other rights have been legally granted through the Senegalese justice system. The independence of judges is guaranteed by the principle of tenure and by the existence of a Superior Council of the Judiciary. There is also a Union of Magistrates that protects the interests of judges.

However, the legal guarantees are both inadequate and ineffective. In fact, the judiciary has never had sufficient independence to function as a check on executive power. This is due to several factors, including the subordination of the Superior Council of the Judiciary to the executive, since it is chaired by the president; the existence of a Ministry of Justice, led by an appointee of the president who administers the judiciary; the ineffectiveness of the principle of tenure for the majority of the judges, who serve in interim positions; the lack of transparency in the management of judges' careers; and frequent interference by the executive branch in sensitive legal cases. The principle of tenure of judges (a fundamental requirement for judicial independence) does not apply to prosecutors, and is not effective for non-tenured judges who may be transferred at any time; the government need only cite need to justify relocation of judges. Frequently judges do not have access to basic legal documents such as codes and conventions necessary for the performance of their duties. The training of judges is characterized by limited specialization and a lack of emphasis on standards of protection of human rights, as stipulated by the Constitution and by international treaties that Senegal has ratified. The judiciary remains structurally and functionally dependent on the executive, and is thus ill-equipped to counterbalance executive power, or protect individual rights.

2.4.2 Traditional and Customary Justice

During the interview with the Minister of Justice, the team was told the justice system in Senegal, as in many developing countries, is facing a problem of accessibility, although steps have been taken to make justice more accessible to people. The government is expanding the system of *Maisons de Justice de Proximité* which were created beginning in 1984 and legal aid clinics. *Maisons de Justice de Proximité* function primarily as alternative dispute resolution facilities, mandated to handle disputes in a non-judicial way, including mediation with the participation of local dignitaries, with the local patriarch often serving as the mediator. To date, 11 such houses have been created and have handled 72,750 cases, with an 80 percent success rate. But these structures face logistical, human, and financial problems; there is a lack of training and coordination, and the small number of them is insufficient. The majority of the population, especially those living in rural areas, does not benefit from such services and must rely on customary justice mechanisms.

2.4.3 Legal Aid, Case Processing, and Court Support Services

The system of legal aid services provided by the state to assist the poor is managed by a committee of judges and lawyers. In practice, this aid is used exclusively in criminal cases. With a budget of just 200 million CFA francs compared to the 3 billion CFA experts estimate is needed to cover the total need, legal aid services actually available are dwarfed by the amount of need.

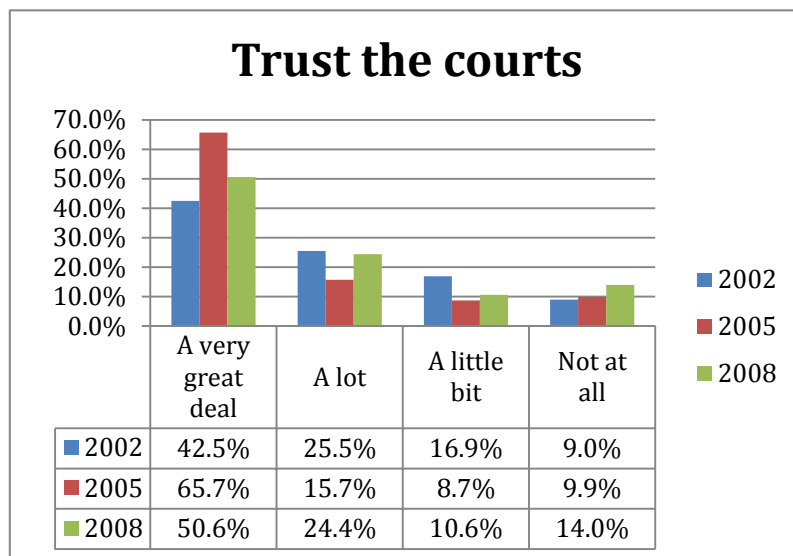
Justice is slow in Senegal. The reduction of case processing times in all domains of law, including economic disputes is a concern for the state and for citizens. However, slow case-processing times, including enforcement of court decisions, are especially dire in the field of criminal law, because the freedom of individuals is at stake. Pre-trial detention is still the rule, and release on bail the exception.

Despite steps taken to improve the situation, case processing times have not been reduced. This is due to a lack of judges, lawyers, bailiffs, and prison guards, as well as underequipped, understaffed, underfunded, and poorly organized court support services.

2.4.4 Protection of Vulnerable People

The state has established a service to protect the rights of vulnerable people, including children and women. There are three centers run by special educators handling 7,000 cases per year. The centers face familiar

difficulties: inadequate numbers of facilities, lack of qualified personnel, low budgets, insufficient ability to deal with trafficking in children, and the absence of resources for cases that require the intervention of psychologists. The various flaws in the justice system apparently escape the notice of the average Senegalese citizen, however. Trust in the courts is quite high, as seen in the Afrobarometer results for 2002, 2005, and 2008. This and the appointment of a dynamic Minister of Justice gives hope. If reforms can be initiated that build capacity and infrastructure for the justice system, the independence and performance of the judiciary could be



respectively strengthened and improved. In addition, the freedom of speech that judges have demonstrated in recent months is cause for optimism. Any effort to strengthen judicial independence will require Government of Senegal (GOS) leadership, and this in turn will depend on political will at the top levels of Macky Sall's Administration.

2.5 SUB-NATIONAL GOVERNMENTS

2.5.1 Early Decentralization

Decentralization in Senegal can be dated to the 19th Century when, during the colonial period, the four communes of Gorée, Saint Louis, Dakar, and Rufisque were created. Following independence in 1960, nine new municipalities were created through Laws 60-23 and 60-24 of February 1, 1960. In 1964, the government decided that elected municipal authorities had failed in their management mandates in large cities. They had mishandled municipal funds and provided unsatisfactory basic services. The government adopted a set of restrictions on decentralization with Law 64-02 of January 19, 1964 that established elected municipal councils with no mayor, and the appointment of a governor and an administrator as the executive body. It went into effect immediately for the capital of Dakar and gradually for municipalities that were capitals of regions.

The fundamental text for decentralization in Senegal is the Code of Municipal Administration established by Law 66-64 of June 30, 1966. It included in one document all laws related to the organization, functioning, and tasks of municipalities.

2.5.2 The Introduction of Decentralization in Rural Areas in 1972

In 1972, the government announced a major reform in territorial and local administration that revolved around four pillars: devolution, decentralization, participation, and a responsible regionalization plan, meaning each region would devise its own development plan. The reform created rural communities

responsible for managing many of their own affairs, and for managing national domain lands. Law 72-25 of April 19, 1972 introduced decentralization—which was previously limited to urban centers—to rural areas. Under the law, the rural community was to be governed by a rural council elected by universal suffrage. The council would in turn elect the president of the rural council, who would be the budget manager for the rural community. Previously this had been the function of sub-prefects, once termed the “the kings of the bush.” Law 72-64 of July 26, 1972 required municipalities to create the best living standards possible for Senegalese.

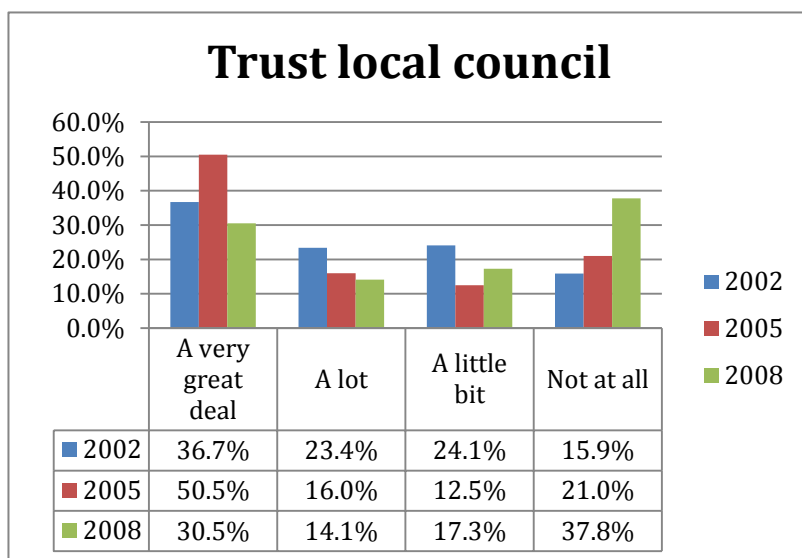
2.5.3 The Great Decentralization Movement of 1996

Law 96-06 of March 22, 1996 that entered into force in 1997 “opted for a gradual and cautious policy of decentralization...now irreversible.”⁸⁰ Decentralization was intended to end the economic and socio-political crisis of the time.⁸¹ The new code broadened and deepened decentralization as an opportunity to revive political, economic, and social development. Regions became local governments, similar to municipalities and rural communities. Hence the name given to the reform was regionalization, even though regions were just one aspect of the reform. Under Article 363, the governor represents the state in the region, the prefect represents the state in the department, and the sub-prefect represents the state in the *arrondissement*. Article 364 determined the division of powers between central authorities, representatives of the state, and local collectivities.

The decentralization process has created new representative institutions, and a local political life has emerged. Local elections are increasingly where important local issues are resolved. Pressed by the urgency of finding qualified people to serve in local government, ministers, deputies, and executives from the public and private sectors have been made eligible to hold offices at the local level in what is termed a *cumul des mandats*. The level of education and competence of local elected officials has been rising, but the holding of multiple offices

by a single person is problematic, as noted earlier, because it contributes to concentration of power, not to decentralization, and has negative implications for accountability.

The state has decentralized administrative powers, but without the financial resources to tackle problems. The limitation on the transfer of financial resources to local authorities is due to longstanding concerns about collectivities’ ability to manage funds. The distrust of local councils is shared by the public: in 2008, 55.1 percent of Senegalese trusted their local council only a little or not at all, according to the Afrobarometer (see chart).



“Problems have been decentralized to us, but not the means to solve them,” elected officials often complain. “We fell into the trap of institutional decentralization, which is not the decentralization of powers, nor of development resources.”⁸² Since 1996, the only means of transferring resources from the state to the collectivities remains the Decentralization Fund, which is limited to operating expenses.

⁸⁰ *Le recueil des textes sur la décentralisation*, Edition novembre 2003.

⁸¹ (Ch.N.). Mback, « La décentralisation en Afrique: enjeux et perspectives », in *Afrique contemporaine*, n° spécial, 3^e trimestre 2001, p. 96. V. dans le même sens, A. R. Sawadogo, *l'Etat africain face à la décentralisation*, Karthala, 2001.p. 96.

⁸² Voir E. Turpin, « Le financement du développement local », *Leeru, Revue sénégalaise du développement local, de la décentralisation et de la bonne gouvernance*, Sénégal, L'Harmattan, 2011, p. 341.

There are four sources of funding available to Senegal's collectivities: (1) local taxation (however, the tax base for municipalities and rural communities is limited, and there is no tax base for regions); (2) revenue from various economic, technical, and social measures;⁸³ (3) extremely low levels of state grants;⁸⁴ and (4) complementary and alternative methods of financing, such as loans and other funds raised in the framework of decentralized cooperation.

To remedy this weakness of local government, especially local government finances, for some time now the GOS has envisioned what is called Act III of decentralization.

2.5.4 Prospects of Act III of Decentralization

The so-called Act III of decentralization is abstract in design and has been slow to materialize. In the government's view, the challenges of decentralization in Senegal can be reduced to the viability of local communities and the lack of resources there. The Strategy Paper on National Economic and Social Development articulates two priorities: to promote the sustainability of territories and develop their potential, and to strengthen the capacity of local communities to manage local affairs. To reverse Senegal's decades-long history of Jacobinist centralization and Dakar-dominated development strategies will require meaningful reform of the allocation of resources between the state and local communities, ensuring that local political elites do not capture control of those resources.

The first key aspect of Act III of decentralization consists of rationalizing and streamlining the number of local government entities (*collectivités locales*) through what the government terms *communalisation universelle*. This will entail eliminating rural communities (*communautés rurales*) and introducing two categories of *communes*: *communes rurales* and *communes urbaines*. This will trigger significant changes in the country's administrative apparatus, but it is an insufficient measure in and of itself.

A second aspect of the prospective Act III of decentralization is called "territorialization," which would make the territory the focus for implementation of public policies in all domains, including health, education, agriculture, land, climate change, gender, migration, and management and preservation of natural resources and the environment. The hope of Act III would be to stimulate the development of integrated economic centers in which deconcentrated services combine with a revamped structure of collectivities to implement all public policies. Territorialization of public policies through development of eco-geographical entities will require updating and implementing the General Plan of Territorial Management (PGAT), and redrawing territorial boundaries.

Beyond these two aspects, the essential requirement will be first to strengthen the capacity of collectivities to manage their affairs through improved financial planning and management skills for more transparent and accountable governance, and second, to transfer substantial amounts of resources to collectivities. The latter requirement has always been the sticking point. To achieve the hoped-for result of more effective and better coordinated implementation of public policy with improved and sustainable policy outcomes will require more resources than historically the national government has been willing to commit. But after five decades of variations of centralized top-down development, with poor outcomes to show for it, it may be argued that local socioeconomic development based upon a partnership of the national government and collectivities offers Senegal the best option for lifting people out of poverty. It might also reduce interregional and intra-regional disparities. If President Sall's government demonstrates the political will to complete the process of decentralization, helping the government actually design Act III is an area where USAID could invest resources to immediate effect. Implementation of Act

Decentralization will require strengthening financial planning and management skills in the collectivities, and more resources for public service delivery and local economic development.

⁸³ P. M. Ndiaye, « De la décentralisation fiscale au Sénégal », *Leeru, Revue sénégalaise du développement local, de la décentralisation et de la bonne gouvernance*, Sénégal, L'Harmattan, 2011, p.395.

⁸⁴ « Etude sur le fonds de dotation de la décentralisation », MDCL/CABEX, 2003.

III, however, would be a different matter. The scale of need for training local officials in the requisite skills, especially in planning, budget-making, and accounting, would be huge. International partners, therefore, would be well advised to coordinate efforts if they decide to assist the GOS to roll out Act III.

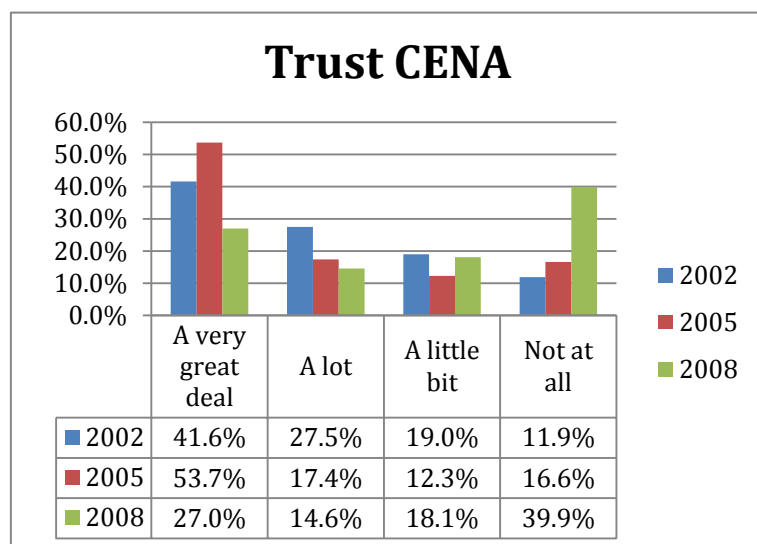
2.6 POLITICAL PARTIES AND ELECTIONS

The preamble of the Constitution promises fair and equitable rules between the governing majority and the democratic opposition and recognizes the opposition as being fundamental to the proper functioning of democratic processes. Despite having the oldest multiparty system in francophone Africa (the first parties were formed in the 19th Century), Senegal’s political parties are facing problems that question their legitimacy, and thus jeopardize Senegal’s democracy. The increasing number of parties reduces the effectiveness of any one party and fragments the party system. In early 2012, there were more than 200 political parties.

2.6.1 Origins of the CENA

The reelection of President Diouf in 1988 was contentious, and resulted in violent demonstrations. As a result, a new electoral code was negotiated in 1992 through a participatory process that included all registered political parties. Opposition parties demanded the creation of an independent electoral commission to replace the Interior Ministry in the organization and supervision of the electoral process. In 1998, President Diouf

agreed to create two new bodies: a separate department within the Interior Ministry, the *Direction Générale des Elections* (DGE) responsible for administrating the elections, and an autonomous *Observatoire National des Elections* (ONEL) responsible for supervising the elections. Opposition parties continued to object to the lack of a single independent electoral body as well as presidential control over the appointment of ONEL members and the limited resources at their disposal. President Diouf appointed a technocrat, Cheikh Gueye, to head the DGE, and prior to the 2000 elections, named a former army chief to head ONEL.

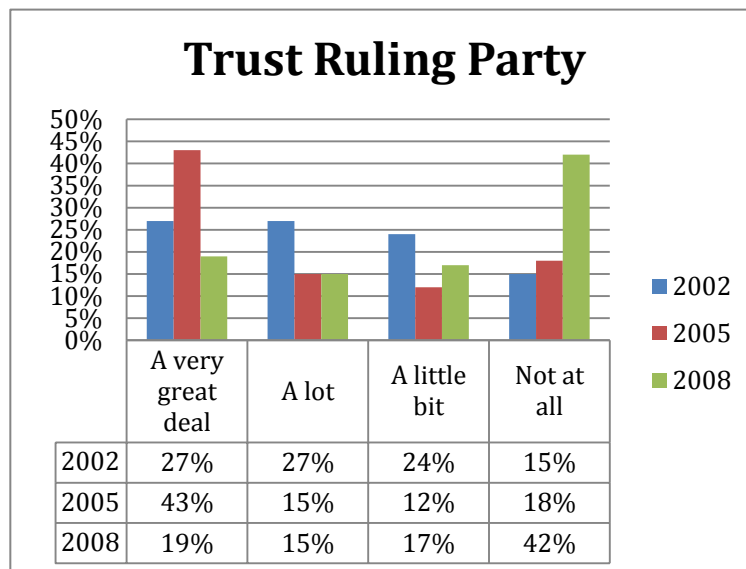


Complaints from opposition parties continued under President Wade, and he proposed replacing ONEL with CENA, which the National Assembly unanimously approved in 2005. Despite its broadened powers, presidential selection of members and its limited budget made CENA controversial. By 2008, 58 percent of Senegalese trusted CENA only a little or not at all, as seen in the Afrobarometer results that year.

2.6.2 Inchoate Political Parties

The presence of a large number of political parties in a country with a population of 12 million inhabitants reveals a pathology of the political system. This is reflected in public opinion measured in the Afrobarometer surveys of 2002, 2005, and 2009. By 2008, 69 percent of the public trusted the ruling party only a little bit or not at all. The figure for the opposition parties was only somewhat better at 51 percent. Political actors themselves are aware of the shortcomings of the existing party system, and they offer solutions.

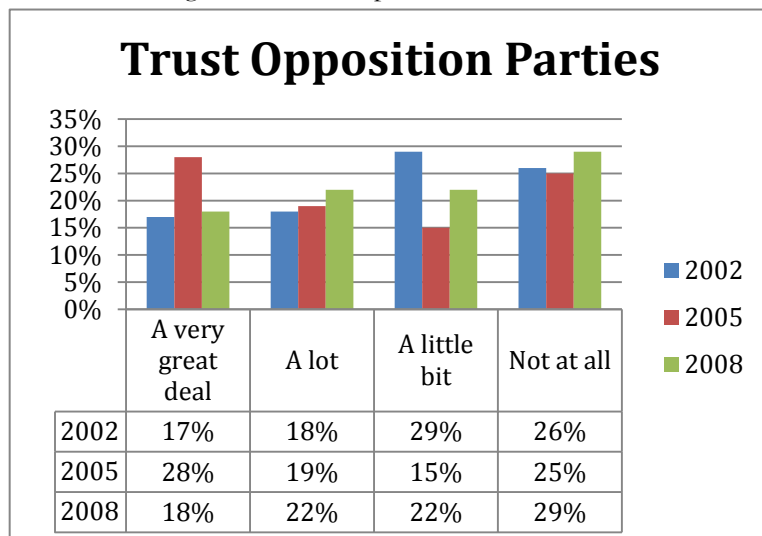
The Charter of Democratic Governance that the 2008-2009 *Assises Nationales* adopted proposed to modernize the party system and the electoral process, stating that "...the current inflation in political parties reflects the fragmentation of the political field. Modernizing and rationalizing the party system, without compromising freedom of association and freedom of choice for citizens, is necessary. To this end, consultations should be conducted in order to define common rules and conditions that shall govern the creation and functioning of political parties. They shall be required to have a code of conduct. A law shall guarantee their freedom of action and the conditions in which they can be funded."



The law is still unrealized, and Senegalese political life continues to suffer from the shortcomings of its party system. Parties lack resources and institutional capacity, especially when it comes to planning. There is no public financing of parties. Parties find it difficult to be nationally representative, and the low number of party volunteer activists tracks with the decrease in public trust in political parties, along with the emergence of citizens' movements that compete with the parties. All political parties are still marked by oligarchic and patrimonial tendencies in their organization and operation. There is low turnover in leadership, and lack of internal democracy. The fact that political parties are organized around personalities means Senegalese political parties are marked by stagnation. Several leaders have been at the head of their respective political parties for 10 to 20 years.

2.6.3 Consequences of Coalition Politics

Parties in Senegal are based on personalities and are so weak and fractious they have to enter into coalitions.



Coalitions of parties have no ideological basis, and thus have difficulty agreeing on programs. This makes election results fluid. In 2000, Moustapha Niasse, who came third in the presidential elections, had just created his political party. In 2007, Idrissa Seck, who also came in third, had no party. During the 2012 presidential elections, Macky Sall, who defeated Wade in the second round, was the head of a political party that was not yet three years old. Candidates who attract votes are those who have held high office (former prime ministers, for instance); or who have financial and symbolic resources; or are supported by international networks, including French

networks; have received blessing and prayers; or are among those ousted from power who have transformed themselves into martyrs.

2.7 CIVIL SOCIETY

With more than 12,000 registered CSOs, Senegal has a reputation for having a very dynamic civil society both in terms of its national NGOs based in the capital that typically partner with government and international donors in conducting DRG activities, and community-based organizations that operate at the grassroots with limited outside funding often channeled through larger national and international NGOs.⁸⁵

CSOs began to flourish in Senegal as political and economic liberalization put an end to state corporatism at the end of the 20th Century, permitting CSOs to operate independently of the ruling party. Newly created organizations such as Forum Civil (a Transparency International affiliate), RADDHO (*Rencontre Africaine pour la Défense des Droits de l'Homme*), and *Siggil Jiggin* (“Stand Up Women”) championed civil, human, and women’s rights as well as electoral reforms that led to the historic 2000 elections that brought Abdoulaye Wade to power.

CSOs were also instrumental in his defeat in 2012, although as part of a larger social movement. Nicknamed “M23” after the events of June 23, 2011, the catalyst for this movement was President Wade’s decision to seek a third term in office despite a constitutional two-term limit. Various CSO leaders, particularly Alioune Tine of RADDHO, were heavily involved in the M23 along with union and opposition party leaders. M23 maintained its political activism for nearly a year, mobilizing demonstrations after the Constitutional Council’s decision in January 2012 to permit President Wade to run again and throughout the two rounds of the presidential election in February and March. By the time of the legislative elections in July, the movement had basically dissipated, having achieved its goal of ousting President Wade.

Other collective actions surrounding the 2012 election may have greater longevity. Concerned about the transparency and tranquility of the elections, various international donors, including USAID, and INGOs such as the Open Society Initiative for West Africa (OSIWA) and the International Foundation for Election Systems (IFES), partnered with Senegalese NGOs, both individually and in concert, to promote voter registration, electoral education, and polling observation.⁸⁶ At the urging of donors, *Réseau Sénégalais des Observateurs Citoyens* (RESOCIT) was created in 2011 by the Goree Institute and the CSO collective, *Collective des Organisations de la Société Civile pour les Elections* (COSCE). These organizations are now working to institutionalize their collaboration on electoral transparency and political activism.⁸⁷ To date, such joint efforts in umbrella groups such as *Conseil des ONG d'Appui au Développement du Sénégal* (CONGAD) have been relatively weak, with only periodic activities that rely on donor funding.

Beyond electoral politics, the political influence of CSOs is primarily that of a watchdog as opposed to an active participant in the formulation of public policy. Testimony by CSO leaders during legislative deliberation, for example, is rare. Government officials do attend forums with CSOs, particularly those funded or organized by international donors. The Wade Administration, however, not only refused to participate in but also attempted to undermine the *Assises Nationales* that was organized to promote state-society dialogue on various socioeconomic and political issues facing Senegal. Rather than engage with the more than 140 participating CSOs, the government pressured prominent individuals to decline invitations to participate.⁸⁸

⁸⁵ Gellar, Sheldon. *Democracy in Senegal: Tocquevillian Analytics in Africa*. New York: Palgrave, 2005. Other actors are included in broader definitions of civil society such as labor unions, which are discussed under the private sector, and religious organizations, which are discussed under other non-state actors.

⁸⁶ Collectif des organisations de la Société civile pour les élections (COSCE). “Report on the Impact of Civil Society’s in the Electoral Process in Senegal (2012).” Domestic election observation program by Citizens and the Media: Presidential and Parliamentary Election 2012 (PRODEL), Dakar: 2012.

⁸⁷ Réseau des observateurs citoyens (RESOCIT). “La Plateforme,” Dakar: 2012.

⁸⁸ Beck, Linda J. “Senegal,” *Countries at the Crossroads*. New York: Freedom House, 2011.

Among the Dakar-based NGOs working in the area of democratic development, the most active and developed is Forum Civil, which has a number of programs funded by various international partners such as the Citizen Certification program funded by Luxembourg, which seeks to promote accountability among local officials; recently created legal aid centers (*Centres de Gouvernance Participative*) funded by the Netherlands; and a study on governance in the education sector funded by OSIWA.

Not only does Forum Civil have a well-trained staff headquartered in Dakar, but it is also working to develop a network of local affiliates in the regions, including Ziguinchor and Kédougou, that the assessment team visited. However, weak representation and connections to locally active CBOs remain a major challenge for Forum Civil and other Dakar-based organizations. Mirroring the Senegalese state, the concentration of human and financial resources in the capital is unlikely to change without significant reform of the current incentive structure in which political and economic resources, both national and international, remain concentrated in Dakar.

Even the social movement *Y'en a Marre* (Had Enough), which is attempting to develop an alternative model for Senegalese civil society, is confronted with the challenges of how to avoid being a Dakar-centric organization. Initiated by a group of rappers and other young Senegalese disenchanted with both Senegalese politics and donor-driven CSOs, the leaders of *Y'en a Marre* are struggling as a result of a lack of funding with the challenge of how to evolve from a movement of political critique and electoral mobilization into a venue for socio-political change without having their activities driven by donor agendas—a common weakness found among Senegalese CSOs.

Y'en a Marre is attempting to develop an alternative model for Senegalese civil society. In doing so, it is confronted with the challenges of how to avoid being a Dakar-centric organization.

A fairly well developed source of private funding for civil society has come from the diaspora of Senegalese. The most common form of *ressortissant* associations are village-based and religious organizations. Local village associations are particularly active among the Hal-Pulaaren in the northern Senegal River Valley and the Diola in southeastern Casamance, while religious groups (*dahira*) are strongest among the Murids in central Senegal. These organizations are typically more invested in economic rather than political development projects, although a particularly dynamic organization in Kédougou, *Association Kédougou Actions Développement* (AKAD), which was started by *ressortissants* in Dakar, was actively involved with other CSOs from the region in promoting a transparent, peaceful, and engaged electoral process this year.

An interesting alternative that has not yet been fully explored in Senegal is funding from the private sector, both national and multinational. CSOs operating in the Kédougou region where industrial mining is being developed by multinational corporations have been highly critical of the mismanagement of the Mining Social Program that was created outside the purview of the Mining Code in 2008, due to its lack of transparency or apparent benefit to the local community.⁸⁹ With a fund of an estimated 3.6 billion in CFA francs (\$7.2 million), the potential exists for the Sall Administration to reform this process during its current review of the Mining Code, thereby generating resources for both the local community and other CSO-managed programs around the country.

One of the positive developments Senegalese civil society has witnessed in recent years has been the organic development of regional CSOs such as ONG [NGO] *Lumière* and *Kédougou Encadrement et Orientation du Développement Humain* (KEOH) operating in Kédougou and Tambacounda regions in eastern Senegal. These organizations are critical to insuring political accountability and implementation of political reforms, particularly in a context of decentralization that requires stronger and more institutionalized, locally based CSOs with greater financial and human resources and links to Dakar-based NGOs that have access to and influence in national politics and international partners.

⁸⁹ Tamba, Boubacar. "Kédougou: A un an de la fin du programme social minier: L'Association Kédougou action s'interroge," Dakar: Sud Quotidien, 14 July 2012.

At both the regional and national levels, another significant challenge for CSOs is to avoid the phenomenon of personality-based “non-governmental individuals.” As is generally the case with Senegalese political parties, CSOs are frequently energized by a single dynamic leader who becomes inextricably associated with the organization, and inadvertently delays its development as a self-sustaining institution. Working with CSOs, particularly national NGOs, to invest in the human resources of their staff and volunteers and to encourage participatory management of the organization will reinforce their longevity beyond the vision and career of a single individual.

2.8 MEDIA

The Senegalese print and broadcast media remain a cornerstone for good governance, democratization, and human rights, contributing to enhanced transparency and participation in public affairs. The role of the media in political accountability has been enhanced by advances in technology, such as accessibility of cellphones used to ensure electoral transparency.

As with many factors of interest to this assessment, the Senegalese press dates back to the 19th Century. Newspapers have long played an important role in politics, including the election of Blaise Diagne, the first

Senegalese newspapers have long played an important role in politics, including the election of Blaise Diagne, the first black deputy elected from Senegal to the French National Assembly in 1914.

black deputy elected to the French National Assembly in 1914. In the 1930s, the paper *Paris Dakar* began publication, changing its name to *Dakar Matin* and ultimately becoming *Le Soleil*, the state-owned daily newspaper which continues to have the largest circulation in the country.⁹⁰

After independence, in the name of nation-building, a state monopoly of all media was established to reinforce Senegal’s de facto one-party rule. Liberalization of the media was not initiated until a full decade after the introduction of limited multiparty competition in 1976. The delay was to ensure the continued political tenure of the PS under the dominant party system of Senegal’s “semi-democracy.”⁹¹ As pressure for democratic reform intensified, private newspapers were permitted to open in the mid-1980s with *Sud Communications* and *Walfadjri* publishing first weekly and later, daily, editions.

While Senegal’s high rate of illiteracy limits access to the press, portions of newspapers are read over the radio on a regular basis. Moreover, access to newspapers has been enhanced by their availability on the Internet, although users represent only 6.2 percent of the population.⁹² *Seneweb.com*, one of the most popular portals of Senegalese news, includes articles from 14 newspapers, while more than a dozen radio stations can be streamed, providing access to the growing Senegalese diaspora that has been politically active not only in funding political parties but also as members of the electorate through Senegal’s overseas polling stations.

Liberalization of Senegalese radio did not happen until the mid-1990s, as the PS Administration wanted to wait until after the contentious presidential elections of 1993 to register Senegal’s first private radio stations. Their growth has been explosive. There are now slightly more than 60 private and community radio stations around the country, although the state-owned *Radiodiffusion -Télévision Sénégalaise* (RTS) remains the only radio station capable of national broadcasts.⁹³ Radio call-in shows in local languages are particularly popular.

⁹⁰ Diagne, O. “Les medias au Sénégal.” *Les Cahiers de l’Alternance*. No. 8, Dakar: Konrad Adenauer Stiftung and CESTI, 2005. Taureg, M. and F. Wittman. “Entre Tradition Orale et Nouvelles Technologies: Ou vont les Mass Media au Sénégal?” *Etudes et Recherches* No. 232, Dakar: ENDA-TM and Goethe Institute, 2005.

⁹¹ Coulon, Christian. “Senegal: The Development and Fragility of a Semidemocracy,” in *Democracy in Developing Countries: Africa* edited by L. Diamond et al. Boulder: L. Rienner Publishers, 1988, 141-178.

⁹² TeleGeography. “GlobalComms Database: Senegal,” 2012.

⁹³ Seck, Ibrahima. “Senegal: Research Findings and Conclusion,” African Media Development Initiative, 2006.

Liberalization of television, however, remains slow-paced, with the RTS serving as the only national free station, although there are nationally available foreign subscriptions as well as two regional television stations: 2STV, which has been broadcasting in Dakar since 2003, and Touba TV, operating in the holy Mouride city in central Senegal since 2009.

2.8.1 Media Regulation

The agency responsible for allocating broadcast frequencies, *Autorité de Régulation des Télécommunications et des Postes* (ARTP), has been criticized for the criteria it uses in awarding television and radio licenses.⁹⁴ The politicized nature of this process under the Wade administration is illustrated by the two-year delay in response to the application by musician-turned-politician, Youssou Ndour, for a television license. After over 2 million Senegalese signed a petition demanding state action, Ndour finally received a license in 2010, though it only permitted him to do “cultural programming” with no newscasts.

While it is unclear whether Ndour’s appointment as President Sall’s Minister of Culture will result in reform of ARTP, the presence of investigative journalist, Aboul Latif Coulibaly, as the new Minister of Good Governance appears to have had an impact on reform of media regulation. At a conference on African media in November, President Sall announced that Coulibaly played a critical role in his decision to push forward reform of the 1996 Media Code that has been stalled by the Wade Administration for more than two years.

There are several critical issues raised in the proposed new Media Code initially drafted by Senegalese journalists in conjunction with various CSOs and INGOs. One of the most prominent is the decriminalization of defamation. In 2004, President Wade pledged his support for this reform, although since then, at least a dozen journalists have been imprisoned on libel charges, including Coulibaly.⁹⁵ While Senegalese journalists have actively supported the international campaign to end criminalization of defamation, there is some concern that imprisonment will be replaced with extravagant fines. They therefore are also seeking a cap on fines for defamation to avoid bankrupting of media outlets, or self-censorship by journalists.

Reform of the 1996 Media Code is critical for the ability of Senegal’s media to play the role required of the media in a democracy. One of the most important reforms must be to end criminalization of defamation.

Another critical reform long sought by Senegalese journalists and other members of civil society is a Freedom of Information law. Although constitutionally guaranteed, there is no legal process by which citizens can assert their right to information or challenge denied access. While individual journalists have strategies for gaining access to information, they have difficulties, for example, in getting access to budget information from the government until it is sent to the National Assembly.

Senegalese journalists also recognize that improvements in the legal code must be accompanied by improved professionalism of the journalists themselves. With the rise of a new category of newspapers referred to as the “popular press,” veteran journalists are questioning the quality and training of the new generation of journalists. Papers such as *Le Populaire* and *L’Observatoire* are seen as catering to their readership with scandals and gossip, edging out some of the pioneers in print media that contribute serious political, economic, and social analyses that are critical to informed citizen participation and political accountability.⁹⁶

Senegalese journalists have attempted to address these issues through organizations such as the *Conseil pour le Respect de l’Ethique et de la Déontologie* (CRED). Created in 1999 at the initiative of the journalist union *Syndicat des Professionnels de l’Information et de la Communication* (SYNPICS), the Council attempts to promote professional

⁹⁴ Ibid, pp. 9, 16.

⁹⁵ Committee to Protect Journalists (CPJ). “Senegalese editor Coulibaly convicted in defamation case,” April 14, 2011. Fortunately, the violent attacks against journalists that occurred during the later years of the Wade Administration remain isolated incidents that most believe are unlikely to be repeated under President Sall.

⁹⁶ Diagne, O. “Les medias au Sénégal.” *Les Cahiers de l’Alternance*. No. 8, Dakar: Konrad Adenauer Stiftung and CESTI, 2005.

ethics within the profession but lacks financial resources and the authority to sanction misconduct such as withdrawal of a journalist's press card.⁹⁷

CRED has also been unable to reign in the culture of per diems, which is criticized for promoting corruption in the media. In conjunction with SYNPICS, *Convention des jeunes reporters du Senegal* (CJRS), and *Conseil des diffuseurs et éditeurs de presse du Senegal* (CDEPS), CRED denounced all forms of remuneration other than a journalist's salary, maintaining that it “contributes to a manipulation of information that can have incalculable consequences for the society.”⁹⁸ The abysmally low pay for journalists, however, contributes to the perpetuation of the practice.

Journalists' low salaries reflect the high operating costs and low profit margins of media outlets. The owner and editor-in-chief of *Le Quotidien*, Madiambal Diagne, complained of three different methods by which the state undermines the fiscal solvency of private media outlets: high rate of taxation, “equivalent to a mining company although their profitability is much higher”; politicized access to advertising by the state, the media's largest client; and the modest rate of state assistance (770 million CFA francs, or \$1.5 million) that is inequitably shared by a plethora of private media outlets in contrast with the abundant resources of the state-owned media.

State-owned media continue to be a focus of criticism not only because of privileged access to state resources, but also because of its continued politicization. Senegalese journalists have long awaited the privatization of *Le Soleil* promised by President Wade in 2000, while many believe that the RTS should be transformed into a public broadcaster with greater autonomy from the government and ruling party/coalition. There have, however, been some improvements in balancing access to state broadcast media, particularly during electoral campaigns, since the creation of the *Haut Conseil de la Radio et Télévision* (HCRT) in 1992. The effectiveness and independence of the latest version of the High Council, the *Conseil National de Régulation de l'Audiovisuel* (CNRA), remains contested.⁹⁹

The state-owned media are not the only outlets being criticized for excessive influence. Various sources claim that there is a concentration of private radio station and newspaper ownership, although this is difficult to substantiate given the common practice of “fronting” in which the apparent owners are actually fronts for political leaders and other public personalities. According to a study conducted by the BBC, the fronting system “is believed to be highly developed” in Senegal despite a provision in the Media Code making it illegal to own more than three media outlets.¹⁰⁰ As one journalist noted, this becomes an even bigger problem when media owners also own one of Senegal's few advertising agencies, given how the limited advertising market places economic constraints on private media.

2.9 PRIVATE SECTOR BUSINESS

For the first three decades following independence, Senegal had a state-directed economy with a limited private sector composed largely of Senegalese merchants operating in the informal sector alongside a small cadre of mostly foreign private investors who dominated the formal sector. A legacy of the colonial industrialists, the latter were well-connected businessmen represented by the *Conseil National du Patronat* (CNP), which continues to be a politically powerful organization composed of 26 employer federations in various sectors (e.g., industry, finance, transportation, and construction). As foreign investors, however, they have been more concerned with short-term profitability than longer-term national development and thus

⁹⁷ Seck, Ibrahima. “Senegal: Research Findings and Conclusion,” African Media Development Initiative, 2006.

⁹⁸ Seneweb.com. “Lutte contre la corruption dans la presse: Le Synpics, la Cjrs, le Cored, et le Cdeps siffle la fin des perdiems,” 23 September 2010.

⁹⁹ Seck, Ibrahima. “Senegal: Research Findings and Conclusion,” African Media Development Initiative, 2006.

¹⁰⁰ Ibid.

have shown little interest in challenging government policies to improve economic growth or combatting corruption, preferring to work behind the scenes to defend their interest.¹⁰¹

In addition to the CNP, there are two other major employer associations: *Confédération Nationale des Employeurs du Sénégal* (CNES) and *Union National des Commerçants et Industriels du Sénégal* (UNACOIS). Formed in 1983, the CNES is composed of over 1,800 Senegalese enterprises operating in the various sectors of the formal economy. The CNES has sought to protect Senegalese businesses against preferential treatment of foreign businesses, particularly the quasi-monopolies they have enjoyed in sugar production, oil processing, and the sale of tobacco.

Among business associations, the CNES has lobbied against preferential treatment of foreign businesses, while UNACOIS has pushed to end the privileges of large, politically well-connected firms. Labor unions in Senegal date back to the 1920s and have the capacity to mobilize mass demonstrations, although their power has waned in recent years.

Representing small-scale businesses in the informal sector, UNACOIS has also pushed to end the privileges enjoyed by large, politically well-connected firms, demanding reform of protectionist state economic policies while condemning government harassment of entrepreneurs in the informal sector. While it is not as politically influential as the other two major employer organizations, UNACOIS is the largest employer association, representing slightly more than 60 percent of the private sector, and thus an important ally for government reformers and international partners seeking to improve the business climate through further economic liberalization.

While these three have been the major players, there are more than a dozen other employer associations. Their fragmentation has led to various efforts to regroup them under an umbrella organization such as *Coordination Patronale du Sénégal* (CPS), a loose coalition of CNES, UNACOIS, *Groupements économiques du Sénégal* (GES), and CPS.¹⁰² Given their varied, often competing interests, collaboration as a pro-business lobby remains limited.

Beyond the purview of these employer associations, there are a small number of wealthy Senegalese businessmen whose financing of the political opposition is believed to have been critical both in 2000 when they backed Wade and in 2012, when they switched camps providing funding to his various opponents, “betting on all other horses” until Macky Sall came out ahead. Indeed Sall’s prime minister, Abdoul Mbaye, while praised as a “technocrat” rather than a politician, is also seen as closely tied to this “club” of Senegalese billionaires having served as a prominent banking executive in Dakar.¹⁰³ There is some concern that these campaign contributions will be expected to be repaid in the form of privileged access and/or favorable political reforms that could undermine good governance.

The GOS has also had various business advisory groups, first created by the Diouf administration after the 1994 devaluation of the Franc CFA. After President Wade took office, he replaced the *Groupe de réflexion sur la compétitivité et la croissance* (GRCC) with the *Conseil Présidentiel de l’Investissement au Sénégal* (CPI). To promote his ambitious agenda for restructuring Senegal’s economy toward export-led industrialization and high-value added production, President Wade created a secretariat for the CPI, the *Agence Nationale chargée de la Promotion de l’Investissement et des Grands Travaux* (APIX), which was charged with proposing reforms to improve the business climate.

While it met with some initial success, such as the creation of its proposed anti-corruption commission, the impact of the advisory group has been limited as evidenced by Senegal’s poor performance on the 2011 *National Competitiveness Report* funded by USAID and slippage on the 2013 World Bank “Doing Business” index. Senegal fell from 11 to 117 in the World Economic Forum Global Competitive Index. In general, the

¹⁰¹ Thioub, Ibrahima, “The Economic Foundation of the Nation-State in Senegal,” in Alice Teichova and Herbert Matis (eds.) *Nation, State, and the Economy in History*. Cambridge: Cambridge University Press, 2003, pp. 251-269.

¹⁰² Mouvement des Entreprises du Senegal (MEDS). “Assises économiques du MEDS sur le thème: “Quel avenir pour le patronat du Senegal?” Dakar: April 2008.

¹⁰³ *Lesenegalais.net*. “La planète des milliardaires: Un PM chef du club des riches,” 02 October 2012.

private sector has been criticized for its failure to offer solutions to the larger, more complicated issues that undermine economic growth, such as access to finance, tax administration, business licensing, labor regulations, and money laundering.

In addition to employer associations, labor unions have a long history in Senegal dating back to the 1920s under French colonial rule.¹⁰⁴ While divided by economic sector, Senegalese unions have formed large umbrella organizations that historically allied with different political parties, including the *Confédération nationale des travailleurs du Sénégal* (CNTS), which in 1970 became officially allied with the ruling PS. The PDS similarly established an alliance with a splinter group, CNTS-FC, though it was never as strong as a union wing of Wade's liberal party. Various smaller parties of the radical left, such as *And-Jéf* and *Ligue Démocratique/Mouvement pour le Parti du Travail* (LDMPT), have been closely affiliated with Senegal's more militant unions, particularly the teachers' union *Syndicat Unique Démocratique des Enseignants du Sénégal* (SUDES), though their militancy was somewhat quieted when these parties joined Wade's coalition government. Currently, neither President Sall's party nor the ruling coalition has official ties to a union, although the PS has retained its relationship with CNTS, which became increasingly confrontational once the PS was transformed into an opposition party in 2000.

Given the significance of Senegal's informal sector, only a relatively small percentage of the workforce belongs to the unions. They nevertheless enjoy considerable power because they represent critical sectors of the formal economy and have the capacity to mobilize mass demonstrations due to their concentration in urban areas, particularly Dakar. Like political parties and CSOs, the union movement has been weakened in recent years by the proliferation of organizations. Seen as a political strategy encouraged by the Wade Administration, union activists have attempted to counter this through the conduct of the first union representation elections in April 2011.

Despite constitutional guarantees of the freedom of association and the right to strike, a provision in the 2001 Constitution stipulates that strikes must not infringe on the "freedom to work" or jeopardize the enterprise. Various enterprises have also attempted to prevent union organizing, including the Australian mining company, Sabadola Gold Operations, which has been operating in Kédougou since 2009.¹⁰⁵

Moreover, government authorities frequently deny unions and other civil society activists the right to demonstrate, including events organized by the M23 in which labor activists were quite active.¹⁰⁶ Their relationship with the new administration is tenuous and likely to lead to future tension over liberal policies, although recent efforts to prosecute high-level corruption are likely to be popular among trade union activists.

2.10 OTHER NON-STATE ACTORS

2.10.1 MFDC Secessionist Movement

For the last three decades, conflict between the secessionist movement MFDC and the GOS has destabilized southern Senegal, specifically the region of Ziguinchor, with intermittent fighting occasionally spilling over into Sedhiou and Kolda regions.¹⁰⁷ The conflict has resulted in hundreds of deaths, thousands of wounded, and tens of thousands of internally displaced persons and regional refugees.¹⁰⁸

¹⁰⁴ Roche, Christian. *Le Senegal a la Conquête de son Indépendance: 1939-1960 : Chronique de la Vie Politique et Syndicale, de l'Empire Français a l'Indépendance*, Paris: Karthala, 2001. The critical role of early union activism is celebrated in Ousmane Sembene's *Les bouts de bois de Dieu* (Paris: Livre Contemporain, 1960) which recounts the 1947 strike by Senegalese rail workers claiming equal rights with their French counterparts.

¹⁰⁵ International Trade Union Confederation (ITUC). "Senegal -2012," *Annual Survey of Violations of Trade Union Rights*, <http://survey.ituc-csi.org/Senegal.html?lang=en>.

¹⁰⁶ Radio France Internationale. "Les syndicats sénégalais contre un troisième mandat pour le président Wade." 4 August 2011.

¹⁰⁷ At the time the insurgency began in the early 1980s, all three regions were districts (*départements*) within the region of Casamance.

¹⁰⁸ There have been numerous studies on the Casamance conflict. A good overview of the historical origins and early implications is provided in the edited volume by François-George Barbier-Wiesser, *Comprendre la Casamance* (1994). Martin Evans provides a good analysis of the war economy in "Ni Paix ni Guerre: The Political Economy of Low-Level Conflict in Casamance" (2003).

At the heart of the Casamance conflict is a sense that in addition to being geographically isolated, Senegal's southern region has been politically, economically, and socially marginalized. Unlike the northern ethnic groups that dominate Senegal's political economy, the Diola, who make up the bulk of the MFDC's supporters, are a religiously plural ethnic minority with a highly decentralized social structure.¹⁰⁹ As a result, they have been less effective in gaining access to state resources through patronage politics (*la politique politicienne*) despite the inclusion of their regional representatives in the political elite.¹¹⁰

Over the years, the GOS has attempted to resolve the conflict by various means, through economic development, political decentralization, and administrative deconcentration, as well as military repression. After a flurry of unsuccessful efforts by multiple intermediaries in the late Diouf years, President Wade sidelined all actors other than the GOS and MFDC. One of those international actors was the Italian Catholic organization Sant'Egidio, which now, at the behest of President Sall, has renewed its efforts to mediate a peace settlement. By the end of 2012, they had managed to meet with Salif Sadio, the leader of the most militant wing of the MFDC who has refused to lay down his arms. A special envoy from the U.S. State Department, Ambassador James Bullington, has also been meeting with various stakeholders in an effort to find a resolution to Africa's longest civil dispute, while the World Bank is planning to set up a large development project in the region to reinforce the work of other international partners, including USAID.

The MFDC spokespersons with whom the assessment team met are calling for a forum (*assises*) to enable the splintered MFDC leadership to unify, so that it may more effectively negotiate a resolution with the GOS. This, however, has been tried before, without success. MFDC leaders who are calling for an *assises* may hope somehow to benefit from it financially, or through enhanced status. It is possible that what they are saying is not representative of the views of the MFDC elements still under arms. Moreover, there is cause for concern that even if Sadio comes to the negotiating table, unless the fighters he leads are in agreement with whatever he might agree to, he could be deposed and replaced by someone who wishes to continue the armed struggle. After all, this was how Sadio's wing arose nearly two decades ago.

Further complicating the situation is the existence of strong economic incentives for perpetuating the conflict, a so-called "war economy" of criminal activities. The assessment team heard of illegal logging financed by the Chinese, allegedly with the complicity of elements in the Senegalese army, and the cultivation of marijuana, with both the logs and the marijuana being exported through Gambia. The team was told of organized bands of well-armed highway robbers. It is unclear how much of this illegal activity is actually being conducted by the MFDC. Some acts may be committed by other criminal elements who are taking advantage of the conflict as cover.

The so-called "war economy" in the Casamance has created incentives that are a major impediment to the peace process. Illicit activities include marijuana cultivation and illegal logging, with the logs and the marijuana being exported out through Gambia, and the laundering of money from the transshipment of cocaine through Guinea-Bissau to Europe. It is not clear how much of these illicit activities are directly tied to the MFDC.

The assessment team heard of young men from Guinea-Bissau coming to Ziguinchor in expensive SUVs, wearing lots of gold jewelry and flashing lots of cash, bringing with them heavy trucks to load with consumer goods on expensive shopping trips and revels. These Bissauans are presumed to be drug traffickers, as the transshipment of cocaine from South America to Europe via airfields in Guinea-Bissau is well-known and well-documented.¹¹¹ It may be that Bissauan narco-traffickers are taking advantage of the Casamance conflict to enter Senegal with the aim of using Dakar's relatively developed banking system and real estate market to launder money, resulting in economic distortions at a minimum, but potentially also the corruption of government officials and army officers, as the drug traffickers might be paying bribes for

¹⁰⁹ Diouf, Makhtar. *Sénégal: Ethnies et Nation*. Dakar: UNRISD, 1994.

¹¹⁰ Darbon, Dominique. "La Voix de la Casamance... une parole Diola," *Politique Africaine*, 14, 1985: 127-138. Beck, Linda J. *Brokering Democracy in Africa: The Rise of Clientelist Democracy in Senegal*. New York: Palgrave, 2008.

¹¹¹ Nossiter, Adam. "Leader Ousted, Nation is now a Drug Haven." *New York Times*, November 1, 2012.

them to look the other way. Villalon's CSIS report points out the risk to stability if the Senegalese military in the Casamance were to become complicit in transcontinental trafficking in cocaine, as the army in Guinea-Bissau has become.¹¹²

Of potentially more direct relevance to the Casamance war economy is the cultivation and trade in marijuana. Persons interviewed for this report said they personally had seen cannabis fields they were told were being protected by MFDC fighters. The marijuana was said to be exported through Gambia. It may be this trade in cannabis plays a more direct role in financing the violence in the Casamance than does the traffic in cocaine. Certainly the weakness of the Jammeh regime in Gambia is a contributing factor to the resilience of the MFDC, as the team was told that Jammeh relies on members of the MFDC for his presidential guard.

For the time being, the situation is one of neither war nor peace, and a military solution is for now off the table. The commander of Military Zone Five (which includes Ziguinchor), Colonel El Hadj Babacar Faye, told the team that the people are tired, the army is tired, and the MFDC is tired, but the MFDC commanders have to take care of their fighters, so they have resorted to criminality for survival. Governor Cheikh Tidiane Dieng said the state has for now given the rebels space to occupy in order to negotiate, but the war economy is an impulsion for the conflict and the peace initiative is hampered by the fact that the rebels have rear areas in Gambia and Guinea-Bissau. He complained that the peace talks are not adequately involving the regional authorities. He said the region should be delegated authority to deal with the rebels, and the army should be given authority to initiate actions. Decentralization must move forward, he said, and the deconcentrated services must be given what they need.

The current situation of neither war nor peace is costly and damaging to Senegal's reputation. While the Sall Administration has followed its predecessors in refusing to consider special status for Casamance out of concern for the potential ramifications in other peripheral regions, it may be that the solution to the problem is one that has been long identified: effective decentralization, especially fiscal decentralization, with enhanced accountability at both the local and national levels, a coordinated stimulus for local economic development, and improved public service delivery. This may be what is needed to produce peace in the Casamance.

2.10.2 Religious Groups

Although President Wade proposed dropping the term “*laïcité*” (secularism) from the 2001 Constitution, Senegal remains a secular country with an overwhelming Muslim majority. Representing slightly more than 90 percent of the population, Senegalese Muslims are subdivided into several prominent Sufi brotherhoods, the two largest being the *Tijaniya* and the *Muridiya*, with a growing minority of adherents to more Salafist forms of Sunni Islam.

Since the time of colonial rule, the *marabout* leaders of the Sufi brotherhoods have negotiated privileged access to state resources and autonomy in socio-religious as well as economic affairs in exchange for their political support. The most striking example of special status negotiated by *marabout* leaders is the Murid holy city of Touba, which has been described as a state within a state. The authority of the *Khalife-General* is supreme, and no state entities operate without his consent. The market there is entirely devoid of state regulation or taxation.¹¹³ As a result, Touba is the heart of the black market in Senegal.

Other *marabouts*, however, have become directly involved in politics as candidates for the legislature or even the presidency. While eight *marabouts* were recently elected to the National Assembly, religious parties, which along with ethno-regional parties are technically unconstitutional in Senegal, are still micro-parties never exceeding a small percentage of the national vote.

¹¹² Villalon, Leonardo A. “Senegal: Assessing Risks to Stability,” Center for Strategic International Studies, June 2011.

¹¹³ There are numerous books and articles on the political economy of the *Muridiya*. The classic work is by Donal Cruise O'Brien, *The Mourides of Senegal* (1970). A more recent analysis of the impact of the brotherhood on democratization in Senegal is available in a chapter on the *Muridiya* in Linda Beck's *Brokering Democracy in Africa* (2008).

Marabouts, as well as their Catholic counterparts, are still influential opinion leaders in the country, and can act as mediators. For example, when the prosecutor for the Court for Suppression of Illicit Enrichment (CREI) recently announced that he would proceed with the investigation of embezzlement charges against President Wade's son, Karim Wade, former President Abdoulaye Wade is alleged to have pleaded with the Murid *Khalif* to intercede with the administration on his son's behalf. If true, this would not be the first time Wade turned to Murid spiritual leaders for assistance.¹¹⁴ But in contrast with his predecessors, Wade was not seen as even-handed in balancing the distribution of political resources among Senegal's different sects. Criticized for publicly prostrating himself before the Murid supreme leader after his election, Wade lavished the Murid community with public funds, including a \$213 million modernization program for Touba.¹¹⁵ In addition, Wade created unusual tensions with the Christian minority when he compared the scantily-clad figures in Dakar's new Monument of African Renaissance to Catholic images of Jesus Christ, in an attempt to defend the monument against charges that it is un-Islamic.¹¹⁶

President Sall has not shown any indication of following in his predecessor's footsteps; however, he is unlikely to ignore the influence of religious leaders in Senegalese society, especially given the role expected of them in maintaining Senegal as a bulwark against radical Islam. Both the USAID Mission Director and the U.S. Ambassador reported that President Sall is concerned about the threat radical Islam could pose in Senegal.

In the rural parts of the eastern part of the country and in the urban areas, particularly Dakar, there are clear indications that Salafist forms of Islam are gaining support, including the growing number of veiled women, the popularity of Sunni groups at the University of Dakar, and the changing tenor of Friday sermons in various mosques around the country.¹¹⁷ The concerns that various informants raised regarding the curriculum of the increasingly popular Franco-Arab schools, which are not regulated by the state, may prove to be unwarranted. However, regional instability and the foothold al-Qaeda has gained in neighboring Mali are cause for vigilance, particularly given reports of the presence of Senegalese youth traveling to Mali to join the insurgency.¹¹⁸ If true, these youth presumably will someday come home, bringing with them a radical ideology.

The best defense against the rise of radical Islam in Senegal may very well be to attack dissatisfaction at its root and concentrate funding in youth programs that also enhance economic growth and improve public service delivery.

President Macky Sall has a delicate balancing act with the *marabout* leaders of the Sufi brotherhoods. Their influence in politics has been waning in recent years, while today Salafist forms of Islam are gaining support. Some will want to see President Sall prioritize the deepening of democracy and continue to move Senegal away from the forms of patrimonialism that gave religious leaders great influence in the past, while others will want him to bolster the role the *marabout* leaders can play in protecting Senegal's position as a bulwark against radical Islam.

¹¹⁴ The most influential *ndigel* President Wade was able to generate in 2012 was given by Murid *marabout*-politician, Bethio Thioune, who was subsequently detained by the Senegalese authority after two dead bodies were found in his home. During the second round, Thioune claimed that before he died, the former Murid *Khalif*, Serigne Salilou, had given him an *ndigel* to re-elect Wade, although during his lifetime, he had never publically supported a politician or political party.

¹¹⁵ Seck, Cheikh Yerim, "Quand la religion se mêle de politique," *Jeune Afrique*, March 31, 2010

¹¹⁶ Sow, Cecile, "Un président, un monument et une polémique," *Jeune Afrique*, August 11, 2009, pp. 9–15.

¹¹⁷ Villalon, Leonardo A. "Islamism in West Africa: Senegal," *African Studies Review*, 2004, 47:2, 61-71.

¹¹⁸ Should ECOWAS decide on a military intervention in Mali, Senegal will be called on to dispatch troops there.

2.11 INTERNATIONAL AND GLOBAL ACTORS

There are a number of donor coordination forums in Senegal, some of them chaired by USAID. The groups that deal with core democracy, human rights, and governance programs include the Groupe de Casamance, the Elections Donor Working Group, and the Governance/Anticorruption Working Group.

This section is organized by individual actor, in alphabetical order.

Canadian International Development Agency (CIDA)

- Supports GOS decentralization efforts, including collectivities' ability to deliver services.

European Union (EU)

- Provides budget support to the Government of Senegal based on the condition that Senegal enacts a new procurement law and a law dealing with audit reform. The EU also provides training for authorities on procurement and financial audits and funds the IMF to support the Senegalese Treasury on cash flow management.
- Supports various justice sector reforms, including changes to the penal code, the family code, and the civil code. The EU also supports *Maisons de Justice de Proximité* on alternative dispute resolution, which covers family disputes and land rights, and is also supporting computerization of court case management.
- Supports National Assembly efforts to improve its ability to oversee the national budget.
- Following up on recommendations from its 2012 election observation missions, the EU is engaging the Government of Senegal both on a policy level and through programming interventions on legal and organizational changes to electoral administration, including improving the accuracy of the electoral list, supporting CSOs to observe elections, and training women parliamentarians and local candidates for the 2014 local elections. Provides training on the electoral code and on election monitoring, and has funded radio programming aimed at promoting better coverage for candidates, particularly women. It also has funded networking/caucusing for women, and voter education.
- Supports land reform. Activities include assistance to revise legislation on the land tenure law and to computerize the civil registry.
- Supports demobilization, disarmament, and reintegration in the Casamance.

Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)

- Develops skills and capacities at national and local levels in line with the Senegalese government's national program to implement decentralization (*Programme National de Développement Local – PNDL*). The goal is to promote participatory local decision-making that improves access to public services such as health care, education, and water.
- Recently shut down its peace-building and governance program in the Casamance after an audit unearthed serious administrative problems with the program, and has no plans to restart until the GOS makes a more coherent policy for addressing the conflict.

LuxDev

- Supports the range of Forum Civil programs, which includes citizen rating and evaluation of local government performance.

Open Society Institute

- Supports National Assembly deputies' ability to connect with constituents more effectively.
- Works with CSOs on transparency with regard to economic governance and anticorruption, and with both the government and CSOs, supports civic education on anticorruption.
- Provides support against trafficking in persons, with an emphasis on street children.
- Supports work against violence against women, including local radio programming on the issue.
- Supports training for security forces in human rights.
- Supports local CSO advocacy and research at both the grassroots level and nationally, civic education, media support, support to help form coalitions, and CSO capacity building.
- Supports the Forum Civil which has reach in slightly more than 60 collectivities.

United Nations Development Program (UNDP)

- Supports participatory planning and budgeting processes.
- Has negotiated since 2000 a series of framework agreements with the Government of Senegal covering multiple aspects of public financial management, public administration, and other areas of democracy and governance.

United Nations Children's Fund (UNICEF)

- Provides support in the area of child justice.

World Bank

- The Public Financial Management Technical Assistance Project is working to enhance credibility, transparency, and accountability in the management and use of central government finances, including by strengthening the capacity of external audit and legislative oversight in the management of public finances.
- Starting in 2014, the World Bank will focus on improving the performance of the public sector, but the precise content and focus of this project is not yet decided.
- Provides technical assistance (USAID plans to contribute) to bring Senegal into compliance with the Monetary Union of West Africa directives.
- Drafting four to five *textes réglementaires et législatives* for the Code de Transparence and the Declaration de la Patrimoine.
- Provides funding to renovate courthouses.
- In the Casamance, reinforces *Agence Nationale pour la Relance des Activités économiques et sociales en Casamance* (ANRAC's) capacity for demobilization, disarmament, and reintegration of ex-combatants.
- Strengthens agriculture value chains to increase local production.

3.0 STEP THREE: CONSIDERING USAID'S OPERATIONAL AND PROGRAMMATIC ENVIRONMENT

3.1 U.S. GOVERNMENT INTERESTS

The Sahel suffers from what the U.S. Government now understands to be a syndrome of repeated shocks: recurrent drought, chronic hunger, political upheaval, organized networks of drug dealers, and sporadic violent conflict.¹¹⁹ There are 18.7 million people across eight affected countries at risk of food insecurity.¹²⁰ Strategically located between South America and Europe, with a long and poorly protected coastline and weak governments, West Africa is an ideal transit point for cocaine traffickers whose profits in 2009 were estimated at \$800 million.¹²¹ Money from narco-trafficking operations in Guinea-Bissau and the cultivation of marijuana for export through Gambia add fuel to the ongoing conflict in the Casamance. The presence of al-Qaeda in neighboring Mali focuses attention on Senegal as a center of stability in a volatile sub-region and a bulwark against radical Islam, and makes Senegal's well-regarded Armed Forces a strategic asset of importance.

The U.S. Government hopes Senegal, as America's strongest partner in francophone Africa, having emerged from protracted backsliding, can resume a trajectory of democratic development. Government institutions were manipulated by Wade in ways that weakened them. Strengthening the institutions of democratic governance to create meaningful checks and balances is a priority for Sall's self-proclaimed "government of rupture." The Senegalese electorate is impatient for increased economic growth and tangible improvements in the delivery of basic services. But reversing both the trends and the effects of Wade's time in office will require swift and decisive action by the Macky Sall government; yet, as a coalition government, Benno Bokk Yakaar is still finding its footing.

USAID's existing DRG program in Senegal targets four areas: (1) accountability and transparency, (2) elections, (3) peace-building in Casamance, and (4) decentralization. Improving accountability and transparency will entail supporting legal reforms and improving government responsiveness to citizens' needs, with consequences for failure. Civic participation—especially increasing intolerance for all forms of

¹¹⁹ The Sahel is a band that from west to east covers parts of northern Senegal, southern Mauritania, central Mali, southern Algeria and Niger, central Chad, southern Sudan, northern South Sudan, and Eritrea.

¹²⁰ "Chronic Crisis in the Sahel Calls for a New Approach," <http://blog.usaid.gov/2012/07/chronic-crisis-in-the-sahel-calls-for-a-new-approach/> accessed November 29, 2012.

¹²¹ "Drug Caucus Hearing on West African Drug Trafficking Threats," Press Release, <http://www.feinstein.senate.gov/public/index.cfm/press-releases?id=66f7b6bb-bdf9-4457-a16e-9ecfac08191c>, accessed November 29, 2012.

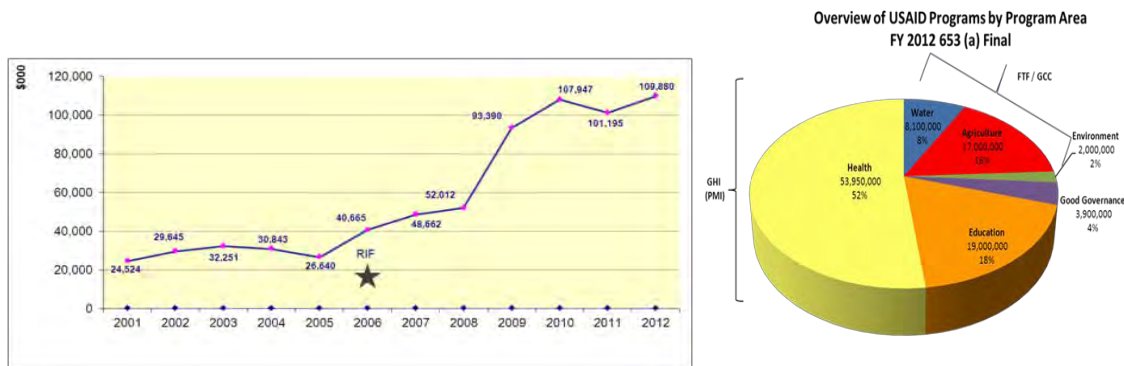
corruption—will be vital in this regard, and civil society organizations and the media must play an important role. Decentralization to improve the delivery of basic services is a priority to be shared across all USAID technical sectors. It offers an opportunity for integrating funding into a common approach of mutual benefit to all sectors. Decentralizing to improve service delivery, however, cannot succeed without fiscal decentralization. This along with tax code reform and improving the capacity of local officials to collect revenue, develop and execute budgets, and account for expenditures are areas to support.

There are two other DRG areas that warrant U.S. Government interest. The first is the conflict in the Casamance, now 30 years old. If the Government of Senegal develops a more coherent policy for resolving the conflict, USAID should provide support. The second is the potential threat of inroads being made by radical Islamists into Senegal. The assessment team found that there is sufficient worry among knowledgeable Senegalese to merit consideration of an intervention in this area, if funds were available.

3.2 USAID RESOURCES

USAID funding to programs in Senegal increased fivefold from 2005. The United States is today Senegal’s largest bilateral donor, consisting of the USAID program, the Millennium Challenge Corporation (MCC) Compact, Feed the Future (FTF), and the Global Health and Presidential Malaria Initiatives. Dakar is the seat of the Sahel Joint Planning Cell, an effort to harness the range of U.S. relief and development resources for maximum effect. DRG, however, is a low funding priority at this critical time. Although U.S. assistance has quintupled since 2005, core DRG funding, which was nearly zeroed out, is 4 percent of USAID’s 2012 budget, as shown in the figure below.

USAID-Senegal Operating Year Budget 2001-2012



The Mission is frustrated by the level of DRG resources available at this critical juncture of democratic governance in the United States’ most important francophone African partner. With Senegal’s backsliding potentially reversed, and a coalition government in power, the Mission expects \$3 million for DRG in 2013, entirely in DA. Senegal does not qualify for the Complex Crisis Fund. The Mission does not expect resources from Elections and Political Processes (EPP) or from Conflict Mitigation and Monitoring (CMM). It has received Economic Support Funds (ESF) only once in the past and finds the prospect of 1207 funds unlikely, as the process is very complicated. Given the opportunity at hand, and strong U.S. Government interests in the outcome, the low level of core DRG funding for Senegal does not equate with the importance of the urgent challenges or the opportunity, and this merits high-level U.S. Government review.

3.3 FILTERING IN ACTORS AND INSTITUTIONS

The U.S. Government has strong interests in Senegal’s future. Now that Senegal has voted out the man who was allowing the country to backslide, the time is ripe for the United States to renew a commitment to strengthening Senegal’s democratic development.

Our DRG problem statement is *the concentration of power and resources in Senegal weakens consensus on the political system, undermines rule of law, reduces competition, thwarts political accountability, constrains inclusion, and reduces government effectiveness, leading to an array of problems including pervasive corruption, poor service delivery, sporadic civil disturbances, and the lack of resolution of the conflict in Casamance*. The assessment team examined the problem statement in light of 11 actors and institutions and found that the problem is due primarily to dominant executive power. From that the team determined that the key to tackling the problem will be threefold: (1) strengthen legislative and judicial checks and balances on presidential power; (2) broaden the base, strengthen the financial viability; and (3) expand the reach of independent media, and deepen decentralization to shift authority and resources away from the central government.

3.3.1 Strengthen Checks and Balances

The National Assembly

The President of the National Assembly, Moustapha Niasse, told the assessment team in no uncertain terms that the new government intends to break with the past, and that there is ample political will to strengthen checks and balances on presidential power. USAID support would be welcome. It would also align well with other donors. The EU works to improve the National Assembly's ability to oversee the national budget. The Open Society Institute (OSI) supports National Assembly deputies to more effectively connect with constituents.

The Judiciary

The Minister of Justice, Aminata Touré, told the assessment team that the new government is focusing very strongly on improving access to the justice system and making the judiciary more effective. She said that other donors are already assisting, but there is scope for USAID support. The EU supports various justice sector reforms, including changes to the penal code, the family code, and the civil code, and UNICEF works in the area of child justice. The EU also supports the *Maisons de Justice de Proximité* on alternative dispute resolution, which covers family disputes and land rights, and is helping computerize case management, while the World Bank is working to renovate courthouses.

The Media

If USAID were to consider ways to strengthen checks and balances, the independent media might be an element to examine. One way to strengthen the independent media would be to focus on helping break up the concentration of media in Dakar, and break up the concentration of private media ownership into just a few hands. A place to start might be to work with the government to improve the process for licensing private broadcast media, especially television, but also private radio stations powerful enough to reach national audiences. A second area of potentially fruitful support would be to provide technical assistance to speed passage of the Media Code, and then to assist government regulators to enforce provisions against the practice of “fronting” and the illegal ownership of more than three media outlets. Additional government action to make owners of advertising agencies divest media outlets they own would help diversify media ownership. It would also open up the advertising to greater competition among independent media, thus strengthening their financial base.

3.3.2 Deepen Decentralization

We have seen that the UNDP, GIZ, CIDA, and LuxDev all support different aspects of decentralization, and the World Bank, EU, and UNDP are working on public financial management and public administration. All three of USAID/Senegal's development objectives have sub-intermediate results that focus on decentralization as a key to achieving sector results. As decentralization is a complex undertaking, this topic is discussed more fully in Section 4.3.4, below.

4.0 STEP FOUR: OUTLINING THE PROPOSED STRATEGY

4.1 STEPS THE GOVERNMENT OF SENEGAL MUST TAKE TO IMPROVE DEMOCRATIC GOVERNANCE

The concentration of power and resources has been identified as the main DRG problem. More precisely, it is both a cause and effect of the lack of effective checks and balances, stemming from a dominant executive branch, weak oversight functions, and a policy of decentralization that has never been completely implemented. Two other important problems have been identified: the unresolved conflict in the Casamance, which has impeded development in the region and made Senegal vulnerable to negative effects emanating from illicit activities based in Guinea-Bissau and Gambia, and the potential threat of radical Islam.

The assessment has identified steps the GOS must take. On the question of checks and balances, the GOS must strengthen the National Assembly's oversight, and law- and budget-making authorities. A fairly easy step the GOS could take would be to reestablish the multiyear term of office for the President of the National Assembly. Another fairly easy step would be to eliminate the holding of multiple public offices (*cumul des mandats*).

The GOS must also improve the independence of the judicial branch. The president's power to nominate and promote judges must be reformed. The judiciary needs more resources for in-service training of judges and magistrates and expanding access to justice through, for example, *Maisons de Justice de Proximité*.

There must be more resources for the independent auditing and oversight bodies such as the Public Procurement Regulatory Authority (ARMP).

The GOS must make it easier for independent media to operate. This would include speeding the licensing process for broadcast media, and strengthening enforcement against concentrated ownership of media, and against simultaneous ownership of media and advertising.

The GOS must complete the partially implemented process of decentralization. The two areas requiring attention here are, first, the ongoing confusion about roles and responsibilities between the collectivities and the deconcentrated services, and second, the lack of resources in the collectivities. The latter problem could be resolved through fiscal decentralization—the institution of block grants to collectivities. However, the collectivities do not function well, and the GOS would be well-served by taking steps to increase the human capacity of officials in the collectivities as a necessary step in fiscal decentralization.

It is time for the GOS to take decisive steps to resolve the Casamance conflict. A key to a lasting peace will be implicating Gambia and Guinea-Bissau in the process.

Finally, the GOS should take steps to ensure that Salafist jihadis are not in fact making inroads into Senegal. This could include regulating private school curricula, and requiring civic education in all schools.

4.2 STRATEGIC CONSIDERATIONS FOR USAID

The 2004 DG assessment confirmed what USAID already knew: the government of Abdoulaye Wade was not interested in DG programs. In addition to the lack of political will, the assessment took note of government instability, rapid turnover of personnel, and USAID/Senegal's experience and comparative advantage in working with civil society at the local government and grassroots levels. The 2004 assessment recommended an approach through civil society, working at the national and local levels, and a focus on public financial management processes. The recommended aim was to change the political culture to increase informed participation in the policy-making process at national and local levels, and increase demands for accountability. The DRG-relevant portions of the strategic framework elaborated in the 2012–2016 Country Development Cooperation Strategy (CDCS) largely track with the recommendations of the 2004 DG assessment.

This DRG assessment, which was completed at the end of 2012, has found that the concentration of power and resources is the principal impediment to improved democratic governance in Senegal. The assessment team recommends USAID should consider a new development objective of ***promoting pluralism and shared governance that supports constitutional and legal requirements***. The effort should have two aspects: strengthening checks and balances at the national level, and improving governance at the local level. The latter would have the corollary effect of improving the delivery of basic services.

In the current environment, the likelihood of significant new resources for core DRG programs in Senegal is low. Assuming no new resources become available, the minimal strategic approach would focus on the problem of concentrated power and resources, and exclude the Casamance conflict and the potential threat of radical Islam. Under the minimalist approach, two areas of activity are called for. The first is to improve the functioning of constitutional checks and balances in order to limit executive power. The second is to deepen decentralization. The opportunity is present. The 2012 election has resulted in a new government, and this potentially increases the chances of success. The new government is a coalition, however, that may or may not consolidate. The 2014 local elections will be a major test of its internal cohesion. Furthermore, the state institutions it has inherited are atrophied from 12 years of willful and malign neglect during the Wade presidency.

The low level of funding for core DRG programs will require an integration of sector programs in pursuit of DRG objectives. Decentralization can be approached through the agriculture, economic growth, health, and education sector frameworks in the CDCS. Internally, USAID should stress inter-sector integration; externally, it must stress coordination with other donors.

4.3 DEVELOPMENT HYPOTHESIS

The assessment team has concurred that Senegal's central DRG problem is the concentration of power and resources. It is both a cause and effect of weak checks and balances and incomplete decentralization.

The current DRG development hypothesis is that if democratic governance processes at both local and national levels are strengthened, and if youth are educated to better articulate and advocate for their priorities, then citizens will be able to participate more effectively in their society and contribute more meaningfully to Senegal's development.

The assessment team advances the following development hypothesis: ***If checks and balances on executive power are strengthened, and local governance is improved, there will be commensurate improvements in the quality of public services in health and education, in the development of the agriculture sector, and in the management of natural resources.***

4.4 PROGRAMMATIC OPTIONS

The recommended shift in USAID support to strengthening checks and balances at the national level must include the executive branch in the effort. The following ministries will need to play a role:

- Justice
- Health and Social Action
- Interior
- Economy and Finances
- Infrastructure and Transportation
- National Education
- Agriculture and Rural Equipment
- Promotion of Good Governance
- Environment and Sustainable Development
- Public Function
- Local Collectivities and Territorial Management.

USAID will also need to work with the president and the committee chairpersons of the relevant 11 standing committees of the National Assembly.

4.4.1 Strengthen the Legislative Branch and Independent Oversight Agencies

For improved legislative ability to debate laws and conduct oversight of executive branch ministries, policy implementation, and budget execution, DRG priorities in strengthening checks and balances should be placed on support for the National Assembly to assist in creating an independent research capability to carry out its oversight and lawmaking functions more effectively. USAID should also consider helping the National Assembly to create an institutional capacity to train new deputies (especially women), especially in basic budget literacy skills, to enable all deputies to understand public laws and policies more completely and participate more fully in important debates.

USAID should work with the independent oversight agencies, especially the ARMP, which oversees public procurement, and the Court of Auditors, which is responsible for auditing public institutions. A key area of need is to improve the forensic auditing skills needed to investigate the kinds of complex economic crimes featured in large-scale corruption and money laundering.

4.4.2 Strengthen Independence of the Judicial Branch

USAID should consider providing technical assistance for in-service training for judges and magistrates to reinforce the understanding and develop modalities to strengthen judicial independence. Additional training should be provided in trying complex economic crimes. A third area of support that would be valued by the GOS is for expansion of the *Maisons de Justice de Proximité* system.

4.4.3 Strengthen the Independent Media

USAID's focus should be on improving the operating environment of independent media through advocacy. The goal should be a speedier and more transparent licensing process for broadcast media, and improved government enforcement to break up concentrations of media ownership that impact the financial viability of small independent outlets. Support for the promulgation of standards of ethics and professionalism for journalism could also be an aim. A financially stronger independent media adhering to international standards

of professionalism and ethics and enjoying greater legal protection is important for improved checks and balances in Senegal's democracy.

4.4.4 Complete the Process of Decentralization

Senegal commenced a process of decentralization in the 1970s, but has never fully completed the process. USAID should consider supporting the so-called Act III of decentralization. This portion of the assessment team's proposition warrants a digression to provide USAID with insight into the theory, history, and political economy of decentralization, in order for USAID to better assess the chances of success.

Decentralization in Theory

An early expression in support of decentralization was articulated in Catholic social teaching as the principle of subsidiarity.¹²² This principle took on new significance in 2006 when it was enshrined in Article 5 of the Treaty on European Union, which ensures that decisions are taken as closely as possible to the citizen and that constant checks are made to verify that every action is justified.

By the 1970s, arguments in favor of decentralization based on principles similar to subsidiarity were entering the thinking about design of international development programs. Decentralization was promoted as a way for a country to manage its economic development more effectively and efficiently, as a way to increase the ability of central government to obtain better information about local conditions, and as a means for more responsive planning and quicker reaction to unanticipated problems. Local governments would be more effective channels of communication, and greater public participation in development planning at the local level would result in improved policy outcomes.

By the 1980s, the results of the earliest experiments in decentralization were coming under examination. A seminal 1983 World Bank working paper by Dennis Rondinelli and collaborators found that decentralization was not a quick fix; its application was hindered by shortages of skilled personnel, and initially was very costly to implement. Decentralization proved most successful when functions and resources were transferred sequentially, with complex functions and higher resource levels transferred only after local administrative capacities were improved. In addition, decentralization laws had to be written concisely, and regulations had to clearly and simply describe functions, roles, and responsibilities. The procedures for public participation had to be equally clear and simple, lest participation exclude all but the elite.¹²³ By the end of the millennium, it seemed the very factors that made decentralization such an attractive policy recommendation also made it very tricky to implement, and skepticism about the wisdom of decentralization was rising.

Nonetheless, as Stacey White has noted in a 2011 CSIS review of the literature, the rationale for decentralization remains attractive: if a government can perform closer to the people it is meant to serve, the people will get more out of government and, in turn, will be more willing to accept that government's authority, resulting in improved efficiency in public service delivery and better accountability. But the disparities between the promise and what has actually been gained in practice across a range of countries have disappointed for a variety of reasons, many of them difficult to measure.¹²⁴ For example, Ruben Enikolopov and Ekaterina Zhurayskaya have examined fiscal decentralization and found that it affects economic growth, quality of government, and the provision of public goods in different ways. The strength of national political parties significantly improves outcomes of fiscal decentralization, while appointing local authorities rather

¹²² Subsidiarity was formally developed in the encyclical *Rerum Novarum* of 1891 by Pope Leo XIII, and later by the German theologian Oswald von Nell-Breuning, whose work influenced the social teaching of Pope Pius XI in *Quadragesimo Anno*. See, for example, <http://www.catholicculture.org/culture/library/catechism/index.cfm?parnum=1882-1883> accessed January 11, 2013.

¹²³ Rondinelli, Dennis A., John R. Nellis, and G. Shabbir Cheema. "Decentralization in Developing Countries: A Review of Recent Experience." *World Bank Staff Working Papers* 581. Management and Development Series 8. Washington D.C. 1983. See also Uphoff, N., and M. Esman. *Local Organization for Rural Development in Asia*. Ithaca: Cornell University Center for International Studies, 1974.

¹²⁴ White, Stacey. "Government Decentralization in the 21st Century." Center for Strategic International Studies, December 2011.

than electing them does not.¹²⁵ Other empirical studies have found that decentralization leads to increased corruption and reduced economic growth. But some, such as Jonathan Rodden, caution that many efforts to measure the outcomes of decentralization suffer from methodological flaws, and their claims should be more modest. Decentralization is not best understood as a clean transfer of fixed authority or resources from higher to lower levels of government. Rather, a “more promising theoretical starting point is to analyze the causes and effects of shared and intertwined fiscal, political and policy authority.”¹²⁶ This is precisely where USAID/Senegal should start.

USAID and Decentralization in Senegal

The point of departure for considering support for Act III in Senegal should be a careful stocktaking of the history and current status of decentralization, an analysis of important variables, and a review and assessment of the policy options being contemplated under Act III. The history of decentralization in Senegal has been outlined above. It bears repeating here that the legal and institutional framework for decentralization evolved over several decades, and during the 1990s, was accompanied by political and economic liberalization. The 1996 Decentralization Law created popularly elected councils at the regional, communal, and rural community levels and transferred competencies to the local level. It transformed central government controls over local government actions from a priori under a *tutelle* relationship handed down from the French to a posteriori system. It created Regional Development Agencies staffed by central government technical cadres to assist local governments in public service delivery and development activities. Also, the Decentralization Law established authority for two or more local jurisdictions to associate in order to undertake a common project or manage a common resource.

The process of decentralization was interrupted in November 2001 by the controversial Moussa Sy amendment that placed the country’s 441 local collectivities under the stewardship of special delegations, replacing elected officials with government-appointed civil servants who oftentimes proved inexperienced in managing local affairs. Decentralization was not vigorously advanced by the Wade Administration. Implementing decrees to put the principles of the 1996 Decentralization Law into practice were never completely enacted, and certain of the implementing decrees that were enacted, prepared as they were by central government technocrats, subverted the original intent of the Law. For example, although the Law allows local government units to obtain funding directly from foreign sources, the corresponding decree required approval from the central government for amounts over predetermined levels. Local budgets and plans, contracts with private-sector suppliers, changes in local tax rates, and the establishment of new local taxes must all be approved by the central government. The central government must also approve the nomination of regional and communal council Secretaries General and must determine the general qualifications of and the civil-service rank and benefits accorded to them.

In effect, these decrees reinforced central control and constrained the exercise of local autonomy. Consequently, after initially appearing committed to fiscal reform, Senegal’s national authorities have hedged in favor of limited central government transfers and tight fiscal controls over the transfer of increased taxing authority to local governments. Financial resources made available to the collectivities have remained inadequate for the transferred responsibilities, and regions were given no tax base at all.

Between 2000 and 2004, USAID invested \$13 million in support of decentralization in Senegal. It resulted in a number of successes. Results achieved through participatory budget-making and more inclusive bottom-up policy formulation included improved natural resource management, cooperative management of local markets that increased municipal revenue, more effective provision of basic public services, and conflict resolution. Should USAID resume where it left off? Given the incomplete status of decentralization in

¹²⁵ Enikolopov, Ruben, and Ekaterina Zhurayskaya. “Decentralization and Political Institutions.” CEFIR Working Paper. *Journal of Public Economics* 91. 2007.

¹²⁶ Rodden, Jonathan. “Comparative Federalism and Decentralization: On Meaning and Measurement.” *Comparative Politics* 36 :4. 2004.

Senegal and the prospects for an Act III under discussion since the Wade administration, new skepticism about the benefits of decentralization based on a body of cross-national research, and the recent alternation of power in Senegal, USAID is well-advised to begin by taking stock. Some next steps are suggested in Section 4.5, below.

4.4.5 Crosscutting Role for Civil Society

USAID should continue ongoing support for key civil society organizations for programs that strengthen checks and balances or improve local governance. These could include increased public demand for reforms such as civil society-led roundtables, debates, and civic education campaigns. Civil society should also be called on to improve access to information for citizens and journalists and to conduct civic education campaigns to promote rights of women, children, and vulnerable populations. Existing civil society methods for monitoring the performance of collectivities should be maintained, if possible, and USAID could consider strengthening networks of CSOs and fostering links between local-level and national-level organizations.

4.4.6 Casamance and Radical Islamists

If additional DRG resources can be secured, and the GOS elaborates a more coherent plan for the problem, USAID should engage in an effort to resolve the conflict in the Casamance. USAID could consider providing support for the MFDC *assises* so that it can reestablish a central leadership capable of engaging in a binding peace process. Gambia and Guinea-Bissau should be implicated in the process.

Also, funds permitting, USAID should engage in the potential threat of radical Islamists. An assessment to establish the threat level would not be too costly. If funds were more substantial, USAID could support civil society-led civic education and communication campaigns to promote tolerance.

4.5 SCENARIOS

4.5.1 Three Variables

Three variables will determine the scenario for DRG programming in Senegal. The first and most important variable is whether the new government can consolidate and launch meaningful reforms as promised during the campaign, particularly in the areas of increased transparency and accountability, and improved delivery of basic services. If this is the case, USAID should do everything possible to increase the amount of core DRG funding for Senegal. The second variable is whether USAID/Senegal can integrate sector programs in order to produce DRG results under all three of its development objectives. Close study of the Code of Local Collectivities is merited. In particular, Title V provides scope for the creation of local-level public-private partnerships that could help advance many of the goals of DO1, increased inclusive economic growth. The third variable is whether additional core DRG funding can be secured. The three variables mean that three different scenarios, shown below, are possible.

The first variable—whether the new government can consolidate and launch meaningful reforms as promised during the campaign—is by appearances being answered in the affirmative. However, being a coalition with little holding it together beyond opposition to former President Wade, it is conceivable that the coalition will not coalesce, and promised reforms may languish as a result. USAID should develop benchmarks for enactment of reforms.

4.5.2 Benchmarks of Reform

Benchmarks should be developed in collaboration with the GOS. They could include:

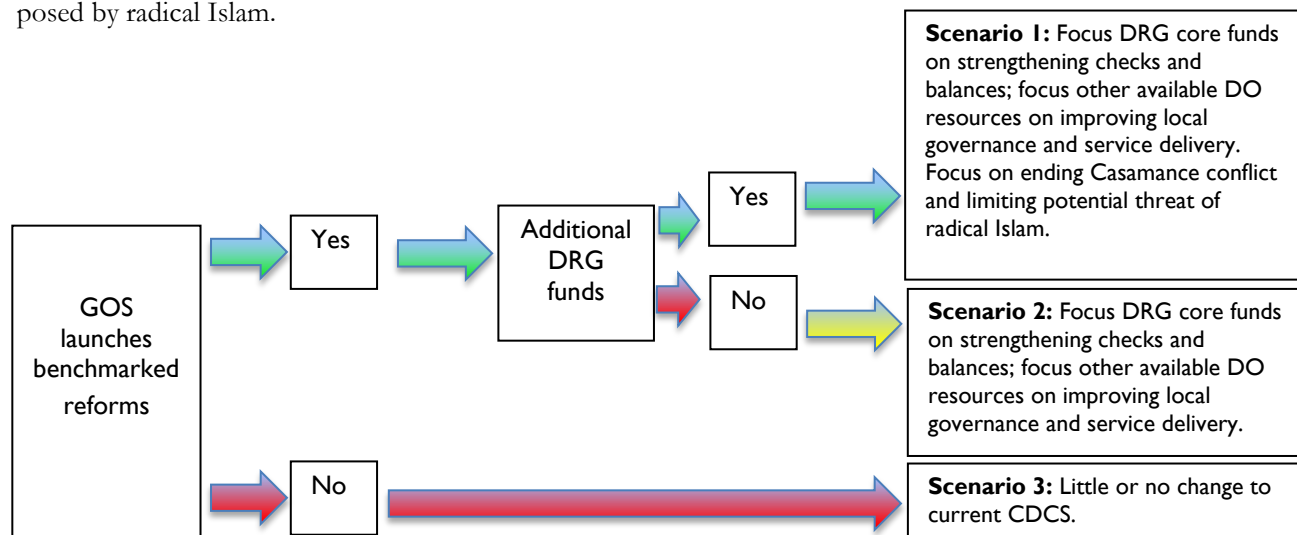
- *Measurable steps to draft and enact the so-called Act III of decentralization:* Key features should include (1) elaboration of a system of fiscal decentralization featuring block grants to collectivities, (2) regulations clarifying the respective roles and responsibilities of the collectivities and decentralized services, (2) decentralization of additional competencies to the collectivities, and (3) design of a program for improving collectivity capabilities to implement the Code of Collectivities and to budget and manage additional funds.

- *Measurable steps to strengthen legislative oversight:* This would include creation of (1) an independent research capability in the National Assembly, so that deputies would have access to independent research that would enable them to oversee the executive branch more effectively, and debate legislation more competently; and (2) an institution for training new deputies in their roles and responsibilities, with a special emphasis on women deputies. A major focus of the training should be basic budget literacy.
- *Measurable steps to strengthen judicial independence:* (1) Enact legislation to limit the president’s power to appoint and promote judges, and (2) design a program for in-service training of judges and magistrates in areas of complex economic crime.
- *Measurable steps to improve media freedom:* (1) Repeal the Defamation Law, and (2) enact a Freedom of Information law.

4.5.3 Scenarios

USAID should make its DRG programming decisions based on benchmarked reforms. Three scenarios can now be described. If the GOS does not launch reforms, USAID should retain the existing scope of the CDCS.

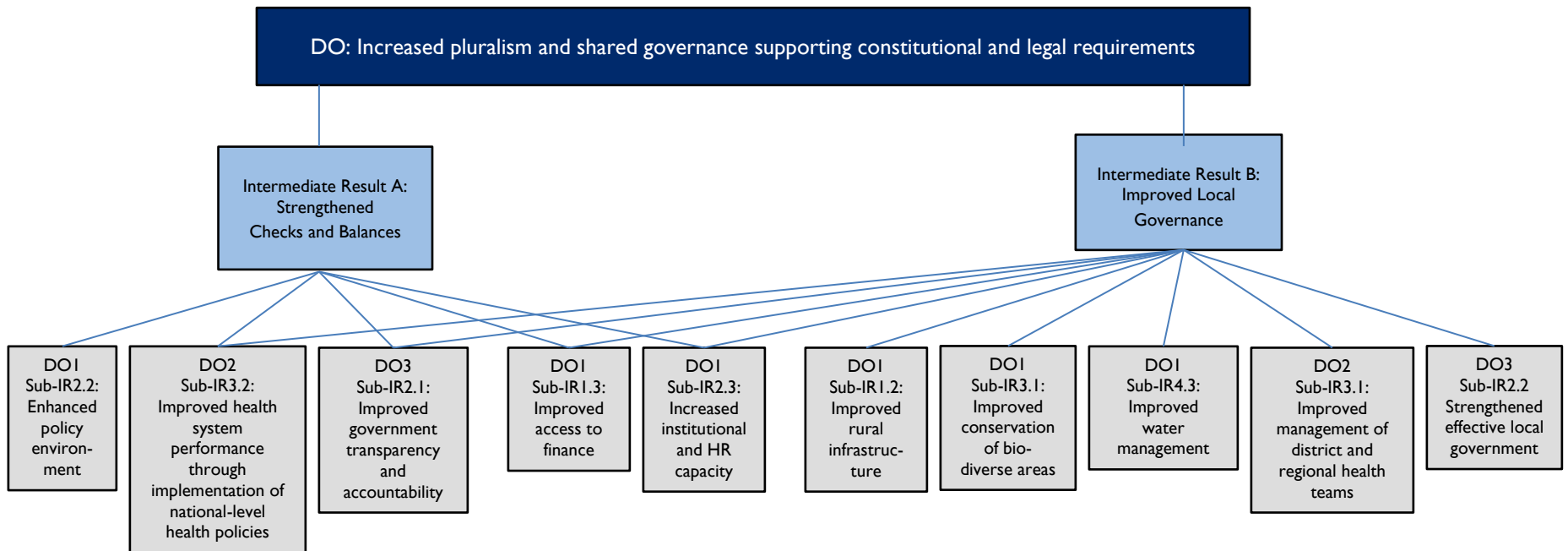
If the GOS launches reforms, then USAID should endeavor to secure additional DRG resources. If additional resources cannot be secured, a second scenario would go into effect, and USAID should focus core DRG funds on strengthening checks and balances at the national level, using the resources from the other sectors already programmed to improve policy implementation and delivery of basic services in agriculture, health, education, and natural resource management to improve local governance and service delivery. If the GOS launches reforms, and USAID is able to secure additional DRG resources, then USAID can initiate a preferred third scenario, which is to focus core DRG funds on strengthening checks and balances at the national level while using the resources the other sectors have already programmed to improve governance at the local level, and expanding the use of core DRG funds to include addressing the Casamance problem. If additional DRG resources are sufficient, USAID should invest in halting the potential threat posed by radical Islam.



In the remainder of this final section, the assessment team offers a proposed integrated strategic results framework that addresses the core DRG problem, seeks integrated solutions to the problem, and situates the solutions within the relevant portions of the Country Development Cooperation Strategy. This section concludes with illustrative activities for USAID to consider that are based on the political economy analysis done in Step 2. The team endeavors to show how the three sector teams at USAID can integrate their efforts for joint undertakings to achieve mutually beneficial results.

4.6 RESULTS FRAMEWORK

Integrated DRG Strategic Framework



4.7 ILLUSTRATIVE PROGRAM ACTIVITIES

Under the development hypothesis that if checks and balances on executive power are strengthened and local governance is improved, there will be commensurate improvements in the quality of public services in health and education, in the development of the agriculture sector, and in the management of natural resources, the assessment team proposes a development objective (DO) that reflects a solution to the core DRG problem: ***Increased pluralism and shared governance supporting constitutional and legal requirements.*** The assessment team further proposes two intermediate results: strengthened checks and balances, and improved local government.

4.7.1 First Proposed Intermediate Result: Strengthened Checks and Balances

USAID's first development objective is increased inclusive economic growth. There are a number of sub-intermediate results that will be more readily achieved if stronger checks and balances can improve the core DRG problem such that the central government performs better. These include better rural infrastructure to improve the movement of goods, improved access to finance, an enhanced policy environment that improves conservation of bio-diverse areas and improves water management, and increased institutional capacity.

USAID's second DO is improved health status of the Senegalese population. If the central government performs more ably, then improvements in the management of district and regional health teams and improvements in health system performance through better implementation of national-level policies would accelerate accordingly.

Specifically, the aims of both the Agriculture and Economic Growth (AEG) and the health development objectives would be more readily advanced if 1) Parliament's capacity to oversee the ministries of agriculture and health were strengthened; and 2) fiscal decentralization were adopted, such that the deconcentrated services and the collectivities (the level of government closest to agricultural entrepreneurs and health care providers) are managed more transparently and have more resources for improving agricultural feeder roads, establishing agriculture credit schemes, managing natural resources, and delivering better quality health care services.

Illustrative Activities to Strengthen Checks and Balances

The following are illustrative activities to achieve the first intermediate result of stronger checks and balances. Those that relate to strengthening the legislature are thought to be of interest to DO1 and DO2.

- Review the measures in the *Assises Nationales* proposed to restore the balance of power and a system of checks and balances, with recommendations for USAID action.
- Provide technical assistance to the legislature to help it
 - Develop and institutionalize an independent research capacity; and
 - Enable the committee chairs to improve application of Article 85 of the Constitution, and learn effective questioning of ministers and the prime minister.
- Facilitate constituency visits and fact-finding tours for Members of Parliament (MPs) to USAID districts, with media coverage, to learn about the salient issues of importance to USAID's programs and develop ideas for use in
 - Debates on the annual finance bill;
 - Questioning of relevant ministries; and
 - Holding public hearings to elicit citizen input and expert opinion on key questions.

- Work with the legislature and the audit institutions such as the Court of Auditors, the General Inspectorate of State, ministries, independent administrative authorities such as the Ombudsman, the National Audiovisual Council (CNRA), the Autonomous National Electoral Commission (CENA), and the Public Procurement Authority (ARMP) so that their reports are transmitted to the National Assembly, and are made available to the media and the general public.
- Work with the legislature to institute compliance with the Procurement Code.
- Fund civil society advocacy efforts and promote media coverage and support for reforms that
 - Increase judicial independence, including independence of the Superior Council of the Judiciary from the executive, so that it is no longer chaired by the president;
 - Strengthen the principle of tenure for judges;
 - Reform the system of hiring and promoting judges and managing judges’ careers; and
 - Ban interference by the executive branch in legal cases.
- Assess court support services and develop recommendations on how to reduce case processing times.
- Undertake a feasibility study on
 - Increased private funding for Senegalese CSOs; and
 - How CSOs can invest in the human resources of their staff and volunteers and encourage participatory management to strengthen the organization.
- Facilitate fact-finding missions and study tours by key National Assembly committee members, and facilitate dialogue between them and leaders of CSOs and media associations on
 - The importance of passing a Freedom of Information Act;
 - The need to decriminalize defamation;
 - The importance of enforcing laws against owning more than three media outlets; and
 - The need to ban joint ownership of media outlets and advertising firms.

4.7.2 Second Intermediate Result: Improved Local Governance

The same DO1 sub-intermediate results as above will be more readily achieved if improved local governance alleviates the core DRG problem: including better rural infrastructure to improve the movement of goods and improved access to finance, an enhanced policy environment that improves conservation of bio-diverse areas and improves water management, and increased institutional capacity.

Likewise, if the deconcentrated health services and the collectivities perform more ably, then improvements in the management of district and regional health teams and improvements in health system performance through better implementation of national-level policies can be expected.

Illustrative Activities to Improve Local Governance

- Assess prospects for Act III of decentralization, including the re-demarcation of collectivities, territorialization, and gaps in the necessary implementing decrees. If the GOS demonstrates the political will, consider supporting articulation of policy, laws, and regulations to implement Act III, including fiscal decentralization.
- Provide training to officials in targeted collectivities in key planning, budget-making, and accounting skills.
- Facilitate dialogue between collectivity officials and leaders of key community-based organizations about budget priorities.

- Use the Code of Collectivities as a basis for dialogue among collectivity officials, local businesses, and civic leaders about authority to use public-private partnerships and inter-collectivity cooperation for key projects to include agriculture feeder roads, health centers, water systems, and management of natural resources.

4.7.3 Advance Peace in the Casamance

If the GOS elaborates a more coherent plan for the problem, USAID should engage in an effort to resolve the conflict in the Casamance. This effort would need to be cognizant of the work of Ambassador Bullington, and if feasible, Gambia and Guinea-Bissau should be implicated in the process.

- USAID should assess the credibility and utility of supporting an *assises* for the MFDC. The team was divided on the motives of the MFDC spokespersons who advocated for this. On the face of it, it seems reasonable that the three factions of the MFDC must create a unified structure that can negotiate a binding agreement with the government, and so the merits of the idea should be assessed, with recommendations for USAID action.
- It would be useful to assess the credibility of reports that allege there is illegal logging, marijuana cultivation, and money laundering by narco-traffickers going on in the so-called war economy that somehow is contributing to the conflict. It would be helpful to know more about what is going on, with recommendations for U.S. Government action.
- USAID should continue its existing concentration on local economic development in the Casamance as described in the CDCS.

4.7.4 The Question of Radical Islam

It would be useful to understand more about the potential threat of radical Islam. The team was initially skeptical about allegations that more extreme forms of Salafist Islam were making inroads in Senegal, but over the course of conducting the assessment, views changed.

- USAID should support a threat assessment of the changes underway due to alleged increases in Salafist forms of Islam, with recommendations for U.S. Government action.
- Work with the key committees in Parliament and the Ministry of Education and other relevant ministries; examine the possibility of government regulation of Franco-Islamic school curricula.
- Assess the current civic education curriculum, and consider revisions to strengthen principles of good citizenship, religious tolerance, and loyalty to the Constitution.

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ANNEX I: LIST OF INTERVIEWEES (PARTIAL)

The following table provides a partial list of the persons interviewed. It is a partial list because at many of the interviews other persons who were not introduced sat in, commented, and added details and anecdotes, but had not been identified to the team. Also not included in this list are the persons interviewed in Washington during the Team Leader's in-briefing, and the names of USAID officers who provided briefings.

INSTITUTION	NAME	POSITION	TALLY
Executive			
Prime Minister's Office	Samba Diop	Advisor to the PM on Governance	1
Ministry of Justice	Aminata Touré	Minister of justice	2
ARMP	Saer Niang	Director	3
Legislature/political process			
National Assembly	Moustapha Niasse	President of National Assembly, AFP	4
	Mouhamadou Hadji Cissé	Deputy, PDS Kédougou	5
	Cheikh Bamba Sall	Special Advisor to the President of the National Assembly	6
	Modou Diagne Fada	President of PDS parliamentary group	7
CENA	Doudou Ndir	President	8
Direction de la Formation	Macoumba Coumé	Director	9
DAGAT	Omar Top	Director	10
ANCR	Alé Lo	President	11
Judiciary			
* Constitutional Court	Jacob Ndiaye	Member of the Constitutional Court	12
NGOs			
* Forum Civil	Mouhamadou Mbodj		13
CONGAD	Amacodou Diouf	Director	14
COSEF	Fatou Diop	President	15
RADDHO	Alioune Tine	President	16
OSIWA	Awa Ba	Director Senegal office	17
Y'en a Marre	Fadel Barro	Coordinator	18
Academics			
IFAN	Fatou Sarr Sow	Sociologist	19
UCAD	Abdoul Aziz Kebe	Islam Specialist	20
IRD	Abdou Salam Fall	Sociologist	21
Media			
GFM	Alassane Samba Diop	Director of RFM Radio	22
Le Quotidien	Madiambal Diagne	Director	23

INSTITUTION	NAME	POSITION	TALLY
Private Sector			
CNES	Mansour Kama	President	24
KÉDOUGOU			
Executive			
Governor	Cheikh Tidiane Diouf	Governor	25
Conseil Régional	Maroufou Touré	APR	26
	Mamadou Cissokho	AFP	27
	Talibé Samoura	PDS	28
Mayor's Office	Tama Bindia	1er adjoint au maire	29
Ministry of Mines	Lamine Sy	Chef de service regional des mines et de la géologie	30
Trésor public	Baye Doudou Gueye	Payeur Receveur Régional	31
Civil Society			
Journalists	Lama Sidibé,	Oriental FM	32
	Ibrahima Soly Dabo	Walf	33
	Moussa Seydou Diallo,	Le Quotidien	34
	Cheikhou Keita,	Communauté Radio	35
	Famakhan Dambale,	RTS	36
NGOs			
Fhi360	Jean Michel Dufils	Chef de mission	37
La Lumière	Aliou Bakhom	Superviseur des programmes	38
KEOH	Moustapha Sylla	Manager principal	39
AKAD	Cherif Sow	Coordinateur	40
Forum Civil	Guimba Diallo	Coordinateur	41
Y'en a Marre	Mouhamed Baba Touré		42
	Boubacar Cissokho		43
Centre de Gouvernance participative	Awa Danfakha,	coordinateur	44
ZIGUINCHOR			
Executive			
Governor	Cheikh Tidiane Dieng	Governor of the region	45
Conseil régional	Lamine Sagna	President	46
Mayor of Ziguinchor	Kaoussou Sané	Representative of the Mayor	47
Armed Forces			
Etat-Major General des Armées	Colonel El Hadji Babacar Faye	Commandant de Zone Militaire Cinq	48
Civil Society and Media			
ZigFM	Ibrahima Gassama,	Directeur General	49
Association of Reporters	Mr. Cissé		50
Plateforme des Femmes pour la Paix en Casamance	Ndeye Marie Diedhiou	President	51
PACTE	Moussa Barry	Chef de suivi programme	52
APEX	Jules Bassène		53
APRAN	Demba Keita	Secretary general	54

INSTITUTION	NAME	POSITION	TALLY
OTHER NON-STATE ACTORS			
MFDC	Louis Tendeng	Membre du Groupe de Contact	55
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ANNEX 2: EVALUATION OF USAID DEMOCRACY, HUMAN RIGHTS AND GOVERNANCE ASSESSMENT OF SENEGAL

As part of the DRG Assessment process, USAID commissions an independent expert on the democratic transition in the subject country or region to undertake a peer review of the Final Report. The purpose of the peer review is to provide an external commentary on how well the DRG Assessment captures the essential political dynamics of the subject country and the soundness of its analysis and recommendations. The review offers an expert opinion on the overall quality of the report, it identifies any innovative findings that may have emerged in the up-to-date DRG Assessment, it points out any key gaps in the analysis as well as noting differences of political interpretation, it evaluates the extent to which the recommendations are logically derived from the analysis, and provides an occasion for the reviewer to comment on the overall appropriateness of USAID's DRG methodology for elaborating a DRG strategic approach that is rooted in a clear and compelling understanding of a country's political dynamic.

**Evaluation of USAID
Democracy, Human Rights and Governance Assessment of Senegal
January 2013**

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Introduction and general observations

Carrying out an assessment of Senegal in the fall of 2012 presented a number of challenges, two of which are particularly relevant for this evaluation:

1. While of course the country has its shortcomings, Senegal is indisputably the most democratic country in West Africa, and one that both widely respects human rights and is characterized by better governance than any of its neighbors. I understand that a central component of the assessment framework is to “define the democracy, rights and governance *problem*,” and there are certainly problems that need to be pointed out and areas in need of support and intervention. But any comprehensive assessment is also faced with the need to balance the discussion of the problems identified with an accounting of some of the very real successes in the Senegalese case.
2. At the same time, the Senegalese “success story” was being seriously called into question just a year ago, and many observers—myself included—feared that we might be witnessing a fundamental degradation of Senegal’s political and social climate. Those fears were fortunately proven wrong with the exemplary elections and transition of April 2012. But given the turbulent situation of the latter part of Abdoulaye Wade’s tenure in office, the new government of Macky Sall is faced with significant challenges in attempting to reinforce weakened institutions and to reestablish the bases for good governance. Sall’s government still enjoys significant legitimacy and popularity, but these are almost certain to be eroded with the exercise of power. Whether the government can maintain its commitment to reform as its political honeymoon fades, or whether it will be tempted to revert to some of the same practices that characterized the previous government, remains to be seen. Thus in many ways Senegal at the moment presents a moving target for an assessment.

This very fact, of course, also underscores the value of a clear-eyed examination of the factors likely to shape the evolution of that government, so as to attempt to better support movement in more positive directions. I find myself in complete agreement with the authors’ introductory observations (p. 6) that expectations are high, that there is much pressure on the government to deliver, and that Sall has entered office “with limited space for maneuver in the face of many urgent problems.” Indeed, attempting to help the Sall government maintain the momentum for reform while the door of opportunity is still open is “where international partners can help.”

Overall, it is my sense that this assessment does an excellent job of managing a balance on the two challenges. I also find that it addresses the most salient and key factors likely to shape the evolution of the governance context in Senegal. I would add that the assessment is the work of an excellent team of specialists, and despite the modest statement (p. 6) that it is based on three weeks of field research, in fact those three weeks of interviews build on many years of careful research and work by both the American and Senegalese academic experts on the team. This academic expertise shows through in the careful nuancing of various issues discussed, and I find myself in large agreement with the ‘big picture’ of the evaluation.

At the same time, however, based on my own previous research and experience in Senegal I would offer a somewhat different take on some of the issues discussed, and a somewhat different emphasis on the relative importance of these issues. Most significantly, I am rather more ambivalent than the authors about what I find are two major assumptions that seem to underlie the assessment:

1. That a strong presidency is inherently problematic, and that therefore it should be a priority to develop ways to check and to balance presidential powers; and
2. That decentralization is likely to solve significant problems.

To be fair, the authors carefully nuance and caveat their arguments on these points. My modest divergence from their views is more a question of degree; in the balance of the positives and negatives on these questions I would personally emphasize some of the more positive aspects of a strong presidency, and some of the more negative aspects of decentralization as a strategy.

In what follows, I will discuss these two major points, as well as comment thematically (though somewhat briefly) on what I think are a number of other important issues raised by the report or, in a few cases, that might be further emphasized. I should note that the richness of the report means that I cannot comment in depth on all of these issues, and thus that my comments focus largely on pointing to some questions one might want to raise for further discussion.

The strong presidency

At a very basic level, I think it merits asking ourselves whether there might not be some causal relationship between what are certainly two salient facts about Senegal: its long stability and the strong centralization of power. That is, to what extent has the strong presidency, despite some democratic limitations, also contributed to stability? There may be a tradeoff here.

In any case, the comparative politics literature also suggests two real dangers of more checks and balances: 1. Gridlock; and 2. Instability. The potential for these problems strikes me as particularly acute given the institutional structures of a semi-presidential system. At the moment, as the authors point out, Sall's own party does not have a majority in the National Assembly, but is instead working with a coalition. If that holds and if previous patterns repeat themselves (i.e. patronage politics lead to a de facto majority for him as he consolidates the coalition) the strong presidency is likely to continue. But if party rivalries increase as Sall's popularity fades and as parties position themselves for local elections, and if the coalition does not hold, Sall could find himself without a majority in the Assembly, and potentially in a de facto power struggle with an opposition majority, unable to pass legislation or to effectively govern. While it is hard to judge the likelihood of this in Senegal at the moment, further weakening the president's powers and increasing those of the Assembly is sure to increase the temptation by an opposition to assert itself. Such dynamics were the core factor that led to the breakdown of the Third Republic in Niger in the mid-1990s, and were a clear potential problem in Mali and elsewhere.

I do agree, as the authors note (pp. 15-16), that the legislature is particularly weak in Senegal, and that there is a tradeoff in terms of democratic debate and of full public discussion of policy initiatives. But we should keep in mind that in comparative perspective many democracies—notably those with parliamentary systems and a government majority in the legislature—function without significant legislative checks on executive power. Semi-presidential systems under conditions of a government majority in the legislature may in effect function like parliamentary systems.

I would emphasize again that these comments are not meant to contradict the main point that Senegal has been characterized by a strong centralization of power, but only to suggest that the consequences of this may not all be negative. Certainly there have been many calls for limiting presidential power in Senegal, as for example with the *Assises Nationales* (discussed on p. 23), but it strikes me that these discussions tended to also be driven very much by personal politics rather than institutional ones—namely the strong (and understandable) desire to check *Abdoulaye Wade's* actions. In the end, of course, Wade was checked most effectively by Senegalese voters, and this lesson may be the more important one for future presidents to learn in thinking about their exercise of power.

Institutional instability

Less emphasized in the report than the problem of the strong presidency is the issue of the institutional instability that has characterized Senegal. It strikes me that even more than the centralization of power it is this aspect of Senegalese politics that has been very problematic for democracy. (I do recognize that in large part the institutional instability is possible because of the centralization of power, but it is certainly not inevitable). Senegal has in fact been marked by a frequent modification of the rules of game in the form of constant tinkering with institutions and constitutional provisions, but also electoral rules and similar provisions. Indeed whole institutions—such as the Senate—come and go periodically. This was a striking feature of the Wade years, but in fact is a long standing aspect of the system and one that the *Parti Socialiste* (PS) regime also used to good effect.

It is my sense that this characteristic of Senegal has been a striking weakness in the deepening of a democratic system. Among the deleterious effects of this instability may well be the effects on the party system. As the assessment well discusses, parties are fluid and ill-formed in Senegal, with constantly shifting coalitions, splintering, and other changes, mostly affiliated with key personalities. While this unsettled party system is frequently identified as a *cause* of political problems in Senegal, it strikes me that it may be more a *consequence* of institutional uncertainty. I would add that one of the authors (Professor Fall) has done extensive and very insightful study of Senegalese constitutional revisions, and his own work points to the deleterious effects of many of these revisions on democracy.

On decentralization

There are certainly benefits to the establishment of local elected governments, close to populations and able to give voice to local concerns and priorities. I have had occasion to see it at work recently in Senegal at a daylong meeting of the elected council of a local *communauté rurale* with their constituents, which was rightly portrayed as a model of what such institutions might be. But I would like to suggest that such a model is hard to replicate and sustain, and that there are also real limitations to the positive effects of decentralization. These limitations, one might also note, are also clear to many Senegalese; as the assessment notes (p. 30), surveys suggest that the majority of Senegalese have little trust in their own local councils.

The potential shortcomings of decentralization cannot be discussed at length here, but three of particular relevance in Senegal may merit pointing out:

1. In democratic terms, decentralization may well reinforce local despotisms. In the context of real social inequalities (e.g. the caste system, people of slave origins, gender disparities, etc.), as well as in the presence of strong local authorities such as religions leaders (*marabouts*), it is highly likely that local elections can be captured so as to reinforce such inequalities rather than to challenge them. And one might add that this dynamic is likely to further strengthen tendencies towards local patronage politics, and corruption.
2. Outside of urban areas, human capital is extremely limited. Finding sufficient numbers of literate people and with sufficient training to institute, evaluate, and follow up on policy choices will be challenging, or impossible. In this respect I believe the authors are very right to sound a cautionary note about the effort to role out “Act III” of decentralization in noting that the scale of need for training and capacity building at the local level would be “huge.” (p.32)
3. Local resources are very scarce in much of rural Senegal, but there is also some significant degree of variation among them. “Partnerships” between national government and local collectivities, which would be expected to tap those very limited local resources, could well actually increase rather than decrease regional disparities, and they also bear the potential to set local units up to compete with each other for access to outside resources. Anecdotally, there is evidence of a dynamic whereby local governments invest considerable effort in seeking out international patrons, in “sister city” arrangements and such, as a way to bolster their situations. While fortunate for the lucky ones who succeed, as a national strategy this has some clear drawbacks.

The assessment includes a very useful discussion of the mixed lessons one might draw from research on the issue of decentralization in cross-national perspective (p. 52-53). Taken together the research discussed would suggest that there is no simple answer to the question of the value of decentralization, but that rather it depends, and that as with many complicated policy issues the devil is in the details. Considering the Senegalese case in particular, however, this discussion also suggests much reason for added caution. The observation that strong national parties improve fiscal decentralization, for example, is a condition not met in Senegal. With the authors on p. 53, then (but perhaps somewhat contra to what is implied elsewhere in the assessment), I would agree that USAID (and for that matter the government of Senegal) would be well advised to begin with an analysis of the implications and effects of specific models of decentralization, look closely at what has worked and what hasn't in reality, and proceed with caution.

From this perspective, my own sense is that it may be a huge gamble to try to move towards the “territorialization” strategy of transferring key policy implementation to local governments in the crucial fields of health, education, natural resource management, and such. It is not clear to me how, given the constraints noted above, local councils could be better at delivering health services for example, than say a well-staffed and well-run Ministry of Health through its extensions in locales, and with the ability to assign and rotate trained functionaries to places where they are needed, and to apply a coherent and coordinated national strategy. All of that is of course difficult, but it strikes me as less difficult than trying to create the capacity for such good governance in hundreds of local contexts.

An example of where I think decentralization’s value may be overstated is in the discussion of the Casamance problem. I am very much in agreement with the analysis of the causes of the thorny problem of the Casamance as discussed in the assessment, but I am not sure that I would buy the suggestion that the solution to this issue “may be” decentralization (p. 42). If, as suggested, a key factor fueling the conflict is the weakness and incapacity of the state to effectively police and manage the spillover effects of the criminal and drug economies in Gambia and especially in Guinea Bissau, it is far from clear that decentralization would help here, and it may very well make things worse by creating incentives for local units to be complicit in these economies. We should be very careful of prescribing decentralization as a panacea for all ills.

Rule of law issues

I believe the assessment does a fine job of presenting a balanced and very clear discussion of key issues related to rule of law and various institutions. As a general comment, I agree with the various problems and limitations the authors point out here and there, but I would only suggest that in most cases these are the kind of “normal” problems with such issues that even established democracies regularly encounter—issues which may not be possible to solve, but need to be managed.

Security forces

Senegal has the most professional military and security forces in the region, and this fact merits underlining. While some problems such as those pointed out in various places in the assessment certainly exist, these seem to be within the range of violations that other democracies occasionally have to deal with in their armed forces and (as suggested on p. 10) the government does appear to take seriously the effort to deal with such issues. There are indications of some politically motivated suppression of reports of abuses during the Wade years, and these should be explored, but there is little other evidence of a serious pattern of security force abuse that I am aware of. As an important popular indicator: Few Senegalese fear the police, and indeed people regularly voluntarily go to the police to help solve disputes or for other problems. This is also reflected in the high trust in the police reflected in the Afrobarometer surveys that the authors cite (p. 24).

Judicial system and access to the judiciary

The judicial system does present a rather mixed record; I agree that there have been clear problems of politicization at the higher national level, due largely to the method of appointing and the tenure in office of judges, as for example on the constitutional court. At the same time at local levels there seems to be reasonable trust in judges and court systems. I do think that any recommendations for reforms to the judicial system should be sure to keep in mind that the Senegalese system is based on the French model, of professional judges trained and managed by state judicial institutions, and who are largely appointed to positions as civil servants by the ministry of justice. Any reforms suggested can only work if adapted to that model, and not to the rather different American one.

As the authors note (p. 13), it is true that many ordinary Senegalese do not always abide by formal law. I do think it merits pointing out however that often this is not due to a lack of trust in, or incompetence of, judicial institutions, as much as of the reality of legal pluralism, a phenomenon common in the African context everywhere given the significant gaps between “traditional” and new, colonially-inherited, legal systems. Thus, for example, the issues with land or family law (p. 13) are not so much that people are not following laws, but rather that they are following *other* (customary) laws rather than those promoted by the

state. This is of course a major fundamental issue in Africa, but one that is likely to only change slowly and with social change. In the meantime people do use the courts in many domains and, as the assessment points out, they largely trust the courts (p. 29).

Corruption

I must confess that I find the issue of corruption to be hard to evaluate, and I am generally unconvinced by many of the efforts to quantify corruption comparatively across countries; by its very nature corruption tends to be hidden and secret, and definitional issues would compound the problem in many cases. That said, there is a widespread belief in Senegal, which I *do* find very credible, that large scale corruption at high levels of government is a big problem, primarily in the form of privileged access to government contracts and such. There are also many indications that this problem got significantly worse in the Wade years. The new government of Macky Sall seems so far to be maintaining its commitment to addressing both the corrupt activities of the Wade years and the ongoing structural problems. But these are of course extremely delicate political issues in any country, and I suspect that the most useful way for the US government to support the government of Senegal's reform efforts is via high level government-to-government contact.

One observation from experience (not research) about a curious aspect of small-scale “everyday” corruption in Senegal: In such things as encounters between drivers and police officers, I am actually struck by very limited level of corruption—as long as no violations have occurred. That is, the normal routine in Senegal for someone pulled over by a police officer on the road is to check for having papers in order etc., and if indeed all is in order there is no problem and no request for payment. Only in cases where in fact there is a violation (say no insurance card, or expired permit) does a payment/bribe sometimes get paid. One hears very few to no complaints about corruption in normal interactions with state services at schools, clinics, civil registry offices, etc. In many ways the state does work in Senegal at the local level.

Electoral institutions

Following the remarkable experience of the 2012 elections, it is clear that Senegal has gradually managed, since the early 1990s, to develop an excellent system for managing elections, and that relevant actors have learned to work well within that system.

There are still a number of ongoing debates about aspects of the electoral system (e.g. single vs. multiple ballots; registration cards and national i.d. cards). Although in Senegalese political culture these are frequently discussed in alarmist trends with innuendos of efforts at fraud, in fact I find these to be legitimate issues for discussion, with the proposed alternatives each having advantages and disadvantages. The electoral management system is good in Senegal, and the debates about it are healthy and productive.

This said, there are some crucial facts about the electoral system itself that *do* have consequences that merit keeping in mind. As with all electoral systems, there are political effects of any given configuration, and any change in electoral systems has consequences for the ultimate distribution of power. These are thus highly sensitive issues, and hard to change. The most striking aspect of the electoral system that has persisted in Senegal is the mixed system for electing the National Assembly, with a list winner-take-all plurality system in geographic constituencies and a proportional representation (PR) system (with high possibility of proportionality given the large number of seats in contention) at the national level. This system has always been one that has had the effects of: 1. Reinforcing the representation of the single largest party—even if it is not a majority in electoral terms; 2. Underrepresenting the major opposition party (number two); and 3. Representing a large number of small parties, giving the appearance of a very pluralistic legislature, and distributing legislative seats to at least the head of the list of small parties—usually a vocal opposition politician.

The Senegalese electoral system is thus clearly designed (successfully) to favor a strong dominant party plus a number of small parties, and to disfavor significant opposition, and it additionally includes a PR element that will—in any country—favor strong party loyalty among elected legislators. Almost inevitably this system will produce legislatures that will—in conditions where the president has a majority—act as “chambers of

applause.” In addition this system would seem to favor the striking fluidity of the Senegalese party system already noted. This would thus seem to be partly the cause for the fact that parties tend to be linked to specific individuals. Of these, only a handful are of real significance in terms of being able to mobilize significant votes to win elections, but it does sustain the perennial roles of old veterans of Senegalese politics who head small but visible parties and continue to play a role in national politics. The point is that party systems tend to emerge from institutional incentives, as does the behavior of politicians in legislatures. To the extent that these are problems, therefore, we need to think of them as consequences and not causes of democratic shortcomings. They are not likely to be fixed by encouraging legislators to think of their role differently, or by trainings intended to convince party leaders to act otherwise than in their interests.

Religion

There is much that can be said about religion and politics in Senegal. Clearly in the current international context and as an overwhelmingly Muslim country the dynamics of religion in Senegal are of great interest and raise significant concerns both domestically and abroad. And clearly the current regional context with the collapse of Mali next door raises very specific fears and anxieties. I would fully agree that President Sall has a “delicate balancing act” (p, ix) to sustain in this context.

In various places, however, the assessment also suggests that the “danger of radical Islam” is an issue that might merit some external intervention, resources permitting. Although unable to develop the argument fully here, I would tend to disagree. An approach that attempts to define and contain “radical” religious ideas, or specific variants of religious ideologies such as Salafism, or one that attempts to promote “moderate” ideas, or variants believed to be more moderate such as Sufism, is I believe deeply flawed on several grounds. Most fundamentally, policing or influencing ideas is almost certainly to be a futile effort, and in the worst of cases can be counterproductive. Such a focus, moreover, distracts us from the more important issue of behavior, and it may also blind us to the fact that even Sufi/tolerant/moderate Muslims can be angry and can engage in violent behavior under particular contexts.

Consequently, as a policy issue I do not think the evolutionary dynamics of religion in Senegal is an area in which USAID can or should get involved. There is already a vibrant and high-level intellectual debate in Senegal about religion, and significant social variation in the positions held by Senegalese: secularists, strong “traditional” Sufi adherents, and reformists (including “Salafists”) with other ideas. Liberal democracy demands that freedom to debate such things be open, and comparative evidence suggests that open debate tends to moderate positions. Of course radicalisms are possible, but there is virtually nothing the US can do to shape the balance of power of such groups, and much that can be damaged by attempting to weigh in. I think USAID and embassy policy should be to strongly support the principle of freedom of religion for all, and to court friendly or at least cordial ties with all religious tendencies in the country.

Analytically, I think it is too facile to say, for example, that poor service delivery, slow growth, and unemployment “might be a catalyst for the growth of more radical forms of Islam in Senegal” (p. 21). Those conditions have existed for a long time, with no noticeable radicalization among the vast majority of affected Senegalese. Indeed what those conditions do seem to have catalyzed, again and again, are highly politicized and angry youth on the streets demanding political change, in 1988, in 2000, and in 2012 very noticeably, with virtually no role for religious discourse or actors in these movements.

Having said the above, I should note that given the current regional crisis I think that the danger of a terrorist act in Senegal is extremely real, and could well happen. This threat has to be taken seriously, a fact that does not seem to have escaped the current government. But I think this threat can only be dealt with effectively as a policing issue, by attempting to prevent violent criminal acts, and not as a social issue that requires some (likely unsuccessful) efforts to influence broad religious social movements.

One issue related to religion not discussed in the report and that might nevertheless merit some attention are the rather fundamental and profound changes in the historic relationship between religion and education that the state has been quietly undertaking over a number of years. Beginning with Wade’s introduction of

religious education into school curriculums in 2001, there has been a policy of building a system of state funded “franco-arabic” schools that include religious instruction; of designing new curricula and encouraging private franco-arabic schools to adopt them, including writing and distributing new textbooks on religious subjects; and of experimentation with reforms of traditional Qur’anic schools. These reforms seem to have many advantages in terms of bringing education closer to parental concerns, but they raise a number of important issues that merit consideration in the domain of education policy. Should it be of interest, I will (somewhat self-promotionally) point to the report of a research project which I co-directed on religion and educational reform in the Sahel, and available as research report number 5 at: http://www.institutions-africa.org/publications/research_stream/religious-education.

Media

Certainly one can find shortcomings, but the media in Senegal is again quite good. I would generally agree with the problems identified in the assessment, and largely with the recommendations made. But I’m not sure how much outside intervention is needed beyond perhaps expressing support for the reforms being debated in Senegal, and offering to facilitate the execution of reforms that are decided on. In general it seems to me that: 1) The media is already rather extraordinary: varied and pugnacious and vigilant; 2) the limitations that exist are known to the relevant actors and Senegal has the technical competence to deal with them—though the politics may make reform difficult; and 3) some of the constraints are not simply a question of will but of means. I would disagree, for example with the label of a “culture of *per diems*” in the media. In fact the issue is an *economy of per diems*—that’s how journalists manage to eat and write. It’s not culture change that is necessary, but better financing.

Civil Society and youth

By any possible account Senegal has a vibrant civil society, and it clearly plays a central and important, and often very positive, role as a watchdog and a promoter of better governance and rights. Recognizing this fully, I’d add only a cautionary note that we sometimes have overly high expectations of civil society, and overly rosy evaluations of specific groups. Most recently there has been great enthusiasm for the loose movement referred to as M23, which played a crucial role in mobilizing voters in the 2012 election. Clearly the movement’s role in getting out the vote and maintaining pressure on Wade to keep him from self-serving and last minute manipulation of institutions was crucially important. But it is also important to recognize that the movement was ultimately driven primarily by the political motive of removing Wade from power, and I suspect strongly that many M23 partisans would not have been mobilized in support of respecting the institutions had Wade in fact managed to genuinely win the elections. It is indicative that many of the M23 leaders have quickly accepted to enter into the new government, including such visible figures as Alioune Tine of RADDHO. I would suggest that likewise the youth movement of *Y’en a Marre*, despite huge enthusiasm for them, were in fact less representative of a civil society than of a mass movement of frustrated youth, certainly with good coordination in the political context of the pre-election period, but unlikely to be able to survive as real actors to play constructive roles in ongoing Senegalese political discussions.

What these movements *do* point to is that urban youth are likely to remain a highly potent and explosive force in Senegalese politics, for a long time. There is an urgent need to attempt to expand opportunities for the growing numbers of urban youth, including many with enough education and training to have aspirations. They will certainly continue to judge governments on the basis of their ability to meet those aspirations. I fully agree with the authors of the assessment in pointing to the challenges presented by youth (pp. 3, 17). This is an issue that could perhaps merit more attention to what types of interventions might be most productive in this domain.

Concluding comments

By way of concluding I would make several points:

1. Senegal is indeed a crucially important country, whose future has implications not just for its citizens but for the Sahelian region, and for Africa and the Muslim world more broadly. It merits careful

attention by USAID and other external actors, who would be well advised to offer as much help and support as possible to maintaining this “success story.”

2. The current moment is crucial; the elections of 2012 and the issues that were raised and around which a reasonable consensus was formed present a unique opportunity to move forward with reforms that could significantly improve Senegalese democracy, and that opportunity should be seized while the iron is hot. In addition, and in a broader regional sense, the current moment is fraught with real dangers and will certainly bring pressures that could prove very distracting for the government. *Now* is the time to act to help Senegal move forward and consolidate its democracy.
3. As I have tried to suggest throughout, there is much that is right about Senegal, and there is also much capacity locally to deal with what is wrong. As the assessment very well makes clear, there are some real problems in many domains. But it is striking that these are overwhelmingly problems that have been identified and recognized by Senegalese, and are the subject of significant debate within Senegal. It is my sense that the most constructive role for international actors may be to help facilitate debates and provide opportunities for educating and reinforcing the capacity of key actors. USAID and other external actors should, I believe, approach these issue with an attitude of “what can we do to help you solve the problems that you have identified as priority areas?”
4. In designing such supportive policies, it is particularly important for USAID to approach issues from the perspective of the comparative experiences of a broader set of countries, especially others in region. Senegal’s political institutions are fundamentally based on the French and not the American model, including, e.g. fewer checks and balances on executive branches when they have legislative majorities, and distinct judicial traditions. Policies should be designed to support the better functioning of such systems, rather than attempt to impose “solutions” drawn from other models and that may not fit the institutional arrangements.

Two very general further observations:

The catastrophe in Mali, I believe, underscores the fact that what is crucially needed in the Sahel—and indeed across Africa—are strong institutions and a strong state. The exercise of power by the state should, of course, be constrained by democratic procedures and institutions, including functional legislatures, free press, civil society, active and organized parties, and more. But it is first and foremost important that the state maintain the capacity to govern before we can work to ensure that the modes of governance are democratic. Mali today shows that the search for democratic governance—even when prolonged and expensive and internationally well supported—without a concomitant effort to maintain state capacity can be a dangerous mix.

In the end, as is noted here and there in the assessment (see, e.g. p. 29 on the legal system; p. 31 on decentralization), many of the shortcomings of governance in Senegal are ultimately the result not of bad institutions or policies per se, but rather of a shortage of adequate resources. Economic growth would seem to be sine qua non of many of the desired improvements in Senegal’s democracy, rights and governance climate.

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