

## AFRICA RISK CONSULTING Senegal Monthly Briefing July 2015

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### Senegal Summary 30 July 2015

*President Macky Sall (2012- present) hopes the trial of former Chadian military ruler Hissène Habré (1982-1990) in Senegalese courts will improve perceptions of the Senegalese justice system. Renewed power cuts and continuing energy sector problems prompt Sall to carry out a minor cabinet reshuffle. Sall entrusts key political ally Thierno Alassane Sall with the energy portfolio. Alassane Sall replaces Maimouna Ndoye Seck, who becomes the tourism and aviation minister. Seck inherits several challenges, namely the indebted national carrier Senegal Airlines.*

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### Habré trial brings President Sall international goodwill

President **Macky Sall's** (2012- present) administration has received international support for trying former **Chadian** military ruler **Hissène Habré** (1982-1990) in Senegalese courts. On 20 July Habré's trial on charges of war crimes and crimes against humanity started at an **African Union (AU)**-supported **Extraordinary African Chambers (EAC)** special court in the capital, **Dakar**.<sup>1</sup> However, the judges suspended the trial the following day after Habré's lawyers boycotted the proceedings and the judges were forced to name new defence lawyers.<sup>2</sup> The trial is due to resume on 7 September, allowing 45 days for the new lawyers to prepare, and is expected to last three months.<sup>3</sup> The trial follows victims' and human rights' campaigns spanning 15 years. The prosecution alleges that Habré personally ordered the torture and killing of thousands of his opponents. Chad's **Truth Commission** in 1992 claimed to have found evidence of nearly 4,000 killings, but indicated total killings might be ten times more.<sup>4</sup>

Habré and his legal team have refused to recognise the tribunal. His lawyers, including **Ibrahima Diawara** and **François Serres**, have contested the legality and independence of the EAC special court.<sup>5</sup> They have also criticised President Sall for allowing "*politically motivated justice*".<sup>6</sup> Security personnel forced Habré to appear at the trial. The 72-year-old shouted at the court before security personnel ejected him and a group of his supporters from the court room, which suspended the opening day's proceedings.<sup>7</sup>

The case gained momentum after Sall came to power in 2012 and the government made it a priority. Habré had previously held influence in Senegal under the former administration of **Abdoulaye Wade** (2000-2012), in which two of Habré's present lawyers were ministers.<sup>8</sup> Chad's government also lifted Habré's immunity to facilitate the case and provided assistance and some funding to the judicial process.<sup>9</sup> A victims' group first lodged a case against Habré in Senegal in 2000, but local courts ruled that they could not try Habré under their jurisdiction. The AU also refused to extradite Habré to **Belgium** to face trial, but instead asked the Senegalese government to pass legislation to allow its courts to rule on foreign crimes.<sup>10</sup>

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<sup>1</sup> RFI, 20 Jul 2015.

<sup>2</sup> RFI, 21 Jul 2015.

<sup>3</sup> Reuters, 21 Jul 2015.

<sup>4</sup> Reuters, 21 Jul 2015.

<sup>5</sup> Justiceinfo.net, 28 Jul 2015.

<sup>6</sup> Justiceinfo.net, 28 Jul 2015.

<sup>7</sup> Reuters, 21 Jul 2015.

<sup>8</sup> Reuters, 17 Jul 2015.

<sup>9</sup> RFI, 23 Jul 2015.

<sup>10</sup> Reuters, 21 Jul 2015.

The trial is viewed as a test case for Africa's legal institutions. It is the first human rights case against a former leader to be tried in another country's jurisdiction. Amid increasing criticism of the **International Criminal Court (ICC)**'s focus on Africans, a successful trial will promote the argument that Africa's legal systems are capable of trying their own citizens.<sup>11</sup>

*"With many Africans denouncing the ICC as 'white man's justice', the trial ...offers the continent a chance to show it can hold its leaders to account."*<sup>12</sup>

*"This is a chance to show that an African court can deliver justice for African victims for crimes committed in Africa."*<sup>13</sup>

### Continuing energy sector problems drive minor cabinet reshuffle

Renewed power cuts prompted Sall into a minor government reshuffle focused on the energy sector. On 23 June he moved **Thierno Alassane Sall** from the infrastructure and land transport ministry to the energy portfolio. Alassane Sall is one of Sall's key political allies and a leading figure within the president's **Alliance Pour la République (APR)**. Alassane Sall has also challenged the strong support for the president's opponent **Idrissa Seck** and his **Rewmi** party in the city of **Thiès**.<sup>14</sup> He was previously the head of telecommunications regulator **Autorité de Régulation des Télécommunications et des Postes**.<sup>15</sup>

Alassane Sall replaced **Maimouna Ndoye Seck**, who became the tourism and aviation minister (see below). Seck came under increasing pressure in recent weeks, which came to the fore when influential youth activists **Y'en a Marre** ("Enough is Enough") called for street protests on 23 June against the renewed power cuts.<sup>16</sup> Seck's record in the ministry is mixed. She oversaw reforms at the state utility **Société Nationale d'Electricité (Senelec)** and improved power supply, but failed to see through much-needed large power projects.

At the same time, Sall appointed his chief of staff in the presidency, **Mouhamadou Makhtar Cissé**, as the director general of Senelec, replacing **Pape Dieng**. Press reports cited the renewed power cuts as the reason for Dieng's sacking.<sup>17</sup> In March Senelec claimed that power outages accounted for less than 100 hours during 2014, down from more than 900 hours in 2011; however, the trend has reversed in recent months.<sup>18</sup> Several commentators claimed that Dieng was a political appointment, noting that Sall appointed him to the role after he revoked his longstanding membership of the **Parti Socialiste** to join Sall's APR.<sup>19</sup> **Oumar Youm** moved from the local government and rural development ministry to replace Cissé as the presidency chief of staff.<sup>20</sup>

The **International Monetary Fund (IMF)** reiterated its energy sector concerns when it approved Senegal's third consecutive three-year **Policy Support Instrument (PSI)** on 24 June.<sup>21</sup> The PSI involves monitoring and support, rather than financial assistance, for the government's economic policies focused on economic roadmap **Plan Senegal Emergent (PSE)**, which aims to secure emerging economy status by 2035. The IMF statement emphasised the need for "*structural reforms*" in the energy sector to promote growth.<sup>22</sup> The IMF estimates that direct and indirect costs related to the poor performance of the electricity sector will reduce economic growth by 2.8% of gross domestic product (GDP) in 2015.<sup>23</sup> State subsidies for the sector continue to drain public finances and power generation remains a key economic bottleneck in Senegal. In view of this, the government reportedly

<sup>11</sup> Reuters, 21 Jul 2015.

<sup>12</sup> Reuters, 17 Jul 2015.

<sup>13</sup> Reed Brody of Human Rights Watch (HRW), quoted in Reuters, 17 Jul 2015.

<sup>14</sup> Seneweb, 8 January 2013

<sup>15</sup> BBC, 1 June 2012

<sup>16</sup> Le Monde, 25 Jun 2015.

<sup>17</sup> Xinhua, 23 Jun 2015

<sup>18</sup> See ARC Briefing for Senegal, Mar 2015.

<sup>19</sup> The Africa Report, 29 Jun 2015.

<sup>20</sup> Xinhua, 23 Jun 2015

<sup>21</sup> IMF statement, 25 Jun 2015.

<sup>22</sup> IMF statement, 25 Jun 2015.

<sup>23</sup> The Africa Report, 29 Jun 2015.

aims to reduce subsidies to the electricity sector to CFA 50 billion (\$84m) in 2015.<sup>24</sup> In 2014 Senelec alone relied on CFA 77 billion (\$127m) in subsidies.<sup>25</sup>

### New tourism and aviation minister inherits key policy area

Sall has shifted former energy minister Seck to another policy priority area, the tourism and aviation portfolio. Seck becomes the fourth minister in the portfolio since Sall came to power in 2012. Local commentators have suggested that, by maintaining Seck in the cabinet, Sall sought to maintain the support of her **Layène Muslim Brotherhood** community.<sup>26</sup> Prior to her energy ministry appointment, Sall appointed Seck to the head of the power sector regulator **Commission de Régulation du Secteur de l'Electricité** when he came to power in March 2012. She was previously an economist at the regulator.<sup>27</sup> Seck was also formerly chief of staff in the energy ministry under minister **Samuel Sarr**, during the Wade administration.<sup>28</sup> Seck replaced **Abdoulaye Diouf Sarr**, who replaced Youm, now the presidential chief of staff, as the local government and rural development minister. Diouf Sarr is a young and increasingly prominent political ally of Sall and an executive member of the president's APR.

Seck is charged with reviving the tourism sector after the **Ebola** outbreak in **West Africa** exacerbated the downturn in the sector that began after the global financial crisis in 2008. Sall has reiterated that the sector is a key part of the PSE economic roadmap. In May the government abolished the biometric visa system, removing fees for all tourist visas.<sup>29</sup> In March Sall also pledged to reduce taxes on airfares and to introduce a 10-year tax break for new investments in the sector.<sup>30</sup>

Seck inherits a number of problems in the aviation sector. The government has failed to find a new investor to save national carrier **Senegal Airlines** from bankruptcy. On 1 July Senegal Airlines staff started a sit-in protest after management placed 70 employees on two months leave due to the company's financial problems.<sup>31</sup> Senegal Airlines CEO **Mayoro Racine** continues to insist that "*bankruptcy is not an option*".<sup>32</sup> The company debts are estimated at CFA 60 billion (\$101m) and the carrier has significantly reduced services.<sup>33</sup> In March the government said it plans to nationalise the airline to prevent it from financial collapse.<sup>34</sup> The government wants to maintain the airline to support its strategy of creating a regional aviation and tourist hub around the planned **Aéroport International Blaise Diagne (AIBD)** at **Diass** outside Dakar. AIBD's construction has faced several delays. In 2014 **Saudi Arabia**-based **BinLaden Group** stopped construction over unpaid government debts.<sup>35</sup> The government claims AIBD will open in July 2016.<sup>36</sup>

### Implications

The Habré trial has boosted Sall's international standing and the image of the Senegalese justice sector at a crucial time. Notably, Sall hopes the trial will help improve international and local perceptions of the Senegalese justice system after extensive criticism over the lack of due process in the corruption trial of former government official **Karim Wade**. Wade appealed his six-year prison sentence in March at the **Supreme Court**, which is due to rule on the case before October.

The minor government reshuffle highlights the energy sector's continuing problems. Sall knows that street protests against power cuts – associated with the final years of the former Wade administration – will significantly reduce his standing in the electorate. However, the reshuffle highlights the lack of

<sup>24</sup> The Africa Report, 29 Jun 2015.

<sup>25</sup> See ARC Briefing for Senegal, Mar 2015

<sup>26</sup> Senepeople, 24 Jun 2015.

<sup>27</sup> Le Soleil, May 2012

<sup>28</sup> Senepeople, 24 Jun 2015.

<sup>29</sup> See ARC Briefing for Senegal, Apr 2015

<sup>30</sup> See ARC Briefing for Senegal, Mar 2015

<sup>31</sup> Jeune Afrique, 1 Jul 2015.

<sup>32</sup> Jeune Afrique, 1 Jul 2015.

<sup>33</sup> Jeune Afrique, 1 Jul 2015.

<sup>34</sup> See ARC Briefing for Senegal, Apr 2015

<sup>35</sup> See ARC Briefing for Senegal, Oct 2014

<sup>36</sup> Sud Quotidien, 15 Sep 2014.

expert technocrats in key government portfolios and that appointments to government and parastatal positions continue to be politicised.

Seck will face significant challenges in the tourism and aviation ministry. Despite the government priorities, it has failed to significantly revive both the tourism and aviation industries and may struggle in its plan to make Dakar a regional aviation hub.

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