SECURITY SECTOR REFORM IN THE DEMOCRATIC REPUBLIC OF THE CONGO: STRATEGIC ISSUES

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INTRODUCTION

The aim of this issue paper is to provide some ideas regarding how best to create suitable conditions for security sector reform (SSR) in DRC. Throughout the last decade, SSR has become a key component of the international agenda in states affected by conflict. There is a growing consensus amongst donors regarding the necessity of implementing SSR for effective stabilization and reconstruction. Since 2003, this has resulted in DRC in several donor-supported initiatives to strengthen the police, military, and justice sectors. Although some of these efforts may have initially shown must promise, progress on SSR in DRC remains very limited.

Observers consider that the international community and the government are both responsible for the problems currently encountered. The former has neither been able to understand the complexity of the context for reforms, nor provide a peacekeeping mission robust enough to invest sufficient resources and to coordinate properly the numerous bilateral and multilateral assistance initiatives. For its part, the latter is often criticized for not being sufficiently engaged politically in the reform process, for prioritizing military operations against rebels at the expense of institutional reforms and protection of the civilian population, and for not having been able to address the culture of impunity that prevails within the security forces.

The reasons for such slow progress on SSR are complex. However it is clear that the DRC faces a situation that currently affects several countries emerging from conflicts. While the necessity to reform the security sector is all the more important, the capacity of the state to implement it remains weak according to the terms expected by donors. The collapse of the Congolese security institutions since the mid-nineties has occurred alongside a breakdown of broader governmental capacities. As a result of this situation, it has become very difficult to carry out reforms. The continuation of the conflict in the eastern part of the country makes matters even more challenging and has increased the DRC’s dependence on foreign aid.

As observed in other countries, donor assistance in the Congo has lead to mixed results. In the absence of a clear national SSR vision, the donors facing urgent humanitarian needs have assumed the responsibility to lead and define the SSR agenda. While external interventions have given a noticeable boost to security reforms in the DRC, they have occurred at the expense of national ownership of the process. As the main pillar of state

1 ICG, Congo : a global strategy to disarm the FDLR, Africa Report No. 151.
sovereignty, the security sector is highly sensitive. It is thus not very surprising that the government has resisted many external interventions.

The absence of consensus on the nature, orientation and rhythm of SSR has resulted in three consequences that are particularly problematic for the reform process. First, this has led to a fragmented approach, characterized by a multiplicity of external and national competing visions on what reform truly entails. Incentives and structures from both the government and the donors’ side have not encouraged the integration of these varied efforts. Moreover, there is no clear direction for SSR which is accepted by all stakeholders. For instance, several donor states still prefer to deliver their SSR assistance within a traditional bilateral framework rather than in coordination with other bilateral and multilateral partners.

Secondly, the tendency to work separately only increases the probability of a technical approach to SSR assistance. This is particularly the case in the military sector where the “train and equip” approach predominates – further focusing on the reinforcement of military capacities at the expense of the development of responsible security forces. In general, an efficient follow-up of these activities has not been conducted. This technical focus partly reflects the urgent need to carry out reforms, a preference from several national and international actors to achieve a military solution to the ongoing conflict in the Eastern provinces, as well as the difficulties encountered when working with weak governmental institutions. This approach also allows donors and the Congolese government to easily avoid engaging more difficult and politically sensitive governance reforms. Nevertheless, these reforms are absolutely crucial in creating a security apparatus that meets the basic needs of its citizens. Amongst other components, this entails civilian control of security institutions, civil society participation in the development of public policies and the financial management of the security sector along with the necessary efforts to address the issue of impunity.

Thirdly, the lack of a common vision guarantees that the “demand” for reform principally remains with the international community rather than with national actors themselves. However, not only does this situation increase the probability that reforms will be subjected to the political priorities of external actors, but it also has consequences for the durability of such efforts. The strengthening of a national demand for reform in the DRC must then be considered a fundamental long-term priority for the SSR. Without it, a reform process which would have a lasting impact or address the Congo’s specific needs is unlikely.

In order to understand the challenges for security sector reform in the DRC, we must undertake an analysis of the historical and political context in which governmental institutions have evolved since the colonial period. This issue paper will thus present this context before explicitly addressing the current strategic issues requiring particular attention. Finally, we will provide some concluding thoughts aimed at improving the terms of the implementation of SSR in the Congo.

HISTORICAL AND POLITICAL CONTEXT

Originally part of King Leopold II’s private domain under the appellation of “Independent State of Congo” (Etat indépendant du Congo –EIC-, 1885-1908), then part of Belgium’s colonial empire (1908-1960), the Democratic Republic of the Congo

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2 Sebastien Melmot, Candide au Congo : L’Echec annonce de la réforme du secteur de sécurité (RSS), Focus stratégique No. 9, IFRI.
became independent on 30 June 1960 following a period of political troubles between the Congolese political elite and the Metropolis (Belgium). During the colonization period, the Force Publique essentially ensured the colony’s stability and the protection of its interests by force. In the aftermath of a turbulent political independence acquired from Brussels, the Congo entered a first chaotic period (1960-1965) marked by regular Mulelistes armed rebellions against the Congolese national army until the military coup of 24 November, 1965 when General Mobutu seized power.

In order to prop up his regime, Mobutu relied on the army, renamed “Congo Armed Forces” (Forces Armées Congolaises -FAC-). Furthermore, he established a military dictatorship run by a single state-party, the Popular Movement of the Revolution (Mouvement populaire de la révolution -MPR-, 1967-1990). During this period, the legislative power (known as the Conseil législatif) was incorporated into the party and neither held effective power over the security forces (especially the FAC, renamed Zaire Armed Forces –Forces Armées Zaïroises -FAZ-, 1971-1997) or the various intelligence services. These latter government agents, considered as “shields” of the dictatorship, were directly attached to the Presidency. Their mission was to find information about persons or activities suspected to represent a threat to the regime’s security.

In these conditions it was clearly not possible to agree upon any democratic control of the security sector that would require greater responsibility, accountability and transparency towards the people and its representatives. On the contrary, as occurred during the colonial period, the security forces became progressively stronger, repressing the population and creating a real gap that has proved hard to fill through today. In this context almost all the military and intelligence activities were considered as classified material. The very idea of accountability was purely ignored given the supremacy of the army and other intelligence services over the civilian institutions.

With regards to the Parliament’s role in the control of the security sector in the context of a dictatorship, Boubacar Ndiaye writes “…This kind of political regime was characterized by an excessive concentration of power in the executive power’s hands not to say in one single man’s hands. As a consequence, the Parliament’s role was mainly about assenting to and validating decisions that were taken elsewhere. Such practices reflected the notion of a “registration room-Parliament”…” This was even more so the case when decisions concerned defence or security. These two domains were supposed to be left exclusively to the prerogatives of the head of State, his security advisors and senior military leadership.3

Moreover, given that parliamentarians could not exert any control over the security sector, civil society was naturally even further removed from democratic governance. In fact, under Mobuto’s leadership, Congolese civil society was composed of organizations working within the MPR. Most of these organizations, referred to as “Development non-governmental organizations” (Organisations non gouvernementales de développement – ONGD-), focused their activities on malnutrition, agriculture and cultural activities. Wider involvement in democratic governance is very recent, dating back to the aftermath


of the opening up of the political sphere in the 1990s. Only even more recently has civil society become involved in the democratic monitoring of the security sector.

These inroads in favor of a multi-party system over a dictatorship were reinforced by the ‘winds of democracy’ (also known as perestroika) that swept the African continent. Military dictatorships were, in spite of their own resistance, forced to abdicate and to allow more space for an increase in legislative power. However, exacerbated by an already collapsed economy, a new period of political instability began in the DRC, during which the dictatorship persisted on staying in power without considering any political alternative. This situation remained unchanged until the formation of an armed opposition supported from the inside by the population and from the outside by Rwanda, Uganda and some actors from the North.

Eroded by both crisis and corruption and specialized in popular repression, the security pillars of the dictatorship set out on lootings sprees across the country, destroying the few private companies which remained. However, in May 1997, those very same security forces were forced to surrender at the hands of the military opposition lead by the Democratic Forces for the Liberation of Congo Alliance (Alliance des Forces Démocratiques pour la Libération du Congo - AFDL-). Among other consequences, this war caused the complete breakdown of the Congo’s security forces.

Unfortunately, a second war broke out before the army was reorganized under new President Laurent Kabila. This war, called the “correction war” involved the regular armies of between seven and nine African countries, a large number of rebel movements, Congolese and foreign militias in addition to a significant number of private African and Western actors. The conflict became internationalized to such an extent that it eventually was referred to as “the First African World War.”

In order to bring an end to this second war, political negotiations were conducted between the different Congolese actors in South Africa (2002-2004) after countless meetings and the signing of numerous agreements. In fact, these political negotiations (2002-2003) established the basis for the security and justice sectors reforms. They were followed by a disarmament, demobilization and reintegration process led by the support of the international community. This process paved the way for army reform, as the former rebel groups and armed forces were mixed and integrated into the new Congolese army named the Armed Forces of the Democratic Republic of Congo (Forces Armées de la République démocratique du Congo - FARDC-). But some battalions (especially those belonging to the former rebellion of the Congolese Rally for Democracy-Goma – Rassemblement Congolais pour la Démocratie-Goma) refused to be integrated with other forces. They blocked the ongoing process and violently resisted the loyalist forces during four years (2003-2007), before opening a new negotiations cycle regarding their integration (known as “mixage”) whose results remained unclear.

Leading up to the parliamentary and presidential elections in July 2006, around 18 integrated battalions went through military integration centers and several police units received training on security for elections and the restoration of the rule of law.

Besides the complete breakdown of the security forces, years of crisis and war (1990-2003) deeply and permanently weakened the authority of the State. Entire regions remained outside the State’s administrative control to the benefit of Congolese and foreign armed groups. Social structures were also very affected by the near 20-year political and economical crisis. In such a context, insecurity manifested itself in multiple ways, ranging from the absence of the guarantee for people’s physical protection from serious human rights violations to a lack of basic economic means of survival.

In addition, the judiciary system, civil and military courts are significantly affected by corruption and are not able to exert an external control of the security forces. Such institutions, originally created to provide a balance to executive power and to avoid authoritarian tendencies, are still unable to provide Congolese citizens with a peaceful enjoyment of their rights and freedoms.

Therefore, reforming these services (in the absence of their complete transformation) is an essential step for the country’s social, human and economic development.

STRATEGIC ISSUES FOR SSR

Several strategic challenges have to be dealt with both by the international community and the government to prepare the political ground for real SSR in the DRC.

1. End of the conflict in the Eastern provinces

The first and most important challenge is to put an end to the repeated cycles of violence in the East, where local and foreign agendas and political and economical interests are deeply interwoven. This phenomenon clearly appears in the "militarization of trade" in the East, where different antagonist armed groups have become directly involved in commercial activities relative to the protection, mining, and trade of mineral resources. Exacerbated by the intervention of the DRC’s neighboring countries under the pretext of their own national security interests, this commercial dimension of the conflict fuels (and is stimulated by) the international demand for the Congo’s lucrative national resources.

As a consequence of the fusion of these interests and agendas, the conflict in the Eastern provinces has developed an autonomous dynamic that has engulfed the Congolese security apparatus, where it has been a key military actor. This situation is a real dilemma for SSR because the FARDC and their high command are involved simultaneously in actions that create and fuel violence as well as efforts to put an end to it, such as in the case of the Kimya II operations launched against the FDLR with the support of MONUC. These military operations had a number of unintended consequences, including a sharp increase in internal displacement and abuses conducted against civilians both by governmental and rebel forces.6

The fundamental structural reforms so deeply needed in the DRC cannot be carried out as long as the security apparatus is focused on the war against the FDLR and other armed groups. Moreover, the violence in the East is unlikely to end as long as significant security governance reform is not achieved and more affective command and control are

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not imposed upon the army's units in the region. However, this kind of reform has not until now been a priority for the government and its international partners. On the contrary they have concentrated their efforts on enhancing military capacities in order to accelerate a military solution to the conflict in the East.

2. Restoration of security and basic means of subsistence

The second strategic challenge for SSR in the DRC consists of restoring security and basic economic needs of the populations affected by the conflict in the East. This includes not only civilians who receive the largest brunt of the war’s suffering, but also the different rival armed actors involved in the conflict. If the latter's fundamental needs (and those of their families) are not met, they will be more likely to harass and attack local civilians.

A very basic dilemma will present itself when violence comes to an end in the East (by political or military means). A significant amount of FARDC military personnel will remain deployed in the Eastern provinces with very weak logistical support to them, a divided command and control structure along with a centralized political power that has a limited control over the military policy in the region. Several armed militias will also continue to exist, including between 4-5 thousand FDLR combatants who will continue to represent a threat to the security and peace of local populations. Without a large-scale DDR program, such a threat will surely not be neutralized.

Many challenges to SSR result from this potential situation. Firstly, efforts made to dismantle irregular armed groups have focused until now on the fusion of these groups into the FARDC or on their reintegration in their communities. The first process faced many obstacles due to the poor living conditions of the integrated units, who, as a result, continued their predatory behavior towards the local population.7 Recent experience also has shown that is it difficult to exhaustively break all links between commanders and their former soldiers in order to create a truly neutral republican army. Focusing on the creation of a bigger and stronger army to counter the FDLR's threat is thus not compatible with the long-term demands of SSR.

Efforts made for reintegration also faced huge challenges because they focused more on the soldiers' disarmament and reinsertion than on sustainable reintegration into their communities. International DDR norms, for instance, have been one of the "victims" of this process, particularly those relating to the rights of women who are seldom recognized as combatants.

3. Development of a security reform plan controlled by the Congolese authorities

Despite the general awareness of the necessity of justice and security sector reform dating back to the inter-Congolese talks, a Congolese reform vision did not emerge before the SSR round table in February 2008. Since then, no global strategic plan has followed. As a result, different stakeholders have organized their actions without defining interdependencies which could lead to a proper multi-sectoral SSR process.

In addition to this absence of a strategic SSR vision, other factors must be taken into account, particularly the increasingly important role of multilateral and bilateral cooperation and the lack of human and financial resources. Political will and outstanding

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7 Some CNDP units were treated better that units from other armed groups that integrated the FARDC, which triggered tensions between these groups.
security issues in the Eastern provinces plagued by successive wars involving Congolese and foreign armed groups against the FARDC are also deserving of attention.

With regards to multilateral stakeholders, principally the United Nations and the European Union, both provide the DRC’s security forces with multidimensional assistance (technical, material, organizational…). However, this assistance is most of the time a mere transplantation of experiences implemented in other countries without properly taking into account the local specificities. In fact, SSR has often been perceived by some multilateral actors as belonging to the domain of bilateral cooperation. In some areas, these experiences have shown significant limitations. As a consequence, the implementation of the DDR national program has faced major difficulties regarding budget predictions for the transport of combatants to their communities for reinsertion.

With regards to bilateral cooperation, models for SSR are often taken from the donor countries’ own experiences. Assistance provided through these channels gives very little priority to consultation with other stakeholders and lends itself to the fragmentation of energies and resources.

One of the consequences of the lack of coordination between the different bilateral donors is to remove any type of harmonization within SSR. For example, several countries supplied the DRC police with technical assistance in line with their own domestic experiences, which highlighted the lack of uniformity in the training offered.

Despite of the organization of democratic elections in 2006, the security forces (especially the police and the army) remain major stakeholders in the country's political equation.

4. Democratic safeguard for security reforms

Democracy cannot exist without a parliamentary capacity to fully take on its legislative role and to ensure accountability in monitoring the executive’s actions. Without an efficient and competent parliamentary control over the policy guiding the activities of the security service, there is can be no real security sector reform.8

In the aftermath of the first democratic elections since its independence, in 2006 the DRC established a two-chamber parliament comprising of a national Assembly and a Senate. The next elections, which are planned to take place in 2011, likely will challenge the neutrality of these institutions towards vis-à-vis the executive.

With regards to the National Assembly’s capacity to exercise democratic oversight, political coalitions have built a majority in order to nominate a Prime Minister and establish the government. Indeed, SSR’s main stakes are linked to the Parliament’s (and more precisely the Chamber of Representatives’) difficulties in effectively monitoring the security sector without placing at risk the interests of the executive given that they belong to the same political alliance. According to some observers, the parliamentary majority sometimes protects the executive against any attempt to oppose its agenda.

In addition, a culture of parliamentary oversight for the security sector still does not exist. The security services themselves, accustomed to the habits of opaque governance, do not facilitate the development of more democratic practices. Nonetheless, Parliament’s role in establishing the legal framework and voting on security budget has increased over the last couple years.

Civil society was, for the most part, removed from any security sector oversight and closed off from any decision-making. Monitoring of executive actions only became possible in the aftermath of the political “opening-up” in 1990s, with the establishment of human rights associations. However, these associations were accused of working for the opposition and Western interests hostile to the regime.

Only quite recently, civil society’s role in democratic governance (and more particularly in the creation of reform and accountability policies) has progressively grown stronger. Civil society still needs to make an effort in order to be considered as a real reform partner. A first step was made when the government agreed to including civil society in dialogue surrounding the organization and functioning of the police. Experts from civil society were actually integrated into the Police Reform Monitoring Committee. Eventually, civil society was also asked to support the National Assembly’s Defense and Security Commission in their review of the organic law on the Army, the Defense High Council Bill and the Defense Bill. These opportunities must be capitalized on in order to fully incorporate the expectations of the public into the DRC’s security policies.

GUIDANCE FOR FUTURE DEBATE

1. National Consensus on SSR

Security is essential to the well-being of a nation’s people. Their opinions must thus be reflected in national security policies which protect and promote fundamental values and principles. Moreover, it is imperative that the security sector progressively opens itself up to allow civil society to convey popular opinion throughout the elaboration and implementation of security policies.

The antagonistic tensions which have characterized the relationship between security services and civil society must be addressed. The actors need to recognize the need to cooperate in a constructive fashion, which means sharing not only the successes but also the failures in the implementation of security policies. The question remains though how the DRC can overcome this enmity and mistrust in order to build a mutually beneficial dialogue around security sector reform?

In our view, once civil society does indeed involve itself in the security sector it should explore two paths in order to consolidate its presence and stimulate cooperation:

Revisiting historic civil society strategies: With regards to the security sector, civil society’s strategy has been founded on a human rights approach, focused on monitoring and denouncing abuses. Throughout the years, this strategy has encountered certain limitations. As a result, civil society needs to modify its approach given that military officers, policemen and even intelligence agents are not aware of their own rights and often become de facto victims themselves. It is thus essential to establish a dialogue between civil society and the justice and security sectors through periodic training and awareness-raising activities.

Strengthening civil society’s expertise on the security sector: Given the complexity and sensitive nature of the security sector, civil society must act with full knowledge of the facts, otherwise it risks being discredited and rejected. Civil society must convey its perspectives on technical questions concerning reforms within the Army, the Police, intelligence services and the judicial system whose organization and functioning have

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had important ramifications for other sectors of society. Civil society must consolidate its knowledge and increase its specialization in technical issues related to these different sectors in order to relay its vision of reform through solid arguments.

The DRC can then build from the models of other African countries where civil society organizations opened talks with national authorities, leading to new approaches on SSR which better met the needs of citizens. In Liberia for instance, a country that went through a devastating armed conflict in the 1990’s, several civil society organizations participated in a series of trainings with representatives of the security forces and members of parliamentary commissions. The aim of these trainings was not only to increase the knowledge of stakeholders regarding security policy, but also to open up new lines of interaction and communication between these actors in SSR.

While new strategies are crucial for civil society, they are even more essential for the legislators called on to exercise oversight on the actions of the government and its security services. Such monitoring is to be conducted in line with constitutional principles, as the executive cannot evade its fundamental accountability to the Parliament.

Moreover, in the Congo, it is important to situate any analysis of civilian oversight within a political context in which the majority in the Parliament belongs to the same political alliance as the executive, which, in turn, is responsible for nominating the near totality of top security officials. While enhanced security sector accountability is pursued, political loyalty requires parliamentarians to protect the interests of the executive. The question remains how the Parliament can reach consensus with the government regarding desired security objectives, without effectively holding the government responsible.

As a result, members of Parliament would be ineffective in inquiring into wrongdoing by the government when actions in question are carried out by my members of their own political parties. As such, significant challenges remain for greater accountability of the security forces to democratic institutions.

2. Dividing up the tasks amongst the different stakeholders

The problem of SSR in the DRC does not lie in identifying reform objectives as much as it is a question of maintaining political will both on the national and international level in order to create effective partnerships. This requires a proper distribution of the various major tasks amongst agencies from the Congolese government, the United Nations, donors, as well as state and regional organizations. Collectively, these actors must seek to agree upon a common road map specifying each partner’s role and responsibilities in working within a clear national SSR policy developed by the Congolese themselves.

To date, there has been considerable competition between international institutions and donors in the field of SSR resulting in the absence of any credible coordination. Several countries are implementing their own military cooperation programs with little transparency. The United Nations and the European Union must address the vacuum of international leadership on SSR in the Congo. In the absence of proper international coordination, it is very difficult for the donors to ask the local authorities to adopt a more integrated approach to SSR.

However, properly coordinating efforts within the vital areas of SSR is highly political. Only the United Nations can provide the necessary political framework for the disparate

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technical assistance programs. At the current stage though, MONUC is not able to effectively respond to the demands of its Security Council mandate, particularly civilian protection. Over the next two to three years though, MONUC will likely be pressured to accelerate the SSR process as part of its drawdown and eventual withdraw from the DRC. As a result, the international community risks prioritizing short-term impact instead of the fundamental structural reforms so deeply needed to ensure the lasting legitimacy and efficiency of the DRC’s security institutions.