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Candide in Congo

The Expected Failure of Security Sector Reform (SSR)

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« Focus stratégique »

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Introduction

In the space of a few years, Security Sector Reform (SSR) has become a central concept of international intervention in countries exiting crises. It closely links theory and practice, responding to images of anarchy caused by civil wars during the 1990s (Liberia, Sierra Leone, the Democratic Republic of Congo, etc.) and to the rise of neo-institutionalism in development thinking.[1] This school of thought has led to the rehabilitation of the State in the official discourse of the World Bank and to a renewed interest of the Bank in the analysis of civil wars.[2] The linkage between questions of development and war has thus led to a minimum, secure environment being seen as vital to prospects of stability required by economic actors.[3]

Ten years on, SSR is now part of the "peace kit", along with transition under international control, the drafting of new constitutions, elections, donor conferences and transitional justice. SSR was recently the subject of a report by the UN General Secretary.[4] All the major international organizations have now included the concept in their doctrines.[5] Recent international interventions in the Middle East, Sub-Saharan Africa and the Balkans may have varied in terms of their intentions, the actors involved and approaches used. Yet, SSR has been stressed and pursued in each case, albeit with varying success. In public pronouncements on maintaining peace, reference to SSR is compulsory, and SSR is almost always described as a structural change, conditional to durable peace.

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[1] See, for example, the British economist Ronald Coase who developed the theory of transaction costs, which in turn led to institutional economics, while renewing the economic analysis of law.

[2] Paul Collier, *Breaking the Conflict Trap and Development Policy*, World Bank Publications, Washington, 2003.

[3] Finn Stepputat, Lars Buur & Steffen Jensen, *The Security Development Nexus*, HSRC Press, Cape Town, 2007.

[4] On March 17 and 18, 2008, the United Nations Development Programme (UNDP) organised a consultative meeting in New York to discuss four themes of the report (gender and SSR, civilian control, participatory processes and institutional arrangements, as well as strategic partnerships).

[5] The United Nations, the Organization for Economic Cooperation and Development (OECD) ("the reform of security and governance systems: principles and good practice" and the "textbook on the reform of security systems", in 2007), as well as the EU (support for SSR in ESPD in 2006) have all integrated SSR into their general policy documents, or even take this issue into specific consideration.

The SSR implemented in the Democratic Republic of Congo (DRC) has undermined the self-evident nature of this approach, revealing its ambiguities, limits and especially contradictions. In short, this new international public policy is subject to multiple, changing and diverging interpretations and strategies by the actors who are meant to apply it on the ground.

Security Sector Reform as a Post-Transition Project

Given that Congo's "national" situation has been characterized by external and internal insecurity, SSR emerged as an obvious strategy and as a key element in getting the Congolese State "working again" during the political transition (2003-2006).

Preparing for the Reform

The inter-Congolese dialogue led to the Sun City agreements, which launched a period of power-sharing under international control. For three years, the DRC was subject to the "1+4" rule (a president and four vice-presidents representing the country's main political organisations). A UN mandate authorised the large-scale use of force (Chapter VII) and made provisions for an "International Committee to Accompany the Transition" (ICAT), which quickly became seen by the Congolese public and political class as disguised guardianship. The political transition took place against the background of the complete destruction of the DRC, a result of 30 years of predation and two consecutive wars: the 1996-97 war which ended Marshal Mobutu Sese Seko's regime, bringing Laurent Désiré Kabila to power, and the war when the latter broke with Rwanda, while the Rally for Congolese Democracy (*Rassemblement pour la Démocratie au Congo*) broke up in 1998. The eastern and western parts of Congo were then governed by warring powers and so are physically, economically, administratively and politically separated. Roads, telecommunications, the circulation of money and domestic business, etc. have disappeared or disintegrated to the point of leaving just an "archipelago state".[6]

The political and administrative destruction of the country has not failed to affect the security forces. As with the rest of the State, they were already in ruins at the end of Mobutu Sese Seko's regime. The collapse of the State led to the progressive autonomy of these forces, which stopped following orders or simply saw all command structures break down. They subsequently adopted strategies for financial survival, which they had already tasted during the pillage of 1991-93, and simply fell apart. Indeed, the armed forces most often just dissolved into multiple militias, whose predatory behaviour depended on the political, ethnic and personal

[6] Roland Pourtier, « L'Afrique centrale dans la tourmente. Les enjeux de la guerre et de la paix au Congo et alentour »*, Hérodote,* n°111, 2003, pp. 11-39.

affiliations of thousands of soldiers of fortune.[7] From this point of view, security institutions are not different from other state institutions: their mutations under conditions of chaos were strictly identical, and the Zaire Armed Forces were saddled with numerous nicknames (eg: the DéFaZés: a pun on being "out of step"), that give some idea of their behaviour at the time. The detailed history of their breakup and the transformation of these stray soldiers into militia and warlords remains to be written. But many joined the *Maï Maï*, Congolese armed groups made up of a *lumpenproletariat* of rural youths. As the leading sources of insecurity in the country, the police and the army have, up to now, sorry records of human rights violations. According to the Special Rapporteur on the independence of judges and lawyers, 86% of human rights abuses have been committed by government officials. [8]

The actual reconstruction, rather than just the reform of the State security apparatus, should allow four goals:

- the re-establishment of internal security;
- border security, which has been violated for years;
- an exit from the Disarmament-Demobilisation-Reintegration (DDR) process;
- and more generally, allow minimum stability to be restored by transforming forces of insecurity into security forces.

The main actors involved in international intervention (both countries and international organizations) have not had problems agreeing on the importance of SSR. Intellectual consensus between major international institutions, namely the UN and the EU, was almost immediate, and SSR figured prominently in discussions on the reconstruction of the country after transition. A specific commission was set up during the transition, including Congolese authorities, members of the ICAT and other partners. SSR was also mentioned in the doctrine document of the World Bank and of the European Commission on the reconstruction of the DRC (the *Governance Compact*).[9] It was subsequently adopted in other planning and strategic

[7] For example, until 2005, the so-called FAPC militia controlled the Aru zone in the district of Ituri on the border with Uganda, under the leadership of Jérôme Kakwavu, a former police sergeant and self-converted warlord. He subsequently agreed to disband his militia in exchange for being commissioned in the Congolese army as a colonel.

[8] Leandro Despouy, *Rapport du Rapporteur spécial sur l'indépendance des juges et des avocats*, Conseil des droits de l'homme, 11 April 2008.

[9] The *Governance Compact* views SSR as a classical institutional reinforcement operation, including 1/ completion of the process of integration of the army and the disarmament/demobilization/reintegration of militias; 2/ the re-establishment of payment mechanisms, professionalization, the reinforcement of discipline and

development documents, formulated either unilaterally by the Congolese government (the *Governance Contract*) or jointly with foreign partners (the "Priority Actions Program" of the Planning Ministry). SSR was at the center of the contact group's agenda, while the EU was planning to play a lead role in implementing this policy, as of 2005. The European security strategy (2003) was followed up by the formalization of official doctrine on SSR in 2006 (the "EU concept for ESDP support to SSR"). The EU, which deployed a military mission (EUFOR RD Congo) to provide security for the elections in 2006, took the occasion to set out a strategic European approach to SSR, specific to the DRC (*Towards a Single EU Approach to SSR in the DRC*).

This preparatory conceptual work was accompanied by pioneering action during the transition. The UN Mission in the Democratic Republic of Congo (MONUC) worked very early on, training the Congolese police, thanks to its Civilian Police Unit (CIVPOL). Belgium was also first to get involved in training the army, as of 2004. South Africa and Angola are similarly engaged in this area, the former developing high level contacts, and the latter organizing military training as it already had direct military experience in the DRC.[10] Though limited in scale, these operations were important because they laid the foundations for SSR, tested and defined the limits of feasibility, while being conducted with strategic urgency. The trained military units were prepared for deployment in turbulent provinces in the East. The police units became a force to protect institutions at the start of transition, and subsequently a force to provide security during the elections.

Furthermore, as of 2003 in Ituri, a project to re-establish the penal system (in the wake of operation "Artemis") was implemented by France, MONUC and the European Commission. This alone constituted local SSR. Re-establishing the penal system implied reconstructing the police station, the court and the prison of Bunia, as well as training magistrates, prison staff and police officers. The project was carried out in a border area, where State justice had been supplanted by militia justice, and where the first deployment of police sent by Kinshasa to re-establish order in 2002 ended in complete failure (they were beaten back by militia and a Minister was even taken hostage). Ituri symbolized the breakdown of the rule of law and became an experimental zone for urgent intervention by the EU in the field of security.[11]

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democratic control over the police and the army; 3/ establishing the independence of the judiciary as well as its abilities to function.

[10] During the second war in 1998, Angola took part in the African coalition supporting Laurent-Désiré Kabila (Zimbabwe, Chad, Congo-Brazzaville, etc.). In this capacity, the Angolan army led operations against Rwandan troops who had seized Kitona and the power station at Inga in the border province of Lower Congo. Supported by Angolan troops, Kabila's forces stopped Rwandan military operations from succeeding.

[11] Thierry Vircoulon, « Transposer l'Etat de droit dans les *Failed States* ? Réflexions à partir d'une expérience africaine », *Les Cahiers de la Sécurité Intérieure,* n°55, 2004, pp. 205-218.

The EU was solicited to contribute to safeguarding the transition, and went from planning to action by deploying two missions in the DRC as of 2005. These were along the same lines as adopted in the Balkans: a policy mission (EUPOL) and a military mission (EUSEC or *European Union Security Sector Reform Mission*). With a mandate to advise and to supervise, these European Council missions aimed at guaranteeing a "soft landing" for the transition process. Following correspondence between Javier Solana and President Kabila, EUSEC RD Congo had the mission to advise the Congolese authorities on army reform. In contrast, the EUPOL-Kinshasa mandate stressed reform less overtly, as its aim was to prepare the Congolese police to provide security for the elections which concluded the transition. However, in January 2006, a mixed group of international experts and Congolese police was set up at the request of the Minister of the Interior. This group was commissioned to study the reform and reorganization of Congo's national police force. Apart from Congolese members, the group included experts from the United Kingdom, South Africa, France, Angola, the MONUC, the European Commission and EUPOL – Kinshasa. It set out the current guidelines for police reform.

The goals of the EUSEC RD Congo mandate have changed a number of times, leading to European officers being deployed not only at the headquarters of the Armed Forces of the Democratic Republic of Congo (the *Forces Armées de la République Démocratique du Congo* or FARDC), but also to regional headquarters, i.e. intermediate command levels. The EUSEC RD Congo began by shedding light on the unfavorable age structure of the armed forces, the large share of untrained officers and the abnormally large numbers of officers and NCOs compared to the number of soldiers.[12] It went on to work on the organization of payment, the biometric identification of personnel, the creation of a computerized system for managing personnel, the status of soldiers, etc. As indicated above, EUPOL – Kinshasa participated in preparatory studies concerning police reform, announced after the elections. It thus positioned itself in this area prior to the end of the transition.

Both of these missions were at the heart of the main actions taken by the EU in the field of SSR, following the transition. On top of this involvement in defense and policing, the EU carried out an audit of the justice system. Leadership in this area was assigned to the European Commission, which in 2005 set up a cooperation committee between outside partners and the national authorities: the "Mixed Committee on Justice".

This abundance of initiatives, the proliferation of studies and the creation of two European Council missions allowed these countries or international organizations to place themselves on the "security market" and prepare the ground for SSR. The latter emerged as a clear priority after the transition. Delays in implementing foreign cooperation, the lack of democratic legitimacy on behalf of the "1+4" government, as well as

[12] According to the Congo's Defense Ministry, 63% of all personnel are officers and non-commissioned officers and only 37% are simple soldiers.

divisions among the security services, which are led and made up of former belligerents, all prevented structural reform of this highly-sensitive sector which has been subject to a sophisticated and hidden form of political Balkanization.[13]

The Slow Pace of Reform

The period after transition saw the cautious beginning of SSR in the DRC, though the pace of change and results varied across sectors; the most important event to date being the organization of a Round Table on SSR, in Kinshasa, in February 2008.

The conceptual planning for police reform has been completed. The mixed group studying police reform and reorganization has produced a report on the directions and steps to take, which is a detailed road map for reform. Based on a review of the situation on the ground by the Congolese National Police (CNP), the report sets out a draft proposal for an incorporating Act. This Act establishes the status of the CNP, proposing a census of the police throughout the country,[14] the development of a training policy, a listing of required regulations and the creation of a committee to follow up reform. Both the recommendations of the report and the follow up committee have been accepted by the Ministry of Interior. Tentative steps have been taken to implement it, including meetings by the reform committee, the construction of a building to house the work of the committee and the formulation of a methodology to run the census of the police population. However, the incorporating Act for the Congolese police has not yet been presented to Parliament and the authorities are reticent about the demilitarization of the police proposed in the text.[15]

The process of designing reform for the armed forces has been more difficult. Setting up a payment structure implied taking away financial responsibilities from the chain of command responsible for regiments. This separation has not been well accepted by the military hierarchy, which is used to being involved in the budgetary process.[16] Furthermore, there are

[13] Once the general staff had been set up, the second major military decision of the "1+4" government involved appointing regional military commanders. This led to long and complex negotiations. The key rule followed was never to give responsibility for a security service to the power base of one of the four vice-presidents. Instead, every commander was allocated a deputy from an opposing political force. In theory, this prevented a security service from being controlled by a single party, but it led mainly to conflicts and complicated internal dynamics within the security services themselves.

[14] There are currently an estimated 70,000 police for a population of 60 million, and surface area of 2.3 million km^2.

[15] Since the Mobutu regime, the Congolese national police has had military status in the DRC, and includes many soldiers in its ranks, even after the transition. However, guidelines for transforming ranks into civilian status have been set out.

[16] In March 2006, Jean-Pierre Bemba, who was vice-President at the time and today is on trial at the International Criminal Court, has revealed that high ranking officers of the army diverted fraudulently CDF500 million per month, equivalent to about USD5 million.

two opposing views and plans for the future of the Congolese army. The first is supported by the Minister, who favors a "reconstruction army" involved in rebuilding the country. The second, supported by high ranking officers, is based on having a professional army geared only to national defense. In the end, the Minister was able to impose its views. Plans for creating a "reconstruction army" were put to foreign partners at the SSR Round Table in February 2008, despite the heavy defeat of the FARDC in November 2007, which demonstrated its total lack of professionalism.[17] Thus, the design of the army put forward by the Minister of Defense includes unconventional missions of agricultural production and (public infrastructure) construction, along with traditional defense missions. In a meeting with ambassadors, the Minister restated these roles for the army, which he viewed as vital to the reconstruction of the State and as conforming to the Presidential program of the so-called "Five Work Sites".[18]

Rethinking and redesigning the judiciary is now complete. In the wake of an audit of the justice system by several partners, a plan for action of the justice system was set out in the second half of 2007. It is supported financially by Great Britain, with technical backing from the United Nations Development Program, France and the European Commission. Though there was a change of ministers, the plan has been kept and adopted by the new ministerial team, which benefited from the Round Table to present it to all partners.

The plan was formulated under the auspices of a mixed committee, constituting a forum for dialogue between the Ministry of Justice and outside funding partners. The plan of action for reforming Congo's judicial system includes ten programs which tackle structural or functional problems (finance, human resources and training, and facilities). In parallel to this work, several bills have been drafted aiming to restructure the judicial system in order to flesh out the principle of independence (creation of a Council of State, a Constitutional Court, a High Court, a Supreme Council for the Magistracy). In 2007, a national convention for prison reform was organized by the Ministry of Justice with the support of France, the European Commission and the MONUC. Three legal codes (a prison code, a code for organizing and setting out judicial competences and a penal code)[19] have been drafted with the support of partners, as part of the framework for modernizing Congolese law. Currently, several partners are developing programs in the judicial sector which aim to provide it with the means to function, rather than to reform it. As of mid-2008, about 40 reform projects have been validated by partners and the government, covering issues running from the protection of witnesses to the development of magistrates' courts, which are the basis for justice in the DRC.

[17] The wish to solve the problem of Northern Kivu militarily led to a confrontation between the FARDC and troops commanded by rebel General Laurent Nkunda, between September and December 2007. The latter proved stronger.
[18] President Kabila set up a reconstruction program based on 5 national priorities: water and electricity, health and education, infrastructures, housing and employment (see http://www.cinqchantiers-rdc.com).
[19] Drafting the first two codes has been completed.

Structures for organizing dialogue on the civilian aspects of SSR (the judicial and police systems) with the Congolese authorities have been put into place formally. The latter have also validated road maps for reform. The first steps to SSR have been very difficult and far removed from the hopes that emerged before the end of the transition. There is still no framework for discussion between the foreign partners and the national authorities in the field of defense. The new legal framework for the security sector is still in its preliminary stages. Above all, however, the Congolese authorities are avoiding demands relating to SSR. The Round Table was postponed on several occasions, and only went ahead in November 2007 under twofold pressure from outside partners and military defeat. It has not convinced those for whom it is a matter of principle, and has let down many who already suspected a lack of drive, coordination and vision by the national authorities in terms of security policy. Instead of giving priority to the reconstruction and reform of security services, the authorities preferred to take action against Jean-Pierre Bemba in March 2007[20] and to conduct a military campaign in Northern Kivu from September to December of the same year. Consequently, 2007 was a "lost year" for the SSR process.[21]

[20] On the 22 and 23 March, the Presidential Guard expelled Jean-Pierre Bemba's militia from central Kinshasa. Their action led to about 500 deaths and obliged M. Bemba to take refuge in the South African Embassy and then in Portugal.

[21] In African universities faced with many problems in day-to-day functioning, a "lost year" (*année blanche*) occurs when exams at the end of the year cannot be organized and students cannot validate their diplomas.

Between Public Reform and Going through the Motions

Since the end of the transition, SSR in the DRC has oscillated from being erratic to being a type of formal exercise of limited substance imposed by foreign partners,. Both these characteristics show up in five key observations that highlight progress made since 2006, but also indicate obstacles faced and other voluntary "oversights". Congolese SSR is an imported policy which has met stiff resistance and faces constraints stemming from national and international power struggles.

1) To begin with, two major security services (civil and military intelligence and the authorities responsible for border controls) fall outside its field. The integration of these "nerve centres of sovereignty" within SSR is not on the agenda. On the other hand, the prison system is implicitly included because within Congo's government it is part of the judicial system and, as a result, under the direct authority of the Ministry of Justice. This contrasts with English-speaking countries in which prison administration does not belong to the Department of Justice. Given that the system is in ruins, it is a source of extensive human rights violations (prisoners may die from hunger due to lack of funding). These violations are strongly criticized by the United Nations and prison reform is part of judicial reform supported by donors and the Congolese authorities.[22] SSR in Congo is thus partial, as by tacit agreement some important institutions remain outside the process. There is also a clear mismatch of interests between the civilian and military components of SSR. Despite the difficulties of intervention in the latter, participants in bilateral foreign cooperation have massively joined the Defense Commission of the Round Table, only, it must be said, to be rapidly disappointed.[23]

2) SSR in Congo is also characterized by a lack of inter-ministerial coordination/cooperation. As indicated previously, each sector does benefit from a dedicated discussion forum, except for the defence sector, but dialogue needs to be promoted at the inter-ministerial level. Numerous issues cut across jurisdictions and touch on diverging institutional interests and require political arbitration at the highest level. Promoting an integrated

[22] Leandro Despouy, *op. cit.*

[23] A distinction should be made here between development organizations (the World Bank, the European Commission and the African Development Bank, etc.) and bilateral cooperation. The former have no mandate which authorizes them to work in the defense sector, whereas the latter often do.

approach to SSR is extremely difficult without there being someone with clear inter-ministerial responsibility to carry out negotiations at the top level. It is *de facto* impossible to tackle issues that require strong inter-ministerial coordination, such as military justice, the democratic control of the security forces, border control, small-arms, etc. Since the new Constitution has come into force, the system of military justice needs to be reorganised in order to be brought closer to civilian justice. This implies a dialogue between the Ministries of Justice and Defence, which is currently non-existent. Similarly, it has been repeatedly pointed out that there are overlapping competences between the police, the courts and public prosecutors, and the judicial police which come under the authority of the Ministry of Interior. No solution has been found to this problem, and both authorities jealously guard their control over their respective police forces.

The Round Table on SSR was delayed in 2007 due to military operations in the Kivus. One of its aims was to put the necessity of inter-ministerial coordination on the agenda, via a commission focused on "cross-cutting issues". The commission rapidly turned into a "catch-all commission", in charge of handling all subjects which sectoral commissions found difficult or unpopular. Donors, nevertheless, did not abandon the idea of a level of inter-ministerial and multi-partner coordination. Such a body was finally created in April 2008, within the framework of the subject groups stemming from the Paris Declaration on Aid Effectiveness. Its formalization has, however, not led to any concrete results so far.

3) Another essential factor to understanding the dynamics of SSR lies also in the strong competition between donors and international institutions, which hinges on the ability to influence the Congolese authorities, or indeed the security forces directly. The UN and the EU emulate each other to take the lead role in SSR. For their part, the European Council EUPOL and EUSEC DR Congo missions have been given an explicit mandate on this issue, with the recommendation to coordinate their work with the interventions of the MONUC. This recommendation follows on from the fact that international leadership for supporting SSR has never been clearly established between the UN and the EU, whose institutional interests in this new public policy are very strong. For the UN, SSR partly justifies its mandate for keeping the peace. In contrast, for the EU it relates to the assertion and consolidation of the European Security and Defense Policy (ESDP). Yet, it should also be pointed out that several EU member states believe they have a role to play in Africa, including in terms of security, independently to the ESDP.

In the DRC, this competitive emulation between the EU and the UN leads to a lack of sincere coordination, encouraging involvement by "lone riders" seeking influence in Kinshasa and/or within international forums. Angola, South Africa, and to a lesser extent and more recently China and the United States, carry out their own military cooperation, outside the collective reference framework, and in an opaque manner.[24] In practice,

[24] China is often criticized in this way, having long cooperated militarily with the DRC (President Kabila had Chinese military training) and has gone ahead with

such bilateral cooperation does not fit in logically with collective and coordinated support for SSR, but is more typical of classical military cooperation. Furthermore, the Congolese government has been seeking to multiply the number of "lone riders". At the start of 2007, it indicated clearly its preference for bilateralism rather than multilateralism in the field of security. Similarly, by participating in EUPOL and EUSEC DR Congo missions, several European countries are maintaining deliberate, bilateral cooperation (Belgium in the field of defense and France in terms of policing), or are developing trilateral cooperation to the great advantage of South Africa. The Netherlands, for example, support South African military initiatives in the DRC, while Great Britain supports South Africa in policing. Apart from the major regional powers (Angola and South Africa) and international powers (China and the United States), the "lone riders" also include donors which are pursuing an active policy of multilateralism. Thus Japan is supporting the creation of Congolese border police by financing a project of the International Organization for Migration. Outside the security sector, Japan also provides significant financial support to the High Commission for Refugees (HCR), UNICEF and to the World Food Program (WFP) in the DRC. These activities, however, are more part of Japan's policy of visible multilateralism than an attempt to influence the Congolese authorities.

As a result, though there have been repeated calls for coordination, in the DRC, military cooperation, and to a lesser extent police cooperation, actually take place in a highly competitive market. Such competition stems from the fact that all major donors are present in Kinshasa. It also results from the political benefits of participating in SSR, and lastly from the preference of the Congolese authorities for bilateralism. Consequently, the absence of coordination which marks the Congolese government is hardly different from the pretense of coordination within the international community, which is always quick to ask the national authorities to do what it is unable to achieve itself.

4) Problems concerning the functional links between the Disarmament-Demobilization-Reintegration (DDR) program and reform of the security sector need also to be stressed. The integration of militia leaders and some of their troops into the police and the army has been one aspect of the peace negotiations but often this integration has not led to calm, as in Ituri where rebels are still active.

Given these circumstances, the DDR and integration process in the security forces did not include checks of criminal records nor vetting measures (i.e. checks on the activities of militia leaders prior to their integration into the army, leading possibly to bans on joining the armed forces and to legal proceedings). There are no conditions relating to human rights violations and war crimes in Congolese DDR, despite the fact that international human rights associations recommend thorough vetting during

several arms shipments. The United Sates intervenes in training the military judges and proposes to train elements of the Rapid Reaction Force, as set out by the Ministry of Congo, after the Goma conference in January 2008.

the integration process.[25] The present behavior of armed forces in the operation theater of Northern Kivu illustrates these fears. In Nyanzale, a government-controlled zone, an estimated 600 cases of sexual violence occur each month and "kaki crime" is expanding in Goma. Such behavior by the armed forces supports arguments in favor of vetting and overriding the false dilemma of "peace versus justice".

This moral criticism of integrating militias into the security forces is accompanied by a social criticism: reintegration in the police or the army, which is really attractive to militias, is an illusion, because these institutions are in ruins and do not provide their staff with a decent income. The ideal of reintegration in the eyes of so many militia (to become policemen or soldiers) is thus largely a mirage. It may be more attractive than going back to civilian life, but it only provides the appearances of public authority with no legal income.

From an institutional point of view, it is also paradoxical to seek to reintegrate individuals into structures undergoing reform, but which are both disorganized and penniless and which, in theory, need to be slimmed down.[26] From this point of view, there is a total lack of coherence between reformers in the army, who favor cuts in numbers, and UNDP experts responsible for DDR that supports access to the security forces, though without taking into account the lack of resources and managerial capacities of the Congolese army, or the negative consequences on the cohesion among troops. The absence of harmonization between those responsible for DDR and SSR is further proof of the lack of coordination among foreign partners. The significant transfer of militia members into the army and/or police force is justified in terms of stabilizing society. But it also creates more difficulties than it solves for the reform of institutions, by bringing in illiterate personnel who are untrained and probably untrainable, such as the *Mai-Mai* (magical warriors drawn from the heart of Congo, who often act out rituals of invincibility).[27] The relative calm obtained from promises of jobs in the army or the police comes at the price of a reform of these institutions.

5) Last, the financial dimension of SSR should not be overlooked, as has often been the case until now. Financing the functioning of the army and the police has been studied and projects have been set up (the most advanced relating to the organization of a payment system in the army, which Britain's Department for International Development wants to replicate for the police force). However, the cost of rebuilding the army and the

[25] Alexander Mayer-Rieckh & Pablo De Greiff, "Justice as prevention: vetting public employees in societies in transition", *ICTJ,* Social Science Research Forum, 2007.
[26] There are an estimated 600,000 civil servants in Congo, and the World Bank would like to cut numbers by 100,000. Such a rationalization has been under discussion for years, without results. In the security sector, the army and the police are targets for cuts, not because they are over-staffed, but because many staff serve little purpose.
[27] Koen Vlassenroot & Franck Van Acker, « Les *Maï Maï* et les fonctions de la violence milicienne dans l'Est du Congo », *Politique Africaine,* n° 84, December 2001, pp. 103-11.

police, and SSR overall, are taboo topics. Foreign partners know they cannot mobilize sufficient funds, and oppose aid budgets, because of the poor state of Congo's financial system and previous bad experiences with the use of aid.[28] Consequently, they have adopted a strategy of avoiding the subject, pushing responsibility back on the Congolese authorities, while knowing full well that Congo's Treasury is porous and impoverished.[29]

In response, the Congolese government transformed the Round Table on SSR into a donors' conference, but without success. As a majority of countries were incapable of announcing significant contributions, they were able to block public announcements while the Congolese authorities cast doubts on their own credibility by putting forward unrealistic financing figures ($1.4 billion dedicated only to police reform, $160 million for judicial reform). It must be recognized that the concealment of military personnel (figures vary between 120,000 and 175,000) and the real defense budget (largely managed outside normal budget procedures)[30] do not facilitate a technical and genuine debate on the adequate level of financing of the security sector, which is a key aspect of SSR in Congo.

[28] The provision of budget aid is subject to several criteria, including the state of the recipient country's aid system. Analyses by the World Bank and the European Commission have shown that Congo's public finances do not meet the basic criteria to receive this type of aid. Furthermore, aid budgets run a higher risk of misappropriation, which partners have already experienced to their regret in other countries.

[29] After an overall analysis of public finances carried out by the European Union and the World Bank, the DFID wants to examine specifically public finances dedicated to the security sector.

[30] This was only recently noted again by the DRC's Court of Accounts (in its *Audit of public spending from 1 December 2006 to the 28 February 2007*). Depending on the budget data, the Congolese authorities currently spend between $5 and $8 per month, per soldier.

The Intractable Problems of SSR in Congo

In the final analysis, one of the main problems of Congolese SSR lies in its imported nature. Since its beginnings, SSR seems more induced by supply than demand and often seems to be an artificial exercise, as shown for example by the failure of the Round Table in February 2008, which led neither to a common vision nor to concrete projects.

This is a classical problem of development policies devised in the North and applied in the South. Exporting development policies has often run into the socio-economic realities of countries in the South, which are very different and seldom analyzed, and are marked by a lack of resources and political will to implement the policies. Countries in the South have reacted to such exported and poorly-designed policies, either by opposing them directly or, more often, by cunning in order to obtain the advantages of feigned submission to the World Bank or the International Monetary Fund. These lessons of development history should be reflected on by the current proponents of SSR, as it is promoted in Africa and in this case the DRC. The latter is in the full process of rediscovering its abused national sovereignty, and is sensitive to any form of foreign pressure.

There is henceforth a clear deficit in the political consensus between the local authorities and foreign partners. As a result, SSR is little more than a policy attempt subject to political pressures, which are often contradictory and very far removed from the sacred principle of “ownership” to which nearly all donors refer too. [31]

There are disagreements even on the need of an extensive reform of security organizations. Thus, the demilitarization of the national police force, the shape of the army and its missions, the restructuring of the financial services of the army and the police, parliamentary supervision or even the implication of civil society as a partner and as an assessor of security policies are not well viewed. Neither the democratization of the security system, nor the “re-establishment of order” in the finances of the security forces and personnel management seem to be priorities for the national authorities. They prefer to equip the police and the army,

[31] Ownership is a current principle of aid for development, according to which countries in the South must develop their own development strategies and coordinate aid received. Donors must align themselves on these strategies (see the *Déclaration de Paris*, 2005).

especially operationally, as well as other options opposed to reform. Thus, rather than unify police forces within a national, civilian force, the Congolese authorities have preferred to integrate more military personnel into the police, by creating the border police in 2007.[32] In the defense sector, the Minister wishes to create a rapid reaction force of twelve battalions, but with no regard to the total lack of military administration. The government is very far from wanting to bring the security forces under the democratic control of the Parliament, to reform their functioning and their behavior with civilians. Instead, it seeks to raise their capacity to act in way far removed from the "democratic use of force". Disagreements about the immediate finalities of a "reformed" army and police are clearly political.

The lack of a consensus is painfully obvious today and underlines the highly political nature of SSR. It is tempting to consider it as a simple technical operation of institutional reconstruction based on the "train and equip" model. This would allow a return to traditional cooperative patterns and avoid politicization which intuitively may seem counter-productive and damaging to the nature of the work of the police, defense and justice. In the latter case, non-politicization is even made into a principle via the separation of powers. However, security and the organization of armed forces depend directly on political authority in any country, and raise political problems. Even when areas at the heart of SSR, which are hard to manage, are abandoned discretely (civilian control, transparent financial management, etc.), it is impossible to mask the political issues at stake in this reform.

From this point of view, SSR is primarily a victim of its own contradictions, as with all public policy. SSR is neither coordinated nor systematic, contrary to the recommendations of the OECD. SSR is made up of the interplay of forces and pressures working in a highly competitive context, which leads to partial projects and hypothetical complementarity. SSR in Congo is far from giving the impression of being a coherent whole, but tends to look more like a patchwork.

This lack of coherence stems partly from the security structures which do not make up a system, in the DRC or elsewhere. These structures are hardly linked, and are hostile to any attempts at coordination. They are marked by loyalties and animosities which are multiple and complex. Furthermore, no lead coordinator for SSR has been nominated among the donors, so that bilateral initiatives run alongside trilateral initiatives, within multilateral initiatives, none of which are exclusive. Yet this self-sustained confusion hardly masks the poverty of SSR, which has produced few results after two years. SSR focuses more on the framework of cooperation than on substance. It leads more to the triptych of classic military cooperation (construct, train and equip), leaving aside delicate and complex questions about management capacity, financing, the fight against corruption, the relationship between civilian authority and military power, the democratic governance of security, etc.

[32] The creation of the Integrated Military Guard by the Chief-of-Police, General John Numbi, was an opportunity to bring soldiers loyal to him into the police force.

Furthermore, the Congolese experience also raises questions about the pertinence of the link between peacekeeping and SSR. Do the last phases of crises under international management really provide the best opportunities for conducting SSR? Is the proximity between peacekeeping and SSR, which has imposed itself for several years, really pertinent? As the experience of the DRC shows, post-conflict periods are very fragile politically and marked by urgent security priorities. Thus, they are not favorable to deep reform. *De facto*, two years after the election, the new government is still failing to put down a dissident rebellion in Northern Kivu, and has also had to deal with a political-religious revolt in Lower Congo.[33]

In post-transition periods, the need for reform and the capacity for reform are inversely proportional. Arguments in favor of SSR are certainly numerous and visible, as shown most basically by the daily violence perpetrated by an impoverished army. But the political and technical capacity to carry out reform could not be lower, for reasons running from the sharing of power to the absence of trained managers, via security pressures and the pervasiveness of corruption. Institutionally speaking, peace and stability (less political tension, a security apparatus which does not always deal with emergencies) are more favorable to reforms on this scale, even if the necessity for reform is then less and the institutions of security are more solid, and so potentially more resistant to change. It needs therefore to be asked whether it is possible to reform appropriately and profoundly under emergency conditions. Or is it better to accept some superficial changes?

The people responsible for peacekeeping will certainly reply that SSR is an integral part of the stabilization process. But this misses the point that long term reform cannot be a quick fix for stabilization. It is illusionary and contradictory to expect short-term stabilization effects to result from SSR (as, for example, an improvement in the security environment of the Congolese capital).

As with all public policy, SSR needs time and its results and their assessment are only possible over time. The pursuit of short-term objectives (for example, providing militia with stable jobs) generally involves sacrificing the long term, in other words institutional legitimacy and effectiveness.

[33] In March 2008, a political-religious movement (*Bundu dia Kongo*) challenged the authorities appointed by the new government of Lower Congo, and turned to violence. The authorities reacted with ferocious police repression, causing many casualties (see the Special Inquiry on the Events of February/March in Lower Congo, MONUC).

Conclusion

There is no guarantee that the quest to reform the security sector in the Democratic Republic of Congo will indeed end in “reform regained”. Rather, this quest highlights the outside demand for SSR, which is promoted by two categories of actors (foreign governments and international organizations) which are engaged in sterile competition. Hence there is an antagonistic dialectic between national authorities and the international community, as well as within the latter. This dialectic leads to slow-motion reform, which concentrates on format (especially the frameworks of consultation) rather than substance. Thus SSR has not so far led to any substantial improvement in terms of respect of the law, financial control, the fight against corruption, the independence of the judiciary or organizational restructuring.

From Afghanistan to Central African Republic, from Haiti to Guinea Bissau, “failed” or fragile states have turned out to be far more resistant to SSR and other imported reforms of governance than expected. Their capacity to bog-down, block and deviate any kind of reform coming from outside contrasts strongly with their lack of human and financial resources. This contrast also prevails in the field of development and a little comparative analysis should help clarify this paradox.

The fluctuations of development policy have shown that an approach based on needs often leads us to forget that a fundamental problem lies in both the *will to act* and the *means to act*. These may be provided by foreign aid, but the latter cannot generate nor even buy the will to act when it is lacking. Furthermore, it is often, but incorrectly, assumed that a convergence between local and foreign intentions exists. This results from an ignorance of the context of intervention and arrogance on behalf of intervening powers. The soundness of reforms put forward by international financial institutions is believed to be self-evident to countries of the South.

At the same time, local rationalities and interests are underestimated, or misunderstood. These, however, must be analyzed if resistance and other avoidance strategies developed by local actors are to be understood and anticipated. The latter are able to adapt themselves, divert or circumvent imported reforms, or even pretend to adopt them in order to obtain political and financial benefits, without having to apply them. Subterfuge is a force which the poor may use against the rich and the winner in such a relationship may be unexpected. To understand the failure of SSR, it is not enough simply sympathize with this policy, to decipher its insufficiencies, its incoherencies and unfounded assumptions. It is also

necessary to understand fully local actors, their culture, their policies and their strategies, as they are not passive objects of governance reforms, formulated for but without them.

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