



# Situation Report

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## Assessing Security Sector Reform and its Impact on the Kivu Provinces

### Introduction

The resumption of fighting in eastern Congo in October 2008 between rebel forces loyal to dissident General Nkunda and units of the Congolese army clearly underlines the fragility of the peace process in the DRC. In particular, it confirms the weakness of the Congolese army (FARDC) and the glaring absence of state authority, and once again points to the difficulties of keeping a fragile peace now that the peace agreements between belligerents in Nairobi and Goma have collapsed. This situation report does not aim at examining the roots of the current crisis, nor does it attempt to analyse the different options suggested to reach a more stable settlement. Its principal intention is to evaluate what is believed to be one of the main obstacles to peace: the lack of progress in the reform of DR Congo's security sector. The continuing war in eastern DRC is a reminder of the paramount importance of reforming the security sector if DR Congo's post-war state-building exercise is to stand a chance of success.

The improvement of human security and the establishment of state authority throughout the country have been advanced by the international community as the key priorities in the consolidation of stability in the DRC, with security sector reform (SSR) being a central component in the national and international policy toolkit to reach these objectives. SSR is also at the centre of the activities of the UN mission, MONUC, in its disengagement plan. Nevertheless, little progress has been made so far in reforming Congo's security sector. Across all the fields of SSR, the response has been limited and very slow. In addition, the crucial national disarmament, demobilisation and reintegration (DDR) programme, instituted in 2003, has been largely inactive for more than two years because of serious donor concerns about its management.<sup>2</sup> The role and presence of the international community, especially MONUC, therefore remains of major importance in providing humanitarian access to the population and to avoid a return to general military confrontation. In the absence of serious progress in SSR, or a serious government commitment to restore control in an even-handed manner, an international presence continues to be an absolute necessity.

The lack of progress with either SSR or DDR in the DRC reveals a fundamental problem with international peace-building strategies in fragile transitions from war to peace. The transfer of political ownership to national authorities is always a challenge, and in the DRC is proving exceptionally difficult. This is especially the case with SSR, a policy domain involving crucial sovereignty and security sensitivities. A second complication for the DRC is the continuing fighting in the

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eastern provinces. The peace process as well and the ensuing transition period failed to find an adequate solution for the political and security challenges in these provinces. The lack of progress in SSR can be considered both a result and a cause of this situation. Conducting SSR in these conditions may be compared to attempting to repair a car traveling at full speed. A third factor is inherent in the functioning of the international community: coordination and coherence between donors constitute a challenge at the best of times and are very difficult in situations such as that prevailing in the DRC, where the government deliberately tries to prevent external coordination. This situation report attempts to shed some light on these issues through an analysis of the political and security dynamics that made the recent resumption of war possible. More generally, it looks into the way SSR has been conducted in the DRC since the transition period<sup>3</sup>.

The Congolese wars between 1996 and 2003 contributed largely to one of the most severe humanitarian disasters since World War II. They involved at least six African nations and more than a dozen rebel groups. During the conflict, more than 4 million Congolese died either directly or indirectly as a result of armed confrontations. Many lost their physical and financial belongings, were displaced or suffered following the destruction of economic and social infrastructure.

At the roots of this protracted crisis was a mixture of local, national and regional conflict dynamics. From the early 1990s onwards, local competition for access to economic resources in eastern Congo was linked to a larger process of state collapse and to the regional dynamics of conflict. Although violence remained at first limited largely to the eastern parts of the country, following the arrival of more than a million Rwandan Hutu refugees in 1994, local conflict dynamics became intermingled with a regional struggle for power in Africa's Great Lakes region. From their Congolese refugee camps, Rwandan Hutu militias not only started attacking local Tutsi but also challenged the new regime in Rwanda. This growing security threat resulted in the formation of a heterogeneous regional coalition comprising Congolese communities of Rwandan descent, political opponents to President Mobutu and the neighbouring states of Rwanda, Burundi and Uganda – soon to be followed by other countries in the region. Although initially aimed at dealing with this border security problem, the anti-Mobutu coalition had little difficulty in cutting right through its opponent's weak defence. In May 1997, after a campaign of only seven months, it took power in Kinshasa and installed Laurent-Désiré Kabila as the new president of the country.

What was hoped would be the end of a national and regional crisis, however, soon set in motion a process of political fragmentation. Growing disagreement between the new Congolese regime and its foreign supporters led in August 1998 to the formation of a rebel movement against the Kabila regime. This rebel movement, which again was supported by Rwanda and Uganda, initiated the formation of a regional war complex, which came to involve several other African states, the institution of a multitude of local militias (leading to a total fragmentation of the politico-military landscape) and the dissolution of political agendas into local and individual interests. It was at this phase of the conflict that the Congolese war acquired its image of a struggle between criminalised politico-military networks for control over Congo's vast natural resources. Several reports have illustrated how the different belligerent parties oriented their struggle towards military control over mining sites, a process that involved several national armies and their Congolese proxies.

Faced with the complexity of Congo's war, the international community tried to facilitate peace talks between the different warring parties. In 1999 this resulted in the Lusaka Peace Agreement which included the principle of an Inter-Congolese Dialogue, to be followed by the deployment of a United Nations monitoring force. The assassination of President Laurent-Désiré Kabila in January 2001, and the succession to the presidency of his son Joseph Kabila, proved to be a turning point in diplomatic attempts to settle the conflict. In 2002, an important international effort, dominated by South Africa and the EU, led to the signing of a number of regional and national agreements. In July 2002, a peace agreement was signed between

the DRC and Rwandan governments, leading to the withdrawal of Rwandan troops from Congolese soil. A similar agreement was later signed between the DRC and Uganda. In December 2002, the Congolese parties to the Inter-Congolese Dialogue signed an all-inclusive peace accord known as the Pretoria Agreement. After the approval of the final act of this agreement in 2003, a transitional government was put in place to create a new legal and institutional framework, prepare general elections and reform the security sector. In addition, the Mission of the United Nations in Congo (MONUC) was given a stronger mandate (under Chapter Seven of the United Nations Charter) and saw its military force expanded.<sup>4</sup> Along with the International Monetary Fund (IMF) and the World Bank (WB), the EU and several of its member states significantly increased their assistance and financial support to the government's transitional reform. The internationally supported initiatives to facilitate the peace process and promote regional stability included the *Comité International d'Appui à la Transition* (CIAT, whose mandate ended at the official completion of the transition period), the WB 'Multi-Country Demobilization and Reintegration Programme' (MDRP) and the 'International Conference for the African Great Lakes Region' (ICGLR). This international commitment helped to establish a measure of political stability and economic recovery and ensured the functioning of several transitional institutions. In addition, it facilitated the preparation of national elections, held eventually in 2006, and supported the redefinition of regional relations based on mutual cooperation.

A major priority in preparing for the elections was the establishment of government authority throughout the country and the provision of improved security conditions. The latter involved the implementation of a comprehensive DDR and SSR programme. The national DDR plan (the PN-DDR), launched in 2003, offered combatants the choice of reintegrating in society or joining the army, the so called '*tronc commun*'. Those who opted to go to the newly formed FARDC were sent through the *brassage*<sup>5</sup> process, which formed the basis of the initial operational structure of the Congolese armed forces.

The main function of the *brassage* process was to break the chains of command of the different warring groups, although no vetting process for the combatants was put in place. Breaking up the different armed groups proved to be a very arduous task, for the different factions remained suspicious and the major actors maintained direct or indirect control over parts of their militias. This included the non-integrated bodyguard units<sup>6</sup> and the numerically important presidential guard, currently known as the *Garde Républicaine* (GR)<sup>7</sup>.

Although considerable progress was made in stabilising and unifying the country during the transition period, tensions in the Kivu Provinces and Kinshasa remained high. Major incidents included a number of foiled coup attempts in the capital, the June 2004 occupation of Bukavu by Generals Nkunda and Mutebutsi, and the August 2004 Gatumba massacre. The Bukavu incident, in particular, cast a shadow over the consolidation of the peace process, as it marked the start of a confrontation between the government in Kinshasa and Laurent Nkunda. The unfolding war between Nkunda's CNDP forces and the FARDC and its allies was the result of failed attempts by the Congolese government to redeploy its authority over the country's territory and to integrate and reform its security forces, yet is also directly linked to the continuous presence of FDLR elements (which in some cases closely collaborate with FARDC units) and local power plays.

During the transitional period, central political control over the various branches of the security system remained very weak, principally because the different former belligerents were able to maintain a considerable parallel military capability. This was especially the case for the former government component that included the GSSP (currently GR). In addition, the former rebel movements such as the MLC and the RCD-G attempted to consolidate their control over a considerable number of non-integrated 'bodyguards' in Kinshasa as well as army units in their former zones of control, though with varying success. The politico-military situation in eastern DRC was further complicated by the presence of several national<sup>8</sup> and foreign militia groups that either rejected the peace process or, as in the case of

Ituri, tried to reposition themselves in order to maximise their profits from the DDR processes.

Given the continuous presence of these 'spoilers', and the challenge they represented for the elections, the SSR process increasingly became the centrepiece of the reconstruction efforts of the international community. The main international players in SSR included Belgium, France, South Africa, the EU, Angola, MONUC and to a lesser degree the UK, the US and the Netherlands. During the transition, international support to the SSR process was channelled through the CIAT. The EU launched two important advisory missions, EUPOL<sup>9</sup> and EUSEC.<sup>10</sup> From the outset, however, support in the domain of SSR confronted major coordination and coherence issues.

In the months following the elections, which culminated in the second round of the presidential elections in October 2006, the relationship between the DRC government and the international community became increasingly complicated, especially in policy domains such as revenue management (natural resources) and SSR. The WB and the European Commission (EC) prepared a 'governance compact', for the Congolese government, including SSR, which was included as an annex to the programme of the government of prime minister Antoine Gizenga.<sup>11</sup> Despite this, the need for SSR, as conceptualised by the international community, was never internalised by the DRC government. It was viewed by Kinshasa, as Sébastien Melmot has stated in a recent study, as 'an imported policy'.<sup>12</sup> A major tension, then and now, was the contrast of a multilateral programme to a more bilateral approach. The latter was clearly preferred by the Congolese authorities and by a number of donors, especially those with a more long-term vision of their relationship with the DRC. The multilateral approach was considered as painstakingly slow and unclear whereas at the bilateral level – often open to others considerations – seemed to move more quickly. However, the lack of strategic planning both at the international and the national level seriously limited the impact of these initial activities, which were especially focused on the more operational aspects of SSR. In addition, the government became increasingly protective of its sovereignty and, in order to secure its independence of action, favoured a wide range of bilateral partnerships.

The DRC government has always shown little interest in the more structural components of SSR, including oversight and command and control mechanisms. These were mainly advocated at the multilateral level – by the EU in its EUSEC and EUPOL missions. The bilateral donors, mainly in the field of the military, remained more active in the field of training and equipment (HQ equipment) – in line with previous military cooperation programmes. The push for structural reform at the multilateral level increased the fear of the Congolese government that it could lose control and sovereignty over its security forces and this encouraged it to favour bilateral approaches. Until now only a limited effort has been directed at the more structural changes at the strategic level of security system governance. The lack of coordination and coherence is also symptomatic of the general lack of direction by the Congolese government in other policy domains. The functioning of institutions is hindered by limited experience, extreme political fragmentation, local tensions, corruption and the absence of leadership and political will.

The armed confrontations of March 2007 in the streets of downtown Kinshasa between elements loyal to President Kabila and those loyal to Jean-Pierre Bemba served as a post-electoral warning for the international community. The incidents and the resulting departure of opposition leader Bemba<sup>13</sup> to Portugal clearly showed the challenges that remained for SSR in the DRC as well as the fundamental fragility of the political process. It was a reminder, if any was needed, that SSR was not merely a technical, but an essentially political challenge. This incident was also a clear demonstration of the lack of operational capacity of the security actors, including the supposedly 'elite' GR forces. Considerable military support from Angola (a key ally of the Kabila government) was needed to neutralise the rag-tag army of Jean-Pierre Bemba's bodyguard. Without such support the government's decision to launch this operation might have been suicidal. Later

that same year, the government would make the similar mistake of overestimating its military capacity by launching a major offensive against Laurent Nkunda. At the national and local levels, the lack of adequately functioning security forces may be considered the main source of instability, undermining the democratic gains of the electoral period.

The conduct of the FARDC is proving to be a serious challenge to the SSR process. Several reports show that a widespread practice within the army has been the collection of 'illegal' taxes, usually through the deployment of checkpoints along major roads in remote areas and in mining sites.<sup>14</sup> These checkpoints have become crucial parts of structures developed by army commanders to generate local resources, with each local commander forcing his soldiers to raise taxes. Part of these taxes remains with the soldiers themselves, while the other part is divided among different levels of the military command. Loyalty is bought by giving political protectors a share of this illegal revenue.

FARDC elements are also widely considered to be the principal perpetrators of violence, including sexual assaults against the civilian population in the Kivus. This abusive and ill-disciplined behaviour undermines security conditions and the legitimacy of the state. Most of the local armed groups have also been vying to further consolidate their power bases and control over local economic activities, including the exploitation of and trade in natural resources. The same dynamic applies to the FARDC in the zones it controls (its involvement in the exploitation of cassiterite in Walikale, for example). If the local responsibility lies obviously in the hands of the local commanders, this conduct is chiefly the results of the failure of the government policy to reform the security apparatus. This situation is the direct consequence of the lack of command and control, adequate equipment and training, financial resources and, above all, political will to change the status quo, which reflects a situation in which local and national actors – notably in the East – benefit politically and economically from continuing instability. This lack of command and control capacity is also increasingly clear in the current fighting in North Kivu, where the rumour of a rebel advance is often enough to ensure a complete breakdown of the FARDC structures, as was also acknowledged by the MONUC force commander General Gaye in a recent interview.<sup>15</sup>

When Antoine Gizenga's government took office in February 2007, it adopted the Governance Compact setting out a clear and ambitious reform agenda including a large section on SSR. In this document the following priorities were listed for the FARDC, none of which has been achieved to date.

- The establishment of a chain of payment for the armed forces;
- Support for the creation of integrated brigades and the dependents of military personnel;
- The drafting of a white paper on defence reform;
- The elaboration of a locally anchored project for small arms and light weapons;
- The establishment of parliamentary oversight of the defence sector;
- The elaboration of key laws aimed at regulating the army (laws concerning the Supreme Council of Defence, military expenditure, military organisation and the functions of the army);
- Support for the regulation of the military tribunals in conformity with international standards;
- The continuation of the support for the creation of integrated brigades;
- The promotion of assistance to demobilised ex-combatants through the organisation of training sessions and the provision of subsidies to programmes aimed at implementing and successfully achieving the integration process.

The implementation of SSR has been marked by a singular failure to achieve coordination between the DRC government and the international community. With the end of the transition and the disbanding of CIAT a roundtable needed to be organised to formulate new arrangements. More than a year passed before the first roundtable on SSR was held on 25 February 2008. This meeting, bringing together the different stakeholders involved in the reform the FARDC, the PNC,

and the justice system was held in Kinshasa.<sup>16</sup> The gathering brought together some 200 participants, including international and national experts, and provided an important opportunity for the DRC government to explain its SSR approach to international partners. The roundtable focused on the government's presentation of a new master plan for army reform and a road map based on four pillars: dissuasion, production, reconstruction and excellence. The master plan made provision for three overlapping phases spanning 12 years. The short-term phase, from 2008 to 2010, was based on:

- (a) the training and deployment of 12 battalions of a rapid reaction force drawn from elements yet to undergo *brassage*, as well as from the 18 existing integrated brigades
- (b) the establishment of the legal framework necessary for army reform; and
- (c) completion of the transitional disarmament, demobilisation and reintegration and army integration programmes.

This master plan was not new and was based on the Congolese government's strategic vision already discussed at a Contact Group meeting on SSR, held in Kinshasa on 12 and 13 July 2007.<sup>17</sup> The Minister for National Defence and Ex-Combatants, Chikez Diemu, opening the meeting in Kinshasa, presented the Congolese government's strategic vision for the new national army to be established in the future. The implementation of this overall plan will include, in the medium and long term (between 2007 and 2012), the setting up of territorial forces, and the creation of a 'principal defence force' by 2011. The plan of army reform is built around four principal areas:<sup>18</sup>

#### *A rapid reaction force*

In the short term, in preparation for the progressive withdrawal of MONUC forces, the Congolese government suggested the creation of a Rapid Reaction Force by 2009. This force of two or three battalions would be 'correctly equipped, well supported, trained and commanded'.

#### *'Excellence' ideal*

The new army should also be built around an 'excellence ideal'. According to the government's plan, this presupposed the setting up of a system of continuous individual and collective training, and an HIV/AIDS programme to address the effects of a virus prevalent in army barracks. The excellence ideal included justice and discipline capacity-building in the army. For this purpose, the government would recruit 500 supplementary magistrates to combat crime. Controlling the army through biometric data and a policy of honourable retirement were also suggested.

#### *Reconcile the army with the population*

This was the third part of the government's plan, to address the mutual alienation of the army from the general population. The government suggested concrete and visible activities by the armed forces in the country's reconstruction. The military should be kept in barracks, but could also be used in civil engineering projects such as bridge, road and hospital construction.

#### *A 'development' army*

The last aim of the government's army reform was the setting up of a development army. Thus, in times of peace, the army should participate in economic development by participating in production activities such as agriculture, livestock-breeding and fishing. This would assure each soldier of daily food rations, explained the Minister of Defence.

Two meetings followed the 25 February 2008 meeting between the Ministry of Defence and the international community. These served only to explain the intentions

of the master plan, its requirements and how the FARDC hoped to implement it. It was decided that three working groups would be set up to achieve their objectives: on DDR; on the rapid reaction force; and on the situation in eastern DRC.<sup>19</sup>

Although there was no consensus on the relevance of some of the key proposals, such as the objective of creating an agricultural production unit within the FARDC, this still represented a nationally owned plan, on the basis of which the donor community can focus its activities. As previous strategies on coordination had failed and donors and organisations involved all had different opinions on how to proceed and what needed to be prioritised, the coordination of these donor activities remained a considerable challenge. The practical solution was to use the working groups established by the Ministry of Defence and to coordinate individual country involvements there. As a first step, a number of bilateral donors agreed to assist with the establishment of a Congolese rapid reaction force.<sup>20</sup> This was to become the nucleus of the reformed Congolese army. It would also be of key importance for the improvement of the security situation in the east, as also recognised by the UN.<sup>21</sup>

Despite the signing of the Nairobi and Goma agreements of November 2007 and January 2008, and the launch of the Amani programme,<sup>22</sup> tensions in the North Kivu Province again rose steadily, particularly during the middle of 2008. It became clear that neither party had any political will to adhere to the Goma Agreement or to implement the Amani process. The Amani ('peace' in Swahili) process set in motion at the Goma conference in January never really got off the ground. Repeated violations of the cease-fire by the various belligerents ruled out the implementation of the following stages separation of the combatants, regroupment and demobilisation or reinsertion in the FARDC.

The latest military offensive launched by the Kinshasa government initially seemed to promise success, but soon collapsed in total defeat, in ways similar to the previous experience of December 2007. This time, the CNDP launched a successful counteroffensive against the FARDC, rooting it almost completely from Goma and creating a massive wave of refugees and IDPs. FARDC operations in the course of 2008 again demonstrated structural flaws in terms of logistics, basic training and, crucially, command and control. There were also a number of instances when FARDC positions were situated so as to expose MONUC to CNDP fire. The heavily publicised use of armour during these battles was an indication of the military build-up that had occurred since the start of the different peace processes. The Kabila government had clearly determined the primacy of the military option in dealing with the threat posed by Nkunda and the CNDP. In contrast to earlier phases of the Nkunda-government crisis, the CNDP adopted a wider, more national strategy – pressuring the government towards a radical solution. During this phase of fighting, the cooperation between the FARDC and the Mai Mai of PARECO and the FDLR also became clearly exposed. At the other end of the spectrum, it also became increasingly clear that Nkunda was able to recruit unhindered in Rwanda and Burundi. The perceived support he received from the Rwandan government resulted in increasing tensions at the regional level. MONUC received increasing criticism for its perceived failure to fulfil its mandate to protect the population in imminent danger of physical violence.<sup>23</sup> As was the case in past engagements, however, MONUC was again in a difficult, if not impossible, situation in which it had to work with a government army clearly lacking capacity, even at the command level, where joint planning could be considered virtually impossible. In addition, numerous reports indicate that government representatives have tried to manipulate popular opinion against MONUC.

Restoring the peace process by saving the core of the Goma Agreement and the Amani process (recognised by the Congolese Parliament as being too bureaucratic) is an obvious priority. Another is for the international community to recognise that the general status quo will lead only to a similar outcome in the short and medium term. There is no easy and quick "fix" to a conflict that started 15 years ago and has since assumed more complex dimensions. This has an impact on the future strategy for MONUC and on the plans for SSR in the DRC as well as for

the political dialogue with various partners in the region. A reinforced MONUC presence or possible other (EU) external intervention could assist the efforts of the international community to deal with the issues in a more fundamental way. Outside military intervention, however, will not provide a 'solution' to the conflict but in the best case could create a more stable environment in which to find a durable resolution in the long run.

After two months of fighting, November 2008 saw a flurry of international diplomatic activity, including representatives from the UN, the US and the EU all arriving in Kinshasa and Goma in late October and early November. Two emergency meetings took place, one on 7 November 2008 in Nairobi organised by the UN and the AU, and another on 9 November 2008 in Johannesburg organised by the Southern African Development Community (SADC). Both summits resulted principally in confirming the political framework for the settlement of the crisis – the 2007 Nairobi Agreement and the 2008 Goma Agreement. The SADC summit also expressed support for the DRC government, in accordance with SADC's security provisions. The SADC declaration and previous demands for Angola to intervene, combined with numerous reports and rumours about Angolan military presence increased international fears about a return to a 1998-like situation, triggering a second African war. It has since become increasingly clear that it is currently unlikely that Angola will send combat troops to eastern DRC. In addition, reports from the SADC meeting indicated that some of the traditional allies of the DRC government were very critical of the FARDC, especially its command structures.

Progress in SSR is key, not only at the purely operational level (chiefly to deal with the FDLR and other armed groups), but also as a confidence building measure between the population (especially minorities) and the government. The lack of progress in the SSR process is illustrated by the failure to deal effectively with the security threats posed by local and foreign armed groups in eastern DR Congo and the appalling human rights record of locally deployed army units. Corruption, and a lack of operational capacity, discipline, cohesion or organisation are the major structural problems afflicting the Congolese army. Several reports have made clear that in eastern DRC some of the worst human rights violations are perpetrated by FARDC elements, including rape, plunder, illegal detention and extra-judicial killings.<sup>24</sup> The SSR efforts by a number of donors, including Belgium, the EU and South Africa so far have had little lasting effect. The main reason for this is the lack of political commitment of the Congolese government to its responsibilities.<sup>25</sup> The only progress made with the FARDC before the current fighting concerned the training of brigades by MONUC and the creation of the initial rapid reaction brigades, though it is unclear what, if anything remains of this after the recent fighting.

A crucial precondition for SSR is the demobilisation and disintegration (DDR) of armed elements, which is also a central component of the Goma Agreement. This DDR process not only concerns the *brassage* of Nkunda's forces, but also the demobilisation and reintegration of combatants from other armed groups. Strikingly, the Goma peace process set in motion a remobilisation of combatants by armed groups that were hardly disbanded during the peace process. The prospect of advantages to be had from the DDR process persuaded former rebel leaders and combatants to redefine their position and to strengthen their military forces. Since the Goma process, in South Kivu some progress has been made in the demobilisation of armed groups, yet in North Kivu this process has hardly started. In addition, new recruitment campaigns, including the mobilisation of child soldiers, has been observed among all non-state armed actors.

Realities on the ground are only one explanation for the limited success of the DDR process. In 2006, the national DDR structure was suspended, to be reopened only in July 2008. This explains the high number of combatants that still have to go through DDR.<sup>26</sup>

- FARDC, including Kinshasa garrison and headquarters staff and Presidential Guard (12,000): 79,000
- Armed Groups (including Nkunda's CNDP and Mai-Mai groups) in the eastern DRC: 41,000

- Regular FARDC forces in eastern DRC: 29,000
- Congolese with foreign armed groups: 2,000
- Congolese in foreign countries: 9,000
- The number of Bemba's fighters still to be disbanded is not known.

DDR concerns not only Congolese combatants though. In order to advance the Goma Agreement, progress in dealing with the FDLR, and thus the implementation of the Nairobi Agreement is another prerequisite.<sup>27</sup> This, in turn, will require an initial increase in the operational capacity of the FARDC, yet the various military campaigns against the FDLR have usually resulted only in temporary improvements to the security situation. The training of brigades by MONUC should be seen as a step forward, yet Nkunda's rebellion is considered by the government to be a more pressing problem than the FDLR. Hardliners in the presidency and the army continue to push for a military approach to the CNDP, despite earlier defeats. Nkunda and the government are thus increasingly locked in a dynamic of distrust; and the Goma Agreement and Amani process been unable to have any measureable impact on this. During the incidents in September 2008 it also increasingly became obvious that the government was pushing MONUC to adopt a more aggressive stance towards Nkunda.<sup>28</sup> This further eroded the reputation of MONUC among the population. Without MONUC's presence, however, the FARDC would be easily dispersed by Nkunda's forces.


In the course of 2008, MONUC launched a stabilisation 'Core Programme' to support the implementation of both the Goma and Nairobi Agreements. Key objectives were the protection of civilians by improving security conditions and extending state authority. At a regional level it hoped to contribute to the amelioration of the relations between Rwanda and the DRC. The current security situation and dynamics in North Kivu, the confirmed collaboration between FARDC and FDLR, and recent declarations by Congolese officials that Rwanda is preparing a military invasion of the DRC, all indicate that the way forwards will be difficult at this regional level.

## Conclusion

Since the re-installation of Joseph Kabila, as democratically elected President in December 2006, a number of major security crises have amply illustrated the lack of structural progress in SSR of both the FARDC and the PNC, and the risks this entails for the stability of the country as well as the consolidation of democracy. These crises included the fighting in Kinshasa in March 2007 between the bodyguards of opposition leader Jean-Pierre Bemba and President Kabila's *Garde Républicaine*; the military offensive against the Nkunda forces in December 2007, resulting in a major defeat for the Congolese government; the heavy-handed policing operations in Bas-Congo Province against the political/religious group Bundu Dia Congo in February and March 2008; and the recent fighting in North Kivu.<sup>29</sup> To this list of major incidents can be added mounting insecurity in Kinshasa, increasing levels of urban violence throughout the country, as well as the reprehensible behaviour of members of the security forces (including the *Garde Républicaine*) and the continuous presence of non-state armed forces in eastern DRC.

The lack of any fundamental impact of ongoing SSR programmes on human security in the DRC is a reflection of a wider problem in donor-led peace-building efforts. Peace building and SSR are all too often considered as technical processes, and although there is a growing understanding that this fails to address the root of the problem, it is a failing not easily remedied. SSR is a particularly sensitive field of action as it deals with central elements of national sovereignty. In a post-conflict situation it becomes particularly difficult as democratic institutions are fragile and control of the security services remains a key component of the consolidation of political and socio-economic power.

The case of the DRC also demonstrates that successful SSR processes depend on the full engagement of political authorities, which in DRC have been somewhat passive in the adoption of policies and strategies to implement effective reform of the security forces. It seems that the systematic organisation of insecurity is preferred to the organisation of security. This assessment has important



implications for the consolidation of the democratic institutions and significant socio-economic policies such as the management of natural resources in conflict areas in the DRC. Although the impact of the lack of progress in SSR is felt throughout the country, the Kivu Provinces are the hardest hit. Lack of progress in SSR will continue to foster an environment in which local political and economic entrepreneurs will have no difficulty in recruiting militias, and capitalising on the resentment against the governmental security forces as well as the lack of security and effective structures of governance. Such a situation, if left unaddressed could easily lead to a resumption of more generalised conflict.

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- 2 There were some serious indications of financial mismanagement and even fraud at the level of the national implementation structure, CONADER.
- 3 For the purpose of this article, the discussion on SSR will be limited to the FARDC, and will not include the police or the justice sector.
- 4 The expansion of MONUC was mainly the result of the fighting and instability in Ituri region (north-eastern DRC) in 2003 and the Kivu Provinces since 2004.
- 5 '*Brassage*' is the general term used for the process of integrating of the different Congolese armed groups into a single, national army. This process implies their relocation from their original area of operations. The difference with the controversial '*mixage*' process, adopted early 2007 for Nkunda's troops in North Kivu, concerns specifically this element of relocation. *Mixage* has also not been implemented at the lowest levels in the units.
- 6 The vice-presidents of the *Mouvement pour la Libération du Congo* (MLC) and the *Rassemblement Congolais pour la Démocratie-Goma* (RCD-G), Jean-Pierre Bemba and Azarias Ruberwa, as well as other representatives of former armed groups were protected by soldiers of their own militias. These, as well as the presidential guard were not included in the *brassage*. It is only during the electoral period that negotiations were started to integrate these forces in the national army or police through the *brassage*.
- 7 Previously known as the *Groupement Spécial pour la Sécurité Présidentielle* (GSSP) and estimated at some 12,000 troops, mainly recruited from Katanga and the Kivus.
- 8 The most important of the domestic armed groups is the militia commanded by former RCD-G General Laurent Nkunda (estimated at up to 5,000 personnel), mainly active in North Kivu. In North and South Kivu a large group of Mai Mai militias remain active and despite considerable progress in DDR, the militia groups in Ituri also retain a certain capacity. The foreign, armed groups active in the DRC include the 6,000-strong Rwandan Hutu rebels of the FDLR and a number of smaller Ugandan rebel groups (ADF/NALU and LRA).
- 9 EU advisory mission in the field of policing. During the Transition the mission was charged with the support and oversight over the EU trained *Unité de Police Intégrée* (UPI), since the elections the mission has broadened its scope and is focused on support for the structural reform of the *Police Nationale Congolaise* (PNC) including a small justice component.
- 10 EUSEC is a small, civilian advisory mission on army reform in the DRC. It also has a component working on the establishment of a chain of payment system for the FARDC, corruption in this domain being one of the principal weaknesses of the Congolese army.
- 11 Democratic Republic of Congo Government, Annex Governance Contract, February 2007.
- 12 Sébastien Melmot, 'Candide au Congo : L'échec annoncé de la réforme du secteur de sécurité (RSS)', *IFRI, Focus Stratégique*, Septembre 2008, p 15.
- 13 Jean-Pierre Bemba has since been arrested on a warrant by the International Criminal Court (ICC) for alleged crimes committed during the presence of his troops in the neighbouring Central African Republic, when his rebel movement went to help the then President Patassé who was facing an armed insurrection.
- 14 For example, reports by the UN Panel of Experts, Human Rights Watch, Global Witness etc.
- 15 <http://www.monuc.org/News.aspx?newsId=19096>
- 16 The donor community had pushed for this meeting already at the start of the new government's tenure.
- 17 Composed of the Government of DRC and its programme partners: Belgium, South African Republic, Angola, United States, Egypt, Morocco, Tanzania, China, India, Greece, Portugal, Italy, United Nations, European Union, as well as the World Bank and the UNDP.
- 18 Radio Okapi, 'Security Sector Reform: Alan Doss recommends coherency in the execution of the programme'. 27 February 2008.
- 19 During the first meeting a 'shopping list' was made available on what was needed to implement the plan. The international community has already responded on the request and some promises were made. The follow up meetings will look at the implementation of the plan.
- 20 Including: Belgium, South Africa, France and the USA.
- 21 Twenty-sixth Report of the UNSG on MONUC, UN Security Council S/2008/433, 3 July 2008, p 11.
- 22 For an analysis of both agreements see H Boshoff and H Hoebeke, 'Peace in the Kivus? An analysis of the Nairobi and Goma Agreements', ISS Situation Report, Institute for Security Studies, Pretoria, 30 July 2008.

- 23 Actually, MONUC maintains a red line, in protection of the city of Goma.
- 24 Human Rights Watch reporting as well as the regular UN SRSG reports to Kinshasa.
- 25 There is considerably more progress with respect to the police and justice sectors, at least at the more conceptual level.
- 26 Interview with FARDC officer, 14 August 2008, Kinshasa.
- 27 H Boshoff and H Hoebeke, *op cit.* .
- 28 Declaration by Minister of the Interior, Théophile Mbemba, 10 September 2008.
- 29 Documented in: UN Special Report, May 2008: Special Inquiry in to the Bas Congo Events of February and March 2008 – [http://www.monuc.org/downloads/SpecialReport\\_BasCongo.pdf](http://www.monuc.org/downloads/SpecialReport_BasCongo.pdf)